



Regular Council Meeting Revised Agenda

Monday, June 19, 2023, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit whitby.ca/CouncilCalendar for more information about the live stream and archived videos.

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 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 Council 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.

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 Conflict of Interest**
 4. **Adoption of Minutes**
Regular Council - May 15, 2023

Special Council - May 29, 2023

Special Council - June 12, 2023 (Confidential Minutes Under Separate Cover)

Recommendation:

That the Regular Council Minutes of May 15, 2023, and the Special Council Minutes of May 29, 2023 and June 12, 2023 be approved.

5. Presentations

- 5.1 Whitby Wildcats U10 AAA Hockey Team
Recognition: Provincial Championship Winners
- 5.2 Durham Rebels 14G Blockade Volleyball Team
Recognition: Volleyball Canada Youth Nationals Gold Medalists
- 5.3 Competition Air Rifle Team, 2 WHITBY VandenBos Royal Canadian Air Cadets Squadron (RCACS)
Recognition: Marksmanship Accolades - Provincial Civilian Standing Competition and National Marksmanship Championship
- 5.4 Cynthia Davis, President and CEO, Lakeridge Health (In-Person Attendance)
Re: Lakeridge Health Community Update
- 5.5 Inspector Mitch Martin, Durham Regional Police Service (DRPS) (In-Person Attendance)
Re: Central West Division – Strategic Operational Plan

6. Delegations

- 6.1 Don Mitchell, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report

Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Refer to Item 8.5, PDE 11-23
- 6.2 Ronald Stevens, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report

Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Refer to Item 8.5, PDE 11-23
- 6.3 Kyle Douglas, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report

Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Refer to Item 8.5, PDE 11-23

- *6.4 Tom Newman, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report
- Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work
- Refer to Item 8.5, PDE 11-23**
- *6.5 Andrea Ferguson Jones, Resident (Virtual Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report
- Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work
- Refer to Item 8.5, PDE 11-23**
- *6.6 Nellika Richardson, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report
- Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work
- Refer to Item 8.5, PDE 11-23**
- *6.7 Derrick Gleed, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report
- Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work
- Refer to Item 8.5, PDE 11-23**
- *6.8 Neil McPherson, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report
- Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work
- Refer to Item 8.5, PDE 11-23**

- *6.9 Stephen Jones, Resident (Virtual Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report

Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Refer to Item 8.5, PDE 11-23

- *6.10 Matthew Cory representing Brooklin North Landowners Group (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report

Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Refer to Item 8.5, PDE 11-23

- *6.11 Len Butticci, Resident (In-Person Attendance)
Re: PDE 11-23, Planning and Development (Engineering Services) Department Report

Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Refer to Item 8.5, PDE 11-23

- 6.12 Mike Pettigrew representing Brooklin South Landowners Group (Virtual Attendance)
Re: CMS 06-23, Community Services Department Report

Bill 23 Parkland Dedication Framework

Refer to Item 9.3, CMS 06-23

- 6.13 Matthew Cory representing Brooklin North Landowners Group (In-Person Attendance)
Re: CMS 06-23, Community Services Department Report

Bill 23 Parkland Dedication Framework

Refer to Item 9.3, CMS 06-23

- *6.14 Bill Rourke, Whitby Minor Baseball Association (In-Person Attendance)
Re: CMS 06-23, Community Services Department Report

Bill 23 Parkland Dedication Framework

Refer to Item 9.3, CMS 06-23

Note: In accordance with Section 2.8.2 of the Procedure By-law, a Two Thirds Majority for a motion to hear this delegation is required as the delegation did not address Committee at the Committee of the Whole meeting.

- *6.15 Abhi Singh and Prannay Singla, Whitby Cricket Association (In-Person Attendance)
Re: CMS 06-23, Community Services Department Report

Bill 23 Parkland Dedication Framework

Refer to Item 9.3, CMS 06-23

Note: In accordance with Section 2.8.2 of the Procedure By-law, a Two Thirds Majority for a motion to hear this delegation is required as the delegation did not address Committee at the Committee of the Whole meeting.

- 6.16 Vera Felgemacher, Resident (In-Person Attendance)
Re: FES 04-23, Fire and Emergency Services Department Report
Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 9.10, FES 04-23

Note: In accordance with Section 2.8.2 of the Procedure By-law, a Two Thirds Majority for a motion to hear this delegation is required as the delegation did not address Committee at the Committee of the Whole meeting.

7. Correspondence

8. Committee of the Whole Report - Planning and Development

Planning and Development - June 5 and June 12, 2023

- 8.1 PDP 28-23, Planning and Development (Planning Services) Department Report
Re: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2
Secondary Plans

Recommendation:

That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.

- 8.2 PDP 29-23, Planning and Development (Planning Services) Department Report
Re: Draft Plan of Condominium Application, Brooklin Meadow Limited, Baldwin Street North and Carnwith Drive East, File Number: DEV-06-23 (CW-2023-03)

Recommendation:

1. That Council approve a Draft Plan of Condominium (File No. CW-2023-03) subject to the comments included in Report PDP 29-23 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.

- 8.3 PDP 30-23, Planning and Development (Planning Services) Department Report
Re: Draft Plan of Subdivision Application and Zoning By-law Amendment Application,
5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File
Number: DEV-13-21 (SW-2021-03, Z-08-21)

Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

- 8.4 PDE 10-23, Planning and Development (Engineering Services) Department Report
Re: Update Traffic By-law # 1862-85, No Stopping on Kirkland Place

Recommendation:

1. That Council approve the proposed amendment to Traffic By-law # 1862-85, to incorporate the changes to Schedule "A" of the By-law, as identified in Attachment 2;
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council; and,
3. That Council direct the Clerk to provide a copy of Report PDE 10-23 to Durham Student Transportation Services (DSTS) and the Durham District School Board (DDSB).

- 8.5 PDE 11-23, Planning and Development (Engineering Services) Department Report
Re: Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

See also Memorandum from F. Wong, Commissioner of Financial Services/Treasurer, dated June 16, 2023 regarding Alternate Route Budget

Recommendation:

1. That Staff terminate the Highway 7/12 Alternate Route Environmental Assessment; and,
2. That any consulting obligations be terminated in accordance with the contractual provisions; and,
3. That the relevant stakeholders and interested parties to the Highway 7/12 Alternate Route Environmental Assessment be notified.

- 8.6 PDP 31-23, Planning and Development (Planning Services) Department Report
Re: Zoning By-law Amendment Application, Winash Developments Limited, 5380 Baldwin Street South, File Number: DEV-09-23 (Z-04-23)

Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (File No. Z-04-23) as outlined in Planning Report PDP 31-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

- 8.7 PDP 32-23, Planning and Development (Planning Services) Department Report
Re: Zoning By-law Amendment Application, 2844542 Ontario Inc., 918 Brock Street South, File Number: DEV-07-23 (Z-03-23)

Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File Number: Z-03-23) as outlined in Planning Report PDP 32-23; and,
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

9. Committee of the Whole Report - General Government

General Government - June 5 and June 12, 2023

- 9.1 LS 05-23, Legal and Enforcement Services Department Report
Re: Review of Residential Construction Dust Permit Program

Recommendation:

1. That Report LS 05-23 be received for information;
2. That Enforcement Services not implement a permit system to regulate dust from private residential construction projects;
3. That Enforcement Services continues to actively promote dust control through an annual communication strategy; and,
4. That New and Unfinished Business – General Government Item No. GG-0013 be removed.

- 9.2 LS 06-23, Legal and Enforcement Services Department Report
Re: Follow-up Report for Proposed Amendments to Property Standards By-law # 6874-14, Hedge Heights

Recommendation:

1. That Report LS 06-23 be received for information; and,
2. That Staff bring forward a by-law to amend Property Standards By-law # 6874-14, as amended, substantially in accordance with the draft bylaw in Attachment 1 to this Report LS 06-23.

- 9.3 CMS 06-23, Community Services Department Report
Re: Bill 23 Parkland Dedication Framework

See also Memorandum from J. Romano, Commissioner of Community Services, dated June 16, 2023 regarding Update – CMS 06-23 Bill 23 – Parks Planning Framework

Note: This item was referred at the Committee of the Whole Meeting on June 5, 2023 to the Council Meeting on June 19, 2023. Council direction required.

Recommendation:

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

- 9.4 CMS 07-23, Community Services (Operational Services) Department Report
Re: Urban Forestry Update - Spring 2023

Recommendation:

That Report CMS 07-23 be received as information.

- 9.5 FS 13-23, Financial Services Department Report
Re: Annual Insured Claims Report

Recommendation:

That Report FS 13-23 regarding Annual Insured Claims be received as information.

- 9.6 FS 17-23, Financial Services Department Report
Re: Building Permit Fees Annual Financial Report 2022

Recommendation:

That Report FS 17-23 on Building Permit Fees Annual Financial Report 2022 be received as information.

- 9.7 FS 18-23, Financial Services Department Report
Re: 2022 Year End Operating Budget Variances and Reserve Funds

Recommendation:

That report FS 18-23 regarding 2022 Year End Operating Variances and Reserve Funds be received.

- 9.8 FS 19-23, Financial Services Department Report
Re: Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022

Recommendation:

That Report FS 19-23, the Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022 be received.

- 9.9 FES 03-23, Fire and Emergency Services Department Report
Re: Whitby Firefighters – Fallen Firefighters Memorial

Recommendation:

1. That Council actively partners with the Whitby Professional Fire Fighters Association IAFF Local 2036 (“Local 2036”) on the design and construction of a memorial to fallen fire fighters to be located at Whitby Civic Park adjacent to Town Hall;
2. That the Town of Whitby match Local 2036’s contribution to a maximum of \$35,000, funded from Whitby Fire and Emergency Services Operating Budget account 12105-54030, for the design and construction of the memorial;
3. That a new capital project in the amount of \$250,000 be established for the Whitby Memorial to Fallen Fire Fighters, funded from Local 2036 (\$35,000), the Town of Whitby (\$35,000), and external fundraising (\$180,000);
4. That the Town of Whitby actively partners with Local 2036 to source additional public and/or private sources of funding and/or sponsorship opportunities towards the memorial;
5. That construction for the memorial only proceeds once the \$180,000 fund raising goal has been achieved; and,
6. That Staff follow the process outlined in report FES 03-23 for the issuance of Official Donation Receipts for income tax purposes related to the external fundraising efforts for this Town of Whitby project.

- 9.10 FES 04-23, Fire and Emergency Services Department Report
Re: Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks
- Recommendation:
That report FES 04-23 be received for information.
- 9.11 CAO 15-23, Organization Effectiveness and Community Services Department Report
Re: The IDEA Project, Journey to Inclusivity Status Update
- Recommendation:
That Council receive Report CAO 15-23, The IDEA Project, Journey to Inclusivity Status Update for information.
- 9.12 CAO 16-23, Office of the Chief Administrative Officer Report
Re: Town of Whitby Official Tree Campaign
- Recommendation:
1. That Report CAO 16-23 be received for information; and,
 2. That Council endorse the Town of Whitby Official Tree Campaign and adopt the tree species to be selected by the community as an official symbol of the Town.
- 9.13 CAO 17-23, Office of the Chief Administrative Officer Report
Re: Family Physician Recruitment Update
- Recommendation:
1. That Report CAO 17-23 be received for information; and,
 2. That Council approve an initial expense of \$20,000 to support the Regional 2023 Family Physician Recruitment Program, funded from Strategic Initiatives operating budget account 799SIN-PS-3990.
- 9.14 CAO 19-23, Office of the Chief Administrative Officer Report
Re: Canada Mortgage and Housing Corporation – Housing Accelerator Fund

Recommendation:

1. That Council approve in principle the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23 for the purpose of submitting an application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
2. That Council authorize the Chief Administrative Officer to submit the application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
3. That Council authorize the Chief Administrative Officer to approve any changes to the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23, prior to submission of the Town's application for the Canada Mortgage and Housing Corporation's Housing Accelerator Fund; and,
4. That Council authorize the Mayor and Clerk to execute any necessary agreements regarding the application.

*9.15 LS 07-23, Legal and Enforcement Services Department Report
Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14

See also Memorandum from A. Albrecht, Supervisor of Parking Services and B. Harasym, Associate Solicitor dated June 14, 2023 regarding Proposed amendments to the Town of Whitby Towing By-law No. 6887-14

Note: This item was referred at the Committee of the Whole meeting on June 12, 2023 to the Council meeting on June 19, 2023. Council direction required. Revised recommendation shown below is in accordance with the Memorandum from A. Albrecht, Supervisor of Parking Services and B. Harasym, Associate Solicitor, dated June 14, 2023.

Recommendation:

1. That By-law # 6887-14, the Towing By-law, be amended substantially in accordance with Attachment 1 to the Memorandum from A. Albrecht, Supervisor of Parking Services and B. Harasym, Associate Solicitor, dated June 14, 2023; and,
2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.

9.16 Forest Heights Park Basketball Court

Recommendation:

That the Forest Heights Park and Darren Park basketball court nets and poles be reinstalled as soon as possible.

10. For information only - Committee of the Whole Minutes of June 5 and June 12, 2023

11. Notice of Motion

12. New and Unfinished Business

13. By-laws

Recommendation:

That leave be granted to introduce By-laws # 8000-23 to # 8007-23 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 # 8000-23

Being a By-law to amend the Property Standards By-law # 6874-14, as amended.

Refer to LS 06-23, Follow up report for proposed amendments to Property Standards By-law 6874-14, Hedge Heights

13.2 By-law # 8001-23

Being a By-law to Amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Refer to PDE 10-23, Update Traffic By-law 1862-85, No Stopping on Kirkland Place

13.3 By-law # 8002-23

Being a By-law to Amend By-law # 4084-97, being a By-law to Designate Certain Private Roadways as Fire Routes and to Prohibit Parking thereon.

Refer to attached Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, dated June 19, 2023 regarding Administrative Amendments to the Fire Route By-law # 4084-97

***13.4 By-law # 8003-23**

Being a By-law to Amend By-law #6887-14, being a by-law to regulate the towing of vehicles from private property within the Town of Whitby.

Refer to LS 07-23, Proposed Amendments to the Town of Whitby Towing By-law # 6887-14

13.5 By-law # 8004-23

Being a By-law to Amend Traffic By-law # 1862-85, as amended.

Refer to attached Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor dated June 19, 2023 regarding Proposed Administrative Amendments to Traffic By-law # 1862-85

13.6 By-law # 8005-23

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

Refer to PDE 32-23, DEV-07-23: Zoning By-law Amendment Application, 2844542 Ontario Inc., 918 Brock Street South, File No. Z-03-23

13.7 By-law # 8006-23

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

Refer to PDE 31-23, DEV-09-23: Zoning By-law Amendment Application, Winash Developments Limited, 5380 Baldwin Street South, File No. Z-04-23

13.8 By-law # 8007-23

Being a By-law to amend the Property Standards By-law # 6874-14, as amended.

Refer to attached Memorandum from A. Gratton, Manager of Enforcement Services, dated June 19, 2023 regarding Administrative amendments to the Vacant Buildings section of Property Standards By-law # 6874-14

14. 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 June 19, 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.

15. Adjournment

Recommendation:

That the meeting adjourn.



Regular Council Minutes

May 15, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
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. Narraway, Sr. Manager of Legislative Services/Deputy
Clerk (Recording Secretary)
M. Hickey, Fire Chief

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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 - April 24, 2023

Special Council - April 24, 2023

Resolution # 116-23

Moved by Councillor Lee

Seconded by Councillor Mulcahy

That the Regular Council Minutes of April 24, 2023, and the Special Council Minutes of April 24, 2023 be approved.

Carried

5. Presentations

5.1 Ian McVey, Manager of Sustainability, Region of Durham (In-Person Attendance)

Re: Durham Greener Homes Program and Regional Climate Projects

Ian McVey, Manager of Sustainability, Region of Durham, appeared before Council and provided a PowerPoint presentation regarding the Durham Greener Homes Program and Regional Climate Projects. Highlights of the presentation included:

- an overview and background information about the Durham Greener Homes Program;
- financing sources for the program;
- leading sources of carbon emissions in Durham Region;
- key strategies to achieve low carbon emissions in Durham Region, including the importance of focusing on retrofitting existing buildings in order to achieve greenhouse gas reduction targets by 2050;
- the launch date of the program and the partnership with Windfall Energy Centre as a delivery agent for the program;
- the benefits of engaging Windfall Energy Centre, including providing access to a home energy coach for residents and businesses to guide them through the program;
- details about incentives available for participants through the Durham Greener Homes Program, and the ability to stack

incentives with programs operated by Enbridge and the Canada Greener Homes grant program;

- total enrollment in the program by local area municipality;
- a summary of retrofits completed in year one of the program, including an analysis of the pre-retrofit and post-retrofit greenhouse gas emissions;
- sources of information that help residents and businesses find the Durham Greener Homes Program;
- next steps for the program including supporting the expansion of the Clean Home Heating Initiative incentive to Pickering, Ajax, and Whitby; and,
- continuing with industry outreach to help inform and educate home builders and contractors about green home initiatives and available technology.

A question and answer period ensued between Members of Council and Mr. McVey regarding:

- clarification about which green energy incentive programs are geared to income;
- whether there would be higher uptake of green energy programs if incentives were available to all residents, regardless of household income;
- the need to provide specific incentives and rebates to lower-income households;
- information about which types of heat pumps are eligible for incentives under the various incentive programs;
- opportunities to receive information from the Region of Durham for Members of Council to share with residents;
- sharing details about the program with the Durham Environment and Climate Advisory Committee;
- the importance of educating the residential heating, ventilation, and air conditioning industry about the benefits of heat pumps and ensuring that contractors are trained on installation best practices;

- challenges associated with the upfront costs of heat pumps for lower-income homes and available incentive programs geared towards lower-income homes; and,
- information about the average costs of a home retrofit and the payback period from savings on utility bills.

6. Delegations

There were no delegations.

7. Correspondence

7.1 Correspondence

That the following request be endorsed:

- British Home Child Day - September 28, 2023

Resolution # 117-23

Moved by Councillor Lundquist

Seconded by Councillor Bozinovski

That the proclamation for British Home Child Day be endorsed.

Carried

7.2 Memorandum from K. Palilionis, Climate Change Coordinator dated May 15, 2023 regarding 2023 Days of Environmental Significance for Proclamations (June – December)

Resolution # 118-23

Moved by Councillor Lundquist

Seconded by Councillor Cardwell

That the proclamations from June to December 2023 outlined in the Memorandum from K. Palilionis, Climate Change Coordinator, dated May 15, 2023, be endorsed.

Carried

7.3 Memorandum from J. Romano, Commissioner of Community Services, dated May 12, 2023 regarding Iroquois Park Sports Centre Pro Shop Update

A brief question and answer period ensued between Members of Council and Staff regarding the status of the request for proposal for the restaurant at the Iroquois Park Sports Centre and a future lease agreement for concessions at the centre.

Resolution # 119-23

Moved by Councillor Mulcahy

Seconded by Councillor Lee

1. That the Mayor and the Clerk be authorized to execute a lease with Hemy Hockey Pro Shop for the operation of the Pro Shop at Iroquois Park Sports Centre (IPSC);
2. That the Chief Administrative Officer be delegated authority to negotiate and execute future leases for the Pro Shop at IPSC with similar terms; and,
3. That the Clerk be directed to update Section 5 of the Acquisition, Sale or Other Disposition of Land Policy (F 190) to reflect this delegated authority.

Carried

8. Committee of the Whole Report - Planning and Development

Planning and Development - May 1 and May 8, 2023

8.1 PDP 22-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Block Andrin (Whitby) Developments Ltd., 1601-1605 Dufferin Street, File Number: DEV-02-23 (CW-2023-01)

Resolution # 120-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2023- 01) subject to the comments included in Planning Report PDP 22-23 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

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

Re: Draft Plan of Condominium Application, The Inverlynn Estate Ltd., 1300 Giffard Street, File Number: DEV-04-23 (CW-2023-02)

Resolution # 121-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-02) subject to the comments included in Planning Report PDP 23-23 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

8.3 PDP 24-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision Application, Stylux Whitby Ventures Inc., 201 Hopkins Street, File Number: DEV-38-21 (SW-2021-13)

Resolution # 122-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021- 13), subject to the comments included in Planning Report PDP 24-23 and the Conditions of Draft Approval included in Attachment #11;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

Carried

8.4 PDP 25-23, Planning and Development (Planning Services) Department Report

Re: Removal of 305 Mary Street East from the Municipal Heritage Register

Resolution # 123-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That the property municipally known as 305 Mary Street East be removed from the Town's Municipal Heritage Register; and,
2. That a full Heritage Documentation Report be prepared by the applicant at their expense prior to demolition and submitted to the Planning and Development Department, to be deposited at the Archives.

Carried

8.5 PDE 01-23, Planning and Development (Engineering Services) Department Report

Re: Trans Canada Pipelines Facility Upgrades at Roadway Crossings in North Brooklin - Engineering and Construction

Resolution # 124-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council authorizes the Commissioner of Planning and Development to enter into an agreement with Trans Canada Pipelines (TCPL), substantially upon the terms and conditions set out in Attachment 1 of Report PDE 01-23, to include Engineering and Construction of pipeline upgrades associated with roadway crossings at Columbus Road and Cedarbrook Trail, as part of TCPL's larger project to upgrade pipelines through the Brooklin community; and,
2. That Council authorizes the Commissioner of Planning and Development to enter into a future agreement with TCPL to include Engineering and Construction of pipeline upgrades associated with roadway crossings at Ashburn Road and Brawley Road, as part of TCPL's larger project to upgrade pipelines through the Brooklin community, subject to cost estimates being within the approved budget for capital project #40236055.

Carried

8.6 PDE 06-23, Planning and Development (Engineering Services)
Department Report

Re: Updates to Traffic By-law # 1862-85, No Parking

Resolution # 125-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council approve the proposed amendments to Traffic By-law # 1862-85, to incorporate changes to Schedule "A" and Schedule "B", as identified in Attachment # 4; and,
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council.

Carried

8.7 PDE 07-23, Planning and Development (Engineering Services)
Department Report

Re: Update to Traffic By-law # 1862-85, Dryden Boulevard Speed Limit

Resolution # 126-23

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve the proposed amendments to Traffic By-law # 1862-85, to incorporate the changes to Schedule "P" of the By-law, as identified in Attachment # 2;
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council; and,
3. That Council direct the Clerk to provide a copy of Report PDE 07-23 to Durham Regional Police Service.

Carried

9. Committee of the Whole Report - General Government

General Government - May 1 and May 8, 2023

9.1 CAO 14-23, Office of the Chief Administrative Officer Report

Re: Streamline Development Approval Fund – Final Report

Resolution # 127-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report CAO 14-23 regarding the Streamline Development Approval Fund be received for information.

Carried

9.2 CAO 11-23, Office of the Chief Administrative Officer Report

Re: 2022 Annual Sustainability and Climate Change Report

Resolution # 128-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Report CAO 11-23 be received as information; and,

2. That the Clerk forward a copy of Staff Report CAO 11-23 to the Region of Durham's Sustainability Department.

Carried

9.3 CAO 13-23, Office of the Chief Administrative Officer Report

Re: Booster Juice Inc. Naming Rights Sponsorship of McKinney Centre Youth Rooms

Resolution # 129-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Council approve entering into another three (3) year sponsorship agreement, effective May 16, 2023, with Booster Juice Inc. for the Youth Room Naming Rights at McKinney Centre, named "McKinney Centre Youth Room Fueled by Booster Juice" based on the sponsorship package and other terms and conditions identified in Report CAO 13-23.

Carried

9.4 CMS 04-23, Community Services Department Report

Re: Parks and Recreation Master Plan - Background and Community Engagement Summary Report

Resolution # 130-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Council receive the Parks and Recreation Master Plan - Background and Community Engagement Summary Report for information; and,
2. That Staff report back to Council with a draft Master Plan of Recommendations in the fall of 2023.

Carried

9.5 CMS 05-23, Community Services Department Report

Re: June is Recreation and Parks Month, Seniors Month and Pride Month

Resolution # 131-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That report CMS 05-23 be received for information.

Carried

9.6 CLK 04-23, Office of the Town Clerk Report

Re: Review of the 2022 Municipal Election

Resolution # 132-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Report CLK 04-23 be received for information.

Carried

9.7 FS 03-23, Community Services Department and Financial Services
Department Joint Report

Re: T-9-2023 Supply and Delivery of Dump Trucks

Resolution # 133-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

1. That the Town proceed with an award to the low bid as received from Premier Truck Group for the Supply and Delivery of Dump Trucks, in the amount of \$3,696,000 (plus applicable taxes) funded from the capital projects as outlined in Table 4 of Report FS 03-23;
2. That the revised cost estimate for the supply and delivery of eight dump trucks in the amount of \$3,767,049.60, (inclusive of the proposed award) as outlined in Table 4 of Report FS 03-23, be approved; and,
3. That the budget shortfall in the amount of \$1,281,969.60 be funded from the asset management reserve, in the amount of \$1,105,503.60, and Development Charges reserve funds, in the amount of \$176,466, as outlined in Table 5 of Report FS 03-23.

Carried

9.8 FS 15-23, Financial Services Department Report

Re: Update on Property Tax Assessment Appeals and Adjustments

Resolution # 134-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report FS 15-23 be received as information.

Carried

9.9 FS 20-23, Financial Services Department and Community Services Department Joint Report

Re: Proposed Five-Year License Agreement with Town Brewery for a Portion of 269 Water Street (the Town-Owned Pump House Property)

Resolution # 135-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That the Mayor and Clerk be authorized to execute a License Agreement between the Town of Whitby and Town Brewery Inc. (substantially upon the terms and conditions set out in Attachment 2 of Report FS 20-23 and the satisfaction of the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor), for the purposes of a pilot program of up to five (5) years for a pop-up food and beverage operation in a 750 square metre area of the Town-owned property at 269 Water Street;
2. That Council hereby declares the pop-ups at 269 Water Street to be Events of Municipal Significance as required by the Alcohol and Gaming Commission of Ontario (AGCO) for the purpose of applying for a Special Occasion Permit; and,
3. That Council supports Town Brewery Inc. applying to the AGCO for an extension of its Liquor Sales Licence, or to obtain a separate licence, to cover the pop-up operation at 269 Water Street.

Carried

10. For information only - Committee of the Whole Minutes of May 1 and May 8, 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 # 136-23

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

That leave be granted to introduce By-laws # 7991-23 to # 7998-23 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 # 7991-23

Being a By-law to repeal By-law # 1998-86, being a by-law to Designate the Structure Municipally known as 7143 Ashburn Road as being of Historic and Architectural Value and Interest.

Refer to PDP 01-23, Draft Plan of Subdivision and Zoning By-law Amendment Applications, 2068681 Ontario Inc. (Lakeview Homes Inc.), Northeast Corner of Ashburn Road and Columbus Road West, File Numbers: DEV-27-20 (SW-2020-06, Z-14-20)

- 13.2 By-law # 7992-23

Being a By-law to amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Refer to PDE 06-23, Updates to Traffic By-law # 1862-85 No Parking

- 13.3 By-law # 7993-23

Being a By-law to amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Refer to PDE 07-23, Update Traffic By-law # 1862-85, Speed Limit on Dryden Boulevard

13.4 By-law # 7994-23

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

Refer to 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)

13.5 By-law # 7995-23

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.

13.6 By-law # 7996-23

Being a By-law to adopt Amendment Number 130 to the Official Plan of the Town of Whitby.

Refer to PDP 16-23, Final Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study, File Number: OPA-2021-W/02

13.7 By-law # 7997-23

Being a By-law to adopt Amendment Number 131 to the Official Plan of the Town of Whitby.

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)

13.8 By-law # 7998-23

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

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)

14. Confirmatory By-law

Resolution # 137-23

Moved by Councillor Bozinovski

Seconded by Councillor Lundquist

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 May 15, 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 Cardwell

Seconded by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 7:33 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

May 29, 2023, 5:30 p.m.
Committee Room 1
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell (Virtual Attendance)
Councillor Leahy
Councillor Lee (Virtual Attendance, Arrived at 5:31 p.m.)
Councillor Lundquist (Left at 6:22 p.m.)
Councillor Mulcahy (Virtual Attendance)
Councillor Shahid
Councillor Yamada (Virtual Attendance, Arrived at 5:35 p.m.)

Also Present: M. Gaskell, Chief Administrative Officer
J. Long, Head of Organizational Effectiveness
J. Romano, Commissioner of Community Services
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 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 Leahy
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)(d) labour relations or employee negotiations.

Carried

- 4.1 Confidential Verbal Update from Matt Gaskell, Chief Administrative Officer, and Jacqueline Long, Head of Organizational Effectiveness

Re: Collective Bargaining Update

5. Rising and Reporting

Motion to Rise

Moved by Councillor Shahid

Seconded by Councillor Leahy

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 verbal update regarding collective bargaining from Staff.

6. Adjournment

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 6:28 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

June 12, 2023, 6:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
Heather Ellis, 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. Closed Session

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

Moved by Councillor Shahid
Seconded by Councillor Cardwell

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)(a) the security of the property of the municipality or local board, (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

4.1 Joanna Vince, Partner, Wilms & Shier LLP

Re: Confidential Verbal Update Regarding Litigation or Potential Litigation

4.2 LS 08-23, Confidential Legal and Enforcement Services Department and Financial Services Department Joint Report

Re: Litigation or Potential Litigation

5. Rising and Reporting

Motion to Rise

Moved by Councillor Lee
Seconded by Councillor Cardwell

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 discussed potential litigation, the security of the property of the municipality, and received advice that is subject to solicitor-client privilege. Council provided direction to Staff regarding Item 4.2, Report LS 08-23.

6. Confirmatory By-law

Resolution # 139-23

Moved by Councillor Leahy
Seconded by Councillor Shahid

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 special meeting held on June 12, 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

7. Adjournment

Moved by Councillor Cardwell

Seconded by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 6:31 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP-28-23

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:

Justin Malfara, MCIP RPP
Planner II

1. Recommendation:

1. That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.

2. Highlights:

- Planning and Development staff are seeking Council's authorization to initiate public and agency consultation, and to hold a Statutory Public Meeting in accordance with the Planning Act, regarding a Draft Proposed Official Plan Amendment for minor housekeeping and technical revisions to certain Part 2 Secondary Plans and related minor revisions to Part 1 Official Plan.
- The Draft Proposed Official Plan Amendment regarding the various Part 2 Secondary Plans and parent Part 1 Official Plan is generally housekeeping and technical in nature, consisting of:
 - minor text changes to policies for consistency and alignment with Part 1; consistent use of terminology and policy language; land use designations/permissions; elimination of policy duplication; relocation of certain policies; and,
 - minor mapping changes to Schedules, including: consistent use of symbology/colours/hatching/line types; consistent land use designations; minor boundary adjustments to reflect as-built/ implemented development.

- The revisions will provide alignment, consistency and further clarification of policy intent and will not significantly change the intent of any policies.
- Following the Region's conclusion of the Envision Durham Municipal Comprehensive Review (MCR) and associated new Regional Official Plan (ROP), the Town will undertake a subsequent and separate full MCR of the Town's Official Plan to be in conformity with the updated ROP and Provincial Policy Statement and Plans.

3. Background:

The current Official Plan consists of two key sections/parts: Part 1 – Official Plan; and Part 2 – Secondary Plans.

Part 1 of the Official Plan, generally referred to as the “parent” section of the Official Plan, provides general policy directions and a planning framework to guide the development of the Municipality and the assessment and management of the social, economic, and environmental effects of growth in the Municipality.

Part 2 of the Official Plan includes Secondary Plans, which provide more detailed land use designations and policies for specific communities/areas, regarding such matters as development densities, supporting facilities, school sites, parks, road network, etc. In instances where the policies and designations included in the Secondary Plans vary with the policies in Part I, the more specific and detailed policies of the Secondary Plans prevail, provided the overall intent of the Official Plan is maintained.

In 2018, the Official Plan Amendment (OPA) 105 was approved. OPA 105 was the final component of Whitby's last MCR and involved extensive consultation including public open houses, a public opinion survey, public workshops on various themes, and Statutory public meetings on Draft Proposed Amendments released during the MCR.

In 2020, the Local Planning Appeal Tribunal (now Ontario Land Tribunal) approved the Brooklin Community Secondary Plan, which included updated land use designations and policies for both the former Village of Brooklin and expanded urban area of Brooklin.

In December 2020, Council passed Interim Control By-laws #7699-20 and #7700-20 (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. The ICBLs placed a one year pause on certain types of residential infill/intensification development while a Mature Neighbourhoods Study (MNS) was undertaken for the review of residential infill/intensification land use policies and regulations within the study area.

In March 2023, Council approved OPA 130 regarding the MNS, which has now introduced new policies into the OP to aid in managing appropriate residential infill/intensification in mature neighbourhoods within the Study Area.

In March 2023, Council adopted OPA 126 regarding the review and update of the Downtown Whitby Secondary Plan. The update brings the Downtown Whitby Secondary Plan into conformity with previous Provincial and Regional policy changes, as well as the 2018 MCR update of the Whitby Official Plan. Downtown Whitby is one of a number of Major Central Areas, and Intensification Areas, identified in the Whitby Official Plan, but also includes historic and mature neighbourhoods. The OPA 126 update was prepared in alignment with the recommendations of the Mature Neighbourhoods Study.

With the recent introduction and/or updates of certain Secondary Plans (e.g., Brooklin, Downtown Whitby, Port Whitby) and with the completion of the Mature Neighbourhoods Study, it is timely and appropriate to initiate a further Amendment to ensure alignment and consistency of land use designations and policies across both Part 1 – parent OP, and Part 2 – Secondary Plans.

4. Discussion:

4.1. Overview of Draft Proposed Official Plan Amendment:

Planning and Development staff are proposing minor housekeeping, and technical revisions and updates to relevant sections of Part 1 parent OP and certain Part 2 Secondary Plans. Some Secondary Plans are proposed to be deleted in their entirety where warranted, with certain policies relocated accordingly, while others are proposed to be refined for alignment and consistency with the parent Part 1, and other Part 2 Secondary Plans.

The Town-initiated Amendment process includes Council authorization to initiate an Official Plan Amendment, holding a Statutory Public Meeting in accordance with the Planning Act and bringing forward a final recommended OPA following agency and public consultation.

The proposed housekeeping and technical Amendment is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. That future MCR will be required to reflect policy changes and directives resulting from Durham Region's Envision Durham MCR to address the future expansion of the Brooklin urban area, including the future Hospital lands near Lake Ridge Road and Highway 407, as well as any further changes to Provincial Plans or Planning Policies. Staff will report back to Council at a future date regarding the Town's next MCR.

4.1.1 Proposed Policy (Text) Changes to the Official Plan and Secondary Plans:

The following provides an overview of the types of proposed minor technical and housekeeping text changes:

- Clarification of policies regarding intent;
- Consistency and alignment of policies amongst Part 2 Secondary Plans and Part 1 parent OP;
- Consistency of terminology amongst Part 2 Secondary Plans and Part 1 parent OP;
- Consistency of policy language/phrasing, land use permissions, densities and/or heights, amongst Part 2 Secondary Plans and Part 1 parent OP, where appropriate;
- Consistency and alignment of policies amongst Part 2 Secondary Plans and Part 1 parent OP with new changes in planning legislation;
- Maintaining of unique land use permissions, densities and/or heights where Secondary Plans are more detailed and specific;
- Minor reorganizing/restructuring/cross-referencing for better readability; and,
- Renumbering of sections accordingly, where policies are revised/relocated.

4.1.2 Proposed Schedule (Map) changes:

The types of proposed mapping changes include:

- Minor revisions/updates to reflect as-built/implemented land use designations and symbols;
- Updates to infrastructure and utility locations;
- Relocation of various symbols, where appropriate;
- Minor revisions/updates for road network, including new roads;
- Administrative changes, including changes to map legends;
- Consistency of line types for various boundaries; and
- Consistency of colours for land use designations, to ensure maximum clarity, ease of interpretation, and consistency with other schedules in the parent Official Plan.

4.1.3 Proposed Part 2 Secondary Plan Deletions:

The following Secondary Plans are proposed to be deleted in their entirety, with select policies modified and relocated appropriately within Part 1 of the Official Plan:

- Section 11.4 – Rossland / Garden Urban Central Area Secondary Plan;
- Section 11.6 - Macedonian Village Secondary Plan;
- Section 11.7 - Hamlet of Ashburn Secondary Plan; and,
- Section 11.9 – Thickson / Taunton Community Central Area Secondary Plan.

Although certain Secondary Plans are proposed to be deleted, select policies from those Secondary Plans will be modified and relocated to appropriate sections elsewhere within Part 1 of the Official Plan or within other Secondary Plans.

For example, in the case of the Hamlet of Ashburn Secondary Plan, select policies are proposed to be modified and relocated to the Oak Ridges Moraine Secondary Plan or the Hamlets Section 4.11.3 of parent OP, as appropriate. Other urban area Secondary Plans proposed to be deleted have been substantially built-out; however, certain policies may be retained and relocated where appropriate.

4.1.4 Proposed Part 2 Secondary Plan Amendments:

The following Secondary Plans are proposed to be amended:

- Section 11.8 – Brock / Taunton Major Central Area Secondary Plan;
- Section 11.10 - Taunton North Community Secondary Plan; and,
- Section 11.11 - Oak Ridges Moraine Secondary Plan.

Proposed changes include:

- minor housekeeping and technical revisions to policies, phrasing, and/or terminology for consistency with Part 1 of the Official Plan and other Secondary Plans to provide additional clarification;
- changes to, and/or deletion of, existing policies that are out of date; and,
- relocation of certain existing policies which are more appropriately located elsewhere within the Secondary Plan.

4.1.5 Proposed Part 1 Official Plan Amendments:

Limited and minor housekeeping and technical revisions are also proposed to the Part 1 policies of the Official Plan, related to the Part 2 Secondary Plan review. The purpose of the selected revisions to Part 1 policies are to provide clarification and/or alignment with Secondary Plan policies. As noted in Section 4.3 below, a larger Municipal Comprehensive Review of the Official Plan will take place in the future following the Province's approval of the Region's new ROP through Envision Durham.

The limited and minor changes to Part 1 of the Official Plan, include:

- Revisions to Section 4.4.3.4.1 b) regarding the maximum density permitted within the Low Density Residential designation, for consistency with other recently approved Secondary Plans and the Mature Neighbourhoods Study OPA;

- Revisions to Section 4.6.3 to provide greater flexibility for implementation of non-residential uses within a Mixed Use designation;
- Revisions to Section 8.1.3.1.2 to permit Collector Roads to be added, modified, or deleted without Official Plan Amendment, subject to criteria;
- Revisions to the definition of Net Residential Density to include private laneways in the calculation of density;
- Minor housekeeping and technical revisions for alignment and consistency with Secondary Plans; and,
- Changes to mapping, such as Schedule 'E' – Secondary Plans and Community Improvement Plans, to reflect the proposed deleted Secondary Plans.

4.1.6 Secondary Plans Not Under Consideration:

Secondary Plans that will not have any substantive revisions include:

- Section 11.1 - Port Whitby Community Secondary Plan;
- Section 11.3 - Downtown Whitby Community Secondary Plan, as adopted by Council;
- Section 11.5 - Brooklin Community Secondary Plan; and,
- Section 11.12 - West Whitby Secondary Plan.

However, over the course of this review, minor housekeeping or technical changes may be considered for all Secondary Plans. This may include minor revisions to policies, phrasing, formatting, and/or terminology for alignment and consistency with Part 1 of the Official Plan, and for further clarification of intent.

4.2 Future Official Plan Review and Update:

In 2018, the Region of Durham initiated its Municipal Comprehensive Review (MCR) of the ROP, referred to as "Envision Durham." In February 2023, the Region released the draft new Regional Official Plan for public and agency review. The final recommended new ROP will be brought forward for Regional Council's consideration at a special meeting of Regional Council on May 17, 2023.

In 2022, Lakeridge Health announced that the land south of Highway 407, west of Highway 412, east of Lake Ridge Road and north of Highway 7 was selected as the preferred site for a proposed new hospital for Durham Region. In order to progress with the development of these lands, as well as the urban expansion proposed through the Envision Durham new ROP, the Brooklin Community Secondary Plan will require an Amendment to expand its urban boundary westwards to encompass the future hospital site.

Following the Region's conclusion of the Envision Durham project and Province's approval of the new Regional Official Plan, the Town of Whitby will undertake a MCR of the Town's Official Plan policies, which will include a full, and more substantive review and update policies in both Part 1 and Part 2 of the Whitby

Official Plan as applicable, as well as an update to the Brooklin Community Secondary Plan for the expanded urban area, including the lands for the future hospital site.

Planning and Development staff will report to Council accordingly regarding the future MCR of the Whitby OP.

4.3 Next Steps:

Following Council's authorization to initiate an Amendment, staff will circulate the appropriate materials to all applicable departments and commenting agencies for their review and comment. Staff will also commence public and stakeholder consultation, including a Statutory Public Meeting, in accordance with the Planning Act.

Once all public input and agency comments have been received, reviewed, and assessed, a Final Recommended Official Plan Amendment for the Secondary Plans review will be brought forward for consideration and adoption by Council in accordance with the requirements of the Planning Act.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Public input will be sought through the standard Official Plan Amendment process, and in accordance with the Planning Act. Due to the general housekeeping and technical nature of the Amendment, extensive consultation beyond legislative requirements and past practice is not anticipated. However, a Statutory Public Meeting under the Planning Act will be held. Notices of the public meeting will be advertised in the newspaper and on the Town's website, and other social media platforms as appropriate. All comments received at the Statutory Public Meeting, as well as any subsequent written submissions, will be considered as part of its review and analysis.

7. Input from Departments/Sources:

Upon Council authorization for staff to initiate an Amendment to the Whitby Official Plan, all relevant agencies and departments will be circulated the Draft Proposed OPA for their review and comments.

8. Strategic Priorities:

At the conclusion of this process, the Official Plan including its text and schedules (maps) will be better defined, modernized, and organized, thereby resulting in an enhanced customer and organization service experience.

The Official Plan Amendment process is a public process, in accordance with the Planning Act, that provides the opportunity for the public and agencies to provide input on the proposed Amendment. The recommendations of this report align with the objectives of the Corporate Strategic Plan to inform and engage staff and the

community, and to provide a consistent, optimized, and positive customer service experience.

9. Attachments:

Not Applicable.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: DEV-06-23: Draft Plan of Condominium Application CW-2023-03, Brooklin Meadows Limited, Baldwin St. N. & Carnwith Dr. E.

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP 29-23

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. Roberton, Planner I, x 1936

1. Recommendation:

1. That Council approve a Draft Plan of Condominium (File No. CW-2023-03) subject to the comments included in Report PDP 29-23 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 Condominium Application has been submitted by Brooklin Meadows Ltd. for the land at the northeast corner of Carnwith Drive East and Baldwin Street North.
- The Draft Plan of Condominium is required to enable the transfer of title to the future property owners and create a Condominium Corporation, which will be required to adhere to the conditions of Site Plan Approval (SP-09-20).
- All commenting departments/divisions and external agencies have indicated support for the proposed development, subject to their comments and requested conditions being addressed.

3. Background:

3.1 Site and Area

The subject land is located at the northeast corner of Carnwith Drive East and Baldwin Street North (refer to Attachment #1). The subject land is approximately 1.31 hectares (3.24 acres) in size.

Surrounding land uses, include:

- a Fire Station to the north;
- a high school to the west; and,
- low and medium density residential to the south and east (refer to Attachment #2)

3.2 Application and Proposed Development

A Site Plan Application (SP-09-20) for the development of 56 common element block townhouses fronting on a private (condominium) road was approved by the Commissioner of Planning and Development on July 7, 2021. Each townhouse has a minimum of 2 dedicated parking spaces. The common or shared elements of the condominium development include the private road and related infrastructure (i.e., water, storm, and sanitary sewers), the community mailbox, fencing, landscaping, water meter room, and visitor parking (refer to Attachment #3).

The intent of the Draft Plan of Condominium application (CW-2023-03) is to facilitate the transfer of title from the Subdivider (Brooklin Meadows Ltd.) to the future condominium purchasers and to have the future condominium corporation assume responsibility for administering the conditions of site plan approval.

4. Discussion:

4.1 Planning Conformity

The subject land has previously been considered through a number of planning applications, including an Official Plan Amendment (OPA 2016-W/06), a Zoning By-law Amendment (Z-23-16) and a Site Plan Application (SP-09-20). The Official Plan and Zoning applications were approved by the Local Planning Appeal Tribunal (now Ontario Land Tribunal).

The proposed development conforms to the Region of Durham Official Plan, the Town of Whitby Official Plan and Zoning By-law # 1784.

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 #5.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Region of Durham

The following provides an overview of comments provided by the Region of Durham:

- The proposed Draft Common Element Condominium will permit facilities and services including a laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, community mailboxes, visitor parking, a water meter room, decorative fences, and a wood privacy fence.
- The condominium proposal will facilitate the development of 56 townhouse units by Parcels of Tied Land. Access to the proposed development will be from Carnwith Drive East.
- The Region of Durham had previously requested for a Record of Site Condition Compliant “Phase One Environmental Site Assessment Update” (ESA) along with a Reliance Letter and Certificate of Insurance to be provided to support the amendment applications. We have incorporated this requirement as a condition of draft approval for the proposed related condominium application. The Qualified Person who conducts the Phase One ESA Update must complete the Region’s Reliance Letter and Certificate of Insurance forms.
- All Regional servicing concerns have been addressed and approved through the applicant’s related Site Plan Application (File No.: SP-09-20).
- The proposed development contributes to a mix of housing options for the residents of Durham Region. The townhouse proposal will be consistent with the character of the existing residential community to the east and south and supports compact urban form and pedestrian-oriented environment. The proposal generally conforms with the Regional Official Plan.
- The Region has no objection to the draft approval of this condominium application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this 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.
- In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town’s conditions of draft approval could be provided.

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

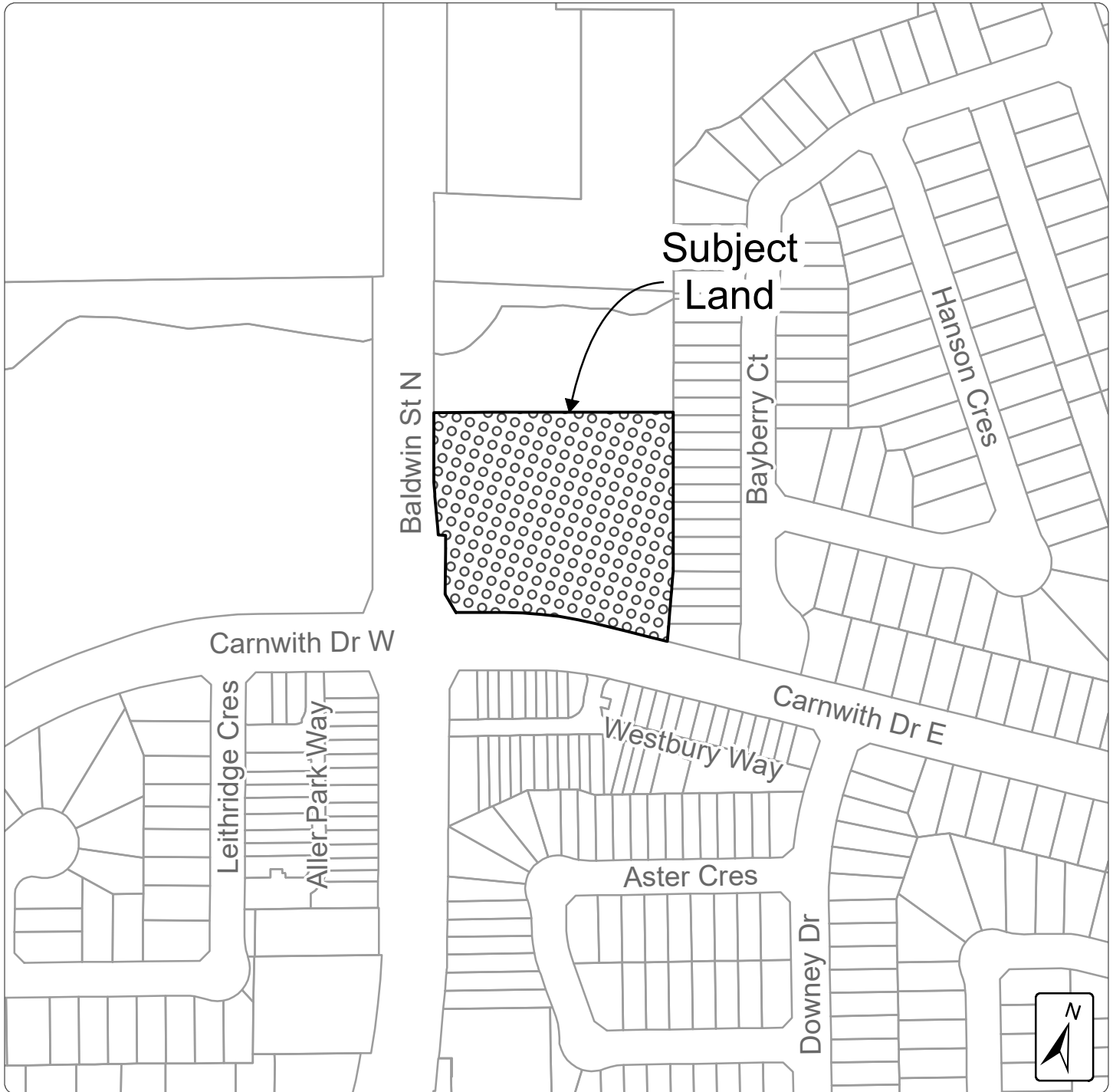
Attachment #3: Proponent's Proposed Common Element Condominium Plan

Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency & Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 29-23



Town of Whitby Planning and Development Department

Proponent:
Brooklin Meadows Limited

File Number:
DEV-06-23 (CW-2023-03)

Date:
June 2023

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 29-23



Town of Whitby Planning and Development Department

Proponent:
Brooklin Meadows Limited

File Number:
DEV-06-23 (CW-2023-03)

Date:
June 2023

External Data Sources:
2022 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

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[illegible]

Attachment #4
Draft Plan of Condominium Conditions
File CW-2023-03

PDP 29-23

1. The Proponent shall prepare the final plan on the basis of the approved draft plan of condominium, prepared by J. D. Barnes Ltd., identified as Reference No.: 21-25-912- 00 dated June 16, 2022, which illustrates common facilities and services including a laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, community mailboxes, visitor parking, water meter room, decorative fences, and wood privacy fence.
2. Prior to final approval, the Proponent shall submit a Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment Update (ESA) of the subject lands. The Proponent must also provide a completed Regional Reliance Letter and Certificate of Insurance in support of the Phase One ESA Update. Pending the results of the SSQ and/or Phase One ESA Update, further studies such as an RSC Compliant Phase Two ESA and an RSC through Ministry of the Environment, Conservation and Parks may also be required.
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-09-20) 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-09-20) 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-2023-03

PDP XX-23

- e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board;
- 6. 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 have been satisfied.

PDP 29-23

Attachment #5
Agency & Stakeholder Detailed Comments
File CW-2023-03

External Agencies

Region of Durham

We have completed our review of the above condominium application and we offer the following comments for your consideration.

The subject lands are located at the northeast corner of Baldwin Street North and Carnwith Drive East and is approximately 1.305 hectares. The property is comprised of Part of Blocks 258 and 259 of Registered 40M-1950 and Part of Block 99 of Registered 40M-2194. The Whitby Fire Hall is located to the north and Brooklin High School is located to the west of the site.

Proposed Application

The proposed Draft Common Element Condominium will permit facilities and services including a laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, community mailboxes, visitor parking, a water meter room, decorative fences, and a wood privacy fence.

The condominium proposal will facilitate the development of 56 townhouse units by Parcels of Tied Land. Access to the proposed development will be from Carnwith Drive East.

Background - Ontario Land Tribunal Decision (OLT Case No.: PL171134)

On March 25, 2019, the Ontario Land Tribunal (OLT) approved the applicant's related Local Official Plan Amendment and zoning by-law amendment applications (File Nos.: OPA 2016-W/06 & Z-23-16). The OLT concluded that the proposed amendments were consistent with the policies of the PPS, and conform with Provincial Plans, the Regional Official Plan, and the Town of Whitby Official Plan.

We offer updated comments regarding potential site contamination, archaeology, and Regional servicing.

Delegated Provincial Plan Review Responsibilities

Phase One Environmental Site Assessment

The Region of Durham had previously requested for a Record of Site Condition Compliant "Phase One Environmental Site Assessment Update" (ESA) along with a Reliance Letter and Certificate of Insurance to be provided to support the amendment applications. We have incorporated this requirement as a condition of draft approval for the proposed related condominium application. The Qualified Person who conducts the

Attachment #5

Agency & Stakeholder Detailed Comments

File CW-2023-03

PDP XX-23

Phase One ESA Update must complete the Region's Reliance Letter and Certificate of Insurance forms.

Regional Servicing

All Regional servicing concerns have been addressed and approved through the applicant's related Site Plan Application (File No.: SP-09-20).

Conclusion

The proposed common element condominium will facilitate the development of 56 townhouse units. The proposed development contributes to mix of housing options for the residents of Durham Region. The townhouse proposal will be consistent with the character of the existing residential community to the east and south and supports compact urban form and pedestrian-oriented environment. The proposal generally conforms with the Regional Official Plan.

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

The Owner 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.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Draft Plan of Subdivision Application and Zoning By-law Amendment Application for 5095, 5125, and 5245 Anderson Street, by Conland Development Corporation. File No. DEV-13-21 (SW-2021-03, Z-08-21)

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP-30-23

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:

Justin Malfara, Planner II, x.2930

Planning and Development Department

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council.
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

2. Highlights:

- Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Conland Development Corporation for the lands located on the east side of Anderson Street and north of Colin Road, municipally addressed as 5095, 5125 and 5245 Anderson Street.
- The proposed Draft Plan of Subdivision includes 163 single detached residential dwellings, 74 rear lane townhouse dwellings, 141 street townhouse dwellings, a future development block, stormwater management blocks, a school block, a parkette block, a road widening block, and a hydro corridor block.
- The existing zoning on the property is Agricultural (A) in Zoning By-law 1784. An amendment to the Zoning By-law is required to permit the proposed residential Draft Plan of Subdivision.
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions of Draft Plan Approval.

3. Background:

3.1 Site and Area Description

The subject land is municipally addressed as 5095, 5125, and 5245 Anderson Street, and is situated on the east side of Anderson Street, north of Colin Road (refer to Attachment #1).

The subject land is approximately 20.3 hectares (50.2 ac) in area and is currently vacant. The proponent is currently undertaking earthworks, which includes preliminary grading and servicing activities.

The subject land is surrounded by future residential development lands to the west, south and north, with limited existing low density residential uses to the west. Future industrial development lands are located to the east, existing industrial uses to the southeast, and hydro corridors to the east and north (refer to Attachment #2).

3.2 Applications and Proposed Development

Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Conland Development Corporation to permit a proposed residential Plan of Subdivision on the subject land (refer to Attachment #3). Key components of the proposed Draft Plan of Subdivision include:

- 163 single detached residential dwellings;
- 74 rear lane townhouse dwellings;

- 141 street townhouse dwellings;
- a future development block;
- a stormwater management block;
- a school block;
- a park block;
- a road widening block; and,
- a hydro utility block.

Access to the subject land is proposed by way of two local public roadways extending east from Anderson Street as well as north from Conlin Road through the adjacent property (owned by others) to the south.

The future Mid-Block Arterial Road traverses through the northern portion of the subject land (identified as Street A). The subject land will not have direct access to the Mid-Block Arterial Road.

The Zoning By-law Amendment Application proposes to change the existing zoning from Agricultural (A) to appropriate zone categories to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. As part of the submitted Zoning By-law Amendment Application, the proponent is seeking to rezone the land from Agricultural (A) to Low Density (LD-B) for the proposed single detached dwellings and street townhouses, and Medium Density (MD-B) for the proposed rear lane townhouse dwellings.

3.3 Documents Submitted in Support

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

- A Draft Plan of Subdivision, prepared by Bousfields, dated April 24, 2023 (refer to Attachment #3), which illustrates the configuration of the proposed subdivision;
- A proposed Active Transportation Plan, prepared by Bousfields Inc., dated March 30, 2022, which illustrates the location of multi-use paths, trails, sidewalks, and pedestrian connections;
- An Environmental Impact Study, prepared by Cambium Inc., dated January 2021. This study concluded that the proposed development can be carried out in a way that will not adversely impact natural heritage and hydrologic features identified on the subject lands;
- A Functional Servicing & Stormwater Management Report (FSSR), prepared by Candevcon East Ltd, dated March 2021. The reports and

plans identify how the proposed development can be graded and serviced (storm, sanitary, water). The submitted materials also provided a summary of the stormwater management criteria. Detailed erosion and sediment control protocols will be completed during the detailed design stage of the development, in accordance with municipal requirements;

- A Green Standards Checklist, prepared by Conland Development Corporation, dated January 2021. Sustainability measures identified will be addressed within the future Subdivision Agreement;
- A Geotechnical Investigation, prepared by Golder Associates Ltd., dated January 2021. The report highlighted the results of geotechnical investigations conducted on the subject land to determine the existing subsurface soil and groundwater conditions;
- A Hydrogeological Assessment Report, prepared by GHD Ltd., dated January 22, 2021. This report concluded that the site's development infiltration values will be less than the pre-development values, and the proposed subdivision is suitable from a hydrogeological perspective;
- A Land Use Compatibility Assessment, prepared by Cambium Inc., dated January 2021. This report assessed the potential influence of surrounding land uses on the subject lands;
- A Master Transportation Study, prepared by BA Group, dated March 2021. This study concluded that the proposed development can be acceptably accommodated on the planned future road network in the area;
- A Noise Feasibility Study, prepared by HGC Engineering, dated January 2021. The study outlined noise abatement measures that will be included in a future Subdivision Agreement for the proposed development;
- A Phase One Environmental Site Assessment, prepared by GHD Ltd., dated October 2021. It was found that the lands are suitable from an environmental site assessment perspective and has a low risk of environmental concern. No further assessment of the environmental conditions is warranted;
- A Planning Rationale Report, prepared by Bousfields, dated March 2021. This report provided an overview of how the proposal conforms with the Town of Whitby Official Plan, as well as the Durham Region Official Plan, and other guiding policy documents;
- A Sub-Area Study (SAS), prepared by Candevcon East Ltd., dated March 2021. The study outlined stormwater drainage and management practices, as well as hydraulic modeling for the subject lands and surrounding area;
- A Stage 1 and 2 Archaeological Assessment, prepared by This Land Archaeology Inc., dated January 2018 and a Stage 3 Archaeological Assessment prepared by This Land Archaeology Inc., dated August 21, 2018. A clearance letter was also received from the Ministry of Tourism,

Culture, and Sport dated October 15, 2018 confirming that based on the Stage 1-3 assessments, the subject lands hold no further Cultural Heritage Value or Interest;

- A Tree Inventory Plan and Details, prepared by Cosburn Nauboris, dated, April 6, 2022. The majority of the trees observed on the lands will be removed, save and except for 26 trees that will be unimpacted by development activities.

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

4. Discussion:

4.1 Region of Durham Official Plan

The ROP designates the subject land as “Living Areas” within the Urban System. Approximately half of the subject lands (10.12 ha) are also situated within the Built Boundary of Whitby’s Urban Area, whereas the remaining land (10.21 ha) are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare.

Living Areas are intended to accommodate a full range of housing options at higher densities.

The proposed Draft Plan will increase the residential density on the subject lands within the Built Boundary to approximately 110 units per gross hectare and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare.

The proposed development will contribute to the allocation of units for intensification within Whitby’s built boundary and conforms with the policy directions of the ROP.

4.2 Whitby Official Plan

The subject land is comprised of a number of land use designations in accordance with Schedule ‘K’ of the Brooklin Community Secondary Plan, including:

- Low Density Residential;
- Medium Density Residential; and,
- Natural Hazards (refer to Attachment #4).

Schedule ‘K’ of the Brooklin Community Secondary Plan also includes symbols for a Parkette and an Elementary School on the subject land.

Lands designated Low Density Residential are primarily intended for single, semi-detached, and duplex dwellings not exceeding 3-storeys in height, at a density of 25 to 35 units per net hectare (upnh).

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas.

Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4-storeys, are permitted with a density range of greater than 30 and up to 65 dwelling upnh. The minimum building height is 3-storeys abutting arterial roads outside of mature residential neighbourhoods.

Lands designated Natural Hazard include areas that are unstable, prone to flooding conditions, poor soils, steep slopes, and erosion hazards.

Detailed environmental studies are required to determine the boundary of the Natural Hazard designation and site alteration may be permitted without amendment to this Plan, in consultation with the Conservation Authority.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan.

4.3 Zoning By-law

The subject land is zoned Agricultural (A) and Agricultural Exclusive (AE) in Zoning By-law 1784 (refer to Attachment #5). The A and AE zones do not permit residential uses.

A Zoning By-law Amendment is required to rezone the subject land to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. The proponent is seeking to rezone the lands from Agricultural (A) to Low Density (LD-B) for the proposed single detached dwellings and street townhouses, and Medium Density (MD-B) for the proposed rear lane townhouse dwellings, in addition to other relevant zone categories for the respective blocks.

4.4 Other Applications

Site Plan applications will be required to be submitted at a later date for the proposed townhouse blocks.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for townhouse blocks.

4.5 Control Architect

A Control Architect will be required to oversee the design of the subdivision's built form, in accordance with the Urban Design policies of the Official Plan. It is recommended that Williams and Stewart be appointed as the Control Architect for the proposed Draft Plan of Subdivision.

4.6 Fire Break Lots

The proponent must submit a Firebreak Lot Plan for review and approval by the Town of Whitby Fire and Emergency Services Department. The plan must demonstrate which blocks will remain unbuilt to serve as firebreaks within the development during the construction period.

4.7 Composite Transportation Component Plan

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, multi-use paths and road right-of-way dimensions (refer to Attachment #6). These elements will be further refined and implemented through the future detailed engineering design process.

5. Input from Departments/Sources:

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

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes;
- CS Viamonde (French Public School Board);
- Durham Catholic District School Board;
- Enbridge;
- Elexicon Energy Inc.;
- MTO;
- Durham Regional Police;
- Canada Post;
- Bell; and,
- Rogers.

The following section provides a summary of key comments provided by Town of Whitby departments/divisions, as well as external agencies. Refer to Attachment #8 for a summary of all detailed comments and Attachment #9 for Conditions of Draft Plan of Subdivision Approval.

5.1 Internal Departments

Community Services – Parks Development

This development application may or not be subject to the Parks Master Plan Agreement which is a cost sharing agreement for the provision of parks, trails, open spaces, and cash in lieu of parkland dedication within the Brooklin Landowners Group development area. Provision of parks (including but not limited to the hectares, park facilities) and cash in lieu of parkland dedication are subject to change upon the review and potential approval the Parks Master Plan Agreement.

Refer to Attachment #8 for additional comments and Attachment #9 for conditions of approval.

Engineering Services

Engineering Services supports a favourable decision to the applications based on the following comments and conditions as outlined in Attachment #8 and Attachment #9.

Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment #6 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval. In addition, comments from the Active Transportation and Safe Roads Advisory Committee will be provided to the Subdivider for consideration.

Strategic Initiatives (Sustainability)

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. We can confirm that the applicant has provided all information possible at this stage of the development to demonstrate compliance with the Tier 1 mandatory performance.

Landscape Section

In response to the proponent's Tree Preservation Plan and Arborist Report, both are acceptable.

The Arborist Report identified trees located within the Town's right-of-way to be removed. An appraisal is required to be generated by an ISA certified Tree Appraiser, for submission to the Planning and Development Department. The submitted appraisal will be considered in determining the appropriate compensation value and will be reviewed prior to providing the Town's permission for removal of these three trees. The trees that this condition applies to are identified in the Arborist Report as tree #'s 889, 886, and 867.

Fire and Emergency Services

As part of the detailed design phase of the subdivision process, a fire break layout and hydrant location plan shall be submitted to the fire department for approval prior to construction.

The current proposal is showing a long dead-end for street D until the future development block (northeast corner of the plan) is constructed to connect street F. Prior to the occupancy of dwellings on Street D and Street F, north of Street C, the proponent shall seek approval of secondary emergency access points or alternative options to the satisfaction of Fire and Emergency Services for each of these dead-end streets.

5.2 External Agencies

Region of Durham – Planning

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare.

The proposed plan of subdivision appears to increase the residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary.

The subject lands are also in proximity to (industrial) Employment Areas.

The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less

sensitive than the proposed residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. A Land Use Compatibility study was submitted prepared by Cambium, dated May 4, 2023, and Noise Study was submitted prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review of the submitted reports shall be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region of Durham. Accordingly, a condition is required to restrict any building permits from being issued for any residential lot/block until such time as the Land Use Compatibility Study and Noise Study are approved.

Region of Durham – Works

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way. The Region will not permit the construction of sanitary sewer and water mains within the rear laneways. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

The subject lands are located within the Zone 3 water supply system for Whitby (Brooklin). The estimated static water pressure for this area ranges between 510 kilopascals (kpa) or 73 pounds per square inch (psi) to 667 kpa (96 psi). The estimated static water pressure in parts of the site exceeds the maximum allowance of 550 kpa (80 psi), therefore, private pressure reducing valves will be required within each unit fronting a centreline road elevation below 164 metres (m). Ultimately, the proposed development will require two water connections to the Zone 3 water supply system with a water feed from the east along Conlin Road and one water feed from the north along Anderson Street.

Sanitary servicing to the subject lands will require the extension of a local sanitary sewer from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street.

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area.

Durham Region Transit

The proposed development was reviewed from a Durham Region Transit (DRT) perspective, and it was determined that the proposed development does not pose any significant transit concerns. Transit stop and infrastructure planning will be addressed during the subdivision draft plan approval stage or the site plan application stage, where appropriate.

Central Lake Ontario Conservation Authority

CLOCA is satisfied that all remaining outstanding comments can be addressed through the fulfillment of conditions of Draft Plan Approval.

With respect to the Zoning By-law Amendment Application, all permanent Hazard Lands should be zoned Greenbelt (G) as per Zoning By-law 1784 or the appropriate equivalent.

Hydro One

The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, requires that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Hydro One does not object to the proposed development subject to conditions of draft plan approval included within Attachment #9.

Durham District School Board

Based on the proponent's original concept plan, the Durham District School Board requested a reconfiguration of the proposed School Block to include dual frontage on Street 'D' to the west and north. Furthermore, frontage would no longer be needed onto Street 'C'. A facility fit plan was prepared by the DDSB and was subsequently incorporated by the proponent into the current Draft Plan of Subdivision.

6. 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 proposal is to construct a compact, transit-supportive development within an area of the Town designated for residential grown.

7. Financial Considerations:

Not applicable.

8. Communication and Public Engagement:

A Public Meeting was held on May 31, 2021 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 representation in respect of the Plan of Subdivision and Zoning By-law Amendment Applications. Refer to Attachment #7 for the Minutes of the Public Meeting.

There were no attendees or deputations made with respect to the proposed development and associated Draft Plan of Subdivision and Zoning By-law Amendment Applications.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town have been provided notice of the June 5, 2023 Committee of the Whole Meeting.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Draft Plan of Subdivision

Attachment #4: Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

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

Attachment #6: Composite Transportation Component Plan

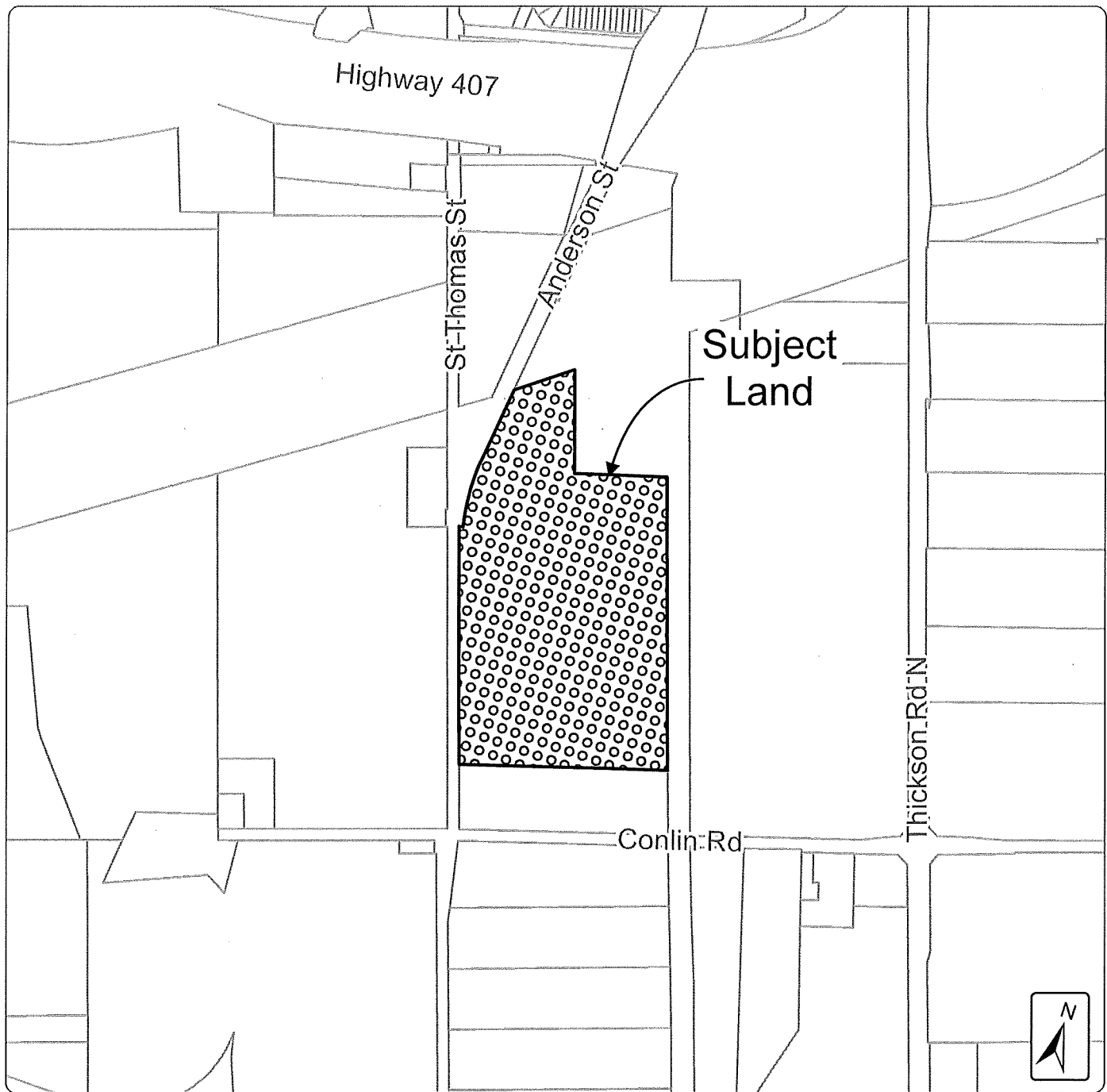
Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #9: Conditions of Draft Plan of Subdivision Approval

Attachment #1 Location Sketch

PDP 30-23



Whitby Town of Whitby Planning and Development Department

Proponent:
Conland Development Corporation

File Number:
**DEV-13-21
(SW-2021-03) (Z-08-21)**

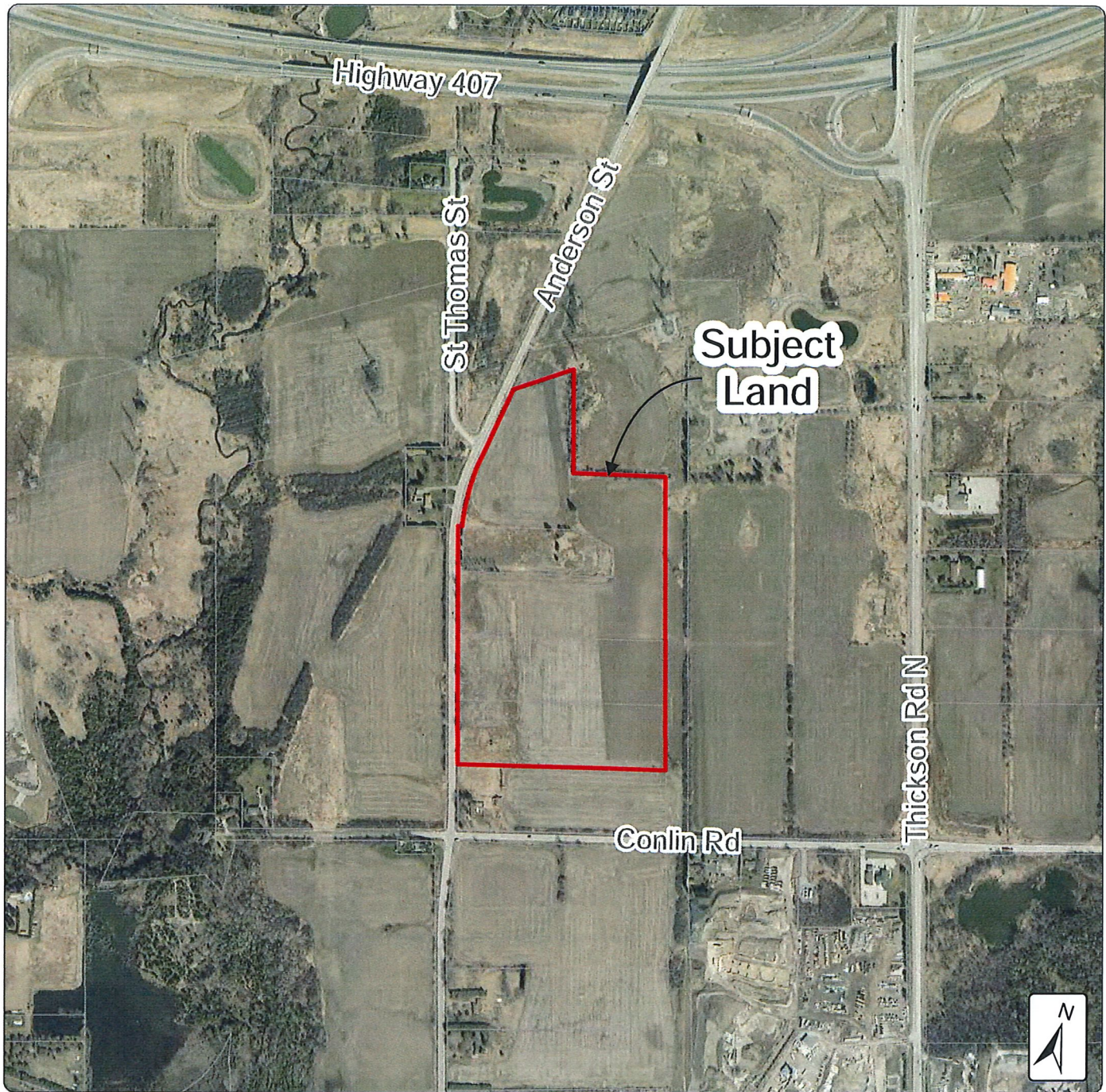
Date:
June 2023

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 30-23



Whitby Town of Whitby Planning and Development Department

Proponent:
Conland Development Corporation

File Number:
**DEV-13-21
(SW-2021-03) (Z-08-21)**

Date:
June 2023

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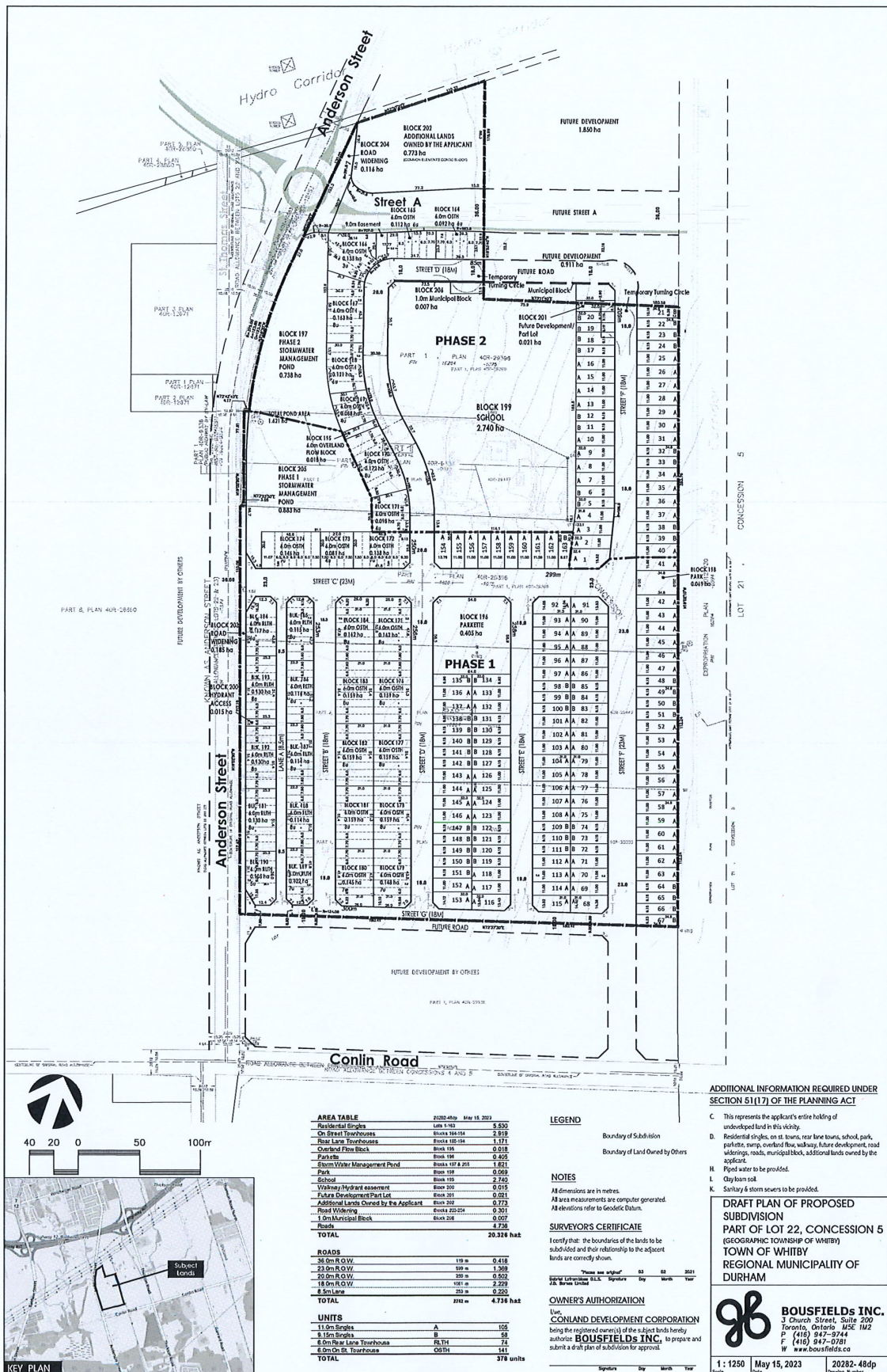
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Attachment #3

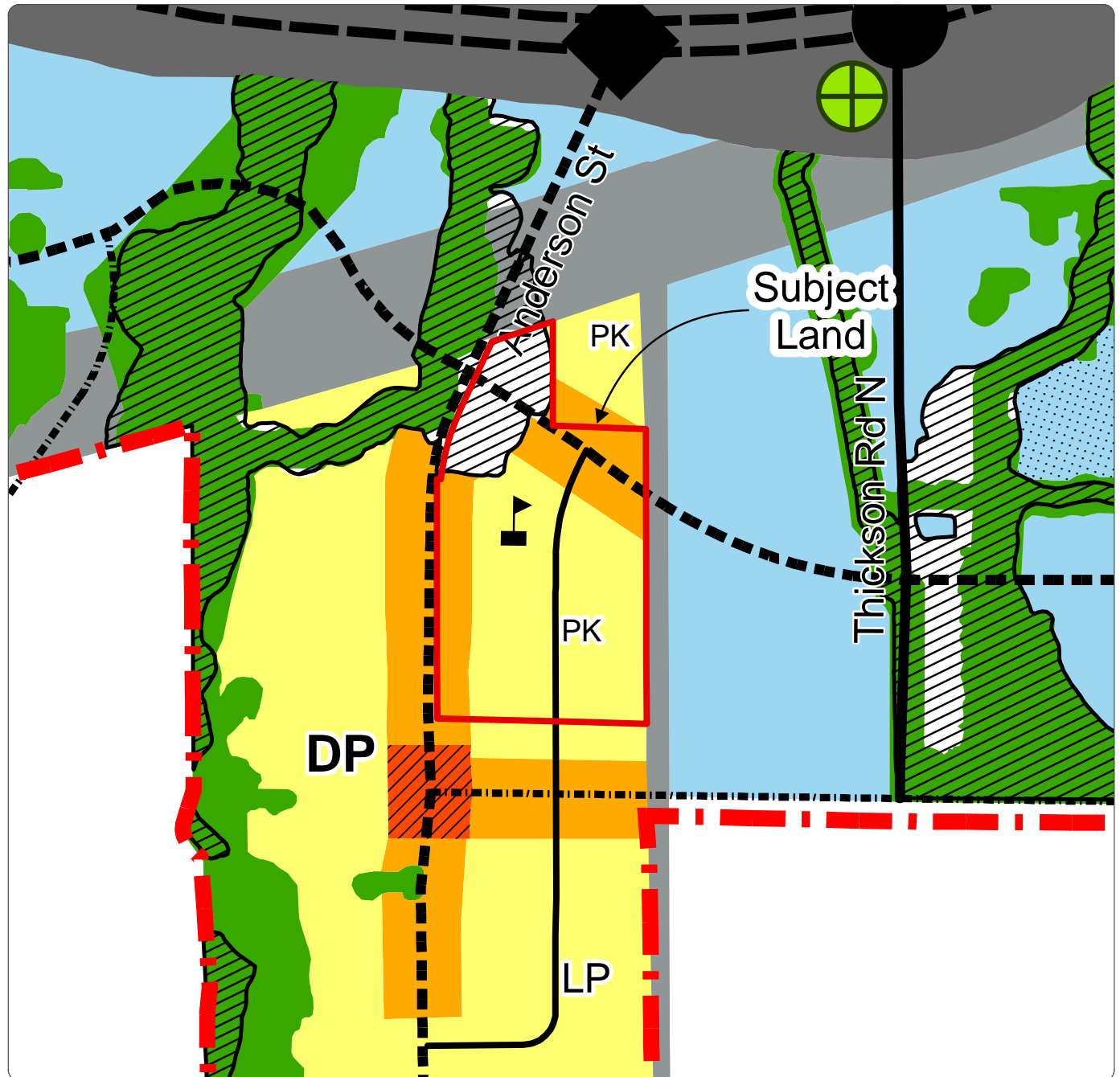
Proponent's Draft Plan of Subdivision

PDP 30-23



Attachment #4

Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

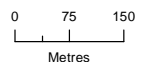


LEGEND

Low Density Residential	Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2	Full Interchange
Medium Density Residential	General Industrial	Natural Hazards	Potential Interchange (Subject to Further Study)
High Density Residential	Major Open Space	Utility	Grade Separation
Local Commercial	DP District Park	Health Precinct Special Policy Area	Potential Grade Separation
Special Purpose Commercial	LP Local Park	Community Central Area	Future Transitway Station
Heritage Commercial	PK Parkette	Major Central Area	Controlled Access Highway (Freeway)
Major Commercial	TP Town Park	Heritage Conservation District Boundary	Type A Arterial
Major Commercial - 1	Institutional	Secondary Plan Boundary	Type B Arterial
Mixed-Use 1 - Community Central Area	Secondary Schools	Special Policy Area - Refer to Section 11.5.31.6	Type C Arterial
Mixed-Use 2 - HCD	Elementary Schools		Collector Road
Mixed-Use 3	Natural Heritage System		Greenbelt Plan Boundary
Prestige Industrial	L Linkage in NHS		
	D1 Deferred by the Region of Durham		

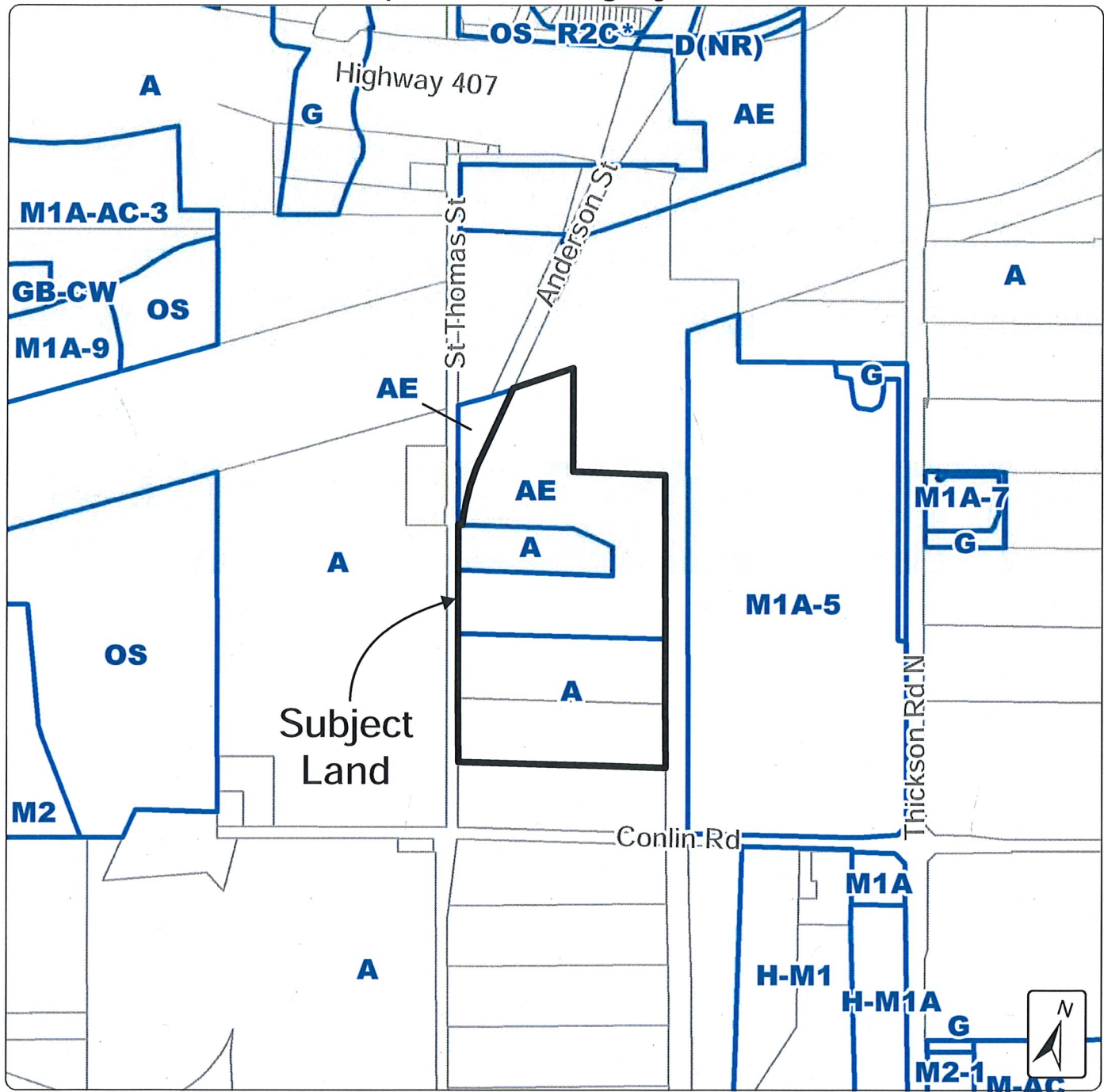
Excerpt from: Schedule
Brooklin
Community
Secondary Plan
Town of Whitby

K



Attachment #5 Excerpt from Zoning By-Law 1784

PDP 30-23



Town of Whitby Planning and Development Department

Proponent:
Conland Development Corporation

File Number:
DEV-13-21
(SW-2021-03) (Z-08-21)

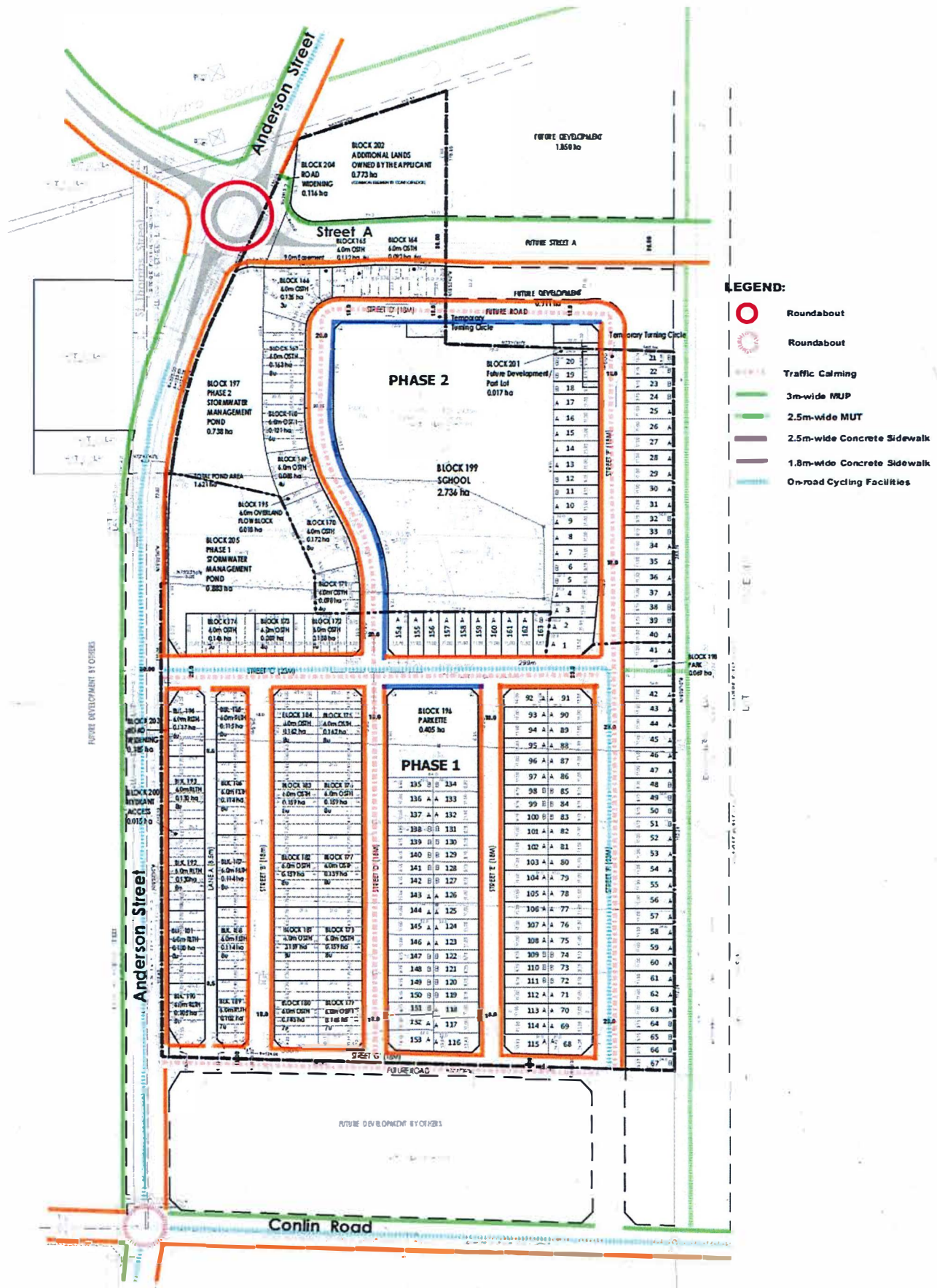
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Composite Transportation Component Plan



Attachment #7

Public Meeting Minutes

File No. DEV-13-21 (SW-2021-03)

Planning and Development Department Report, PL 29-21 Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, 5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File Numbers: DEV-13-21 (SW-2021-03, Z08-21)

Justin Malfara, Planner I, provided a PowerPoint presentation which included an overview of the applications.

Lindsay Dale-Harris representing Conland Development Corporation, provided a PowerPoint presentation which included a detailed overview of the applications.

There were no submissions from the public. Lindsay Dale-Harris answered questions regarding:

- the concerns raised by Hard-co Construction Ltd. about noise and land use compatibility, whether any discussions had taken place with the owners of Hard-co Construction Ltd., and how those concerns would be addressed; and,
- ensuring safe access/exit to and from the proposed community including the consideration for traffic signals at Anderson Street.

Attachment #8
Agency & Stakeholder Detailed Comments
File DEV-13-21 (SW-2021-03, Z-08-21)

CS Viamonde (French Public School Board)

The Conseil scolaire Viamonde has no comments regarding Draft Plan of Subdivision and Zoning By-law Amendment applications (File No. SW-2021-03 and Z-08-21) for the property located at 5095, 5125 and 5245 Anderson Street.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed. This development is located within the boundary of St. Leo C.S. Located at 120 Watford Street, Brooklin. Whitby.

Durham District School Board

The Durham District School Board concerns with the school block have been addressed by the Subdivider through the revised subdivision plan.

Elexicon Energy Inc.

Elexicon Energy Inc. has no objection to the proposed Application. The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs, and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- The timely provision of supply to new and upgraded premises; and/or
- The availability of adequate capacity for additional loads to be connected in the existing premises.

Please ensure that a minimum of 4.8m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

Canada Post

Canada Post has no objections for the proposed development.

Service type and location:

1. Canada Post will provide mail delivery service to this development through Community Mailboxes.
2. Single Detached Dwelling, Semi Detached Units, Townhouses dwellings: Will be serviced through Community Mailbox. The location of these sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm. Given an anticipated 371 units (150 Detached, 78 Row Lane Townhomes & 143 Street Townhomes) in the subdivision, we have estimated 8 Mailbox Sites are required.
3. School Block: Will be serviced to the closest Community Mailbox catchment.
4. Please see attached linked for delivery standards:
http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual_en.pdf

Municipal requirements:

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline, obligations, and installation:

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
2. If applicable, please ensure that any street facing installs have a depressed curb or curb cut. Contact Canada Post Corporation – Delivery Planning for further details.
3. If applicable please ensure that any condominiums apartments with more than 100 units, incorporates a mailroom with rear loading lock box assemblies (mailboxes).
4. Finally, please provide the expected first occupancy date and ensure the future site is accessible to Canada Post 24 hours a day.

It is recommended that the owners contact Canada Post as completion draws near so as to finalize the location and compartment they will be assigned to.

Community Services – Parks Development

As Whitby's population continues to grow, managing and providing access to nature, large parks and urban green spaces are a critical component of building complete communities and enhancing residents' quality of life. Protection and investment in and near urban nature are particularly important as it provides accessible, high-quality spaces to interact with nature and serve critical biodiversity functions.

This development application may or not be subject to the Parks Master Plan Agreement which is a cost sharing agreement for the provision of parks, trails, open spaces, and cash in lieu of parkland dedication within the Brooklin Landowners Group development area. Provision of parks (including but not limited to the hectares, park facilities) and cash in lieu of parkland dedication are subject to change upon the review and potential approval the Parks Master Plan Agreement.

Parkland, Trails and Open Space

- The Town is planning a future north/south trail through the Hydro Electric Corridor behind the proposed lots on Street F as identified in the Town's Active Transportation Plan. In the future, the Town intends to enter into a recreational lease agreement with Hydro One for the use of these lands for the proposed trail. Utilization of Hydro Corridor Block 198 will be required by the Town for the purpose of a trail connection from Street F to the Hydro Corridor Trail. If it is determined by Hydro One that Block 198 is not required, the Town would require an access trail block at the same location.
- The provided park fitment plan is acceptable as shown in relation to the proposed amenities.

Conditions of Draft Plan Approval

The following conditions shall be incorporated into any future development agreement.

Parkland, Trails and Open Space

1. Parkette Block 196 shall be dedicated to the Town free and clear of all encumbrances. Parkette Block 196 shall be a minimum of .4 hectares of developable land.
2. If it is identified through the parks design process that more land is required to accommodate the park amenities included in the provided Park Facility Fitment Plan, then the individual Park Block shall be expanded into the adjacent developable area as required to accommodate the park amenities. Steeply sloping grades determined to be unsuitable for park development will not be accepted as parkland dedication.
3. While the Parks Master Agreement should address the park dedication of the subject plan and overall Brooklin Development Area it is currently in draft form and needs to be finalized through further discussion and legal review. Should the Parks Master Agreement not get finalized then the Town's standard rates for parkland dedication would apply. As a condition of draft approval parkland dedication will be required at a rate of 1 hectare per 300 units for residential

units. The remaining blocks will require parkland dedication at a rate of 5% of land holdings or in the case of cash in lieu, 1ha/500 residential units. Any under dedication of park land would be considered cash in lieu of parkland based on the value of the land. This is consistent with the Planning Act, Town's Official Plan policy and the Department's standard practice.

4. Hydro Corridor Block 198 shall be sloped/graded to allow for the construction of an accessible trail connection to the Hydro Electric Corridor behind proposed lots on Street F. Proposed trail slopes must meet Town Accessibility Standards.
5. If it is determined by Hydro One that Block 198 is not required, the Town will require an access trail block at the same location.
6. The department will require 1.2 metre black vinyl standard park fencing to be installed where park blocks abut residential lots.

Fencing

1. The department will require 1.2 metre black vinyl standard park fencing to be installed where park blocks abut residential lots.

Engineering Services

We have reviewed the drawings and reports, and they are generally acceptable for a preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to our Design Criteria and Engineering Standards.

A. Conditional Comments

Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address Whitby Council 2018-2022 Goals and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval. In addition, comments from the Active Transportation and Safe Roads Advisory Committee may be forthcoming and will be provided to the Subdivider for consideration.

1. **Prior to final acceptance of the Draft Plan of Subdivision**, the following shall be addressed to the satisfaction of the Planning and Development Department.

1.1. Revise the Draft Plan (DP) as follows:

- a) Streets 'C', 'F' and 'G' are identified as Collector roads within the Conlin-Anderson Master Transportation Study. Revise the Right-of- Way (ROW) width of Street 'C' and Street 'F' (south of Street 'C') to 23m to accommodate sidewalk on both sides and buffered on-road bike lanes. Due to the connection with Anderson Street, Street 'G' is considered a Collector road and shall have a minimum Right-of-Way (ROW) width of 20m.

Engineering Services requires the following Financial Considerations to be identified within Section 5 of the Council Report:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Asset Management annual report.

Asset	Quantity
Roads	4.9 lane-km
Sidewalks/Multi-use paths	4.9km
Storm Sewers	2.1 km
Ponds	1.54 ha
Parkette	0.41 ha

2. Engineering Services requires the following Conditions of Draft Approval:

2.1. The Subdivider shall convey the following to the Town:

- a) Block 195 for Overland Flow block;
- b) Block 196 for Parkette;
- c) Block 197 and 205 for Stormwater Management Facility;
- d) Block 198 for Open Space;
- e) Block 200 for Hydrant Access; and
- f) Block 203 and 204 for Road Widening on the east side of Anderson Street.
- g) Block TBD for Municipal Use (1.0 wide on the north side Block 199).

2.2. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the on-going Mid-Block Arterial Schedule C Environmental Assessment (MBEA) prior to registration, including but not limited to:

- a) The final right-of-way width, alignment, and horizontal and vertical design of Street 'A' (Mid-Block Arterial), including the intersection with Anderson Street.
- 2.3. The Subdivider shall provide an updated Sub-Area Study (SAS) 5 to address the comments provided in a separate memo from KSGS Engineering dated May 26, 2021. All major comments must be addressed to the Town's satisfaction prior to initiating detailed design.
- 2.4. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
 - a) 1.8m wide sidewalk on the east side of Anderson Street along the frontage of the proposed development.
 - b) 1.8m wide sidewalk on the south side and 3.0m Multi-Use Path on the north side of Street 'A' from Anderson Street to the eastern property boundary.
 - c) 3.0m Multi-Use Trail within Block 45 to connect to the proposed Trail within the adjacent Hydro Corridor.
 - d) 1.8m wide sidewalk on both sides of all other streets. Width to be increased to 2.5m adjacent to Schools and Parks.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

- 2.5. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.
- 2.6. The Subdivider shall be responsible for the reconstruction of Anderson Street to a 2 lane urban cross-section with a 3.0m Multi Use Path on the west side, sidewalk on the east side and on-road bike lanes from the former Hydro Corridor at the south limit of the development area to the Mid-Block Arterial (approximately 1.5km length). Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan

Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.

Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4 lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

- 2.7. The Subdivider shall be responsible for the reconstruction of Conlin Road as follows:

- a) From Anderson Street to the west limit of the Conlin/Anderson development area: this portion of Conlin Road is an existing dead-end local road. As an integral part of the subdivision developments it will stay as a local 20m road, reconstructed to an urban standard with sidewalks on both sides, including any required turning lanes and entrance works.
 - b) From Anderson Street to the east limit of the Conlin/Anderson development area: this portion of Conlin Road shall be a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a sidewalk on the south side, on- road bike lanes, and any required turning lanes and entrance works.
- 2.8. With reference to Figure 5 of the MTS the Subdivider shall also be responsible for the installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls at Anderson Street / Street 'C' / Street 'AE' and Conlin Road/Street 'F'/Street 'H' intersections and the ultimate traffic signals at Anderson Street/Street 'C'/Street 'AE' and Anderson Street/Street 'N'/Street 'T' intersections.
- Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.
- 2.9. The Subdivider shall demonstrate that the width of Block 42 has sufficient width to accommodate the conveyance of the necessary overland major system flows. If required, the plan shall be revised to convey additional width, all to Engineering Services satisfaction, prior to registration.
- Similarly, there is a concern that overland flows on Street 'C' will reach unacceptable depths and/or spill to Anderson Street before achieving the calculated flow depth in the overland flow path at the south end of Block 44 leading to the SWM pond. During detailed design, it must be demonstrated that major system flows will be fully contained and comply with all Town standards.
- 2.10. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
- 2.11. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.
- 2.12. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not

limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.

- 2.13. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.
- 2.14. The Subdivider shall provide an updated Master Transportation Study (MTS) to address the following comments and those provided under attached separate memo (Attachment 3) prior to final acceptance of the Draft Plan by the Commissioner of Planning and Development and as part of the detailed engineering design:
- a) The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'C', Street 'D', Street 'F', Street 'G' and on all roads adjacent to Park and School blocks to support safe travel speeds and a comfortable environment for all users.
 - b) Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO) at Anderson Street/Street 'C' and Conlin Road/Street 'F'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.
 - c) Active transportation connection between Street 'F' and the Hydro Corridor within Block 198.
 - d) While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
 - e) As part of the MTS the consultant has identified that intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.
 - f) The School Block facility fit will be subject to the review and approval of the Durham District School Board. Town comments on the school layout will be provided at the time of Site Plan design and approval.

The Draft Plan shall not preclude the alignment of school driveways with neighbourhood intersections. School designs to conform to the Region of Durham School Design Guidelines and the Institute of Transportation Engineers (ITE) School Site Planning, Design and Transportation. Access should be coordinated early to properly align with intersections within the

neighbourhood. Type and location of pedestrian crossing(s) for the school site to be included within the MTS.

- 2.15. The Subdivider shall provide a plan showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs, and intersections with angles less than 90 degrees), tangents, intersection angles/skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline and/or alignment concerns.

- 2.16. The Functional Servicing and Stormwater Management Report shall be updated to address the following comments:

- a) Where there is no other viable design alternative, the Town of Whitby will accept a single sewer pipe within the laneway i.e., either the sanitary sewer (subject to Region of Durham acceptance) or the storm sewer. The FSSR shall be revised to demonstrate how the laneway units are to be serviced from Anderson Street or Street 'B' in addition to the service within the laneway.
- b) The Design Consultant is to investigate alternative methods of servicing Block 174 for storm drainage without the need for a third collector pipe. The proposed Foundation Drain Collector system is to be eliminated if possible. The Subdivider shall implement all changes to the plan resulting from modification to the storm sewer system to drain Block 174.
- c) Current Stormwater Management (SWM) facility access road and overland flow route location is not desirable due to proximity to the proposed signalized Street 'C' and Anderson Street intersection. Access to be from Anderson Street to the north of Street 'C' with the exact location determined through detailed design review for the reconstruction and ultimate widening of Anderson Street.

- 2.17. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

- 2.18. The Following Lots/Blocks shall be placed on hold: Block 201 – Future Development, until such time as it can be merged with land to the north.

- 2.19. SWM Block 197 and 205 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and / or wetland pockets at the outfall.

- a) Since separate water quality treatment for just road drainage is not efficient, every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of both Anderson Street and Conlin Road that are tributary to the site, into the SWM Pond design. This will be reviewed at the detailed design stage.
- b) Provide details for the emergency overflow outlet from SWM Pond L4 and demonstrate that Culvert C-2 under Anderson Street has capacity for the uncontrolled flows from the pond. Note that this may affect the top elevation of Pond L4, as a freeboard of at least 0.15 m is required above the calculated emergency overflow depth.

The information provided on the grading and servicing plans indicate that Anderson Road can be overtopped by emergency overflows without impacting the homes abutting the SWM Pond. This can be deferred to detailed design, but must be taken into account in the future design of Anderson Street. When urbanized, the boulevards on Anderson Street should include erosion protection at the low point / overflow path and be designed with maximum ponding depths and flow velocities as per Town Design Criteria

- c) The SAS indicates that runoff from Conlin Road is to be directed to SWM Pond L4 however, the FSSR indicates that minor system drainage is to remain external to the site and outlet to the Anderson Street tributary. Every effort shall be made to integrate the grading, servicing, and stormwater management requirements for Conlin Road with the subdivision design.
- d) Provide details for the SWM facility outlet including cross sections from the SWM facility to the receiving watercourse west of Anderson Street, including the crossing of Anderson Street and the 100 year flood line information. This information is needed to justify the normal water level in SWM Pond L4 and the SWM facility outlet location and elevation.
- e) Calculations provided in the FSSR for the sediment drying area reflect a 2m sediment pile height. Sizing of the sediment drying area shall adhere to Town of Whitby Design Criteria, which specifies a maximum 1 m height. The Subdivider shall implement all changes to the plan resulting from modification to the SWM Pond Block's sediment drying area. The sediment drying area shall be located outside of the pond maximum water level.
- f) Provide vehicle turning path for the SWM pond maintenance road to ensure that typical maintenance vehicles (cube van) and a triaxle vehicle can navigate the current layout (with minimal reverse manoeuvring).
- g) At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.

2.20. Prior to the development of Phase 2 of the site (FSSR, Figure 4), the realignment of St. Thomas Street and replacement of the crossing of the Anderson Street Tributary, as outlined within the Functional Servicing and Stormwater Management Report and MBEA, and confirmation of the limits of the new regulatory floodline shall be completed to the satisfaction of the Central Lake Ontario Conservation Authority (CLOCA) and Town of Whitby.

- 2.21. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan if required to accommodate recommended noise control measures prior to registration.
- 2.22. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
- 2.23. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.
- 2.24. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
- 2.25. The Subdivider shall be responsible for providing service connections (if required) and a suitable storm drainage outlet for flows associated with Parkette Block 196, to the satisfaction of the Town of Whitby.
- 2.26. The storm drainage plan shall show drainage boundaries for both the proposed School Block and for possible residential development in the event that the site is not developed as a school. The receiving storm sewers shall be sized for the most conservative development scenario.
- 2.27. A second public access may be required for the subdivision until Street 'G' is fully constructed and extended to Street 'F' or Street 'F' is fully constructed and extended to Conlin Road. Any lots affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
- 2.28. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
- 2.29. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
- 2.30. Construction phasing of the development shall be to the satisfaction of Engineering Services, and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

Construction staging details will be required for the proposed servicing and road works on Anderson Street and external sanitary sewer and watermain construction on Conlin Road, including coordination with the proposed adjacent developments and the Region of Durham.

- 2.31. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria.
- 2.32. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high water table where applicable.
- 2.33. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
- 2.34. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
- 2.35. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, pavement design specifications based on street classifications, earth berm grading design, confirmation of design parameters and preliminary layout for LID measures, proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
- 2.36. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s), and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
- 2.37. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
- 2.38. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

- 2.39. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.

All other items related to the subdivision can be addressed through the subdivision agreement process subsequent to Draft Plan Approval.

B. Informational Comments

3. The following items can be addressed through the **Engineering Submission and Subdivision Agreement process**:

- 3.1. It is noted that the runoff coefficients specified within the Town's Design Criteria and Engineering Standards are minimum values to be utilized for sizing of the storm sewer system. Sample calculations shall be provided for all housing types (not just single detached) and shall be demonstrated by the consultant that the use of these minimum values is appropriate for the subject development. If required, the values shall be increased to represent the actual development proposal.

Ensure that the runoff coefficients in the Functional Servicing and Stormwater Management Report meet the minimum Town Design Criteria, unless otherwise approved as noted above.

- 3.2. Functional Servicing and Stormwater Management Report:

Unless significant changes are made to the Draft Plan a revised FSSR is not required therefore, comments provided below are to be considered as part of the detailed engineering design and Stormwater Management Report submission following Draft Plan approval.

a. Report Comments

1. It is understood that ultimately drainage from areas north of the plan will be conveyed when Anderson is widened and urbanized as part of the road detailed design and in the interim runoff from the external areas will be conveyed to the existing Anderson Street ditch and culvert. An analysis of the existing Anderson Street ditch capacity must be completed to confirm these flows can be conveyed/contained within the existing cross-section.
2. The use of rear yard catchbasins is to be minimized. Every effort shall be made during the detailed grading design to eliminate the need for rear yard catchbasins (RYCBs) through the use of mixed lot drainage types (i.e., pairing rear to fronts or pairing rear to fronts with split draining lots). If required, a minimum 3.0m wide easement as per Town Standard 107.20 shall be used for all RYCBs.
3. Section 6.2 and Figure 6 to be revised to reflect Town Design Criteria requirement that both front and rear roof leaders for townhouse units be connected to the storm sewer system unless otherwise directed.

4. The profile design for the Street 'A' and adjacent streets in the proposed development shall be coordinated with the MBEA Consultant. For external road improvements, proposed lot grades are to match future boulevard elevations along the ultimate right-of-way.
5. Intersection grading is to include vertical curves to minimize the depth of low points to reduce any potential flooding in the event of catchbasin blockage. Ensure catchbasins are located at low points and that the start / end of vertical curves are just beyond the edge of the adjacent travelled lane, including allowance for the future improvements on Anderson Street and Conlin Road. Single catchbasins are suitable at intersection low points.
6. Confirm the minor and overland flow drainage area boundary for the contributing portion of land east of the development land. Any area outside of the boundary that is contributing flows to the development lands is to be accommodated within the proposed development. Engineering calculations are to be provided to support the design of runoff from the hydro lands to the east draining through the front-draining residential lots on the east side of Street 'F'.
7. Provide clarification on the where the Minor and Major system flows are directed downstream of the SWM Pond. In the SAS, Section 3.4.3.1 notes that Pond L-4 drains to the Anderson Street ditch and then to proposed Culvert C-2. Also, add details outlining the requirements for the ultimate urbanization of Anderson Street and capacity calculation of the existing Anderson Street ditch.
8. Demonstrate how the minor system drainage from EXT-2 will be conveyed to SWM Pond L4.
9. The extent and location of the storm sewer pipe in Street 'A' is to be reviewed to show compliance to the cross sections provided in the MBEA.
10. Provide conceptual servicing and grading details to illustrate the internal and/or external servicing for Block 49 and include additional information on FGP and FSP to clarify these requirements.
11. The SWM criteria listed in Section 5.3.2 of the report should be updated to reference and reflect the Town's 2019 Design Criteria and Engineering Standards. It is recognized that the SWM pond concept design reflects the 2019 Standards.
12. Verify the input parameters in the pre-development and post-development Visual Otthymo (VO) hydrologic model and include figures indicating the delineation of the catchments for lands outside the study area (i.e., Catchment L11A draining to existing SWM Pond # 2, Catchment L11 Remaining Areas) and calculations supporting the key model input parameters such as % impervious.

13. The Subdivider shall provide further detail and delineate which uncontrolled areas are directed to Anderson Street and which are directed to Conlin Road. Supporting documentation and calculations shall be provided demonstrating that the existing Anderson Street and Conlin Road ditches have sufficient capacity to receive the flows.
14. Supporting calculation for the emergency spillway to the SWM facility to be provided.
15. Incorporate in the FSSR report typical Right-Of-Way cross sections.
16. Preliminary storm design sheets have not been provided so it is unclear if pipes are properly sized and if they have proper cover.

b. Functional Grading Plan Comments

1. Existing boundary grades are not being matched along the Anderson Street right-of-way. Provide cross sections to clarify the grading intent for the transition from the site to the interim and ultimate boulevard elevations.
2. Coordinate the latest MBEA grading with the proposed Functional Grading Plan. Latest Mid-Block grading elevations in the EA are not maintained by the Applicant. Applicant to monitor the detailed design process as changes to the alignment or recommended elevations may occur.
3. The design criteria specified in the Town of Whitby design standards Table C3.01 shall be used. Specific revision to the FGP include but are not limited to: i. Intersection through grades in the FGP exceed Table C3.01.
4. Provide grade and distance information for Street C.
5. Provide vertical curve K-Value for all proposed vertical curves to show compliance with Table C3.01.
6. Ensure minimum gutter grades for eyebrows are met per C3.03.3.
7. Demonstrate how the grading will work into the Hydro Corridor at Street 'A'.
8. Clarify limits of proposed work and temporary measures to tie into existing conditions.
9. Every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of Anderson Street, which is tributary to the site, into the area wide SWM design. This will be reviewed at the detailed design stage to minimize storm sewer infrastructure. As per Section 2 comments, both Anderson Street and Conlin Road are to be urbanized, therefore minor system flows are to be accommodated for all tributary areas upstream of the applicable SWM facility.

10. The method of conveyance for the external drainage area EXT-1 (1.43ha) through the adjacent front drainage lots shall be clarified and calculations provided to ensure the method of conveyance has sufficient capacity to prevent flooding of these lots.
11. Demonstrate how the flows north of Block 49 will not enter the site and how the overland flow will drain to the Lynde Creek tributary west of Anderson Street. Although the FSSR is stating this area will drain uncontrolled to Anderson and the Lynde Creek, a low point is being created at the north-west corner of Block 49 and thus causing this external drainage area and low point will be conveyed to the tributary.

c. Functional Servicing Plan Comments

1. The interim pond outlet shown on Figure 5A and the ultimate pond outlet shown on Figure 5B of the FSSR are both located below the 100yr Floodline elevation in the Lynde Creek Tributary. Provide engineering support to show how the 100yr Floodline will not adversely affect the function of the SWM Pond under both interim and ultimate conditions. The pond should meet all applicable design criteria under both conditions with (a) no tailwater at the outlet and (b) 100 year flood conditions at the outlet.
2. Provide further detail of the location and limits of sewers in Street 'A'.
3. Easements will be required for the construction of any roads and/or services that extend beyond the limits of the Draft Plan.
4. Maintenance holes with storm sewers sized 1200mm or greater shall not exceed 45 degree angles per B3.09 (e).
5. Angles less than 45 degrees between storm sewers are not acceptable per B3.09 (f).
- 3.3. Provide layout, cross-section, and profile details for the SWM facility outlets including erosion control measures along the affected valley lands between the outlet and the watercourse as part of the engineering drawings.
- 3.4. Provide layout and details for Emergency Access(s) if required due to subdivision phasing and access limitations.
- 3.5. Provide a detailed design brief and Operations and Maintenance Manual for the proposed SWM facilities.
- 3.6. Lots and blocks serviced by laneways, regardless of housing type, shall have all roof leaders directly connected to the municipal storm sewer unless otherwise approved.
- 3.7. It is noted that the Hydrogeological Assessment Report recommends that infiltration measures for Low Impact Development (LID) be located on public lands for maintenance and long term care. The Town of Whitby currently does not allow LID's within public road allowance.

- 3.8. To address lot level LID recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.
- 3.9. The Consultant is to provide the Town with a dual drainage (minor / major system) storm model for the entire development using Personal Computer Stormwater Management Model (PCSWMM) as part of the detail design and confirmation of HGL elevations.
- 3.10. The use of Inlet Control Devices (ICDs) is discouraged and shall be limited to roadway sags, as per Town requirements, to the greatest extent possible. The model shall illustrate the implications of conventional ICD placement at CBs, per Town standards and documentation regarding the recommended use of ICDs within the proposed subdivision shall be provided.
- 3.11. Provide detailed ponding limits at overland flow low points, and any points of overland convergence to ensure that appropriate emergency access can be maintained to the area based on Town of Whitby Design Criteria and that private property has been protected from flooding. Ponding limits are to be shown for 100-year storm events. Low points are to be located at the appropriate block or intersection location.

For all overland flow outlet points, the following shall be provided: flow channel profile, cross-sections and erosion protection works at all locations i.e., across window street boulevard areas, within specific overland flow blocks, across SWM Pond Blocks and any direct outlets to Open Space areas.

- 3.12. Provide details and analysis for the routing of overland flow through the stormwater management ponds to ensure stability of the pond under major storm events.
- 3.13. In advance of any on-site work, provide recommendations for monitoring of the existing creek/tributary during construction (erosion and sediment controls, stormwater management, vegetation protection, stream protection in area of storm outfall(s), dewatering, access, storage, and equipment maintenance requirements) and post construction (changes to vegetation or wildlife habitats and species).
- 3.14. On-road cycling facilities are to be integrated with the Community Services trails network at locations where off road facilities are provided (e.g., signage, rest stops and/or other enhancements).
- 3.15. Due to the preliminary nature of the proposed grading design for the school blocks, park blocks, and additional lands owned by the applicant, the overland flow calculations must consider the worst case scenario for the determination of flow volumes at each outlet.

- 3.16. Noise fence/barrier design may need to accommodate surface drainage outlets depending on the lot type and grading design. At the design stage, once detailed grading information is available, a letter will be required from the noise consultant to confirm that the recommendations of the Noise Report provided for the development remain relevant to the accepted grading.

Any transition in height of the noise barrier is to occur at lot lines so that the noise barrier height across individual lots is consistent.

- 3.17. The Subdivider shall address mail delivery provisions for any proposed phasing of the development as required.
- 3.18. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.
- 3.19. The Subdivider shall provide a Topsoil Management Plan at the detailed design stage and place lots on hold as required to facilitate the topsoil stockpile. Every effort shall be made to minimize stock piling of excess topsoil.
- 3.20. Per the recommendation within the Sub Area Study, topsoil thickness for landscaped areas within the development is to be increased.
- 3.21. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.
- 3.22. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

Strategic Initiatives (Sustainability)

The Sustainability Section has reviewed the proposed development and wishes to provide the following comments:

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. We can confirm that the applicant has provided all information possible at this stage of the development to demonstrate compliance with the Tier 1 mandatory performance.

However, in order to ensure the standard is being achieved staff will require the following information to be provided at a later date:

- Confirmation that appliances provided in residential buildings will meet Energy Star certification or equivalent as per Tier 1 criteria ECC1.4 ;
- Renewable energy feasibility study;
- Landscape plans demonstrating compliance with Tier 1;

- Architectural plans demonstrating compliance with Tier 1; and
- Electrical Plans demonstrating compliance with Tier 1.

The commitments outlined in the WGS checklist, Regional Report and requirements noted above will need to be outlined in the Site Plan Agreement (where applicable).

Sustainability Staff continue to encourage the applicant to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4 as it progresses into the detailed design stage. These standards support sustainable site design for the development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

To assist with achieving the advanced Tiers, staff encourage the applicant to:

- Install Level 2 EV charging stations in the visitor parking lot and include a rough-in conduit for EV charging stations in private parking spaces. As vehicles transition to electricity, access to charging stations in residents for low-cost overnight charging is becoming essential. There is currently funding available through [The Atmospheric Fund](#) to support this and encourage the applicant to contact sustainability staff for more information.
- Explore opportunities to integrate advanced clean energy measures through uptake of solar energy and other energy efficiency measures like air source and ground source heat pumps.
- Consider the uptake of voluntary measures outlined in the Whitby Green Standard Checklist.

Landscape Division

1. The Tree Preservation Plan set of 5 drawing sheets, is acceptable as revised. This includes the Details sheet (TPD1-1 page, dated April 6, 2022) and the Cover, and associated plan sheets TP1-TP3 (4 pages).
2. This (first) submission of the Arborist Report is acceptable with the following items noted:
 - The photos provided on the last two pages have no locations noted. If this information is available, please have the consultant provide this information.
 - The following trees require the permission of the adjacent landowner prior to removal: A, B, 463, 464, 465, 466, 445, 446. A copy of this permission is required to be submitted to the Planning Department, c/o the undersigned, for the town's records.
 - The following trees, identified as Boundary trees shared with Town, are noted. These trees are acceptable to remove: Tree #'s 892, 882, 883

The Arborist Report identified the following trees as located within the Town's right-of-way. These trees were also identified as requiring removal to facilitate this proposed development. An appraisal is required to be generated by an ISA certified Tree Appraiser, for submission to the Planning Department. The submitted appraisal will be considered in determining the appropriate compensation value and will be reviewed prior to providing the Town's permission for removal of these three trees. The trees that this condition applies to are identified in the Arborist Report as tree #'s 889, 886, and 867.

Fire and Emergency Services

The current proposal is showing a long dead-end on the west and east side of the site until the future development block is constructed to connect street F. FES would accept eliminating the secondary access if the developer can confirm that Street F are connected prior to any occupancies.

A fire break and hydrant plan shall be submitted for review and acceptance.

Region of Durham

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare. Living Areas are intended to accommodate a full range of housing options at higher densities.

The ROP classifies Anderson Street and the future Street 'A' as Type 'B' Arterial Roads. Where access opportunities are limited, Policy 11.3.35 of the ROP requires new development applications that abut arterial roads to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

Based on our preliminary review, the proposed plan of subdivision appears to increase the residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary as outlined in Schedule E – Table 'E9' of the ROP.

The subject lands are also in proximity to (industrial) Employment Areas. The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less sensitive than residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. It is the Region's understanding that these lands form part of the holdings of the Brooklin Landowner's Group and that this group is conducting a comprehensive LUC and Noise Study to address the impact and the required setbacks to the existing and future non-sensitive land uses in the area.

The proposed draft plan provides for a range of housing types, in accordance with the Town of Whitby's Brooklin Community Secondary Plan. Although the proposed development generally conforms to the Living Areas permissions of the ROP's, full conformity with the ROP can only be assessed once the Land Use Compatibility and Noise Study assessment has been completed and peer reviewed to the satisfaction of the Town of Whitby and the Region of Durham.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

The Provincial Policy Statement (PPS) contains policy direction on matters of Provincial interest related to land use planning. The PPS encourages settlement areas to be the focus of growth and development and supports a range and mix of land uses and housing types. New development in designated growth areas are to be compact and allow for the efficient use of land, infrastructure, while also supporting the health and well-being of communities. The PPS aims to minimize and eliminate land use compatibility issues between residential and industrial land uses.

The proposed development provides a range of housing types allowing for compact, efficient use of land and infrastructure. However, consistency with the PPS will be determined once the proponent's finalizes outstanding issues with Land Use Compatibility and Noise Study.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

In accordance with Policy 2.2.2.2 of the Growth Plan, a minimum of 40 percent of all residential development occurring annually in the Region must be within "Built-up Areas." Policy 2.2.7 requires all new development within designated greenfield areas to accommodate a minimum density target of 50 residents and jobs combined per hectare.

The Growth Plan also requires all intensification areas to support vibrant neighbourhoods by providing a diverse and compatible mix of land uses, including residential and employment uses.

As previously noted, subject lands are almost equally within both Whitby's "Built-up Area" and the designated Greenfield Area. The proposal will help contribute to the annual intensification targets and designated greenfield minimum density targets for the Town of Whitby and the Region, as well as provide a diverse and compatible mix of land uses within the Brooklin Urban Area. Conformity with the Growth Plan will be determined once Land Use Compatibility and Noise Study are completed and peer reviewed.

Provincial Plan Review Responsibilities

Environmental Site Assessment

In support of the proposed development, GHD has prepared the following documents for review:

- A Phase One Environmental Site Assessment (ESA) dated October 29, 2020;
- A Regional Reliance Letter dated October 30, 2020.

The Phase One ESA noted two potentially contaminating activities (PCAs) within the study area [250 metres (m)] from the subject lands pertaining to an above ground storage tank (AST) for heating oil purposes and a small electrical substation. The PCA's identified did not result into areas of potential environmental concern on the subject lands. As such, GHD concluded that the subject lands have a low risk of environmental concern and recommended that no further assessment of the environmental conditions is required at this time.

The Region has considered GHD's findings in accordance with our Soil and Groundwater Assessment Protocol (SGAP), but requires GHD to update the following:

- A certificate of Insurance must be submitted in accordance with Appendix F – Regional Municipality of Durham Reliance Letter of the SGAP.

In accordance with the Region's SGAP and the Ontario Brownfields Regulation (O.Reg. 153/04), we note that the above-noted documents will have to be updated periodically at the Region's discretion.

Environmental Natural Heritage

In support of the proposed development, Cambium Inc. (Cambium) prepared an Environmental Impact Study (EIS) dated January 27, 2021. The study was prepared to identify features and determine whether mitigation measures for the proposed removal or alteration of existing key natural heritage and/or hydrologic features (KNHHF) and their buffer area encroachments are required. The study also monitored various wildlife and species-at-risk (e.g., birds and redbreasted dace) that exist and any adverse effects the proposed development may cause on their existence.

The EIS referenced various mitigation measures to ensure that the proposed construction, alterations, and post-development effects related to the proposed development will prevent any negative impacts on the KNHHF, wildlife and their associated functions throughout the site.

The Region has a Memorandum of Understanding with the Central Lake Ontario Conservation Authority (CLOCA) to review and evaluate the environmental features and functions of all development proposals.

In CLOCA's commenting letter dated June 25, 2021, CLOCA notes a variety of environmental matters that remain outstanding prior to their issuance of their conditions of draft approval.

An updated letter dated July 28, 2022 was submitted from CLOCA stating that they have no issues granting approval of the proposal a, subject to the proponent satisfying the conditions outlined in their letter.

Land Use Compatibility Assessment and Noise Mitigation

The Brooklin Landowners Group is currently addressing a series of Land Use Compatibility (LUC) issues associated with surrounding existing and future employment uses area. The Region anticipates a consolidated study to address the related LUC and Noise mitigation. The consolidated LUC and Noise study will be subject to the Region's peer review process.

Regional Municipal Servicing

The theoretical servicing population for this development is 1188 people.

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way.

The Region will not permit the construction of sanitary sewer and water mains within the rear laneways. In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

Water Supply

The subject lands are located within the Zone 3 water supply system for Whitby (Brooklin). The estimated static water pressure for this area ranges between 510 kilopascals (kpa) or 73 pounds per square inch (psi) to 667 kpa (96 psi). The estimated static water pressure in parts of the site exceeds the maximum allowance of 550 kpa (80 psi), therefore, private pressure reducing valves will be required within each unit fronting a centreline road elevation below 164 metres (m).

The following works must be completed for water servicing to be available:

- A 600 millimetres (mm) Zone 3 feedermain on Anderson Street to the Region-owned driveway, just west of Garrard Road;
- A 900 mm Zone 3 feedermain on the Region owned driveway from Conlin Road to the Garrard Road Zone 3 Pumping Station;
- Upgrades of the Garrard Road Zone 3 Water Pumping Station; and
- A 400 mm Zone 3 feedermain on Anderson Street from Conlin Road to Clair Avenue.

The design of the sections of feedermain along Conlin Road, east of Thickson Road and along the Region owned driveway to the Garrard Road Zone 3 pumping station is currently underway. The details related to construction phasing and timelines are still being developed but this project is expected to be tendered in 2021.

It is our understanding that the sections of proposed Zone 3 feedermain on Conlin Road, west of Thickson, and Anderson Street from Conlin to Street 'A', along with the 400 mm diameter (dia.) watermain on Anderson Street from Street 'A' to the north side of highway 407 to Clair Avenue will be constructed by the developers.

Ultimately, the proposed development will require two water connections to the Zone 3 water supply system with a water feed from the east along Conlin Road and one water feed from the north along Anderson Street. Details regarding implementation, timing and cost sharing will need to be discussed and confirmed.

The internal watermain sizing should be reviewed with the surrounding development applications. Currently, the Region anticipates that 300 mm watermain are likely on Streets 'C', 'F' and 'G' within the subject lands. Further review of the watermain sizing will be determined upon subsequent submissions.

Sanitary Servicing

Sanitary servicing to the subject lands will require the extension of a local sanitary sewer from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street. Based on a theoretical population of 1,188 people, the sanitary flow would equate to approximately 22 litres per second (l/s).

Brooklin Sanitary Diversion to the Courtice Water Pollution Control Plant

The existing trunk sanitary sewer located within the existing easement west of Anderson Street conveys sanitary sewage flows from Brooklin to the Corbett Creek Water Pollution Control Plant (WPCP).

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is important to note that the Class EA that planned the Courtice WPCP included Brooklin within the service area. Similarly, the recently completed Class EA that planned the Courtice Trunk Sanitary Sewer also included Brooklin within its service area.

The additional proposed servicing works are outlined within the current Development Charge Background Study at a conceptual level; however, they will be subject to further study as part of the Class EA for the diversion of sanitary sewage to service North Whitby and North Oshawa. This Class EA is underway and is anticipated to be completed late 2022 early 2023. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area, but this must be reviewed and may change as development within the Brooklin Expansion Area proceeds.

Function Servicing and Stormwater Management Report

In support of the proposed development, Candevcon prepared a Functional Servicing and Stormwater Management Report dated March 2021. We have reviewed this report and request that the report and associated Functional Servicing Plan (FSP) drawing reflect the above-noted comments.

Waste Management

Guidelines for municipal waste collection service on Private Property are outlined in Schedule "P" of the Regional Waste Bylaw 46-2011. The Region only provides recycling service in the Town of Whitby. The Town provides all other waste collection. The set out of waste by each unit within a new development must adhere to the Technical and Risk Management Guidelines, showing clear delineation of set out for each residential unit where waste collection will occur.

For additional information the link is provided below:

<https://www.durham.ca/en/doing-business/commercial-waste.aspx>

Any dead-end road(s) must be designed and built with a permanent or temporary, T-turn or Cul-de-sac. The turn arounds will be reviewed in detail at the Engineering review stage to ensure it complies with the Waste Bylaw 46-2011.

Currently, the Ontario Ministry of Environment, Conservation and Parks introduced a draft regulation under the *Resource Recovery and Circular Economy Act*, 2016. The regulation will make producers responsible for blue box programs' operation including collection, as part of the Province's full producer responsibility framework. Subject to the filing of the new regulation and amendments, the Region of Durham cannot confirm that it will be the recycling service provider for this development upon the completion of Durham Region's Blue Box program transition, anticipated to occur in 2024.

For additional information the link is provided below:

<https://www.ontario.ca/page/waste-management#section-1>

Transportation

The proposed development was also reviewed from a Regional transportation operational and planning perspective.

Transportation Operational

The BA Group prepared the Conlin-Anderson Master Transportation Study dated March 2021 in support of the proposed development and adjacent properties. We have reviewed this report and have provided the following comments.

1. The Master Transportation Study is in support of the Conlin-Anderson Comprehensive Block Plan (CBP), covering 5095, 5125, 5245 and 5034 Anderson Street. The CBP comprises of development of 1850 residential units, 10,000m² commercial and 400 pupil school, lands within the Brooklin Community Secondary Plan area.
2. The transportation network within the study area is all within the jurisdiction of the Town of Whitby, with no direct Regional Road impacts. However, the Region has been involved in the ongoing Mid-Block Arterial Road EA and the multi-resolution modelling process, undertaken by BA Group for the Brooklin North Landowners Group. The following comments/recommendations are for the Town to consider in determining if additional submissions or revisions are required.
3. Based on the proposed CBP design, the modelling zones were increased and updated in the development area. When comparing the original assumptions made in the modelling with the updated assumptions, as set out in Table 4 (Page 19) there is shown to be an overall decrease in the residential trips (and total trips) when compared.
4. To match the Region's standards for operation of signals please ensure all modeling of signalized locations is in accordance with the following:
 - Minimum initial should be 8 seconds (sec) for side streets, 20 sec for main streets, and 5 sec for advance phases;
 - Permitted protected lefts should have an amber of 3 seconds and all red of 0 seconds;

- Recall mode should be C-max for main street phases and none for side street (with actuation by stop bar detection), recalls for advances should also be none for main streets and side streets and actuated by detectors setback 15 m. All signals should have Anderson as main street and Conlin as side street.
 - Advise against the use of an advance left phase at shared left/through/right lane as was modeled at Anderson & Street 'T'/Street N.
5. Sections 3.1 Proposed Network (Page 11) and Section 6.0 Summary and Conclusions (Page. 39) – identify the inclusion of pedestrian and cycling amenities in the development to promote sustainable transportation. It is recommended that 0.6 spaces/unit of long-term bicycle parking facilities and 0.1 spaces/unit or 3 spaces of short-term bicycle parking facilities be included at all properties and referenced in the report. It is recommended that both the longer term and short-term bicycle parking facilities be located near building / property entrances to help encourage sustainable transportation.
 6. We recommended that the proponent consider including Electric-Vehicle (EV) charging stations on site or “roughing-in” parking stalls for future ability to install charging stations for residents and/or visitors. Including EV charging stations can help support TDM and the achievement of sustainable mode share targets for the Town and Region.
 7. To promote sustainable commuting options for businesses and employees located at the mixed-use commercial segment of the proposed development, we recommend that carpool priority parking spots be provided and that information about the Region’s Smart Commute program for businesses and employers in Durham region to encourage sustainable transportation options.
 8. Section 6.0 Summary and Conclusions (Page 39) – indicate that current transit service in the area is limited and acknowledges that as the lands located in the Conlin-Anderson master plan area are developed, opportunities to expand transit service may arise. It is recommended that the Figure 10 Connectivity Map (page 33) be updated to denote where sidewalks as well as current and future / potential transit stops adjacent to the site are located, to help identify pedestrian-transit connections and to the site. Durham Regional Transit (DRT) should be consulted on potential transit stop locations.

Transportation Planning

The alignment of the Mid-Block Arterial is conceptually shown at the northern edge of the draft plan of subdivision as Street ‘A’. The Mid-Block Arterial Class EA study was completed in July 2021, and the plan should the road and corresponding roundabout are fully accommodated.

A walkway or open space block should also be provided between Street ‘A’ (the Mid-Block Arterial) and Street ‘D’ in the vicinity of Blocks 11 and 12. This would provide pedestrian connectivity between the Anderson Street / Mid-Block Arterial and the subdivision for access to future transit service and school travel (e.g., from the adjacent subdivision planned west of Anderson Street).

Transit

The proposed development was also reviewed from a Durham Region Transit (DRT) perspective and it was determined that the proposed development does not pose any significant transit concerns. Transit stop and infrastructure planning will be addressed during the subdivision draft plan approval stage or the site plan application stage, where appropriate.

Conclusion

The future draft approval of the proposed plan of subdivision is subject to the applicants satisfying the above-noted requirements. Any future revisions to the proposed draft plan of subdivision must also be subject to our review.

Region of Durham (Addendum to Previous Comments May 19, 2023)

Further to our previous correspondence on the above noted applications, a consolidated Land Use Compatibility report dated May 4, 2023, and a Noise Mitigation report, dated October 24, 2022 have been submitted. The Region is also in receipt of an updated Draft Plan dated April 23, 2023, for a subdivision development consisting of 378 residential units over 20.33 hectares (ha).

The proposed plan of subdivision increases the residential density to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieves an overall greenfield density target of approximately 60 persons and jobs per hectare. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary as outlined in Schedule E – Table 'E9' of the ROP.

The subject lands are in proximity to (industrial) Employment Areas. A Land Use Compatibility study was submitted and prepared by Cambium, dated May 4, 2023, and a Noise study was submitted and prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review needs to be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region of Durham. Any conditions associated with the peer review must be addressed as conditions of approval prior to the registration of any of the residential lots within the proposed plan of subdivision.

Conformity to the Durham Regional Official Plan (ROP)

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare. Living Areas are intended to accommodate a full range of housing options at higher densities.

The ROP classifies Anderson Street and the future Street 'A' as Type 'B' Arterial Roads. Where access opportunities are limited, Policy 11.3.35 of the ROP requires new development applications that abut arterial roads to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

Based on our review, the proposed plan of subdivision appears to increase residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary as outlined in Schedule E – Table 'E9' of the ROP.

The subject lands are also in proximity to (industrial) Employment Areas.

The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less sensitive than the proposed residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. A Land Use Compatibility study was submitted and prepared by Cambium, dated May 4, 2023, and a Noise study was submitted and prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review of the submitted reports shall be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of Town of Whitby and the Region of Durham.

The ultimate development of the proposed plan of subdivision will contribute to the Town's residential growth targets and provide for an array of housing options in general conformity to the Living Areas permissions of the ROP.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

The Provincial Policy Statement (PPS) contains policy direction on matters of Provincial interest related to land use planning. The PPS encourages settlement areas to be the focus of growth and development and supports a range and mix of land uses and housing types. New development in designated growth areas are to be compact and allow for the efficient use of land, infrastructure, while also supporting the health and well-being of communities. The PPS aims to minimize and eliminate land use compatibility issues between residential and industrial land uses.

The proposed development provides a range of housing types allowing for compact, efficient use of land and infrastructure. As such, the proposal is generally consistent to the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horsehoe

In accordance with Policy 2.2.2.2 of the Growth Plan, a minimum of 40 percent of all residential development occurring annually in the Region must be within “Built-up Areas.” Policy 2.2.7 requires all new development within designated greenfield areas to accommodate a minimum density target of 50 residents and jobs combined per hectare.

The Growth Plan also requires all intensification areas to support vibrant neighbourhoods by providing a diverse and compatible mix of land uses, including residential and employment uses.

As previously noted, subject lands are almost equally within both Whitby’s “Built-up Area” and the designated Greenfield Area. The proposal will help contribute to the annual intensification targets and designated greenfield minimum density targets for the Town of Whitby and the Region, as well as provide a diverse and compatible mix of land uses within the Brooklin Urban Area. As such, the proposal generally conforms with A Place To Grow.

Provincial Plan Review Responsibilities

Environmental Site Assessment

In support of the proposed development, GHD has prepared the following documents for review:

- A Phase One Environmental Site Assessment (ESA) dated October 29, 2020;
- A Regional Reliance Letter dated October 30, 2020.

The Phase One ESA noted two potentially contaminating activities (PCAs) within the study area [250 metres (m)] from the subject lands pertaining to an above ground storage tank (AST) for heating oil purposes and a small electrical substation. The PCA’s identified did not result into areas of potential environmental concern on the subject lands. As such, GHD concluded that the subject lands have a low risk of environmental concern and recommended that no further assessment of the environmental conditions is required at this time.

The Region has considered GHD’s findings in accordance with our Soil and Groundwater Assessment Protocol (SGAP), and requires GHD to update the following:

- A certificate of Insurance must be submitted in accordance with Appendix F – Regional Municipality of Durham Resilience Letter of the SGAP.

In accordance with the Region’s SGAP and the Ontario Brownfield Regulation (O. Reg. 153/04), we note that the above-noted documents will have to be updated periodically at the Region’s discretion and can be included as a future condition of draft approval.

Environmental Natural Heritage

In support of the proposed development, Cambium Inc. (Cambium) prepared an Environmental Impact Study (EIS) dated January 27, 2021. The study was prepared to identify features and determine whether mitigation measures for the proposed removal or alteration of existing key natural heritage and/or hydrologic features (KNHHF) and their buffer area encroachments are required. The study also monitored various wildlife and species-at-risk (e.g., birds and redbreasted dace) that exist and any adverse effects the proposed development may cause on their existence.

The EIS referenced various mitigation measures to ensure that the proposed construction, alterations, and post-development effects related to the proposed development will prevent any negative impacts on the KNHHF, wildlife and their associated functions throughout the site.

The Region has a Memorandum of Understanding with the Central Lake Ontario Conservation Authority (CLOCA) to review and evaluate the environmental features and functions of all development proposals.

An updated letter dated July 28, 2022 was submitted from CLOCA stating that they have no issues granting approval of the proposal a, subject to the proponent satisfying the conditions outlined in their July 28th letter.

Regional Municipal Servicing

Comments from the Regional Works Department provided in September 2022 remain applicable.

Transportation

Comments from the Regional Works Department provided in September 2022 remain applicable.

Conclusion

The proposed subdivision application will facilitate the development of 371 residential units and provide an array of housing types in general conformity with the direction of the ROP. A consolidated LUC and Noise Mitigation Study was submitted to the Region and concludes the proposed residential uses meet applicable provincial standards and guidelines. In accordance with regional requirements, a peer review of the submitted reports shall be conducted. The peer review and any of its findings and/or recommendations must be addressed to the satisfaction of the Town of Whitby and the Region of Durham.

Central Lake Ontario Conservation Authority

Based on our review of the submitted documentation we are satisfied that all remaining outstanding comments can be addressed through fulfillment of conditions of draft plan

approval. As such, the following comments are provided to guide the next steps of the development process.

Zoning By-law Amendment (Z-08-21)

1. All permanent Hazard Land and its approved development setback should be zoned Greenbelt (G) as per Zoning By-law 1784 or the appropriate equivalent.
2. Lands that are currently within Hazard Land (i.e., Regulatory Floodplain and setback) that are proposed for development once they are brought out of the floodplain when certain infrastructure improvements (i.e., Mid-Block Arterial Road) have been completed should have a Holding Provision attached to their assigned zone that only permits existing uses on these lands until the following conditions are satisfied:
 - a) That the Owner demonstrate that all lands proposed for development are outside of all hazard land associated with Lynde Creek (e.g., regulatory floodplain and setbacks) to the satisfaction of Central Lake Ontario Conservation Authority.
3. Please provide CLOCA with a copy of the draft Zoning By-law Amendment with Schedule prior to any approval of the zoning for this property.

Draft Plan of Subdivision (SW-2021-03)

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
 - a. The intended means to remove all developable lands from within the regulatory floodplain of Lynde Creek. Based on the results of this study, the Subdivider agrees that the draft plan may be subject to red-line revisions to ensure that all appropriate development limits, including, but not limited to residential lots are outside of the established hazard limits.
 - a) The intended means to address all appropriate design criteria and recommendations within the Ministry of the Environment, Conservation and Parks (MECP) approved Municipal Mid-Block Arterial Road Class Environmental Assessment Study. Based on the results of this exercise, the Subdivider agrees that the draft plan may be subject to red-line revisions.
 - b) The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.

- c) 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 suspended solids in any water body because of on-site, or other related works.
 - d) The intended means to maintain appropriate water balance for the site and to the adjacent hydrologic features (e.g., wetlands, headwaters, watercourses) as part of this development.
 - e) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
2. That the Subdivider shall agree to not undertake any on-site works related to Phase Two (2) of the plan of subdivision, including any servicing or on-site grading until the Central Lake Ontario Conservation Authority has advised in writing that the affected lands are not susceptible to flood risk to the satisfaction of Central Lake Ontario Conservation Authority.
 3. That the Subdivider agree to not enter into any purchase and sale agreements with respect to any lots or blocks in Phase Two (2) of the draft plan of subdivision that are located within, or partially within, the regulatory floodplain until such time that the Central Lake Ontario Conservation Authority has advised in writing that all new and improved infrastructure has been constructed and installed to our satisfaction resulting in the removal of these lands from the regulatory floodplain.
 4. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the *Endangered Species Act* and the *Species at Risk Act* will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans. Based on the results of this exercise, the Subdivider agree that the plan may be subject to red-line revisions.
 5. That the Subdivider agree that the plan may be subject to further red-line revisions to accommodate the requirements of the Central Lake Ontario Conservation Authority, the Town of Whitby and other approval agencies with respect to development limits associated with existing hazard lands.
 6. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the *Conservation Authorities Act*.
 7. 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.
 8. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions: a. The Subdivider agrees to carry out the works referred to in Conditions 1 to the satisfaction of the Central Lake Ontario Conservation Authority.

9. 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.
10. 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.
11. The Subdivider agrees to provide Central Lake Ontario Conservation Authority with a copy of the final M-Plan and executed Subdivision Agreement prior to registration of each Phase of development.

Ontario Regulation 42/06 of the *Conservation Authorities Act*

A permit from CLOCA will be required for any site alteration and/or development within any lands regulated through Ontario Regulation 42/06 of the *Conservation Authorities Act*. A separate application process and fee collection will be required as part of this process.

Hydro One

Please be advised that the transmission corridor lands affected by the proposed development and identified as such herein are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of *The Electricity Act, 1998*, as amended. The owner of these lands is Her Majesty, The Queen In Right of Ontario, as represented by The Minister of Infrastructure ("MOI"). Ontario Infrastructure & Lands Corporation ("OILC") as agent for the Province, must review and approve all secondary land uses such as roads that are proposed on these lands. HONI is currently acting as a service provider to OILC, and undertakes this review on their behalf.

The comments detailed herein do not constitute an endorsement of any element of the subdivision design or road layout, nor do they grant permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

Should the developer require any use of and/or access to the transmission corridor at any time, the developer must contact Greg Gowan, Senior Real Estate Coordinator at 416-527-3487 in order to ensure all of HONI's technical requirements are met to its satisfaction, and acquire any applicable agreements.

The following should be included as Conditions of Draft Approval:

1. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
2. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During

construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.

3. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
4. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the Town of Whitby.

Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

In addition, HONI requires the following be conveyed to the developer as a precaution:

1. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

Attachment #9
Conditions of Draft Plan of Subdivision Approval
File No. DEV-13-21 (SW-2021-03)

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by Bousfields Inc., identified as drawing number 20282-47 DP, plotted April 24 2023, which illustrates the following land uses: 163 units for detached dwellings, 143 units for street townhouses, one overland flow block, one parkette block, one stormwater management pond block, one school block, and municipal roads, road widenings and additional lands owned by the applicant.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Protocol.
5. The Subdivider shall carry out an archaeological assessment of the subject site and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
6. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the Acoustical Consultant's recommendations of the noise report, entitled "Environmental Noise and Vibration Study" prepared by Valcoustics and dated October 25, 2022, which specifies noise attenuation measures for the development. These measures shall be included in the Subdivision 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.
7. Prior to registration the Subdivider shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by Cambium and dated May 4, 2023, and the Noise study

prepared by Valcoustics and dated October 25, 2022 to the satisfaction to the Region of Durham and Town of Whitby.

8. The Subdivider shall agree to implement any of the recommendations and mitigation measures contained in the “Land Use Compatibility Study – Air Quality”, prepared by Cambium dated May 24, 2023, and/or any modifications stemming from the Region of Durham’s peer review process in the Subdivision Agreement between the Subdivider and the Town of Whitby to the satisfaction of the Region of Durham.
9. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
10. 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 Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
11. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply capacities are available to the proposed subdivision.
12. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region 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 and other Regional services.
13. The Subdivider shall, to the satisfaction of the Region, revise the draft plan of subdivision based on the final Brooklin Major Roads Environmental Assessment with respect to all matters addressed therein, as may be required by the Region, including any impacts on sanitary sewerage, water supply, Regional roads and stormwater management facilities servicing Regional roads.

14. That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
- a) The intended means to remove all developable lands from within the regulatory floodplain of Lynde Creek. Based on the results of this study, the Subdivider agrees that the draft plan may be subject to red-line revisions to ensure that all appropriate development limits, including, but not limited to residential lots are outside of the established hazard limits.
 - b) The intended means to address all appropriate design criteria and recommendations within the Ministry of the Environment, Conservation and Parks (MECP) approved Municipal Mid-Block Arterial Road Class Environmental Assessment Study. Based on the results of this exercise, the Subdivider agrees that the draft plan may be subject to red-line revisions.
 - c) The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.
 - d) 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 suspended solids in any water body because of on-site, or other related works.
 - e) The intended means to maintain appropriate water balance for the site and to the adjacent hydrologic features (e.g., wetlands, headwaters, watercourses) as part of this development.
 - f) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
15. That the Subdivider shall agree to not undertake any on-site works related to Phase Two (2) of the plan of subdivision, including any servicing or on-site grading until the Central Lake Ontario Conservation Authority has advised in writing that the affected lands are not susceptible to flood risk to the satisfaction of Central Lake Ontario Conservation Authority

16. That the Subdivider agree to not enter into any purchase and sale agreements with respect to any lots or blocks in Phase Two (2) of the draft plan of subdivision that are located within, or partially within, the regulatory floodplain until such time that the Central Lake Ontario Conservation Authority has advised in writing that all new and improved infrastructure has been constructed and installed to our satisfaction resulting in the removal of these lands from the regulatory floodplain.
17. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the Endangered Species Act and the Species at Risk Act will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans. Based on the results of this exercise, the Subdivider agree that the plan may be subject to red-line revisions.
18. That the Subdivider agree that the plan may be subject to further red-line revisions to accommodate the requirements of the Central Lake Ontario Conservation Authority, the Town of Whitby and other approval agencies with respect to development limits associated with existing hazard lands.
19. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
20. 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.
21. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
 - a) The Subdivider agrees to carry out the works to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) 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.
 - c) 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.

- d) The Subdivider agrees to provide Central Lake Ontario Conservation Authority with a copy of the final M-Plan and executed Subdivision Agreement prior to registration of each Phase of development.
- 22. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each townhouse block/phase with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreements, including any review required by Legal Services.
- 23. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and / or the oversizing of services if required.
- 24. The Subdivider shall provide a Firebreak Lot/Block plan, hydrant location plan, and fire route/temporary emergency access plan to the satisfaction of the Whitby Fire and Emergency Services Department.
- 25. That the proposed homes to be located on the subject land shall be subject to review by the Control Architect.
- 26. That the new home construction be designed to meet the Energy Star standards or equivalent.
- 27. Any financial securities required of the development shall be provided as specified by the Town's Corporate Services Department and shall not include bonds.
- 28. 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.
- 29. Through the Site Plan/ Plan of Subdivision Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the applicant.
- 30. Parkette Block 196 shall be dedicated to the Town free and clear of all encumbrances and shall be a minimum of .4 hectares of developable land.

31. If it is identified through the parks design process that more land is required to accommodate the park amenities included in the provided Park Facility Fitment Plan, then the individual Park Block shall be expanded into the adjacent developable area as required to accommodate the park amenities. Steeply sloping grades determined to be unsuitable for park development will not be accepted as parkland dedication.
32. Cash-in-lieu of parkland is required for this development at a rate in accordance with the Planning Act. A land appraisal will be required for review and approval by the Town.
33. Hydro Corridor Block 198 shall be sloped/graded to allow for the construction of an accessible trail connection to the Hydro Electric Corridor behind proposed lots on Street F. Proposed trail slopes must meet Town Accessibility Standards. If it is determined by Hydro One that Block 198 is not required, the Town will require an access trail block at the same location.
34. 1.2 metre black vinyl standard park fencing shall be installed where park blocks abut residential lots.
35. The Subdivider shall convey the following to the Town:
 - a) Block 195 for Overland Flow block;
 - b) Block 196 for Parkette;
 - c) Block 197 and 205 for Stormwater Management Facility;
 - d) Block 198 for Open Space;
 - e) Block 200 for Hydrant Access; and
 - f) Block 203 and 204 for Road Widening's on the east side of Anderson Street.
 - g) Block TBD for Municipal Use (1.0m wide on the north side of Block 199).
36. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the on-going Mid-Block Arterial Schedule C Environmental Assessment (MBEA) prior to registration, including but not limited to:
 - a) The final right-of-way width, alignment, and horizontal and vertical design of Street 'A' (Mid-Block Arterial), including the intersection with Anderson Street.
37. The Subdivider shall provide an updated Sub-Area Study (SAS) to address the comments provided in a separate memo from KSGS Engineering dated May 26, 2021. All major comments must be addressed to the Town's satisfaction prior to initiating detailed design.

38. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
- a) 1.8m wide sidewalk on the east side of Anderson Street along the frontage of the proposed development.
 - b) 1.8m wide sidewalk on the south side and 3.0m Multi-Use Path on the north side of Street 'A' from Anderson Street to the eastern property boundary.
 - c) 3.0m Multi-Use Trail within Block 198 to connect to the proposed Trail within the adjacent Hydro Corridor.
 - d) 1.8m wide sidewalk on both sides of all other streets. Width to be increased to 2.5m adjacent to Schools and Parks.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

39. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.
40. The Subdivider shall be responsible for the reconstruction of Anderson Street to a 2 lane urban cross-section with a 3.0m Multi Use Path on the west side, sidewalk on the east side and on-road bike lanes from the former Hydro Corridor at the south limit of the development area to the Mid-Block Arterial (approximately 1.5km length). Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.

Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.

Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4 lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

41. The Subdivider shall be responsible for the reconstruction of Conlin Road as follows:
- a) From Anderson Street to the west limit of the Conlin/Anderson development area: this portion of Conlin Road is an existing dead-end

local road. As an integral part of the subdivision developments it will stay as a local 20m road, reconstructed to an urban standard with sidewalks on both sides, including any required turning lanes and entrance works.

- b) From Anderson Street to the east limit of the Conlin/Anderson development area: this portion of Conlin Road shall be a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a sidewalk on the south side, on- road bike lanes, and any required turning lanes and entrance works.
42. The Subdivider shall be responsible for the installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls at Anderson Street / Street 'C' and Conlin Road/Street 'F' intersections and the ultimate traffic signals at Anderson Street/Street 'C' intersection.
- Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.
43. The Subdivider shall demonstrate that the width of Block 195 has sufficient width to accommodate the conveyance of the necessary overland major system flows. If required, the plan shall be revised to convey additional width, all to Engineering Services satisfaction, prior to registration.
- Similarly, there is a concern that overland flows on Street 'C' will reach unacceptable depths and/or spill to Anderson Street before achieving the calculated flow depth in the overland path at the south end of Block 205 leading to the SWM pond. During detailed design, it must be demonstrated that major system flows will be fully contained and comply with all Town standards.
44. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
45. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.
46. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as

determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.

47. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.
48. The Subdivider shall provide an updated Master Transportation Study (MTS) prior to final acceptance of the Plan by the Commissioner of Planning and Development and as part of the detailed engineering design.
 - a) The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'C', Street 'D', Street 'F', Street 'G' and on all roads adjacent to Park and School blocks to support safe travel speeds and a comfortable environment for all users.
 - b) Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO) at Anderson Street/Street 'C' and Conlin Road/Street 'F'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.
 - c) Active transportation connection between Street 'F' and the Hydro Corridor within Block 198.
 - d) While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
 - e) As part of the MTS the consultant has identified that intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.
 - f) The School Block facility fit will be subject to the review and approval of the Durham District School Board. Town comments on the school layout will be provided at the time of Site Plan design and approval.

The Draft Plan shall not preclude the alignment of school driveways with neighbourhood intersections. School designs to conform to the Region of Durham School Design Guidelines and the Institute of Transportation Engineers (ITE) School Site Planning, Design and Transportation. Access should be coordinated early to properly align with intersections within the neighbourhood. Type and location of pedestrian crossing(s) for the School site to be included within the MTS.

49. The Subdivider shall provide a plan showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs, and intersections with angles less than 90 degrees), tangents, intersection angles/skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline and/or alignment concerns.

50. The Functional Servicing and Stormwater Management Report shall be updated to address the following comments:
- a) Where there is no other viable design alternative, the Town of Whitby will accept a single sewer pipe within the laneway i.e., either the sanitary sewer (subject to Region of Durham acceptance) or the storm sewer. The FSSR shall be revised to demonstrate how the laneway units are to be serviced from Anderson Street or Street 'B' in addition to the service within the laneway.
 - b) The Design Consultant is to investigate alternative methods of servicing Block 174 for storm drainage without the need for a third collector pipe. The proposed Foundation Drain Collector system is to be eliminated if possible. The Subdivider shall implement all changes to the plan resulting from modification to the storm sewer system to drain Block 174.
 - c) Current Stormwater Management (SWM) facility access road and overland flow route location is not desirable due to proximity to the proposed signalized Street 'C' and Anderson Street intersection. Access to be from Anderson Street to the north of Street 'C' with the exact location determined through detailed design review for the reconstruction and ultimate widening of Anderson Street.
51. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

52. The Following Lots/Blocks shall be placed on hold: Block 201 – Future Development, until such time as it can be merged with land to the north.
53. The SWM Blocks 197 and 205 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and / or wetland pockets at the outfall.

a) Since separate water quality treatment for just road drainage is not efficient, every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of both Anderson Street and Conlin Road that are tributary to the site, into the SWM Pond design. This will be reviewed at the detailed design stage.

b) Provide details for the emergency overflow outlet from SWM Pond L4 and demonstrate that Culvert C-2 under Anderson Street has capacity for the uncontrolled flows from the pond. Note that this may affect the top elevation of Pond L4, as a freeboard of at least 0.15 m is required above the calculated emergency overflow depth.

The information provided on the grading and servicing plans indicate that Anderson Road can be overtopped by emergency overflows without impacting the homes abutting the SWM Pond. This can be deferred to detailed design, but must be taken into account in the future design of Anderson Street. When urbanized, the boulevards on Anderson Street should include erosion protection at the low point / overflow path and be designed with maximum ponding depths and flow velocities as per Town Design Criteria.

c) The SAS indicates that runoff from Conlin Road is to be directed to SWM Pond L4 however, the FSSR indicates that minor system drainage is to remain external to the site and outlet to the Anderson Street tributary. Every effort shall be made to integrate the grading, servicing, and stormwater management requirements for Conlin Road with the subdivision design.

d) Provide details for the SWM facility outlet including cross sections from the SWM facility to the receiving watercourse west of Anderson Street, including the crossing of Anderson Street and the 100 year flood line information. This information is needed to justify the normal water level in SWM Pond L4 and the SWM facility outlet location and elevation.

e) Calculations provided in the FSSR for the sediment drying area reflect a 2m sediment pile height. Sizing of the sediment drying area shall adhere

to Town of Whitby Design Criteria, which specifies a maximum 1 m height. The Subdivider shall implement all changes to the plan resulting from modification to the SWM Pond Block's sediment drying area. The sediment drying area shall be located outside of the pond maximum water level.

- f) Provide vehicle turning path for the SWM pond maintenance road to ensure that typical maintenance vehicles (cube van) and a triaxle vehicle can navigate the current layout (with minimal reverse maneuvering).
 - g) At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.
- 54. Prior to the development of Phase 2 of the site (FSSR, Figure 4), the realignment of St. Thomas Street and replacement of the crossing of the Anderson Street Tributary, as outlined within the Functional Servicing and Stormwater Management Report and MBEA, and confirmation of the limits of the new regulatory flood line shall be completed to the satisfaction of the Central Lake Ontario Conservation Authority (CLOCA) and Town of Whitby.
 - 55. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan if required to accommodate recommended noise control measures prior to registration.
 - 56. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
 - 57. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.
 - 58. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
 - 59. The Subdivider shall be responsible for providing service connections (if required) and a suitable storm drainage outlet for flows associated with Parkette Block 196, to the satisfaction of the Town of Whitby.
 - 60. The storm drainage plan shall show drainage boundaries for both the proposed School Block and for possible residential development in the event that the site is not developed as a school. The receiving storm sewers shall be sized for the most conservative development scenario.

61. A second public access may be required for the subdivision until Street 'G' is fully constructed and extended to Street 'F' or Street 'F' is fully constructed and extended to Conlin Road. Any lots affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
62. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
63. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
64. Construction phasing of the development shall be to the satisfaction of Engineering Services, and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

Construction staging details will be required for the proposed servicing and road works on Anderson Street and external sanitary sewer and watermain construction on Conlin Road, including coordination with the proposed adjacent developments and the Region of Durham.
65. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria.
66. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high water table where applicable.
67. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
68. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

69. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, pavement design specifications based on street classifications, earth berm grading design, confirmation of design parameters and preliminary layout for LID measures, proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
70. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider.

This condition will be superseded at such time as the Town has a Peer Review By-law in place.

71. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
72. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
73. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
74. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
75. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
76. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.

77. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
78. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
79. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of Block 199, 2.736 hectares (6.761 acres) in size, for elementary school purposes.
80. That the Subdivider submits plans indicating existing and proposed grades, drainage, and servicing for approval by the Durham District School Board for all lots, blocks, easements, and roads abutting Block 199.
81. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within Block 199, prior to the registration of Phase 1 of the development.
82. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within Block 199.
83. That any filling conducted within Block 199 meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
84. That the Subdivider rough grade Block 199 to the satisfaction of the Durham District School Board.
85. That the Subdivider agrees to bring all municipal services and connections to the edge of Block 199, along the street and submit drawings to the Durham District School Board for approval.
86. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9 gauge galvanized or #6 gauge vinyl coated) along the perimeter of Block 199 where it abuts proposed or existing residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.
87. That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the owner and all prospective homebuyers.

88. Students from this development may have to attend existing schools. Although an elementary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school.
89. That the Subdivider agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres and/or provide information to future buyers.
90. That the draft plan be revised to show a possible low density road and lotting fabric on school Block 199 in the event the school board does not action the option to purchase.
91. That the Subdivider covenants and agrees to enter into the cost sharing agreeing amongst the benefitting landowners in accordance with Section 11.5.31.5 e) and f) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 91 upon receipt of a letter of clearance from the "Trustee" representing the Brooklin Cost Sharing Agreement.
92. The following clause shall be included in all offers of purchase and sale for all lots and blocks within the Subdivision Plan:

All purchasers are advised that the Subdivider/Builder within the subdivision plan are responsible for the maintenance of all unassumed roads which shall include but not be limited to snow plowing, salting/sanding, street sweeping, dust control measures and repairs to the base coat of asphalt until the subdivision road allowances are assumed by the Town.
93. No building permits shall be issued for any lots or blocks until the Land Use Compatibility and Noise Study has been accepted by the Region of Durham and the Town.

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 1-13 have been satisfied;
- b) The Central Lake Ontario Conservation Authority, how conditions 14-21 have been satisfied;
- c) Hydro One, how conditions 75-78 have been satisfied.

d) Durham District School Board, how conditions 79-89 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. This 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 Section 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 the request, shall apply.

Staff Report

whitby.ca/CouncilCalendar



Report Title: Update Traffic By-law # 1862-85, No Stopping on Kirkland Place

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: PDE 10-23

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

Roger Saunders, Commissioner,
Planning and Development

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

For additional information, contact:

Peter Angelo, Director, Engineering
Services, x4918

Tara Painchaud, Senior Manager,
Transportation Services, x4937

1. Recommendation:

1. That Council approve the proposed amendment to Traffic By-law # 1862-85, to incorporate the changes to Schedule "A" of the By-law, as identified in Attachment 2.
2. That a By-law to amend By-law # 1862-85 be brought forward for the consideration of Council.
3. That Council direct the Clerk to provide a copy of Report PDE 10-23 to Durham Student Transportation Services (DSTS) and the Durham District School Board (DDSB).

2. Highlights:

- Durham Student Transportation Services (DSTS) has requested a restriction on Kirkland Place to assist with future bus turning movements.
- The proposed No Stopping restriction times correlate to Williamsburg Public School arrival and dismissal times.

- The estimated cost of implementing the requested restriction is in the order of \$1,500.

3. Background:

Durham Student Transportation Services (DSTS) is responsible for the management and administration of all school transportation between home and school, for students eligible for bus transportation, in accordance with the Transportation Policy of both the Durham District School Board and the Durham Catholic District School Board.

Students are eligible for transportation if their home is within their designated school attendance boundary at a distance of more than 1.6 km for elementary students and 3.2 km for secondary school students.

4. Discussion:

Starting in September 2022 Williamsburg Public School will have an increase in bussing to accommodate the school's new catchment area. The school currently has two small school buses; beginning in September, at least two large school buses will be added. The bus loop is currently using the Medland Avenue access but will be moved to the Kirkland Place access. The Kiss and Ride will be moved from Kirkland Place to the Medland Avenue access.

Buses exiting the school site will be turning right onto Northbound Kirkland Place. Parents/caregivers that park their vehicle too close to the driveway will hinder safe bus turning movements and DSTS has requested a restriction to assist with bus movements. Refer to Attachment No. 1 for the proposed restriction.

School site changes being undertaken by the Durham District School Board will include new on-site signage and pavement markings and reorganization of staff parking. Depending on the September enrolment portables may be installed.

The restriction is proposed to be 7:30 a.m. – 8:30 a.m. and 2:30 p.m. – 3:30 p.m., Monday to Friday, September to June. This coincides with the current arrival and dismissal bell times, considers buses that may be early/late and allows minor flexibility for possible future bell time changes.

5. Financial Considerations:

The cost of manufacturing and installing the signage is expected to be \$1,500 and will be funded from Capital Project # 40236403 for Future Traffic Signage and Pavement Markings.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

A No Stopping restriction and the associated signage will allow Parking Services to enforce the restriction. Parking Services staff have been advised of the proposed restriction.

8. Strategic Priorities:

The recommendations contained in this report align with the objectives of the Organization and Customer Priorities of the Corporate Strategic Plan. In addition, sustainable transportation such as bussing is a key sustainability principle. Working with stakeholders for the Town's planning and decision-making aligns with the Town's sustainability objectives.

9. Attachments:

Attachment 1 – Proposed No Stopping Restriction on Kirkland Place

Attachment 2 – Draft By-law to Update Traffic By-law # 1862-85



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Legend:



Whitby

 No Stopping

Proposed No Stopping

PDE 10-23
Attachment 1



Town of Whitby

By-law # Insert Number

Traffic By-law Amendment

Being a By-law to Amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby

Whereas the Council of The Corporation of the Town of Whitby has passed By-law 1862-85 to regulate traffic on highways in the Town of Whitby;

And whereas, the Council of The Corporation of the Town of Whitby considers it desirable to amend the provisions of By-law # 1862-85;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1. That Schedule A, No Stopping, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

2.1. The provisions of this by-law shall come into force and take effect on the passing thereof and at such time as proper signage has been erected.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

Schedule A, No Stopping, to By-law 1862-85, as amended, is further amended by adding thereto the following:

Column 1 Highway	Column 2 Side	Column 3 Between	Column 4 Prohibited Times or Days
Kirkland Place	West	Williamsburg Public School Southerly Driveway and 15m South	7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m.

Table 1 - Schedule A, No Stopping, to By-law 1862-85, as amended, adding thereto

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: PDE 11-23

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

Roger Saunders, Commissioner,
Planning and Development

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

For additional information, contact:

Peter Angelo, Director, Engineering
Services, x4918

1. Recommendation:

1. That Council approve a change order incorporating the Columbus Road (Country Lane to Lake Ridge Road) Environmental Assessment Study into the current Highway 7/12 Alternative Route EA contract with BT Engineering, in accordance with the estimate of scope and cost outlined in Report PDE 11-23; and,
2. That a new 2023 capital project be created for the Columbus Road (Country Lane to Lake Ridge Road) Environmental Assessment Study, in the amount of \$255,000 to be funded from the reserves outlined in Table 1 of Report PDE 11-23.

2. Highlights:

- The Highway 7/12 Alternative Route EA has completed the technical analysis for the emerging issues identified in late 2021.
- The Project Team has reconfirmed the status of Alternative B-R (Lake Ridge Road and CPR rail corridor) as the Technically Preferred Alternative (TPA).

In consideration of the additional analysis, the TPA now includes a direct connection between Lake Ridge Road and Highway 412.

- This Highway 412 connection is significantly impacted by the intersections of 7th Concession (in Pickering) and Columbus Road (in Whitby) with Lake Ridge Road.
- The future alignment and design of the west end of Columbus Road and its intersection with Lake Ridge Road is the subject of a future Environmental Assessment (Country Lane to Lake Ridge). The potential realignment of Columbus Road to align with 7th Concession in Pickering is a consideration that would have bearing on the Hwy 7/12 Alternative Route design.
- Advancing the Columbus Road EA as part of the Hwy 7/12 EA is beneficial to the outcomes of both studies, in terms of technical efficiency, cost, and timing.
- Community Open House (COH) 4 for the Highway 7/12 EA is being planned for the Fall of 2023. The purpose of COH 4 will be to present the Technically Preferred Alternative and its design concepts, including the Highway 412 Connection.
- Initiating the Columbus Road EA immediately would allow the opportunity to advance the preferred alignment and design of Columbus Road at Lake Ridge Road such that COH 1 and COH 2 required for the Columbus Road EA would align with COH 4 and COH 5 for the Hwy 7/12 EA.
- Benefits to the Highway 7/12 EA are that a more definitive preliminary design for Highway 7/12 can be developed, which in turns allows the Ministry and Town to proceed with the protection of lands.
- Benefits to the Columbus Road EA are that the preliminary design can advance on an accelerated time schedule to align more closely with the current Detailed Design project, and efficiencies are realized in terms of scope of work, cost, and scope of work that can be realized.
- The Columbus Road EA and Design is currently in the Town's 10-Year Capital Forecast for 2025.

3. Background:

During 2022, the Highway 7/12 Project Team was charged with completing technical analysis for emerging issues related to land use and transportation network changes in the study area.

One of the technical issues was the removal of tolls from Highway 412 and the potential impact this would have on the assessment of the short list of alternatives as evaluated.

The additional analysis has reconfirmed the TPA as Alt B-R, using Lake Ridge Road as the north-south leg of the route and paralleling the CPR rail corridor in

North Whitby for the east-west leg. New to the TPA is the potential direct connection to Highway 412.

As the Hwy 7/12 EA team is trying to confirm the Preliminary Design for Lake Ridge Road improvements and Highway 412 connection as part of the TPA, it has been determined that there is value in finalizing the future condition/alignment of Columbus Road at Lake Ridge Road.

Attachment No. 1 provides an overview of the current alternative route concept in the area of the Highway 412 connection and transition.

The future alignment and design for Columbus Road and its intersection with Lake Ridge Road is the subject of a future Environmental Assessment. Current budget for this Columbus Road (Country Lane to Lake Ridge Road) EA is allocated to 2025.

Advancing the Columbus Road EA as part of the Hwy 7/12 EA is beneficial to the outcomes of both studies, in terms of technical efficiency, cost, and timing.

The current Town Official Plan shows the realignment and connection of Columbus Road to Concession Road 7 (Refer to Attachment No. 2). The Regional Official Plan consolidation also shows this connection (Refer to Attachment No. 3).

Through participation in the Hwy 7/12 EA Technical Advisory Committee (TAC), The City of Pickering has expressed support for the realignment of Columbus Road and connection to Concession Road 7.

The Project Team is planning to host the next Community Open House (COH 4) in late September / October 2023. The timeline for COH 4 has been extended to the Fall due to meeting and scheduling requirements with MTO.

The Fall timeline for the Highway 7/12 EA allows the Project Team the opportunity to undertake additional work related to the TPA, including specific design issues related to the connection of the TPA to Highway 412. This connection is significantly impacted by the intersections of 7th Concession (in Pickering) and Columbus Road (in Whitby) with Lake Ridge Road.

Initiating the Columbus Road EA immediately would allow the opportunity to advance the preferred alignment and design of Columbus Road at Lake Ridge Road such that COH 1 and COH 2 required for the Columbus Road EA would align with COH 4 and COH 5 for the Hwy 7/12 EA.

4. Discussion:

The improvement and potential realignment of the section of Columbus Road from Country Lane to Lake Ridge Road (2km section) is the subject of a future EA.

Adding the Columbus EA to the scope of the 7/12 EA has several benefits, including:

- Accelerates the EA and design of the subject section of Columbus Road and provides an opportunity to move to detailed design for Columbus Road more

- quickly, to coincide with current Columbus Road Detail Design work to the east. This would significantly advance the ability to have a consistent 4-lane Columbus Road between Lake Ridge Road and to the East Town limit;
- Provides clarity with respect to the design of the Technically Preferred Alternative for Hwy 7/12 EA, and further allows for a more comprehensive and earlier understanding of the property acquisition requirements in the area of the Highway 412 extension and transition area; and,
 - Provides significant efficiency for the Columbus EA, as the COH 4 and COH 5 for Highway 7/12 can be used to meet the public consultation requirements of the EA (time and money savings), and the Town will not be required to undertake a lengthy procurement process for the selection of an Engineering Consultant.

5. Financial Considerations:

A forecast of \$863,250 (funded 85% from Development Charges and 15% from the (tax-based) Growth Capital Reserve Fund) to undertake this EA and Design is currently allocated in the year 2025 of the 10-year Capital Forecast under capital project 40256047 Columbus Road - EA and Detailed Design Studies.

Following a 2019 Request for Proposal (RFP-83-2019), BT Engineering Inc. was awarded the work to complete the Hwy 7/12 EA on behalf of the Town. A cost estimate of \$249,647 excluding HST (or \$254,040.79 including non-recoverable HST) has been identified to complete the EA and Preliminary Design scope of work (Refer to Attachment No. 4). This cost reflects the efficiencies to be realized by executing the Columbus Road EA in tandem with the next phase of the Highway 7/12 EA.

Staff recommend issuing BT Engineering a change order, in the amount of \$254,040.79 (inclusive of non-recoverable HST) for the Columbus EA work. In accordance with the Town's Procurement Policy F080, change orders made after execution of a contract that are not within the approved Budget require approval of Council.

As detailed in Table 1, based on the original sources of funding for capital project 40256047 Columbus Road - EA and Detailed Design Studies, it is recommended that the new 2023 budget requirement of \$250,000 be funded from Development Charges Reserve (85%) and the Growth Capital Reserve Fund (15%):

Table 1

Project #	Project Name	Reserve (Draw)/Return of Funds		
		Growth Capital Reserve Fund	DC – Roads & Related - Townwide	Net (Draw)/Return of Reserve Funds
TBD	EA Study - Columbus Road (Country Lane to Lake Ridge Road)	(\$38,250)	(\$216,750)	(\$255,000)

This would leave a balance in the Capital Forecast of \$608,250 (= \$863,250 - \$255,000) for the Detailed Design, which could reasonably proceed on an accelerated timeline (2024/2025).

6. Communication and Public Engagement:

In 2023 there will be additional consultation with stakeholders, agencies, and First Nations for the Hwy 7/12 EA, which will include newsletter(s) and meetings. The opportunity for live public meetings will also be considered.

Advancing the Columbus Road EA will allow for the statutory consultation for the project to be undertaken in concert with the Hwy 7/12 events and meetings.

7. Input from Departments/Sources:

Transportation Services staff will continue to collaborate with Planning, Financial Services, and Communications and Creative Services to address project needs and issues as they arise.

8. Strategic Priorities:

Report PDE 11-23 is consistent with the findings and recommendations of the approved Brooklin Secondary Plan.

The advancement of the Environmental Assessment for Columbus Road (Country Lane to Lake Ridge Road) to 2023 in a timely manner will support and facilitate the completion of the Highway 7/12 Alternative Route EA, provide an opportunity to coordinate the alignment and design of the subject section of Columbus Road with the current Detailed Design work underway, and support approved developments in north Brooklin. In so doing, the advancement of the Columbus Road EA aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.

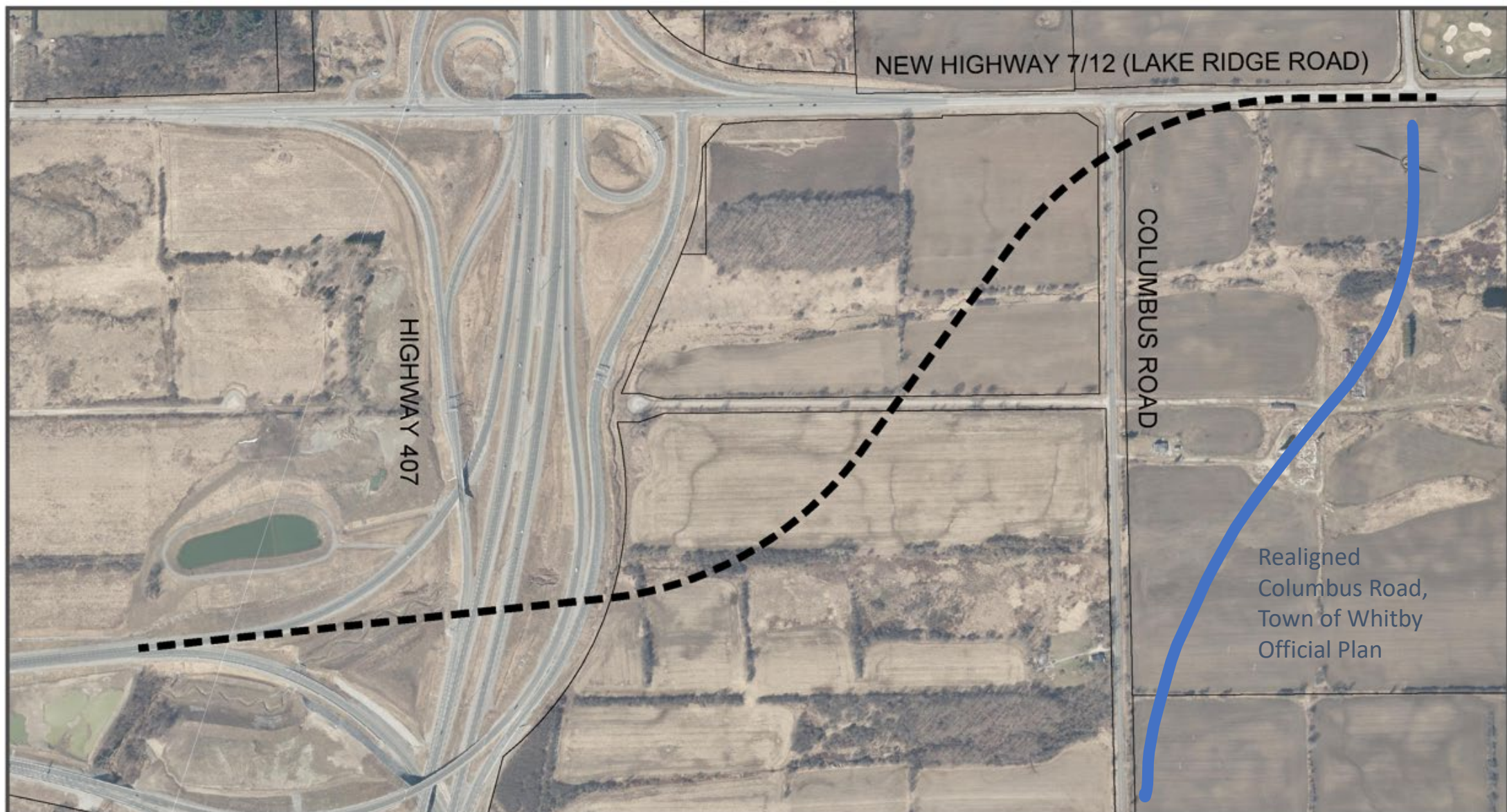
9. Attachments:

Attachment No. 1 - Possible Highway 412 Connection to Lake Ridge Road

Attachment No. 2 - Whitby Official Plan - Schedule D - June 2021 Office Consolidation

Attachment No. 3 - Region of Durham Official Plan - Schedule C - Consolidation May 26, 2020

Attachment No. 4 - Highway 7/12 and Columbus Road Scope Provided by BTE



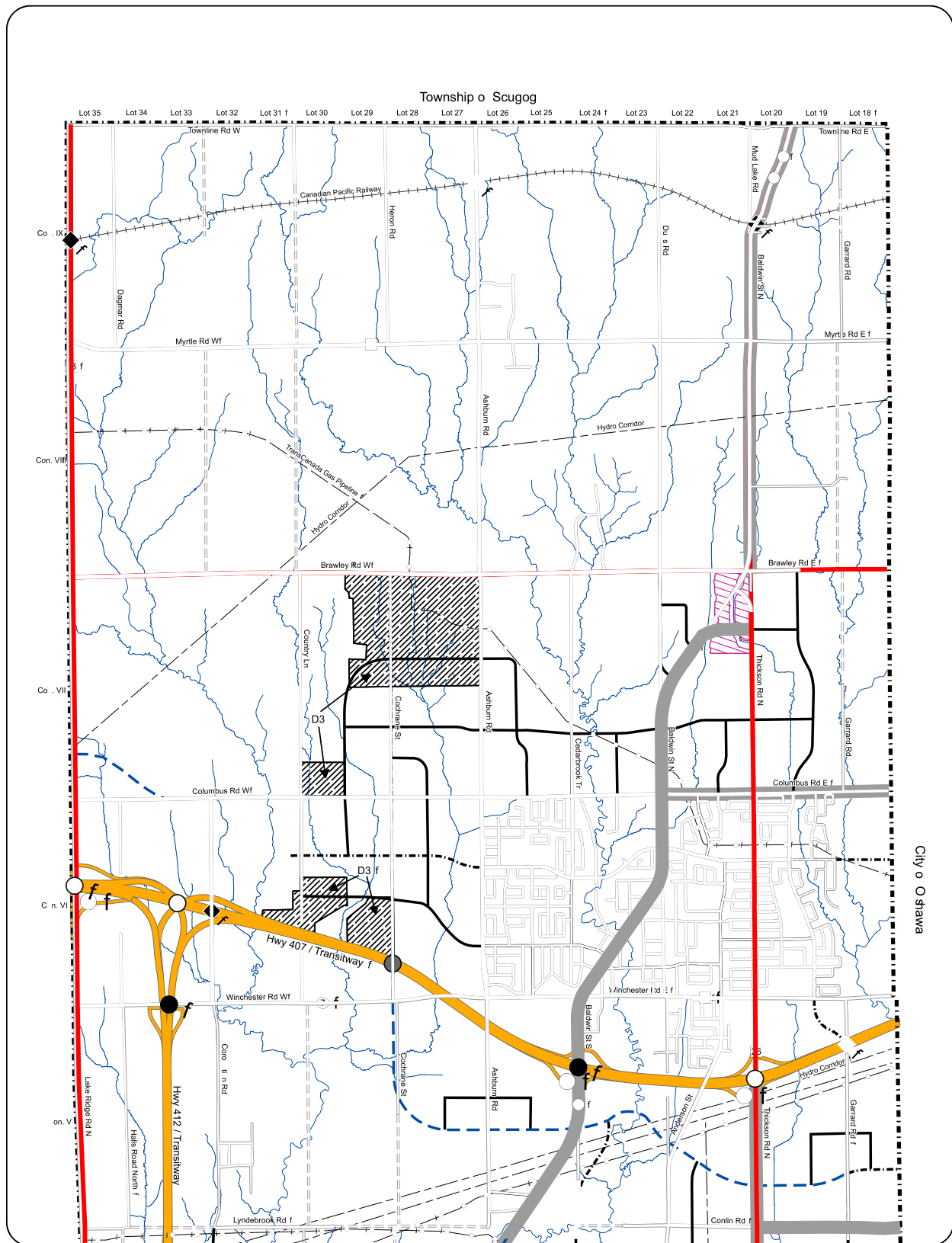
412 Connection to Lake Ridge Road

Whitby Highway 7/12 Alternative Route, Brooklin Area EA Study

Attachment No.1



BTE 20-001
2023-04-17
Scale 1:5000



Legend

- Existing Interchange
- Proposed Interchange
- Proposed Grade Separation
- Hydro Corridor
- Municipal Boundary
- Pipeline Corridor
- Railway Corridor
- Future Transitway Station
- Major Transit Station
- Commuter Rail
- Future Commuter Rail
- Transit Spine
- Lands Subject to Durham Regional Official Plan Policy 14.13.7
- Special Policy Area
- Note: Refer to section 8.1.3.1.6 regarding alternative route to Baldwin Street or goods and people movement.
- Provincial Highway
- Regional Road
- Controlled Access Highway (Freeway)
- Type A Arterial Road
- Type B Arterial Road
- Type C Arterial Road
- Collector Road
- Local Road
- Unopened Road Allowance
- D3 (Deemed by Region of Durham)

Transit:

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

Scugog

Sheet 1 of 2

Sheet 2 of 2

Oshawa

Pickering

Ajax

Lake Ontario

Official Plan - Town of Whitby

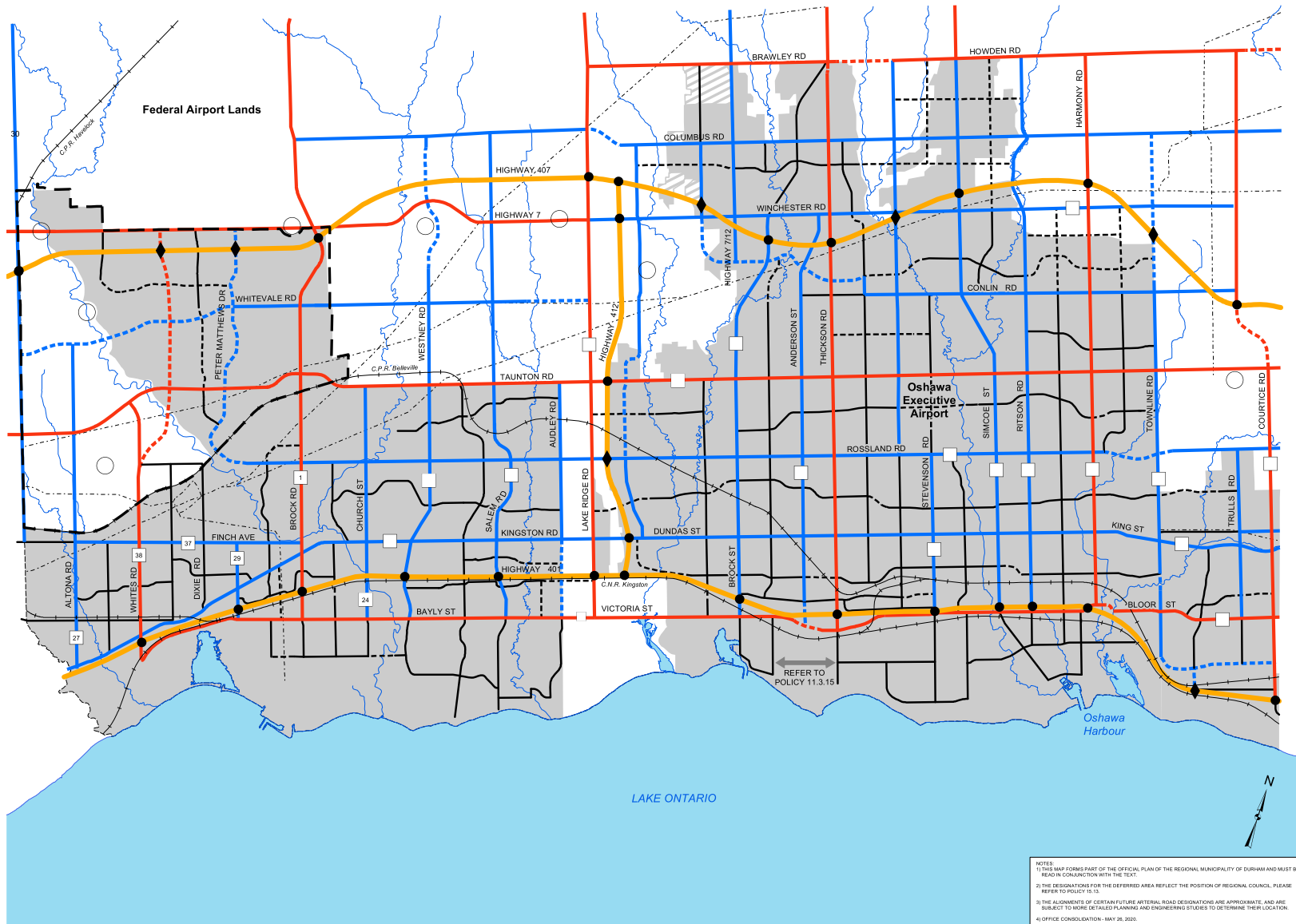
Schedule D

Transportation

Consolidation Date: June 2021

0 500 1,000 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.



PICKERING, AJAX, WHITBY, OSHAWA, COURTCICE

EXISTING		FUTURE
	FREEWAY	
	TYPE A ARTERIAL	
	TYPE B ARTERIAL	
	TYPE C ARTERIAL	
	INTERCHANGE	
	EXISTING INTERCHANGE TO BE REMOVED	
	RAILWAY	
	HAMLET	
	URBAN AREA	
	LANDS APPEALED TO OMB, REFER TO POLICY 14.13.7.	
	SPECIFIC POLICY AREA	
	REFER TO POLICY 11.3.15	

Attachment No.3

May 15, 2023
BTE Project: 20-001

Paul Bumstead, B.E.S., Senior Project Manager
Public Works, Transportation Services
Town of Whitby
3050 Garden Street, Unit 102
Whitby, ON L1R 2G6
bumsteadp@whitby.ca

**Re: Town of Whitby - Highway 7/12 Alternate Route(s) Environmental Assessment Study,
Scope Change Request No. 5 – Columbus Road Environmental Assessment Study**

Dear Mr. Bumstead:

BT Engineering Inc. (BTE) is providing this letter in response to discussions of the Technical Advisory Committee (TAC) regarding the ongoing Highway 7/12 Alternate Route(s) EA study. Based on the discussions and direction of the TAC there was support for the current EA study to be inclusive of the planning for two associated elements of the road network in the Town of Whitby. These include the planning of Columbus Road from Country Lane westerly to the boundary with the City of Pickering and a future connection to Concession Road 7 in Pickering, and the identification and property protection for an alignment for Highway 412 to continue northerly to link with Lake Ridge Road.

Background Highway 7/12 Alternate Route EA

The current Highway 7/12 Alternate Route EA has identified a Technically Preferred Alternative (TPA) for the relocation of Highway 7/12 from the current route through Brooklin. The current alignment has been designated by MTO for over 100 years and today as a Provincial highway is not conducive with the existing and planned land use expansion of the Brooklin community. The Problem and Opportunity Statement identified in the Brooklin TMP and being followed in this study includes:

“With impending significant population growth, and to support a community-focused, pedestrian-oriented, business friendly, and sustainable downtown, the longer distance through traffic, heavy-truck traffic, and some commuter traffic is no longer suited to travel through downtown Brooklin. Diversion of Provincial Highway 7/12 to a suitable alternative has the potential to alleviate congestion and improve the social environment of the downtown core. Transportation policies and infrastructure improvements are required to encourage alternative sustainable modes of travel throughout Brooklin (transit, walking, and cycling) and to accommodate the transportation infrastructure needs associated with growth identified in the Brooklin Secondary Plan Area.”

The EA follows a sequential decision-making process including community consultation. To date, three of five Community Open Houses (COHs) have occurred and there is an opportunity to introduce new elements for study using the last two planned COH's to present an expanded scope (including the Columbus Road EA). The value of completing the planning for these road/highways now is that there is an economy of scale for public

consultation and documentation as well as providing earlier certainty for developers on the land use constraints in development lands.

The recent considerations of the study have dealt with several new aspects including Council's direction to review the possible use of an urban route for the Highway relocation (Alternative F) using the Mid-block Arterial) and the province's redesignation of Highway 412 to be a toll-free highway. Based on the study review of these two issues, the conclusion is that the preferred long-term relocation of the Provincial highway should coincide with the northern extension of Highway 412 using the Lake Ridge Road corridor and not travel through the urban area of Brooklin.

Based on the focus of the EA now being on the Lake Ridge Road corridor, the land use plan needs to accommodate urban expansion to address the province's 2051 Places to Grow Plan. This will include a large urban area in Pickering (Verraine Community) and the expansion of Whitby's Brooklin community (See **Figure 1**). The Provincial highway corridor to be located between these two communities is the technical recommendation of the study.

In this area, there is a need to integrate the planning of Columbus Road and the Highway 412 extension.

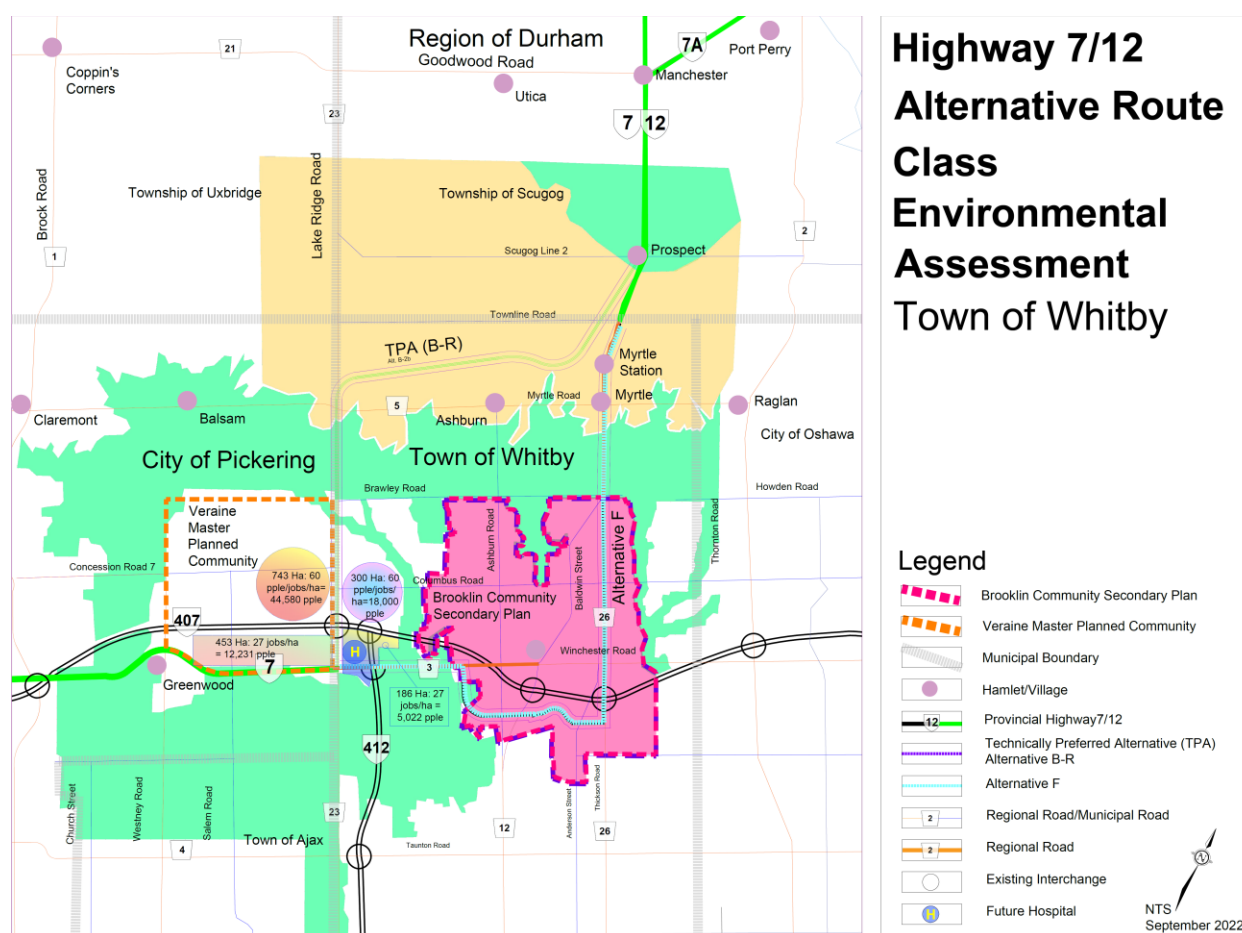


Figure 1: TPA and Future Land Use Plan (Whitby and Pickering)

Columbus Road EA

Columbus Road is planned to have a continuous link to Concession Road 7 in the City of Pickering (future Veraine community). Alternatives for this connection include realigning Columbus Road northerly to connect to Concession Road 7, realign Concession Road 7 southerly to connect to the Columbus alignment or a hybrid realigning both roads. In addition, the Town of Whitby has budgeted for a near-term EA for Columbus Road that would define the urban cross section for the road from Country Lane westerly. The scope of the Columbus Road EA overlaps with the TPA and current Study Area of the Highway 7/12 EA and will be influenced by the transition area for the Highway 412 design from a freeway to a rural highway (Highway 7/12). To date the planning and drawings for the TPA have boxed the separate study area as future work by others. This is illustrated in **Figure 2**.

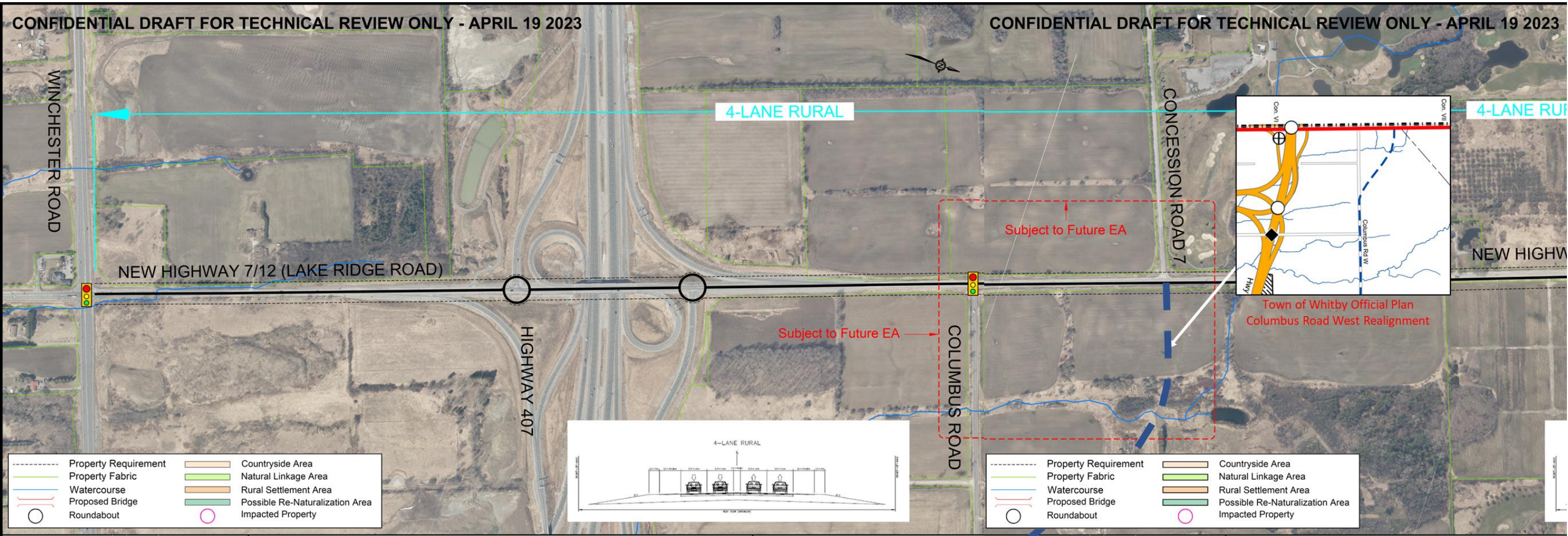


Figure 2: Technically Preferred Alternative (Red Box Labelling Columbus Road Future EA)

Highway 412 Extension

The definition of the alignment of the property protection for a future Highway 412 extension northerly to connect to Highway 7/12 is illustrated in **Figure 3** and **Figure 4**. It will be beneficial to have a defined location and right-of-way for this alignment to provide developers certainty in terms of property requirements. The transition zone from the higher speed freeway to a lower speed highway is expected to influence the location and design of the Columbus Road and Concession Road 7 connection.

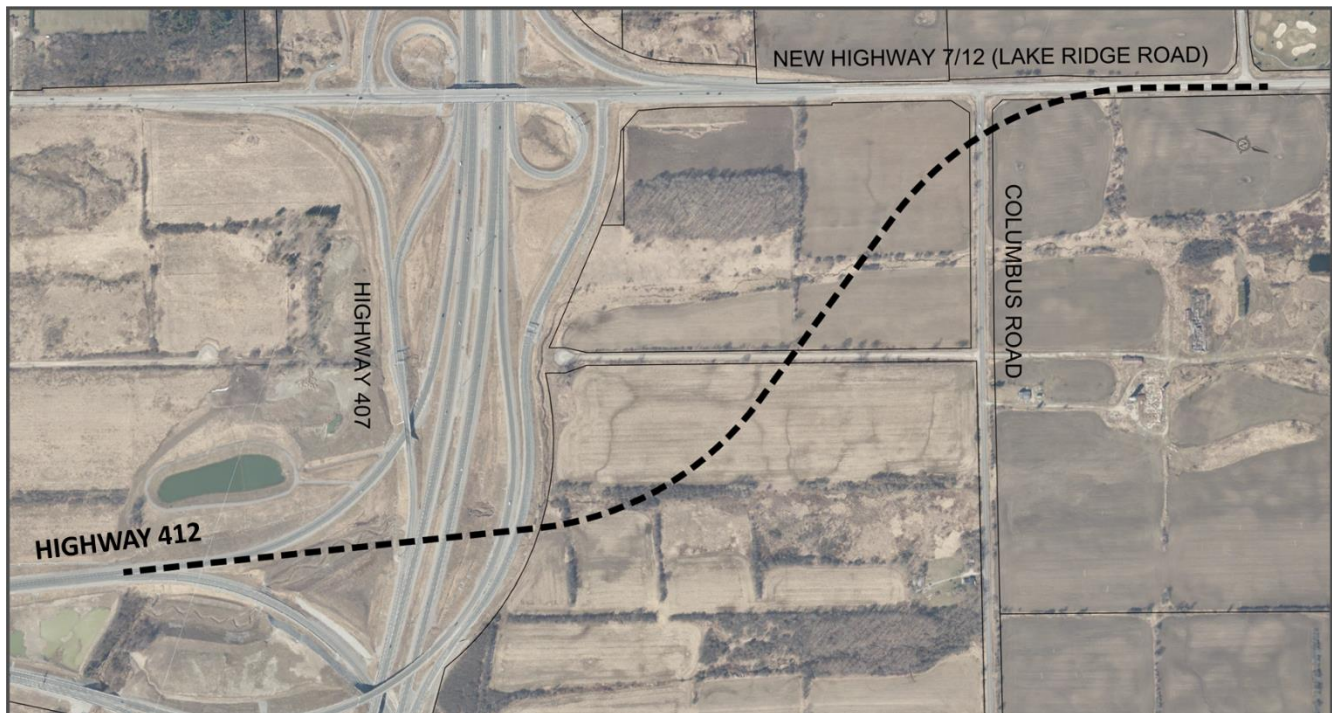


Figure 3: Possible Highway 412 Extension Northerly Conceptual Alignment

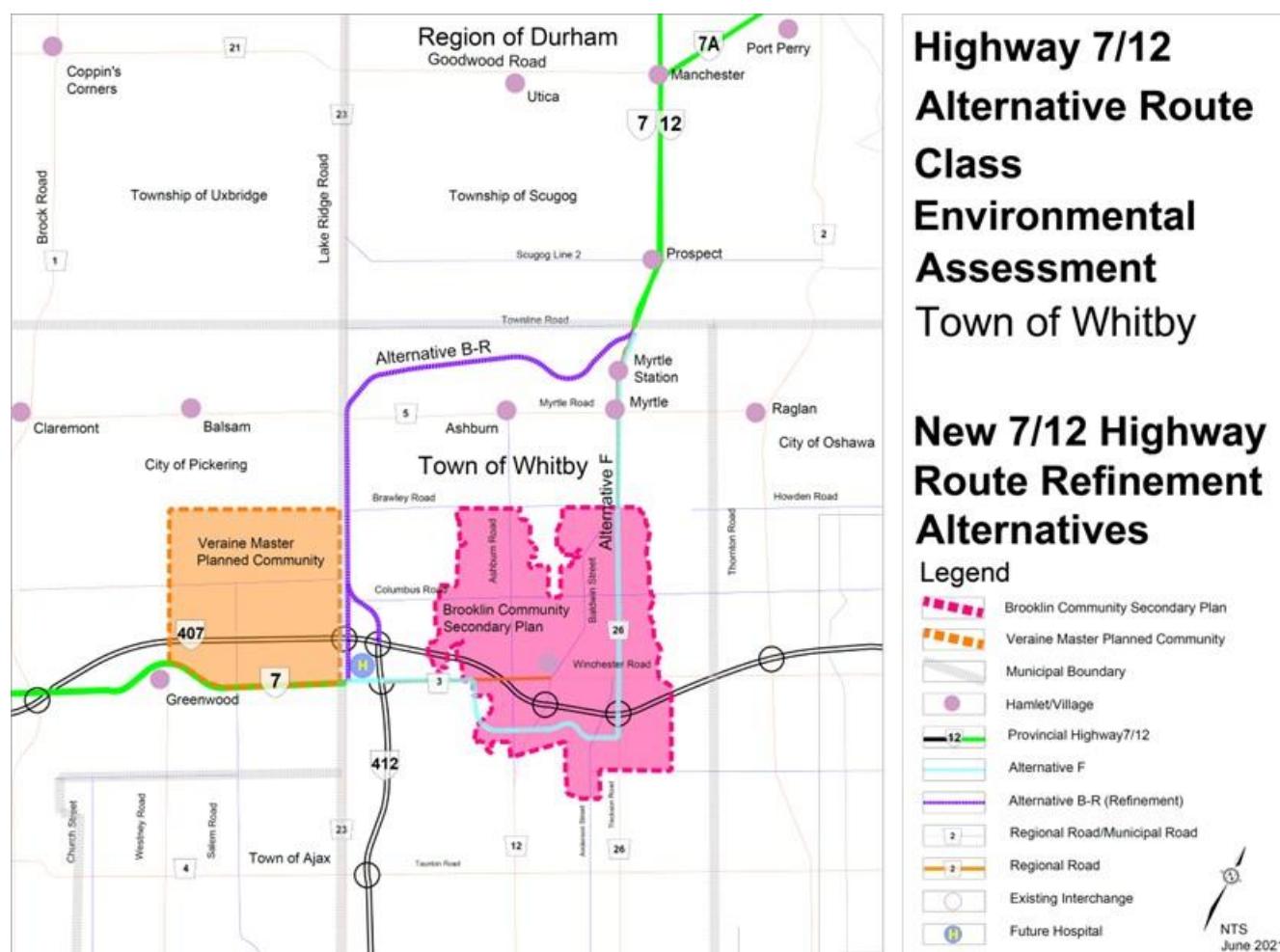


Figure 4: Technically Preferred Highway 7/12 Corridor illustrating the Northerly Extension of Highway 412

Cost Estimate

The items included in this scope change are as follows:

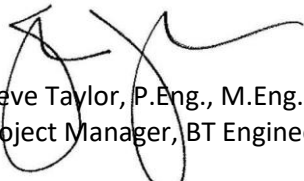
- 1) Environmental Inventories (Natural Social and Cultural Environment)
 - a. Terrestrial Environment
 - b. Fisheries Habitat
 - c. Phase 1 Archaeological Assessment
 - d. Cultural Heritage Assessment
 - e. Noise Assessment
 - f. Traffic Review
- 2) EA Process (Notices COH 4 and 5)
 - a. Notices for COH Nos. 4 and No. 5
 - b. Additional COH Nos. 4 and No. 5 exhibits related to scope
 - c. MECP Notification

- d. Mailing List
- 3) Generation of Alternatives
 - a. Cross Section Alternative
 - b. Intersection Alternatives
 - c. Alignment Alternatives
 - d. Structural Alternatives
- 4) Evaluation of Alternatives
- 5) Effects and Mitigation
- 6) Columbus Road EA
 - a. Draft Report
 - b. Final Report
- 7) Meetings
- 8) Indigenous Peoples Consultation
- 9) Project Management
- 10) Quality Control

The estimate to complete the Columbus Road EA works tasks is **\$249,647.00** excluding taxes. A proposed schedule and detailed time-task matrix are in **Attachment 1** and **Attachment 2**, respectively.

Please do not hesitate to contact us should you require any further clarification on any of the above.

Yours truly,



Steve Taylor, P.Eng., M.Eng., CVS-Life
Project Manager, BT Engineering Inc.

Attachments: 1. Proposed Schedule
2. Time-Task Matrix

Memorandum to Council

Financial Services Department



To: Mayor and Members of Council

CC: Roger Saunders, Commissioner, Planning and Development

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

From: Fuwing Wong, Commissioner, Financial Services / Treasurer 905-430-4314

Date: June 16, 2023

File #: n/a

Subject: Alternate Route Budget

At the June 12, 2023 Committee of the Whole meeting, a question was asked about the Alternate Route Environmental Assessment (EA) budget during discussions related to Staff Report PDE 11-23 entitled "Highway 7/12 Alternate Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work".

I provided a response that the budget was \$2.7 and just over \$1 million has been spent to-date. The budget for the Alternate Route EA, communicated at the June 12 Committee meeting, is incorrect and overstated. Correct information is as follows:

- \$2.0 million - Alternate Route Environmental Assessment Budget
- \$1.2 million – Spent to-date
- The \$2.0 million budget for the Alternate Route **Environmental Assessment** project is funded 100% from Development Charges.
- There was an additional \$1.6 million Alternate Route **Detailed Design** project approved in 2021 (also 100% DC funded). Spending on this project has not started yet as it is dependent upon completion of the EA.

My apologies for communicating inaccurate information at the Committee meeting. If there are any further questions, please feel free to contact me directly.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: DEV-09-23: Zoning By-law Amendment Application, Winash Developments Limited, 5380 Baldwin Street South, File No. Z-04-23

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: PDP 31-23

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-04-23) as outlined in Planning Report PDP 31-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

2. Highlights:

- An Application for Zoning By-law Amendment has been submitted by GHD on behalf of Winash Developments Limited for the land municipally known as 5380 Baldwin Street South.
- The proposal is to change the zoning of a portion of Block 3 on Draft Approved Plan of Subdivision SW-2020-05 from GB-CW to M1A/HP and to change the zoning of Block 4 from GB-CW to M1A/HP/GB-CW to adjust the zoning boundary between Block 3 & Block 4 to match the proposed revised block layout.
- All the commenting departments and external agencies have indicated no objection to the application.

3. Background:

3.1. Site and Area Description

The subject land is located on the west side of Baldwin Street South, north of the Hydro Corridor, municipally known as 5380 Baldwin Street South (refer to Attachment #1). Blocks 3 is 6.33 hectares (15.64 acres) and Block 4 is 0.63 hectare (1.56 acres). Both blocks are currently vacant.

Surrounding land uses include:

- Future Sports Complex to the north;
- Future industrial development to the east;
- Hydro One Corridor to the south; and,
- Future industrial development to the west (refer to Attachment #2).

3.2. Applications and Proposed Development

A Zoning By-law Amendment Application has been submitted by GHD on behalf of Winash Developments Limited to change the zoning of a portion of Block 3 on Draft Approved Plan of Subdivision SW-2020-05 from GB-CW to M1A/HP and to change the zoning of Block 4 from GB-CW to M1A/HP/GB-CW to adjust the zoning boundary between Block 3 & Block 4 to match the proposed revised block layout.

A Minor Redline Application has been submitted to adjust the block layout which will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

A Site Plan Application will be required for each block and will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- A Revised Draft Plan of Subdivision prepared by GHD, dated April 2023 (refer to Attachment #3); and,
- A Concept Plan prepared by JRI Architects, dated January 2023 (refer to Attachment #4).

The above documents were 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 “Employment Areas”. Employment Areas are intended for uses that require access to highway, rail and/or shipping facilities, such as manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices, and business parks, as outlined in Section 8C.2.1 of the Region of Durham Official Plan.

4.2. Whitby Official Plan

The subject land is designated Prestige Industrial on Schedule K – Brooklin Community Secondary Plan. A Health Precinct Special Policy Area symbol applies to the subject land (refer to Attachment #5).

A future east-west Type B Arterial Road is shown north of the subject land, which is the Town’s future Mid-Block Arterial.

Prestige Industrial areas in the Brooklin Secondary Plan area are intended for light industrial uses, professional, corporate, and industrial oriented office buildings, data processing centres, commercial or technical schools, post-secondary educational facilities, research and development facilities and incidental sales outlets within industrial buildings (4.7.3.2.2). Warehousing and wholesale distribution may be permitted in proximity to Highway 407 (4.7.3.2.3). Automobile service stations and gas bars are permitted, subject to the provisions of Section 4.5.3.8 (4.7.3.2.10).

The Health Precinct Special Policy Area is intended to be developed as a cluster of health and medical related facilities and allows retail uses integrated in health precinct buildings that support the health precinct (11.5.21).

4.3. Zoning By-law

The west portion of the subject land is zoned M1A/HP – Prestige Industrial / Health Precinct under By-law # 1784 and the northeast corner is zoned GB-CW – Gas Bar – Car Wash. The proposed amendment will change the zoning of a portion of the revised Block 3 on Draft Approved Plan of Subdivision SW-2020-05 from GB-CW to M1A/HP and change the zoning of the revised Block 4 from GB-CW to M1A/HP/GB-CW to adjust the zoning boundary between Block 3 & Block 4 to match the proposed revised block layout. The dual zone on Block 4 will also provide flexibility to allow the proponent to build a warehouse across both Blocks 3 & 4.

4.4 Conclusion

The subject land is designated Prestige Industrial in the Brooklin Community Secondary Plan. The proposed amendment represents a minor amendment to adjust the zoning boundary and the dual zone on Block 4 would also provide flexibility to allow the proponent to build a warehouse across both Blocks 3 & 4 if the gas station is not built.

All the commenting departments and external agencies have indicated support for the proposed development subject to their outstanding comments and conditions as outlined in Section 7.

The proposed building designs will be dealt with through the Site Plan approval process and will be designed to implement the Brooklin Urban Design and Sustainability Guidelines.

Based on the detailed review of the application and consideration of public and agency comments and requirements (refer to Section 6), it is concluded that the proposed development is consistent with the Provincial Policy Statement, is in conformity with the Growth Plan and the Region's Official Plan, and meets the general intent and the overall goals, objectives, and policies of the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Public Meeting was held on May 29, 2023, in accordance with Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #7. There were no oral submissions from the public.

No written public correspondence was received.

7. Input from Departments/Sources:

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

- Engineering Services;
- Ministry of Transportation (MTO);
- Oshawa Airport; and,
- Region of Durham.

Refer to Attachment #8 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.

The proposed industrial development contributes to diverse local employment, 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 Revised Draft Plan of Subdivision

Attachment #4: Proponent's Proposed Concept Plan

Attachment #5: Excerpt from Secondary Plan Schedule K

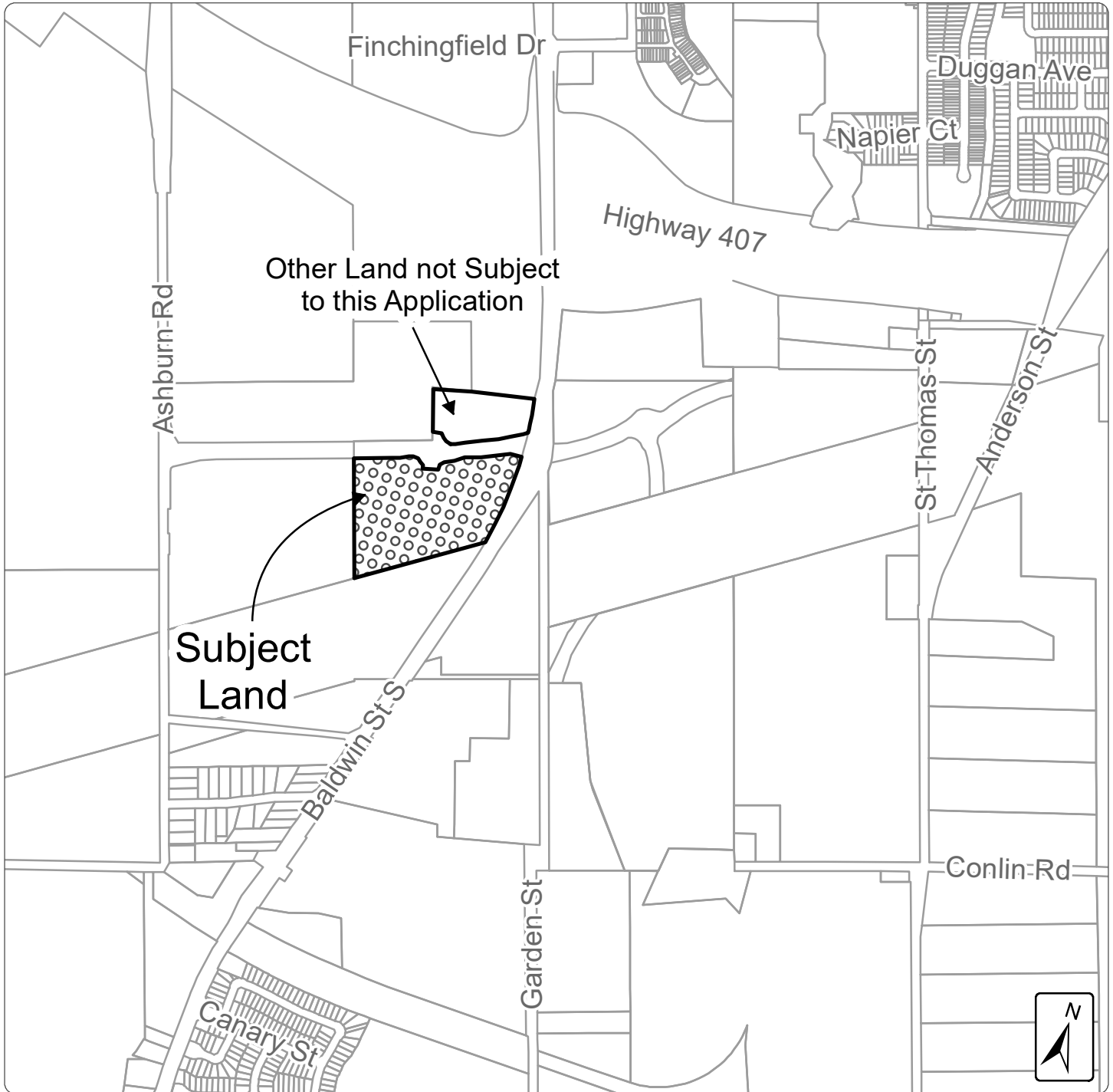
Attachment #6: Excerpt from Zoning By-law # 1784

Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 31-23



Town of Whitby Planning and Development Department

Proponent:
Winash Developments Limited

File Number:
DEV-09-23 (Z-04-23)

Date:
June 2023

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 31-23



Whitby Town of Whitby Planning and Development Department

Proponent:
Winash Developments Limited

File Number:
DEV-09-23 (Z-04-23)

Date:
June 2023

External Data Sources:
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PROPOSED DRAFT PLAN	KEY PLAN	Scale
OF SUBDIVISION OF		
PART OF LOT 24 & 25		
CONCESSION 5		
TOWN OF WHITBY		
REGIONAL MUNICIPALITY OF DURHAM		
SCHEDULE OF LAND USES:		
LAND USE BLOCKS	BLOCKS	AREA/ha
COMMUNITY CENTRE	1	5.80
BUSINESS PARK	2	2.10
HEALTH PRECINCT	3	4.33
AUTO MALL	4	7.12
PRESTIGE INDUSTRIAL	5	2.80
AUTO MALL	6	7.12
PRESTIGE INDUSTRIAL	7	2.80
AUTO MALL	8	7.12
PRESTIGE INDUSTRIAL	9	2.80
AUTO MALL	10	7.12
PRESTIGE INDUSTRIAL	11	2.80
AUTO MALL	12	7.12
PRESTIGE INDUSTRIAL	13	2.80
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AUTO MALL	62	7.12
PRESTIGE INDUSTRIAL	63	2.80
AUTO MALL	64	7.12
PRESTIGE INDUSTRIAL	65	2.80
AUTO MALL	66	7.12
PRESTIGE INDUSTRIAL	67	2.80
AUTO MALL	68	7.12
PRESTIGE INDUSTRIAL	69	2.80
AUTO MALL	70	7.12
PRESTIGE INDUSTRIAL	71	2.80
AUTO MALL	72	7.12
PRESTIGE INDUSTRIAL	73	2.80
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PRESTIGE INDUSTRIAL	75	2.80
AUTO MALL	76	7.12
PRESTIGE INDUSTRIAL	77	2.80
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PRESTIGE INDUSTRIAL	79	2.80
AUTO MALL	80	7.12
PRESTIGE INDUSTRIAL	81	2.80
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AUTO MALL	84	7.12
PRESTIGE INDUSTRIAL	85	2.80
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AUTO MALL	88	7.12
PRESTIGE INDUSTRIAL	89	2.80
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AUTO MALL	94	7.12
PRESTIGE INDUSTRIAL	95	2.80
AUTO MALL	96	7.12
PRESTIGE INDUSTRIAL	97	2.80
AUTO MALL	98	7.12
PRESTIGE INDUSTRIAL	99	2.80
AUTO MALL	100	7.12

11. Alameda Parkway, Suite 310
Markham, Ontario L3R 9V8 Tel: 905.477.4001
E: jay@ghd.com W: www.ghd.com

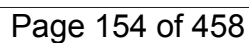
Project: WINASH SOUTH

Drawn: A. GRUBBECA Law: AS SHOWN

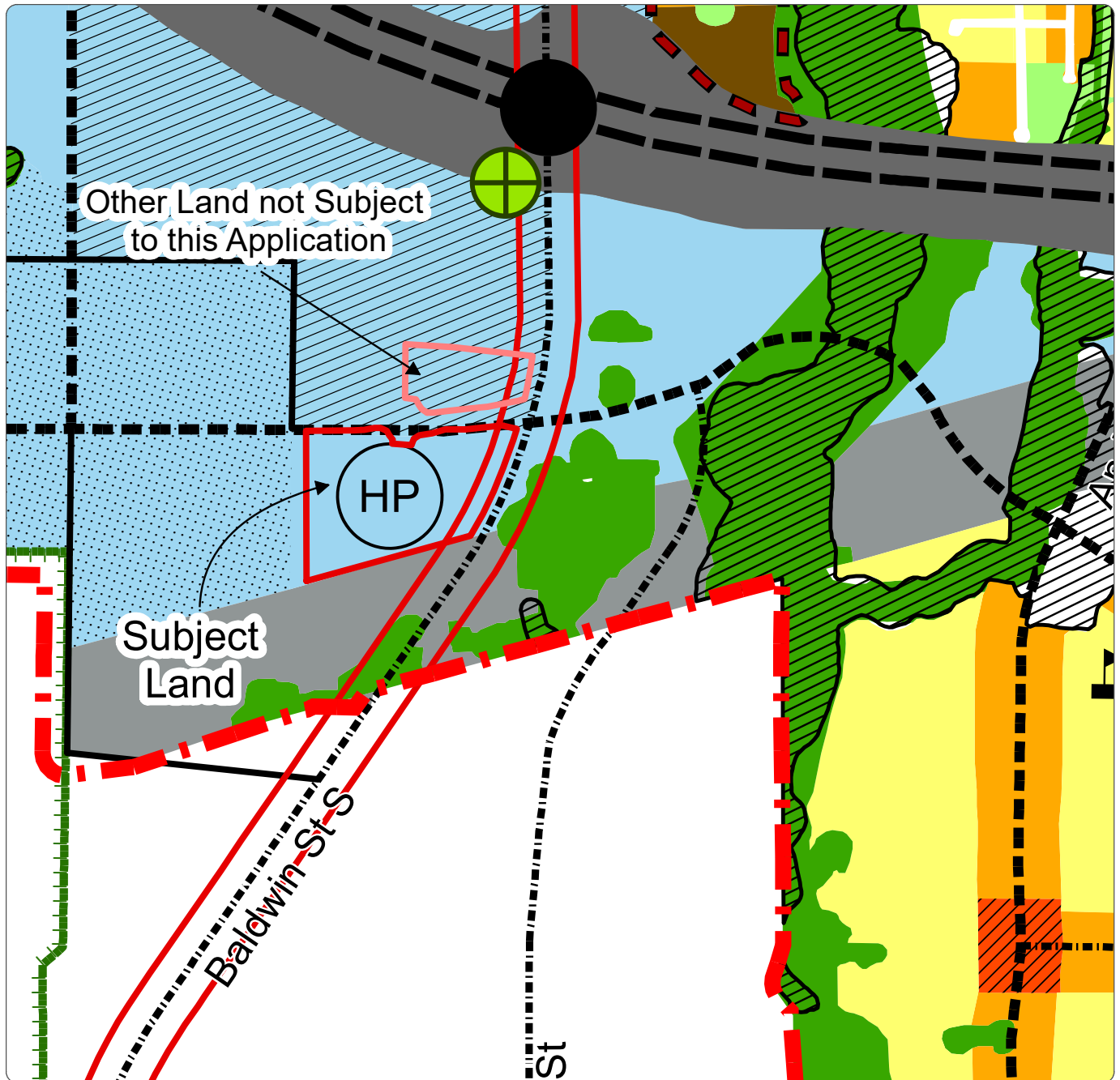
Designed: B. JORDAN Original Size: ARCH D

Project No: 11192576 Drawing No: DP-5

PDP 31-23



Attachment #5 Excerpt from Secondary Plan Schedule K



LEGEND

Low Density Residential	Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2	Full Interchange
Medium Density Residential	General Industrial	Natural Hazards	Potential Interchange (Subject to Further Study)
High Density Residential	Major Open Space	Utility	Grade Separation
Local Commercial	DP District Park	Health Precinct (HP) Special Policy Area	Potential Grade Separation
Special Purpose Commercial	LP Local Park	Community Central Area	Future Transitway Station
Heritage Commercial	PK Parkette	Major Central Area	Controlled Access Highway (Freeway)
Major Commercial	TP Town Park	Heritage Conservation District Boundary	Type A Arterial
Major Commercial -1	Institutional	Secondary Plan Boundary	Type B Arterial
Mixed-Use 1 - Community Central Area	Secondary Schools	Special Policy Area - Refer to Section 11.5.31.6	Type C Arterial
Mixed-Use 2 - HCD	Elementary Schools		Collector Road
Mixed-Use 3	Natural Heritage System		Greenbelt Plan Boundary
Prestige Industrial	L Linkage in NHS		
	D1 Deferred by the Region of Durham		

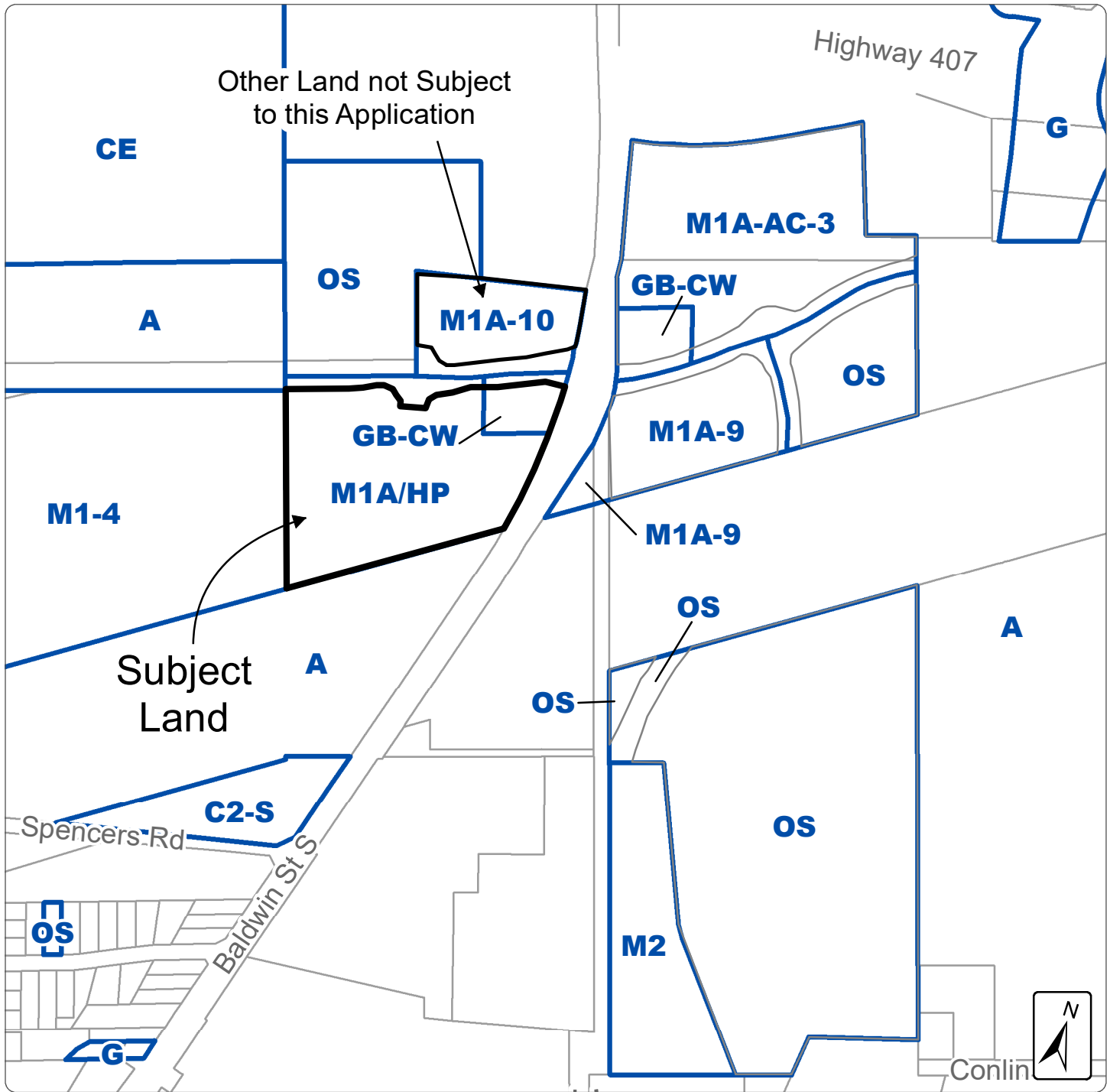
Excerpt from: Schedule K

Brooklin Community Secondary Plan

Town of Whitby

Attachment #6
Excerpt from Zoning By-Law 1784

PDP 31-23



Town of Whitby Planning and Development Department

Proponent:
Winash Developments Limited

File Number:
DEV-09-23 (Z-04-23)

Date:
June 2023

External Data Sources:
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Attachment #7
Public Meeting Minutes from May 29, 2023
File DEV-09-23 (Z-04-23)

Lauren Taylor, Planner II, provided a PowerPoint Presentation which included an overview of the application.

Samantha Chow, representing Winash Developments Limited, provided an overview of the application.

There were no submissions from the public.

Attachment #8 Agency & Stakeholder Detailed Comments File DEV-09-23 (Z-04-23)

Internal Departments

Engineering Services

Engineering Services does not object to the proposed Zoning By-Law Amendment.

An application to revise the approved draft plan to change the property boundaries of Blocks 3 and 4 shall be provided to Engineering Services for review.

External Agencies

Ministry of Transportation (MTO)

MTO is generally supportive of the Zoning By-law Amendment. Please consider the following outstanding points:

- All access points must comply with Ministry of Transportation regulations and guidelines regarding functional intersection spacing and other relevant policy.
- Increased heavy goods vehicle traffic may put the adjacent roundabout above the allowable limit for pedestrian crossings.

Oshawa Airport

No objections. Previous comments related to the proposed industrial building remain applicable.

Region of Durham

The subject lands are identified as Blocks 3 and 4 located within the applicant's Approved Draft Plan of Subdivision S-W-2020-05. The site is approximately 6.96 hectares and is currently vacant. The purpose of the proposed rezoning is to change the zoning of a portion of Block 3 from GB-CW to M1A/HP and to change the zoning of Block 4 from GB-CW to M1A/HP/GB-CW in order to adjust the zoning boundary between Block 3 & Block 4 to match the proposed revised block layout. The proposed rezoning is required to facilitate the development of an industrial warehouse and a gasoline bar and car wash.

We had previously reviewed the subject lands for conformity with the Regional Official Plan and Provincial Plans and Policies, and the delegated Provincial Plan Review responsibilities through the subdivision application. However, updated comments are provided for noise and servicing.

Delegated Provincial Plan Review Responsibilities

Regional servicing

The Regional Works Department has no concerns with the proposed application.

Conclusion

The proposed industrial warehouse and a gasoline bar and car wash development supports employment opportunities and mixed-use developments. We have no concerns with the proposed application.

The applicant will be required to address the Region's conditions of draft approval for the related subdivision application S-W-2020-05 at the time of final clearance of the plan of subdivision.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: DEV-07-23: Zoning By-law Amendment Application, 2844542 Ontario Inc., 918 Brock Street South, File No. Z-03-23

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: PDP 32-23

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. Roberton, Planner I, x. 1936

1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File No. Z-03-23) as outlined in Planning Report PDP 32-23; and,
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

2. Highlights:

- An Application for Zoning By-law Amendment has been submitted by Brian Moss on behalf of 2844542 Ontario Inc. for the land municipally known as 918 Brock Street South.
- The proposal is to amend the existing Residential Type 3 zoning to permit the additional use of office within the existing one-storey building.
- All the commenting departments and external agencies have indicated support for the proposed Zoning By-law Amendment.

3. Background:

3.1 Site and Area Description

The subject land is located on the west side of Brock Street South, south of Burns Street, municipally known as 918 Brock Street South (refer to Attachment #1). The subject land is approximately 0.06 hectare (0.14 acre) in size.

There is an existing one-storey building (converted commercial) on the subject land, which is to remain.

Surrounding land uses include residential, institutional and parkland uses to the north; and residential uses to the south, east and west (refer to Attachment #2).

3.2 Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Brian Moss on behalf of 2844542 Ontario Inc. to amend the existing Residential Type 3 zoning to permit the additional use of office within the existing one-storey building.

3.3 Documents Submitted in Support

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

- A Concept Plan prepared by Brian Moss & Associates (refer to Attachment #3), which shows the existing building and parking areas; and,
- A Planning Justification Report prepared by Brian Moss & Associates, dated March 23, 2023, which provides a review of provincial, regional, and municipal policies and concludes that the proposed zoning by-law amendment represents good land use planning.

The above documents were 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 “Living Areas” in the Region of Durham Official Plan (ROP). Brock Street South is also designated as a “Regional Corridor” in the ROP.

Living Areas are predominantly intended for housing purposes, however, also permit limited office and retailing of goods and services, in appropriate locations, as components of mixed-use development, subject to appropriate provisions in area municipal official plans.

Regional Corridors are intended to be developed at higher density and include mixed-uses, supporting higher order transit service and pedestrian oriented development.

4.2 Whitby Official Plan

The subject land is designated “Mixed Use” on Schedule A – Land Use (refer to Attachment #4). Lands designated as Mixed Use are intended to integrate mixed-use development and redevelopment including residential, office, retail, restaurant, personal service, and community and/or institutional uses. Lands designated as Mixed Use are to contain two or more of the foregoing permitted use categories. Notwithstanding the above, Section 4.6.3.9 allows an existing dwelling to be converted to a single permitted non-residential use provided that such conversion is compatible with surrounding uses and subject to a site-specific amendment to the Zoning By-law.

4.3 Zoning By-law

The subject land is zoned Residential Type 3 Zone (R3), under By-law # 2585, which does not permit the use of an office (refer to attachment #5). Therefore, a Zoning By-law Amendment is required to permit the proposed additional use.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Public Meeting was held on May 29, 2023, in accordance with Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #6. There were no oral submissions from the public.

No written public correspondence was received.

7. Input from Departments/Sources:

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

- Engineering Services;
- Fire and Emergency Services;
- Policy & Heritage Section; and,
- Region of Durham.

Refer to Attachment #7 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.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Excerpt from Official Plan Land Use Schedule 'A'

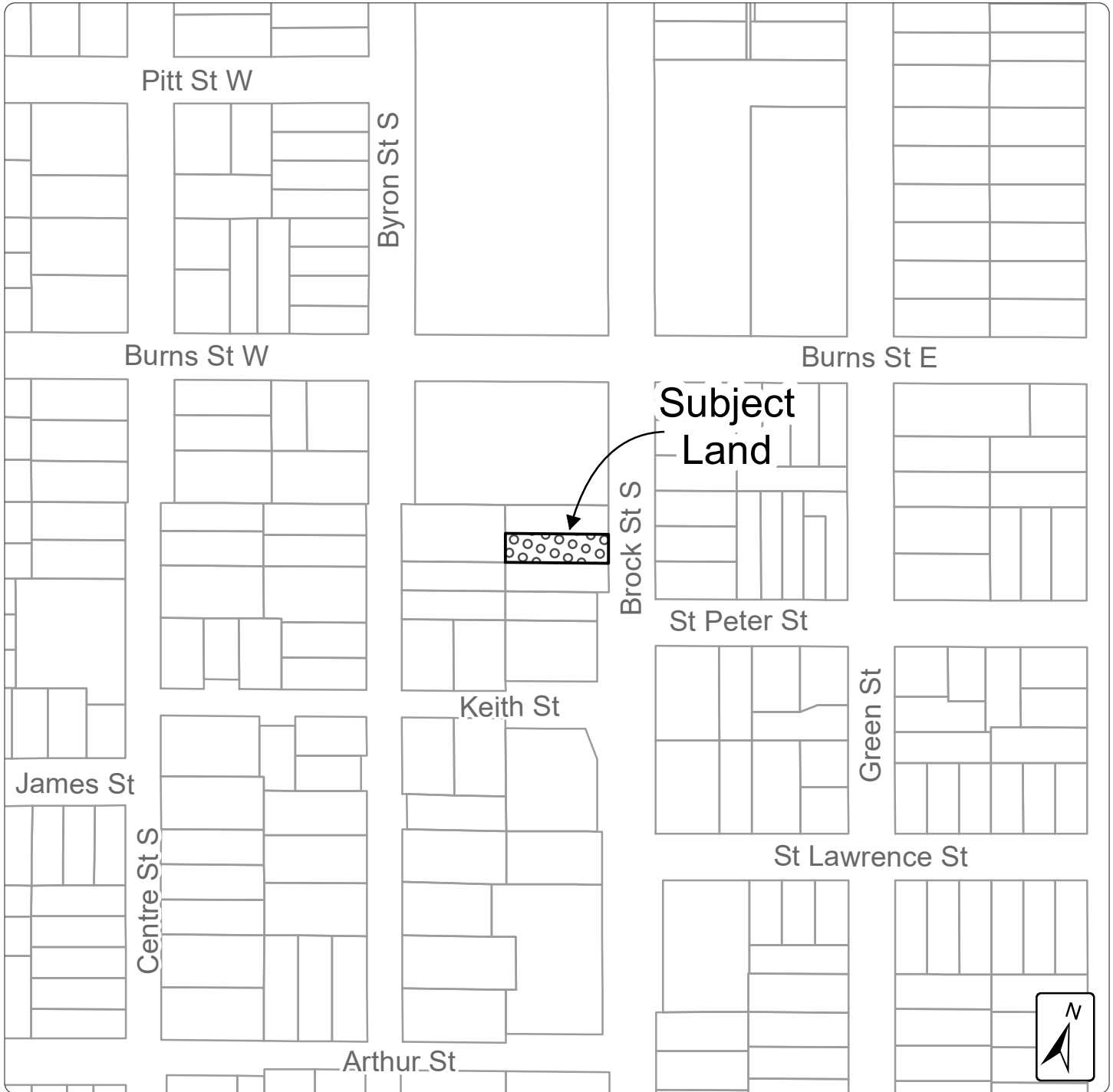
Attachment #5: Excerpt from Zoning By-law # 2585

Attachment #6: Public Meeting Minutes

Attachment #7: Agency & Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 32-23



Town of Whitby Planning and Development Department

Proponent:
2844542 ONTARIO INC

File Number:
DEV-07-22 (Z-03-23)

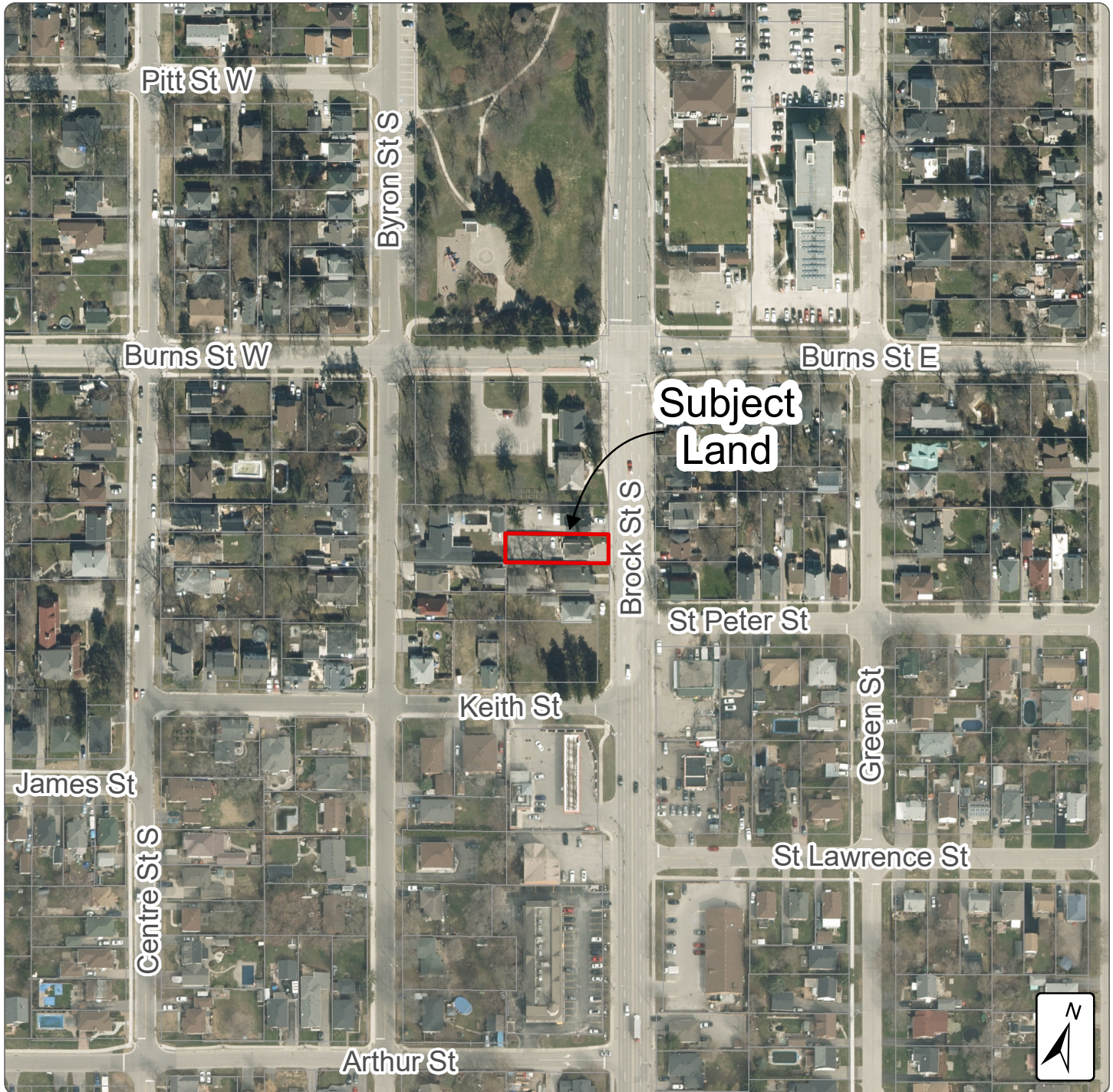
Date:
June 2023

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 32-23



Town of Whitby Planning and Development Department

Proponent:
2844542 ONTARIO INC

File Number:
DEV-07-22 (Z-03-23)

Date:
June 2023

External Data Sources:
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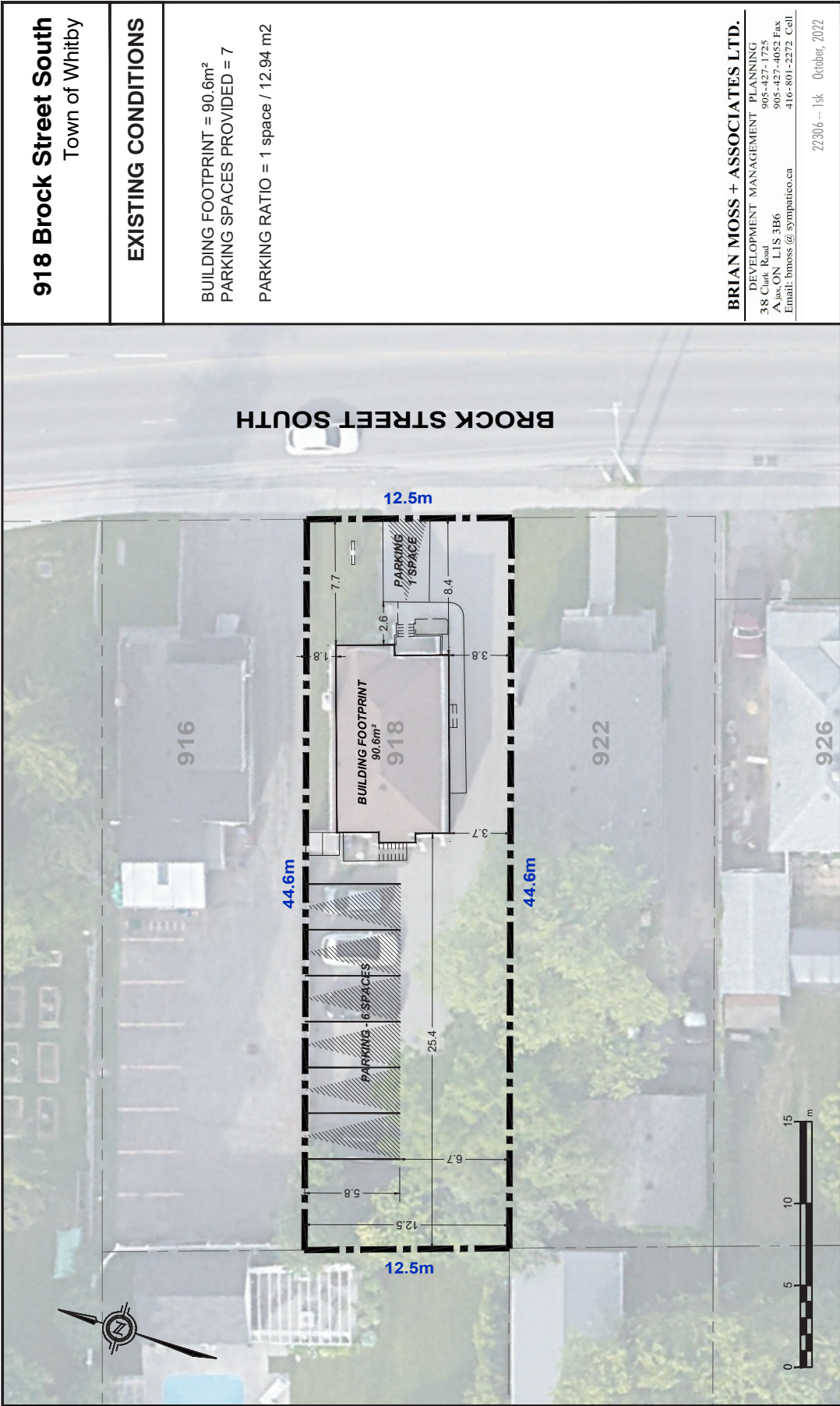
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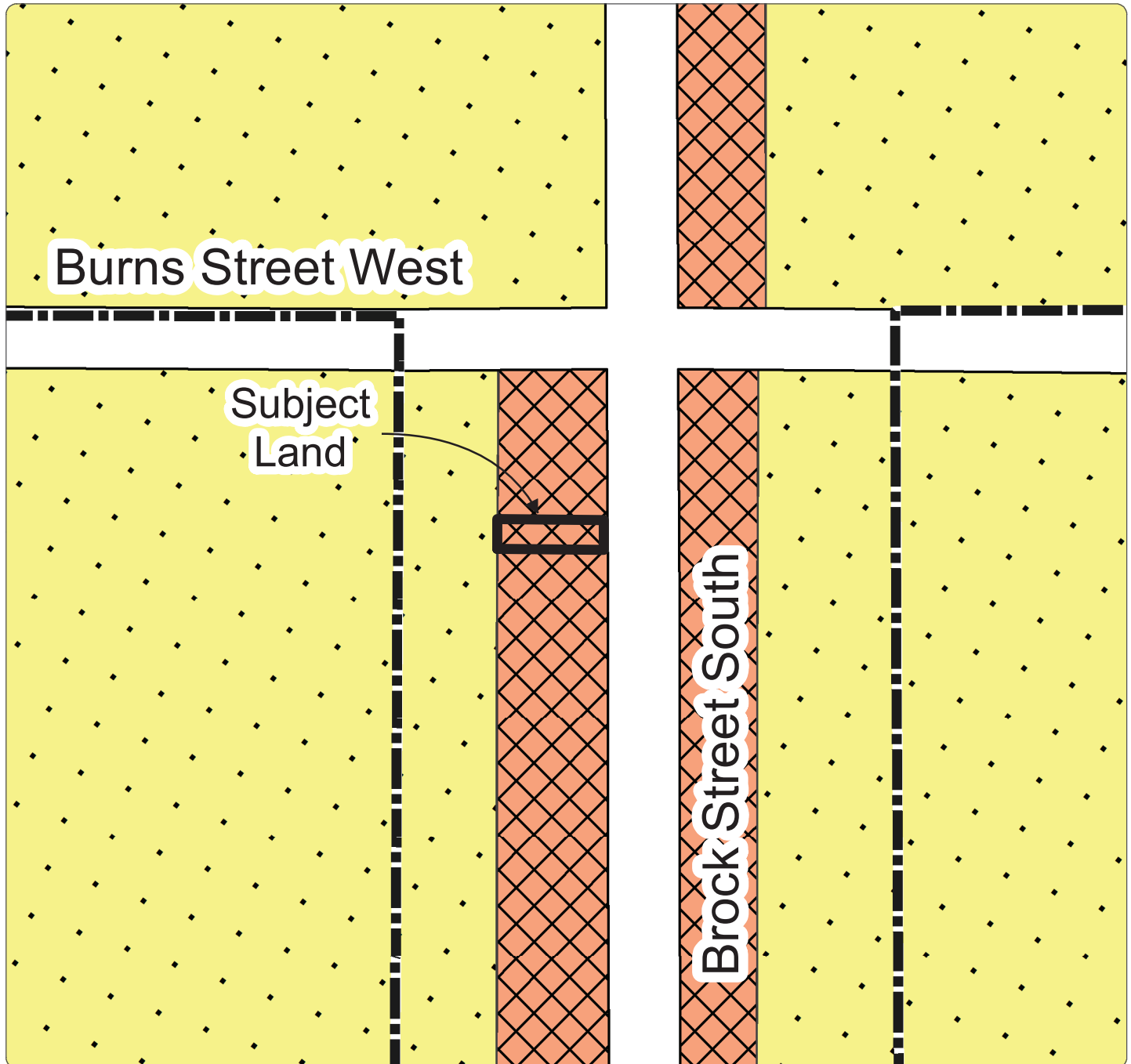
Attachment #3

Proponent's Proposed Concept Plan

PDP 32-23



Excerpt from Whitby Official Plan Land Use Schedule A

**Legend**

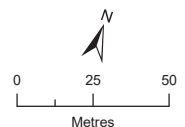
- | | | |
|----------------------------|---|-----------------------------------|
| Residential | Lands Subject to Durham Regional Official Plan Policy 14.13.7 | D3 (Deferred by Region of Durham) |
| Major Commercial | Deferred by the Region of Durham | |
| Community Commercial | Local Central Area | |
| 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 | |
- 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

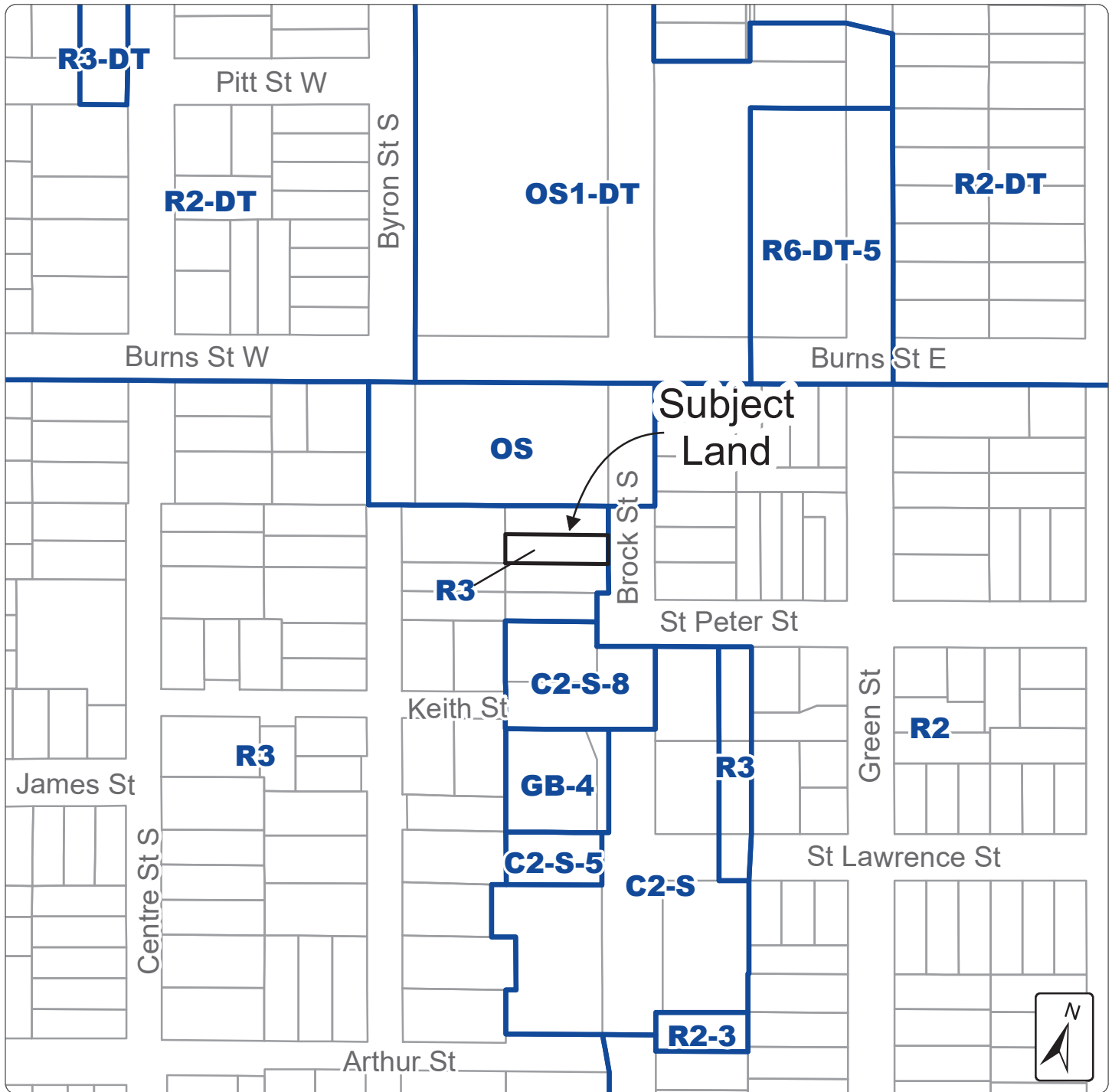
A



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.

Attachment #5 Excerpt from Zoning By-Law 2585

PDP 32-23



Town of Whitby Planning and Development Department

Proponent:
2844542 ONTARIO INC

File Number:
DEV-07-22 (Z-03-23)

Date:
June 2023

External Data Sources:
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Attachment #6
Public Meeting Minutes from May 29, 2023
File DEV-07-23 (Z-03-23)

PDP 32-23

Christopher Robertson, Planner I, provided a PowerPoint Presentation which included an overview of the application.

Brian Moss was present to answer questions. No questions were asked.

There were no submissions from the public.

PDP 32-23

Attachment #7
Agency & Stakeholder Detailed Comments
File Z-2023-03

Internal Department

Engineering Services

The following submitted materials have been reviewed for the purpose of this application:

- Planning Justification Brief, dated March 23, 2023, by Brian Moss and Associates Ltd.
- Conceptual Site Plan – Existing Conditions, dated October 2022, by Brian Moss and Associates

The subject lands are currently zoned R-3 under Zoning By-Law 2585. The purpose of the zoning by-law amendment is to bring the lands into zoning conformance which permits office uses in a single detached dwelling. Note that this zoning by-law amendment is to recognize the already existing use of the land and no change to the parking and building footprint is proposed.

Engineering Services does not object to the proposed Zoning By-Law Amendment.

Planning and Development Department – Policy & Heritage

The Zoning By-law Amendment Application does not contemplate any new development on the site/no changes to the existing building. Therefore, the Zoning By-law Amendment Application continues to meet the intent of OP policy 4.6.3.9.

External Agencies

Durham Region Planning

We have completed our review of the above application and offer the following comments regarding conformity with the Regional Official Plan and Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities, and Regional servicing.

The subject lands are approximately 0.055 hectares and is located on the west side of Brock Street South. The property currently supports and existing building structure.

The purpose of the proposed Zoning By-law Amendment is to add the additional use of an office within the existing building.

Regional Official Plan Conformity

The subject lands are located within the "Living Areas" designation in the Regional

PDP #-23

Attachment #7
Agency & Stakeholder Detailed Comments
File Z-2023-03

Official Plan (ROP). Brock Street South is designated as a “Regional Corridor” and as a “Transit Priority Network” in the ROP.

Limited office developments are permitted in the Living Areas as components of mixed-use developments.

Developments proposed within Regional Corridors shall support a mix of uses to promote intensification and efficient transit services. The proposed office use supports mixed-uses and intensification along the Brock Road South corridor, and generally conforms with the ROP.

PROVINCIAL PLANS AND POLICIES

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS) and Growth Plan encourages urban areas be developed to consist of an appropriate mix of employment uses that offer a wide range of employment activities. The proposed application supports mix of employment uses and diversifies the economy and is consistent with the PPS and conforms with the Growth Plan.

DELEGATED PROVINCIAL PLAN REVIEW RESPONSIBILITIES

We have reviewed this application for delegated Provincial Plan Review responsibilities.

Regional Site-Screening Questionnaire

The applicant has completed the Region’s Site-Screening Questionnaire for the subject lands dated December 23, 2022. We are satisfied that site contamination concerns has been addressed for the site.

Conclusion

The proposed office use contributes to mix-use developments along the Brock Street Regional Corridor and generally conforms with the Regional Official Plan. We have no objections to the proposed application.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Review of Residential Construction Dust Permit Program

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: LS 05-23

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

1. Recommendation:

1. That Report LS 05-23 be received for information;
2. That Enforcement Services not implement a permit system to regulate dust from private residential construction projects,
3. That Enforcement Services continues to actively promote dust control through an annual communication strategy; and
4. That New and Unfinished Business – General Government Item No. GG-0013 be removed.

2. Highlights:

- In 2020, the Town of Whitby enacted the Residential Construction Dust By-law # 7652-20 to address the control of dust and the application of dust prevention measures for residential construction projects such as interlocking, walkways, stonework and retaining walls.

- Since the by-law's enactment, Enforcement Services promotes dust control on an annual basis through various mediums including the addition of mobile signage in 2022;
- The Town of Whitby is one (1) of two (2) municipalities in the Region which have enacted stand-alone dust control by-laws;
- Staff were not able to find any municipalities within Ontario that require a "dust permit" for residential construction projects;
- Currently residential construction dust complaints account for less than 1% of annual formal written complaints;
- The implementation of a permit system would create additional staffing pressures for Enforcement Services and add an extra layer of complication for contractors and residents to complete projects in Whitby

3. Background:

The Town has a Residential Construction Dust By-law

In 2020, The Town of Whitby passed the Residential Construction Dust By-law # 7652-20 (the "By-law") to address the control of dust and the application of preventative measures for residential construction projects such as interlocking, walkways, stonework and retaining walls.

The Residential Construction Dust By-law does not apply to dust emanating from the following:

- (a) necessary municipal work;
- (b) work occurring on commercial and industrial properties; and
- (c) the construction of a multi-residential building, subdivision, or mixed-use development; and
- (d) a residential demolition project for which an approved demolition permit has been issued.

A contravention of the Residential Construction Dust By-law would result in a fine of approximately \$615.00.

The existing by-law outlines required dust prevention measures

The Town was the first municipality within Durham Region to enact a stand-alone by-law with specific provisions requiring one, or a combination of the following preventative measures:

- (a) wetting the construction material;
- (b) using a wet saw;
- (c) using dustless saw technology;

- (d) tarping or otherwise containing the source of dust;
- (e) installing wind fencing or a fence filter;
- (f) using a vacuum attachment when cutting; or
- (g) any other preventative measure that deemed by the Town to be adequate in the mitigation of dust escaping a residential property based on the nature of the activity.

Enforcement Staff receive few residential construction dust complaints

Since the enactment of the By-law, Enforcement Services has received the following number of complaints about residential construction dust:

Year	Number of complaints
2020	12
2021	13
2022	10

The total number of complaints received for residential construction dust account for less than 1% of the complaints received on an annual basis.

Current education/promotion of the By-law

In an effort to promote education and voluntary compliance, staff have implemented an annual awareness campaign through live advertising and social media. In 2022, staff added a mobile sign campaign to further promote the control of dust regulated under the By-law.

Council directed staff to evaluate the merits and financial implications of a residential construction dust permit system

On April 11, 2022, Council adopted the following motion;

Resolution # 90-22

1. That Correspondence # 2022-133 received by C. Harris, Town Clerk, from John Semjan dated February 28, 2022 regarding Dry Saw Cutting Asphalt, Stone, and Concrete on Residential Home Improvement Projects be received for information; and,
2. That Council shall direct staff to further investigate and research to determine best practices in neighbouring municipalities and report back to Council through a report on the merits and financial implications of a residential construction dust permit system.

Staff provide the following report in response to the above motion and direction of Council.

4. Discussion:**The *Municipal Act, 2001* allows for a municipality to enact a permit system for controlling dust**

Sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Act”), allow for a municipality to prohibit and regulate public nuisances. The Act further specifies that a municipality may prohibit and regulate “noise, vibration, odour, dust and outdoor illumination...,” and includes the authority to require a permit to undertake those activities, subject to conditions which the municipality may determine. A permit under this section would be separate from a building permit under the *Building Code Act, 1992*.

Regional and provincial review of Dust by-laws

Within Durham Region, the City of Oshawa has enacted a by-law to control dust through its [Dust and Mud By-law](#), which creates an offence for migration of dust onto neighbouring properties, but does not specifically require preventative measures. Many of the remaining municipalities in the Region regulate residential dust through their respective Public Nuisance by-laws, although Pickering and Ajax noted that they do not enforce residential dust concerns. No Durham Region municipality requires a dust permit for small-scale residential construction projects.

In addition, staff have also researched whether other Ontario municipalities have implemented a permit system for small-scale residential construction works. This included reviewing the City of Toronto’s Dust Control Regulations (Municipal Code, Chapter 417) to determine if a permit system has been implemented since the regulations were enacted in 2018. Staff did not find a municipality in Ontario that had implemented a dust permit system for residential construction works.

A Dust Control Permit for small-scale residential projects may help reduce the emission of dust between residential properties

Staff recognize that the implementation of a permit system could increase awareness by informing/educating contractors and residents of the dust control requirements that must be adhered to while conducting small-scale residential projects. This could decrease dust as the permit system would create a pro-active approach by pushing out the information prior to projects beginning.

However, it is important to note that since there are no similar programs in the Province, staff were not able to find any direct evidence to show that a dust permit would reduce overall dust complaints.

Enforcement would continue to be a challenge

Like noise enforcement, the enforcement of the dust control by-law (and a potential permit) requires the officer to see the dust travelling beyond an individual property. As dust disperses quickly, the officer may not be able to issue a charge based on a complaint if the dust dissipates before the officer can inspect the site. As a result, enforcement may still need to rely on individual residents to collect evidence of an offence.

Staff are also concerned that many residents and contractors may not be aware of the requirement, and inadvertently contravene the By-law by not obtaining a permit. Further, enforcement of the lack of a permit, or contravention of a condition of a permit, is typically a fine. Contractors who chose to ignore the requirement for a permit or violate the conditions of a permit may see the fine as a “cost of doing business” and pass these costs to the individual homeowner, making the cost of such projects higher in Whitby relative to our neighbouring municipalities.

Lastly, the Town’s enforcement model is a “reactive” rather than “pro-active”. As a result, staff would still be reacting to complaints about dust and/or the lack of a dust permit. While an additional staff resource to enforce and administer the permit may have some capacity to monitor these projects, staff anticipate that enforcement will still largely be reactive and based on complaints received.

Overall, the burden and cost of implementing a Dust Control Permit System would outweigh the potential benefits

In looking at both the benefits and drawbacks of implementing a dust control permit system in the Town, staff have determined that the drawbacks outweigh the potential benefits. While the Town could see a reduction in residential construction dust due to the requirement for a permit with conditions requiring preventative measures, the challenges in enforcing compliance and financial implications would result in the Town being little further ahead than it would be today.

Staff anticipate that the additional administrative burden of obtaining a permit for a small-scale residential construction project would be viewed negatively in our community. Any additional costs related to the permit and enforcement would be passed onto the residents seeking to undertake the work. The Town encourages our community to maintain high property standards in order to create a clean and vibrant streetscape, and staff are concerned that this additional administrative and financial burden could discourage homeowners from undertaking renovation and beautification projects of their properties.

A Residential Dust Permit Program will require additional staff

Should Council direct staff to implement a dust permit system, staff recommend a cost-recovery model be adopted as outlined in the Financial Considerations section below. Staff believe that the Town would not receive the projected revenue for 2-3 years as residents and contractors become aware of the new requirement for a permit in the Town of Whitby. Should Council direct that a residential dust permit system be implemented in Whitby, Staff recommend an additional hybrid position that includes both administrative and enforcement duties be included as a part of the 2024 budget.

The hybrid-staffing model would entail a hybrid enforcement/administrative position that facilitates permitting, addresses any non-compliance arising from issued permits, pro-actively promotes the by-law through permit issuance, and responds to any additional complaints. This position would also address other

permitting and licensing activities for Enforcement Services, including pro-actively encouraging compliance and implementing strategies/programs to increase and promote licensing. This position may also assist with the implementation of other business licensing programs such as Short-Term Rental Accommodations.

5. Financial Considerations:

The recommendations in this report does not change current service levels and have no financial implications.

However, should Council direct staff to implement a permit system, staff have developed a preliminary cost model and determined that a permit fee of approximately \$350 to \$400 per permit would be required to recover the costs of administering a dust permit program. The dust permit fee would be in addition to other Town fees. For example, if a dust permit system were implemented, Whitby residents would see Town permit fees increase from \$450 to \$800 - \$850 for pool installations that involve interlock or stone works:

\$450	Town's current Pool enclosure permit fee
<u>\$350 to \$400</u>	Estimated dust permit fee
<u>\$800 to \$850</u>	

6. Communication and Public Engagement:

As noted in Section 3, staff have developed and implemented an annual awareness campaign in an effort to promote education and voluntary compliance. This has included a social media campaign and in 2022 the addition of a mobile signage campaign to further promote the control of dust through the use of preventative measures.

7. Input from Departments/Sources:

Legal and Enforcement Services worked collaboratively with Financial Services for this report.

8. Strategic Priorities:

Report LS 05-23 continues the Whitby tradition of responsible financial management and respect for taxpayers through the review of a potential residential construction dust permit program. The review also supports the Corporate Strategic Plan Objectives to continually improve how we do things by fostering innovation and focusing on making our processes better.

9. Attachments:

N/A

Town of Whitby

Staff Report

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Report Title: Follow Up Report for Proposed Amendments to Property Standards By-law # 6874-14, Hedge Heights

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: LS 06-23

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

1. Recommendation:

1. That Report LS 06-23 be received for information; and
2. That Staff bring forward a by-law to amend Property Standards By-law # 6874-14, as amended, substantially in accordance with the draft bylaw in Attachment 1 to this Report LS 06-23.

2. Highlights:

- At the Regular Council meeting on November 29, 2021, Council directed Staff to review the provisions of the Property Standards By-law regulating hedge heights and for Staff to recommend amendments to manage pests and vermin on private property.
- Staff prepared Report LS 04-22 in response to resolutions # 331-21 and recommended the removal of maximum height provisions for hedge in rear and side yards. Council asked staff to review best practices and consider other options related to the regulation of hedges in the Town.

- The current provisions of the Property Standards By-law restrict the maximum heights of hedges to 3.0 metres in rear and side yard of properties in the Town.
- Staff have reviewed the options and recommend amendments to the Property Standards By-law # 6874-14 (the “By-law”) to exclude trees that have not been sheared and allow variances to maximum hedge height in rear and side yards based on the assessment and professional opinion of a certified Arborist.

3. Background:

At the Regular Council meeting on November 29, 2021, Council directed Staff through Resolution # 331-21 to review the provisions regulating hedge heights:

Resolution # 331-21, Hedge Height Restrictions in the Property Standards By-law

That Staff review the provisions regulating hedges in the Property Standards By-law and report to Council by the end of Q1 2022 including considering the merit of amendments to eliminate hedge height maximums, except in instances where there are sightline concerns.

Staff brought forward Report LS 04-22 in response to the above resolution and direction of Council. This report contained recommendations by staff to remove the maximum height restrictions for hedges in rear and side yards. The basis of this recommendation was included as part of Report LS 04-22, which included the following rationale:

1. The continuous Property Standards Appeals Committee (“PSAC”) challenges from local arborists;
2. The rigidity of the regulations in the By-law resulted in Staff ordering some vegetation to be cut down to their demise due to the existing height of the hedges at the time of enforcement; and
3. That 2 of the local regional municipalities with similar older residential subdivisions do not regulate the maximum height of hedges.

At the Regular Council meeting on March 7, 2022, Council directed Staff through Resolution # 70-22 to review the provisions regulating hedge heights,

Resolution # 70-22

That Report LS 04-22 with respect to hedge heights, be referred back to Staff for a report to Council in Q2 to review and propose changes to the Property Standards By-law including the definition relating to hedges and best practices with respect to hedge heights restrictions and best

practices with respect to the removal of hedge heights according to arborists.

As per the direction of Council, staff sought the professional expertise of several Certified ISA Arborists for recommendations regarding best practices for the regulation of hedges.

4. Discussion:**Historical overview of actions for hedges to date**

The By-law contains the following definition of a “Hedge”,

“hedge” means a line of three (3) or more closely planted bushes or shrubs planted in a manner that creates a significant barrier to light without the existence of large gaps, but shall not include living walls identified by the Town as acoustic barriers;

Based on staff’s review, the original intention of the definition and maximum hedge height was for maintenance of shrubs and bushes, which typically only grow to a maximum of 3 metres. If the intention of this section was to only regulate shrubs and bushes, and not trees, then this provision would not have presented challenges, as such shrubs and bushes would only require minor cutting/pruning. The Arborists who offered feedback noted heavy pruning/cutting of vegetation in excess of 6 metres (20 feet) to 50% of its height (3 metres) will likely destroy the vegetation.

Based upon a review of PSAC decisions and Property Standards Orders, it appears that vegetation that could be considered trees have been affected by this regulation and included within the Town’s definition of a hedge.

What can be considered a tree vs. a hedge has also been complicated by the fact that some species of “Cedars” are classified as trees, and others as shrubs. From the review of PSAC decisions and Property Standards Orders, it has become clear that the majority of the challenges regarding the regulation of hedge height to date revolve around “Cedars” being hedges or trees.

Legal information on divisional trees/hedges established by Legislation, Common and Case Law

Generally, it is a long-standing legal principle that a property owner can cut any branches or portion of a neighbouring tree that pass over the property line including airspace. As with any legal principle, there are exceptions where trees grow along a shared boundary line between properties, and in any case, care and caution must be exercised when trimming a tree so as not to damage the tree beyond recovery or destroy the tree. Before cutting or trimming any part of a tree,

residents are advised to familiarize themselves with their legal rights and responsibilities.

Trimming and pruning of trees which are not within the Town's lands or boulevards are private civil legal matters between individual landowners, and do not involve enforcement by the Town. The Town cannot grant permission for one landowner to enter onto another's lands to trim vegetation which may cross property boundaries, and the Town cannot order a landowner to address vegetation that is not within their land.

Staff recommend that the Property Standards By-law is amended to account for trees which may act as a hedge.

Staff have consulted with ISA Certified Arborists to assist in determining how to regulate hedges to account for vegetation that may be significantly taller than 3 metres. The results of these consultations are paraphrased and set out in the bullet points below.

- Reducing the height of tall, old, and well maintained hedges and/or clusters of trees, is not possible without causing significant damage, which often results in the loss of the hedge or trees(s)
- An inflexible hedge height does not allow for any professional assessment regarding the amount of reduction a well-established hedge can survive. While the goal is to reduce the overall height of the hedge, aggressive reduction often results in the decline and or loss of the tree or hedge that is being maintained.
- Using the term "shearing" to describe the maintenance of a hedge would be a prudent addition to the By-law to differentiate between a hedge and a group of trees planted closely together. Shearing is a trimming technique that removes the terminal buds of a shrub or small woody plant with the intent to create thicker foliage on the areas being sheared. As it states now, there are more trees than just Cedars that would apply to the definition of hedge, e.g., Pyramidal English Oaks, Beech, Hornbeam or Columnar Tulip trees etc.
- By-law provisions limiting hedge height should focus on proper maintenance and safety of trees and hedges on a property and contain an expanded definition of the difference separating trees and hedges.
- White Cedars are not considered a shrub. They are a tree and if given the space they have the growth potential of a tree. They should not be considered shrubs simply because they are planted closely.

Staff's intention is to allow for exceptions to the regulation where the enforcement officer has the benefit of a report from an ISA Certified Professional Arborist to determine whether trimming or cutting the hedge would lead to its demise.

Staff propose to modify the definition of hedge within the Property Standards By-law # 6874-14 to exclude trees (with the addition of the wording in bold). Additionally, staff propose to modify the provisions within the By-law which regulate hedges (Section 4.1.3. and 4.1.4.) to allow for a landowner to obtain a report from a professional arborist to determine whether the vegetation can be reasonably pruned and survive. See **Attachment # 1**.

Application of Property Standards By-law amendments to existing Property Standards Orders

Should Council adopt the proposed amendments to the Property Standards By-law as per appended Attachment # 1, staff will utilize discretion in its application to existing Property Standards Orders which contain maximum hedge height deficiencies.

5. Financial Considerations:

There are no financial impacts associated with the proposed amendments to the Property Standards By-law.

6. Communication and Public Engagement:

Staff will update the consolidated version of the Property Standards By-law on the Town's website; Enforcement Services will provide education to residents about the amended provisions upon receipt of inquiries. Staff have contacted all persons on the interested parties listed and advised them of the Report being placed on the agenda.

7. Input from Departments/Sources:

Not applicable

8. Strategic Priorities:

The by-law amendments support the Corporate Strategic Plan objective to "continually improve how we do things by fostering innovation and focusing on making our processes better". Further, it is consistent with Council Goal # 9, "to remain the community of choice for families" as the amendments promote urban tree canopy and habitat for migratory birds, while reducing pest, vermin, and nuisance concerns on properties.

9. Attachments:

1. Attachment 1 – Proposed Property Standards By-law Amendments.



Town of Whitby

By-law # Insert Number

Amendment to Property Standards By-law # 6874-14, as amended

Being a By-law to amend the Property Standards By-law # 6874-14, as amended

Whereas the Council of The Corporation of the Town of Whitby deems it necessary to amend the Property Standard By-law to revise the definition of a “hedge” and maximum hedge heights provisions of the by-law”;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

1.1 That Subsection 1.27 of the Property Standards By-law # 6874-14, as amended, be repealed, and replaced with the following.

“hedge” means a line of three (3) or more closely planted bushes or shrubs planted in a manner that creates a significant barrier to light without the existence of large gaps but shall not include living walls identified by the Town as acoustic barriers or trees which are closely planted and have not been sheared.

1.2 That Subsection 4.1.3. and 4.1.4. of the Property Standards By-law # 6874-14, as amended, be repealed, and replaced with the following.

4.1.3. a hedge, located in a front yard in excess of one (1) metre in height, which is equivalent to three feet three inches (3’3”), except where a rear yard or an exterior side yard of a property abuts the front yard of another property the maximum hedge height shall be 3.0 metres which is equivalent to nine feet nine inches (9’9”) unless the property owner has provided a report from a Certified Arborist to the Officer’s satisfaction that identifies that affected vegetation cannot survive the trimming or pruning necessary to bring it into conformity with this section;

4.1.4. a hedge, in a side yard or rear yard in excess of 3.0 metres in height, which is equivalent to nine feet nine inches (9’9”), unless the property owner has provided a report from a Certified Arborist to the Officer’s satisfaction that identifies that affected vegetation cannot survive the trimming or pruning necessary to bring it into conformity with this section;

2. Effective Date

2.1. This by-law shall come into full force and effect on the day it is passed.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: CMS 06-23 Bill 23 - Parkland Dedication Framework

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: CMS 06-23

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

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

For additional information, contact:

Sean Malby, Sr. Manager, Parks
Planning and Development,
905.444.1830

1. Recommendation:

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

2. Highlights:

- To provide Council with an update on the impacts of Bill 23 with respect to reduced parkland dedication, Cash-in-lieu-of parkland (CILP) and subsequent impacts surrounding reduced parkland requirements and allocation.
- To provide Council with options and next steps with respect to future parkland, acquisition of new lands for Sports Fields Parks and additional considerations and background information for discussion.
- To provide information to Council with respect to current parkland dedication in the Brooklin Secondary Plan area in order for Parks Staff to continue conversations and negotiations with the landowners within the Brooklin Secondary Plan area.

3. Background:

The need for additional Parkland in Whitby

Whitby is experiencing rapid growth creating additional demand for the development of recreational amenities and facilities. In addition, various changes to provincial legislation have required municipalities to review their Official Plans and implement policies to ensure development is proceeding in an orderly and expeditious fashion, while continuing to create complete communities. Parkland is a key component of a complete community.

With the large influx of new development applications throughout the Town, particularly within the Brooklin Secondary Plan Area, staff seek to ensure that parks are properly planned for and delivered within the new legislative framework. Through report CMS 06-23 staff will provide Council with further information on the impacts of Bill 23 on parkland dedication, and the Town's ability to deliver an appropriate amount of parkland. This new Provincial legislation creates a challenge to deliver adequate recreational facilities, particularly sports fields, within new development areas. CMS 06-23 focuses on lands within the Brooklin Secondary Plan area, however, the issue of reduced parkland allocation is town-wide.

Through Staff Report PDP 65-22 The Town has already issued statements, which are endorsed by Council, on the impacts of Bill 23.

Parks and Recreational Facilities remain a top priority for its residents.

The Town of Whitby is a community that takes pride in its green spaces, recreational opportunities, and access to parkland. This was highlighted as part of the 2020 Community Survey. Within the survey, residents identified creating more green spaces as a top priority within Whitby. This comment was also echoed as part of the 2023 Citizen Budget survey, which identified the creation of more green space as a top budget priority, followed closely by the need to enhance the quality of the Town's indoor/outdoor facilities. Further, the COVID-19 pandemic has highlighted the importance of providing green space that is accessible, passive, and available for all ages.

The Policy Framework for Acquiring Parkland

The Planning Act sets the parameters for which parkland can be acquired by or dedicated to the Town as a part of new development applications and certain redevelopment opportunities. The Town's Official Plan (OP) sets out the overall policy framework for new parkland within the Town and is supported by the Conveyance of Parkland and Cash-in-Lieu of Parkland By-law No. 7733-21, which sets out the criteria, including rates, that Parkland is to be dedicated to the Town by new development.

Currently, the Town is below these target rates as shown in the table below. It is important to note that this data was compiled prior to provincial legislative changes in 2015 and 2022. In 2015, the provincial government passed Bill 73, Smart Growth for Our Communities Act, which required municipalities to have a parks plan in place prior to establishing or updating Official Plan policies that speak to parkland dedication rates. In addition, Bill 73 reduced the maximum alternative parkland dedication rates from 1 hectare for every 300 units, to 1 hectare for every 500 units. With the passing of Bill 23, this rate was further reduced to 1 hectare for every 1000 units.

At the time that Bill 73 came into force, the Town did not update the existing parks plan which guided parks planning within the Town. Therefore, the rates as shown below are no longer applicable and are generally not in line with the current targets. This was further intensified by Bill 23, which created an even greater level in parkland reduction. Bill 23 also requires the preparation of a parks plan, in advance of establishing or updating Official Plan policies that speak to parkland dedication.

As a result of the various provincial legislative changes over the years, the policies of the Official Plan have been superseded. Staff recognize that these policies require updating and this will ultimately be addressed through the ongoing Parks and Recreation Master Plan and future Official Plan Review process.

Park Type	Number of Parks	Supply (ha)	Current Service Level (2022 Population = 151,500)	Official Plan Targets
Town Park*	15	50.8	0.3	0.4 ha/1,000 residents
District Park	22	95.0	0.6	0.8 ha/1,000 residents
Local Park**	89	97.0	0.6	0.8 ha/1,000 residents
Total Active Parkland	123	242.8	1.6 ha/1,000 residents	2.0 ha/1,000 residents
* Town parks include waterfront parks and off-leash dog parks				
** Local parks include parkettes				

Parkland dedication and/or CILP is the primary method that the Town acquires parkland, or the funds needed to acquire off-site parkland to support the recreational needs of Whitby's expanding population.

The Town's OP guides the location of parks within new developments and the Town's Culture, Parks, Recreation and Open Space Master Plan along with the Town's Sports Field Strategy directs the type and numbers of recreational facilities and amenities to be provided. The Town's Parkland and Open Space Development Policy also provides the technical requirements for park development, including setbacks, sizing requirements and materials to be utilized. As noted, Staff are developing a new Parks and Recreation Master Plan to replace the existing Culture, Parks, Recreation and Open Space Master Plan (2006) and is anticipated to be brought to Council in the fall of 2023. The update of the Parks and Recreation Master Plan, presents an opportunity to update Official Plan policies and supporting documents to create a cohesive and comprehensive approach to parkland within the Town as a whole. The Town will be in a position to update the Official Plan in 2024 to bring the current Official Plan in alignment with the Region of Durham's updated Official Plan, in addition to the expanded Brooklin Secondary Plan area.

The current parks planning framework is set out in the Town's OP and the Parkland and Open Space Development Policy (POSDP). The OP identifies four park classifications, from smallest to largest:

- Parkettes
- Local Parks
- District Parks; and
- Town Parks

Attachment 1 to this report provides further details and examples regarding each park classification. These documents define the general sizes for the four park classifications and ideal location relative to adjacent complementary land uses: notably schools, open spaces, and natural heritage.

4. Discussion:

The Town has experienced challenges in acquiring the Parkland and Sports Field it needs.

Even prior to Bill 23, the Town was not able to provide the amount of parkland per capita targeted by the Town's Official Plan, and as a result was not able to accommodate the park facilities identified in the Town's 2015 Sports Facility Strategy and Parkland and Open Space Development Policy.

Sports fields pose the largest challenge in that they require large areas of relatively flat land to accommodate the playing fields and associated parking when compared to other park amenities (i.e., playgrounds, splashpads etc.). Sports fields, in this context, principally means full sized baseball, soccer and cricket fields. In particular, demand for cricket fields has been growing; however, Whitby does not yet have a dedicated cricket field.

New parkland is typically acquired through the subdivision process as a land dedication as set by provincial planning legislation, Town By-laws, and policy.

Prior to Bill 23, the amount of parkland dedication and/or cash-in-lieu acquired under provincial legislation proved to be insufficient to accommodate the number of required sports fields to address the needs of Whitby. This was a result of the dedicated park blocks typically being either too small, awkwardly configured, sloping and/or not located adjacent to complimentary land uses such as school blocks or open space. Parks adjacent to proposed school blocks is often necessary to provide sufficient onsite parking, and essential to avoid conflicts between sports field users and neighborhood residents due to on street parking.

The park sizes, as generally outlined in the Official Plan, can theoretically accommodate the required facilities, including sports fields and park related amenities (i.e., playgrounds, shade structures, walkways, etc.) when configured in the ideal shape, with generally flat topography and situated adjacent to complementary land uses such as school and open space blocks. However, in practice this rarely occurs and consequently the provision of sports fields in new development areas has not kept pace with the needs identified in the Sports Field Strategy.

Example: Sports Field Planning in West Whitby. As a part of the Secondary Plan for West Whitby, the seven planned parks were intended to incorporate a minimum of ten sports fields to meet the targets of the Sports Facility Strategy. However, through the park design process, three sports fields could not be accommodated, and two other fields were installed with less-than-ideal setbacks and buffers that diminish their playability. Given that only five sports fields could be accommodated, the Town has been required to now look toward Brooklin or other opportunities to achieve the sports field goals of the plan.

Additionally, three of the new West Whitby parks and associated sports fields are dependent on the adjacent school sites for parking. School boards often take up to seven years to decide whether to purchase the land from the developer and construct a school, creating uncertainty and a potential financial liability for the Town. If the school board ultimately decides not to purchase the school block, the Town may need to purchase additional land, if possible, to accommodate parking and to meet setback requirements between residential and recreation facilities. Securing appropriate setbacks between sports field users and residents is a significant consideration in the siting of sports fields. The use of sports fields often creates noise and/or parking complaints from neighbouring residents. Increased space for Local and District Parks would require the purchase of additional lands to make up the shortfall of land received from developers as parkland dedication.

Bill 23 heightens the challenges the Town faces in acquiring new parkland for sports fields.

The passing of Bill 23 has resulted in many changes that further exacerbate the challenge to providing sufficient parkland suitable for the development of sports fields within subdivisions. The primary impact is a drastic reduction in the amount of dedicated

parkland and cash-in-lieu of parkland to be received by the Town as a part of new development. It also allows for the conveyance of encumbered parkland that may not be suitable for sports field development. The net effect is that delivering the needed parkland and sport fields through the Town's current parks planning framework is no longer feasible. Given these changes, the Town will not be able to deliver on its identified top priorities for greenspace without reducing the current sports field service levels or purchasing additional land with property tax dollars (instead of CILP funds from new development) for future parks.

In addition, the cost of land, particularly developable land, has drastically increased over the past number of years. This has put the Town in a difficult position as the opportunity to negotiate the donation/dedication of land has becoming increasingly difficult as the value far exceeds the benefits potentially gained from the developer.

Example: Brooklin Secondary Plan. To illustrate the impacts of Bill 23, the Brooklin Secondary Plan area would have an overall reduction in parkland dedication requirement from 49.25 Hectares (pre-Bill 23) to 38.79 hectares (post Bill 23) equating to a reduction of 10.46 hectares of land. To put this in perspective, a single full-sized soccer or baseball field requires approximately one hectare of land to allow for appropriate sizing, safety run-offs and playable fields. It should be noted, one hectare of land does not account for additional amenities typically found within parks (i.e., playgrounds, splashpads etc.).

Given the loss of parkland through Bills 73 and 23 and through the Town's experience with the development of West Whitby, the required number of sports fields and associated amenities cannot be adequately provided to residents. The ongoing reduction in parkland as mandated by the Province has put the Town in a position where targets that were previously feasible are strongly out of reach.

This is highlighted in Attachment 2 which demonstrates the overall need for sports fields, informed by the Sports Field Strategy (SFS). It shows that even if the Town were to purchase additional lands within the Brooklin Secondary Plan area to restore pre-Bill 23 levels, sports fields might have been accommodated. After the passing of Bill 23 Parks Staff feel that the required fields cannot be accomplished.

Considering these factors, staff are looking at alternatives to provide local neighborhoods with viable parkland while securing land for sports fields elsewhere to service the larger community.

Options and Next Steps:

Prior to Bill 23, the Town was not able to achieve the targets set out in the Official Plan, Parkland and Opens Space Development Policy and Sports Field Strategy, for the acquisition of parkland and number of recreation facilities. Considering the reduction in parkland dedication and CILP, as a result of Bill 23, the Town is now in a position where these targets are no longer realistic and, as a result, a new strategy is required.

The Town must make strategic, achievable, and responsible decisions with respect to parkland acquisition and distribution in light of these changes. This is necessary to ensure that current and future residents are provided with the parkland and recreational facilities required despite the legislated reductions in land dedication and cash-in-lieu of

parkland. To address these shortfalls, staff offer the following potential options for Council's consideration. Please note that the Brooklin Development area is being used as a case study to illustrate the impact of these proposed solutions. However, going forward the chosen solution would become the new parks planning framework and would be applied to all future parks related developments.

1. Maintain Service Level Through Purchase of Additional Developable Land

Under this option existing service level targets for sports fields and the associated park hierarchy would be maintained. This would be achieved through the purchase of additional land from the property owners in new developments and funded by taxpayers. In the Brooklin Secondary Plan area this would equate to a minimum of 10.46 ha (25.8 acres) of land. Based on recent land appraisals the Town has received for the calculation of CILP across Whitby, developable land is valued at approximately \$3.5 million per acre. Accordingly, the cost to purchase 10.46 ha (or 25.8 acres) of land to offset the Bill 23 shortfall would cost the Town approximately \$90.3 million, to be funded from property taxes. Staff note this would be a one-time cost associated with the Brooklin Secondary Plan development area only. Future growth, elsewhere in the Town, would require additional land purchases and funding to meet the Town's need for sports fields. It is also worth highlighting that purchasing 10.46 ha may still not accommodate the planned sport fields while maintaining the existing park distribution and sizes as set out in the Brooklin Secondary Plan and Town's Park Hierarchy. As such, additional land purchase may be required.

2. Change the Parks Planning Framework

Under this option the existing service level targets would be maintained by changing the way sports fields are delivered. In place of providing sports fields in new Local and District Parks the Town would focus on constructing multi-field sports complexes. This would result in the elimination of District Parks from the Whitby Park classifications system as the larger parcels of land (4ha) would no longer be required to accommodate sports fields; local Parks could also be slightly reduced in size. Therefore, Local Parks would replace District Parks in the parks classification system in new developments. The facilities and amenities, other than sports fields, typically found in District Parks would be distributed strategically throughout the local park system to best serve the community. Staff note that the local parks would incorporate generous open lawn areas available for free play, informal sports games, and passive enjoyment.

As a result of the reduction in park sizes, within new development, the Town in most cases would be eligible for cash-in-lieu. These funds would be held in reserves to help offset the cost to acquire larger parcels of land to create dedicated multi-field sports complexes. These complexes could be located on land outside the urban boundary, within hydro corridors, or otherwise not suitable for typical residential, commercial, or industrial development. In this scenario, a multi-field sports complex would generally include six to ten lit playing fields, parking, washroom facilities, seating and potentially playground areas and concession stands. Examples of this type of facility can be found at Bethesda Park in Stouffville, Creditview Sandalwood Park in Brampton, and Southward Sports Park in Grimsby. The Audley Recreation Centre provides a local example with multiple diamonds, washroom facilities, concession stands etc. on lands

that are accessible and allow for a wide range of users from both within and outside of the immediate community.

3. Reduce Overall Service Level

The Town currently provides a target ratio for parkland dedication on a person to hectare or person to sports field level. An option is to reduce the overall service level. While the current recommended target for active parkland in the Town's Official Plan is 2.0 hectares per 1000 residents, the Town's service level is actually providing 1.6 hectares per 1000 residents. A service level reduction, to ensure alignment with Bill 23, would result in a service level closer to 1 hectare per 1000 residents. In addition, staff would need to examine the targets for sport fields to determine the required reduction in service levels for each sport field classification. Only through this type of reduction would the Town be able to establish an achievable recommendation for active parkland without the need to purchase additional land (using property tax dollars) to supplement reductions to parkland dedication/CILP payments (from developers) due to Bill 23. This option is not recommended, given the increased demand for sports fields and the current and anticipated growth in population which will need to be accommodated and served. Should the Town reduce the overall service level, the community will ultimately be the one to suffer. Based on the Parks and Recreation Master Plan and the 2023 Citizen Budget survey, access to open space and parks have been identified as top priorities for residents. Further, with increased population, there will be a rising demand for access to green space for informal play, which could be facilitated through the provision of open lawns within the new local parks.

Recommendation:

Staff recommend that Option 2 be pursued as the most cost effective and financially sustainable solution to best serve the residents of Whitby. Further details and considerations of this solution are noted in the bullet points, below.

- Shifting permitted sports fields to dedicated field complexes is supported by the Town's existing Sports Facility Strategy and Culture, Parks, Recreation and Open Space Master Plan. If approved by Council, this new framework would be incorporated into the new Parks and Recreation Master Plan currently under development and into the future review and update to the Town's 2015 Sports Facility Strategy.
- Shifting permitted sports fields to a dedicated field complexes would allow for:
 - Local Parks to be decreased in some locations from 1.5ha to between 1ha and 1.25ha and,
 - District Parks, now replaced by Local parks, to be reduced from generally 4 ha to approximately 1.25ha -2ha.
- As noted, any resulting CILP from these reductions could be directed towards offsetting the cost of purchasing land for the construction of multi-field sports complexes.

- Centralizing sports fields at multi-field complexes provides many advantages: field users appreciate multi-field venues to concentrate their practice and game scheduling, while providing an option through which tournaments and skill development clinics can be held.
- The Town benefits through economies of scale achieved in construction costs and through efficiencies in parks operations by reduced travel between field sites, and/or the storage of equipment on site.
- Local parks would continue to provide open lawn areas for informal field sports and passive play in addition to all other amenities typically provided for their respective park classifications.
- This new Parks planning framework would apply to all active and future development applications but would not be applied to draft approved applications.

Parks Planning Staff are requesting that Council endorse Option 2 as noted above. Upon endorsement, Staff will be able to respond and provide direction to both the Brooklin Secondary Plan development applications and other development applications currently under review. It should be noted that at this time, the Town does not own any lands of suitable size to accommodate a large multi-field sports field complex. With Council's endorsement of Option 2, staff will enlist a planning consultant to undertake a Town search for appropriate lands to accommodate one or more multi-field sports complexes as determined through the Parks and Recreation Master Plan. Staff will then report back to Council with a plan for the procurement of land and the creation of multi-field sports complexes that will include potential locations, options, estimated costs and timing.

5. Financial Considerations:

In 2021 and 2022, the Town collected \$7.1 million and \$5.1 million, respectively, in cash-in-lieu of parkland dedication payments from developers that did not convey parkland to the Town as part of their developments.

Bill 23, the More Homes Built Faster Act, 2022 received Royal Assent on November 28, 2022 and reduces the requirement for developers to convey parkland or provide cash-in-lieu of conveying parkland. For example, the previous requirement for residential developers to provide CILP of 1 ha per 500 units has been reduced to 1 ha per 1,000 (or now 0.5 ha for the same 500 residential units). Further, caps have been implemented regardless of the number of units proposed to be developed.

Since the passage of Bill 23 (November 28, 2022), the Town has recalculated CILP quotations for active development applications with significant reductions in what developers must contribute in lieu of providing parkland – two examples are shown below:

- 1) For a proposed development of 75 units, the Original CILP calculation of \$997,500 reduced to \$285,000 post-Bill 23;

- 2) For a proposed development of 92 units, the Original CILP calculation of \$1,190,000 reduced to \$340,000 post-Bill 23

For both the example developments noted above, the CILP had not been paid (by the developers) as of the date of Royal Assent, and the developers have since requested a recalculation due to Bill 23.

The 2022 year-end balance in the Town's Parks Reserve Fund (where CILP collections are deposited) is \$9.1 million. Of the \$9.1 million, \$6.9 million (or approximately 75%) has been allocated as part of the 2023 budget (10-year capital forecast) or commitments related to capital projects approved in previous years. Major commitments/allocations against the \$9.1 million Parks Reserve Fund balance include parkland for the Whitby Sports Complex, Ardwick Park, and Myrtle Station Park.

At the time of writing this report, the Town's 2022 year-end audit has not been completed and the 2022 figures noted in this report are subject to year-end financial adjustments related to the audit.

6. Communication and Public Engagement:

Parks, greenspaces, and access to open spaces have been identified as a key consideration in previous public engagement (e.g., Community Strategic Plan, Citizen Budget Survey). Public engagement is being conducted as part of the Parks and Recreation Master Plan, in addition, the public will be able to actively participate in the planning process through the future update of the Official Plan. These public consultation opportunities will allow residents and interested parties to provide input and/or recommendations.

As part of the background research, it was found that 53% of community survey respondents supported additional investment in outdoor soccer fields. Community Services Staff have also been in discussions with Whitby FC, one of the largest providers of programmed soccer within the Town, they are supportive of additional fields and co-location of fields to allow for more users to join programmed soccer. It should be noted to Council that Victoria fields is to be redeveloped as an urban waterfront park in alignment with waterfront master plan. This project is currently forecast to occur in 2025 and will result in the loss of permitted sports fields. As such, should Council endorse Option 2, as recommended by Staff the need to research and ultimately acquire lands will be a top priority to ensure the timely delivery of soccer fields.

Baseball groups were also consulted as a part of the Parks and Recreation Background research. From this research, baseball, and its variations (including softball, fastball, etc.) are experiencing a resurgence of growth in recent years. In addition to an increase in growth within baseball, there was additional interest expressed in providing larger baseball diamonds to support men's leagues. Further, through community consultation it was highlighted that location is a key consideration as multi-diamond sites tend to be preferred among user groups where concurrent games and practices can take place at a single site sports complex, which may also offer supporting amenities such as parking, lighting, spectator seating, change facilities and more. This input was taken into account when assessing staff's recommendation of Option 2, as a multi-field sports complex would satisfy this need. In addition, having a large dedicated multi-field sports

complex may attract additional economic development opportunities, through various means, including but not limited to, sporting tournaments, advertising, and community events.

7. Input from Departments/Sources:

Throughout the process of drafting this Staff Report, Parks staff have been in discussions with Planning, Legal and Finance Staff to ensure consistency and clarity when processing, reviewing and ultimately commenting on development applications within Brooklin and Whitby as a whole. Planning Staff have had the opportunity to comment and provide input on this Staff Report. Staff recognize that, should council adopt the recommendations put forward by Staff, the new parks framework will ultimately need to be implemented in Official Plan policy and supporting documents. Staff recommend that the changes to the parks planning framework outlined in this report be considered as part of the ongoing Parks and Recreation Master Plan update as well as the future Official Plan Review (i.e., the expansion of the Brooklin SP area and conformity with the updated Durham Region Official Plan).

This report was also drafted with input from Financial Services and Legal Services and their comments have been incorporated into this report.

Further discussions with other involved departments (i.e., operations, enforcement, customer service) will need to be held. Operations is directly related in the maintenance, operation, and upkeep of Town Parks. Enforcement and Customer Service Staff may also need to be involved in these discussions as they are directly engaged as part of the complaint/inquiry process.

8. Strategic Priorities:

The development of the Parks Plan aligns with the Customer Corporate Strategic Priority as the project will help ensure there are facilities that can accommodate the growing community's demand for outdoor recreation opportunities.

The Town's Strategic Priorities are advanced as part of this recommendation. Specifically, the initiatives surrounding Sustainability in the Town. The provision of Parkland and Open Spaces contributes to battling climate change, improves air quality, promotes inclusivity, protects/enhances natural features, improves functionality of natural features, and encourages good land use. The aforementioned initiatives are not exhaustive, and it is generally accepted that Parkland and Open space contribute to the concept of complete communities.

9. Attachments:

Attachment 1 - Summary of Park Types and Associated Amenities

Attachment 2 – Summary of Sports Needs Assessment

Table 1: Summary of the different park types and associated amenities.

Park Type	Standard:
<p>Parkette: Are intended to serve the recreational needs of the immediate neighbourhood for active and passive recreational opportunities.</p>	<ul style="list-style-type: none"> • Generally 0.1-1.0 Hectares in size • Typical Facilities may include: <ul style="list-style-type: none"> ○ Playground (tot-lot) ○ Shade and seating, ○ Walkways.
<p>Local Park: Are intended to serve the recreational needs of the immediate neighbourhood for active and passive recreational opportunities.</p>	<ul style="list-style-type: none"> • Generally 1.5 Hectares in size • Typical Facilities may include: <ul style="list-style-type: none"> ○ 1 full sized sports field, ○ 1 Ball Court, ○ Junior and senior playground, ○ Shade and seating, ○ Passive and free play areas, ○ Walkways.
<p>District Park: Intended to serve the recreational needs in a community area or series of neighbourhoods with outdoor and indoor recreational opportunities.</p>	<ul style="list-style-type: none"> • Generally 4 Hectares in size • Typical Facilities may include: <ul style="list-style-type: none"> ○ 2 sports fields (may be illuminated) ○ Junior and senior playgrounds, ○ splash-pad, ○ Lighted Tennis courts or pickleball courts, ○ Basketball and/or Multi-skills court, ○ Passive and free play areas, ○ Walkways, ○ Parking.
<p>Town Park: Intended to serve recreational needs on a Townwide basis and include major recreational and cultural heritage resources and municipally owned open spaces along valleys, the Waterfront and the Former Lake Iroquois Beach.</p>	<ul style="list-style-type: none"> • No specified size • Typical Facilities may include: <ul style="list-style-type: none"> ○ active recreation areas with illuminated major sports fields and facilities, ○ recreation/community centres, ○ ball courts, ○ playgrounds, ○ community gardens, ○ landscaped and passive recreation areas, ○ and parking areas.

Table 2: Summary of the Sports Needs Assessment as concluded from the Sports Facility Strategy

Sports Field Needs	Soccer	Baseball	Multi-Use Fields
Sports Field Strategy (SFS) Recommendations: The remaining number of sports fields that would need to be accommodated in the Brooklin Development Area to meet the SFS recommendations for the total number of fields needed in the West Whitby and Brooklin Development Areas. *This takes into account the sports fields planned and/or built in West Whitby	7	11	0
Victoria Fields Urban Park - Reduction Number of sports fields to be displaced, and requiring replacement elsewhere, because of the planned development of the Victoria Fields site into an Urban Waterfront Park.	9	0	0
Sub-Total Projected Shortage of Sports Fields	16	11	0
Number of Sports Fields proposed in the Brooklin Background Study to be accommodated in the Brooklin Development Area in Pre-Bill 23 environment. *Staff are confident that this number of sports fields could not be accommodated, within the Pre-Bill 23 lands, and adhere to current Whitby parks planning standards and best practices for parks/recreation design.	9	7.5	0
Total Number of New Sports Field Required *This number of required sports fields does not address the current demand for permanent Cricket Fields.	7	3.5	0

Memorandum to Council

Community Services Department

Parks Planning Division



To: Mayor and Members of Council

CC: Sean Malby, Sr. Manager Parks Planning & Development

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

From: John Romano, Commissioner of Community Services

Date: June 16, 2023

File #: N/A

Subject: Update – CMS 06-23 Bill 23 – Parks Planning Framework

This memo is intended to provide Council information related to Staff Report CMS 06-23 in response to questions raised at the Committee of the Whole Meeting on June 5, 2023.

The recommended change in the planning framework which reduces the size of District Parks and utilizes additional Cash in Lieu of Parkland generated to develop sports field complexes, which was presented to Council offers many benefits:

- 1) A change in the framework is required to ensure that the Town provides the sports field amenities as identified in the Council approved Sports Facility Strategy.
- 2) The recommended approach is common in municipalities around the province, including neighbouring municipalities in the Region of Durham and is considered an industry best practice in providing sports fields.
- 3) When consulted, many of Whitby's outdoor sports associations requested sport field complexes, to assist with their programming and enhancing their ability to host large scale tournaments.
- 4) The framework does not reduce the number of parks in the Town and will reduce the conflicts which occur between local park users and sports field users.
- 5) The framework will better allow for additional amenities to support the use of sports fields, such as washroom and concession facilities.

- 6) It increases operational efficiencies when maintaining sports fields.

Through the implementation of the West Whitby Secondary Plan and initial phases of the Brooklin Secondary Plan, the Town has not been successful in achieving the sports field facilities targets set by the Sports Facility Strategy (SFS). The SFS was approved by Council through CMS-35-15 and directed staff to incorporate its recommendations in future capital budgets and development applications. The reductions in the required parkland dedication required through development as set out in Bill 23 make it more difficult, if not impossible, to achieve the targets. In west Whitby, the Town will receive six (6) or seven (7) of the ten (10) sports fields planned for the area to meet the SFS targets. The Town's experience shows that regardless of developers' support, it is highly unlikely, if at all possible, to achieve the sports fields targets established through the SFS.

Large scale sports complexes are found in Oshawa, Ajax, Clarington, Uxbridge, and many other municipalities across the province. They are effective in supporting local sport organizations and considered a best practice for providing these types of facilities.

Through consultation for the Parks and Recreation Master Plan (PRMP), many outdoor sports organizations have requested larger sports field complexes, to assist with programming. Larger facilities increase sports efficiency for programming and can reduce the number of volunteers/volunteer hours required to offer programming. These types of facilities also assist sport organizations in hosting successful tournaments and events, attracting sport tourism to the municipality. This has been true for Whitby as well, as the Iroquois Park Sport Centre (our primary large indoor sports complex) attracts large tournament play such as the Ontario Lacrosse Festival, Gloria Rints Memorial Silver Stick Tournament and The Tournament of Heroes. A large sports field complex in Whitby would provide similar opportunities to outdoor sport organizations.

This strategy will not reduce the number of parks in developing areas of Whitby or the overall hectares of Parkland in Whitby. Each park identified in the Brooklin secondary plan will be built (see Attachment 1).

This memorandum revises CMS 06-23 Bill 23 – Parks Planning Framework, such that the District Park Classification is maintained. However as recommended in the report sports fields would not be provided in Local and District Parks allowing for the potential reduction in the size of 3 District Parks from 4 hectares, to approximately 1.5 - 2 hectares, consistent with the upper range of a Local Park. One 4-hectare District Park, previously accepted through draft plan approval will remain unchanged (see Attachment 1). The park adjustments should result in incremental cash-in-lieu of parkland dedication to be collected by the Town. Incremental cash-in-lieu of parkland generated would be used to develop sports field complexes. The primary change in the amenities of these newly sized District Parks will be the removal of sports fields and parking. These new parks will be designed for the surrounding community and include the amenities most desired for the neighborhood that are typically found in a District Park, such as splash pads, larger playgrounds, and additional courts. These new parks will provide generous open lawn areas for informal pick-up field sports and passive enjoyment.

The proposed change removes the conflict between local and non-local users that often occurs in other District Parks, which attempt to support local neighbours and sport field users (the majority of which travel by car). Some challenges currently occurring are duration of play, noise, nuisance behaviour, and parking congestion. An example configuration for these new parks can be seen on Attachment 2. This shows the design for a new 1.5-hectare West Whitby Local Park located at 150 Marcel Brunelle Drive and currently under construction. Originally, this park was planned to include a baseball field, however it could not be accommodated due to spatial constraints. The resultant park includes a playground area, tennis courts, a large open lawn area and walkway. Two examples of existing Whitby Local Parks, without sports fields, are Norista Park and Pinecone Park. Norista park located at 40 Norista Street includes a multi-skills court, playground, splashpad and walkways (see Attachment 3). Pinecone Park located at 250 Cachet Boulevard includes a half basketball court, playground, hard surface plaza and walkways (see Attachment 4).

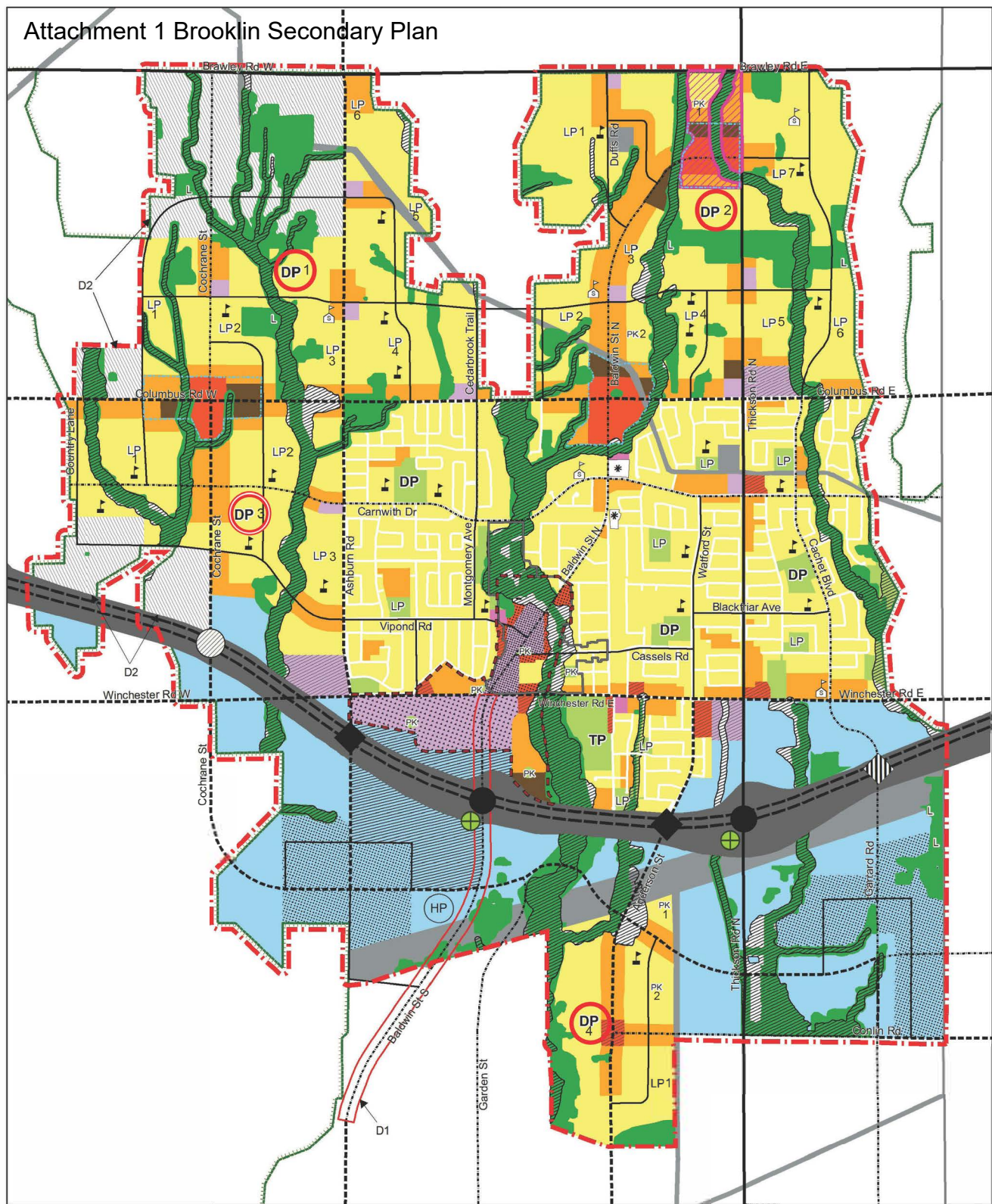
Sport field complexes are better able to support additional amenities such as washroom facilities, concession areas and maintenance supply facilities. The number of users that are typical at sports field complexes provides the rational to make concessions viable, make washroom facilities critical and allow for storage of maintenance materials and equipment to maximize efficient service delivery.

The impacts of the changes to parkland dedication enacted through Bill 23 makes it difficult for the Town to maintain the current parks planning framework. The changes would require the Town to acquire additional land using either Cash-in-lieu of parkland dedication funds and/or property tax-based funding to achieve the approximate sizing as set-out in the Official Plan. The additional land would need to come through negotiations with developers to purchase or otherwise secure the land.

It is important that Council provide direction to staff related to the parks planning framework. This will allow staff to comment appropriately on development applications and intentionally guide the development of Whitby's Park system while ensuring Council's goals are achieved. Should Council choose to wait for the completion of the PRMP the existing parks planning framework would continue to inform comments on development applications. Accordingly, the gap would continue to widen between SFS targets, and the provision of sports fields and additional cash-in-lieu of parkland dedication could not be captured.

In summary, the recommended change in strategy will help ensure the Town can achieve the sports field targets in the SFS, provide all of parks identified in the Brooklin Secondary Plan, deliver sports field complexes as requested by many minor sports organizations (an industry best practice), remove conflict between neighbourhood park users and sport field users, improve service delivery and improve maintenance efficiency.

I trust you find the information contained in this memo helpful, please feel to contact me should you have any questions or wish to discuss the matter further.



LEGEND:

- Natural Heritage System
- Major Open Space
- DP** District Park
- LP** Local Park
- PK** Parkette
- TP** Town Park
- Institutional
- Secondary Schools
- Elementary Schools

Brooklin Secondary Plan
Changes to District Parks proposed through -
(CS-06-23 -Bill 23 - Parkland Dedication Framework)



4 hectare District Park #1 - size reduced to approximately 1.5 - 2 hectares in size.



4 hectare District Park #2 - size reduced to approximately 1.5 - 2 hectares in size.



4 hectare District Park #3 - to remain as 4 hectare District Park; size and configuration previously accepted through draft plan approval.



4 hectare District Park #4 - size reduced to approximately 1.5 - 2 hectares in size.

**Brooklin
Community
Secondary Plan**



0 125 250 500 750 1,000 Metres

Chelseahill Park Development

Attachment 2 West Whitby Local Park

The photographs are example images only. They playground equipment and site furnishings will differ at Chelseahill Park



Community Open House
January, 2022





Norista Park



Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Urban Forestry Update – Spring 2023

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: CMS 07-23

Department(s) Responsible:

Community Services Department
(Operational Services)

Submitted by:

John Romano, Commissioner,
Community Services

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

For additional information, contact:

Jennifer Smith, Manager, Operations –
Parks, extension 4336

1. Recommendation:

1. That Report CMS 07-23 be received as information.

2. Highlights:

- Over 11,000 trees on more than 234 streets were pruned and inspected over the 2022/2023 winter season as a part of the Block Pruning Program;
- A total of 1,845 tree related service requests were received in 2022, including general tree maintenance, storm damage, and wasp nest removal. This is a 14.0% increase over 2021, and a 23.4% increase over 2020;
- In May of 2022, a severe storm known as a derecho resulted in the loss/damage of approximately 417 municipally owned trees within the Town. Stump removal and replacement planting of affected trees will continue in 2023;
- 659 municipal trees were removed in 2022, due to adverse weather (including the derecho in May), disease, poor tree health, poor tree structure, motor vehicle accidents, vandalism and/or infrastructure projects;
- 300 trees were planted by Town of Whitby Forestry staff in 2022;

- In 2022, the presence of *Lymantria dispar dispar* (LDD moth), formerly the gypsy moth, resulted in minimal defoliation in the Town. Into 2023, it is anticipated that the population of this moth will decrease further and is unlikely to cause any substantial defoliation in the Town;
- The Town established a new partnership with LEAF (Local Enhancements and Appreciation of Forests) in 2022 and will continue this partnership in 2023 hosting two community tree planting events. Additional tree planting initiatives include the Scout tree planting, which is returning in 2023 after a hiatus during the COVID-19 pandemic and a possible partnership with the Region of Durham and neighbouring municipalities for an application to the 2 Billion Trees Program (2BT);
- It is projected that there will be a 20% increase in the inventory of maintained trees by 2025. These numbers will continue to increase as additional development occurs in Brooklin. Continued development within the Town of Whitby, including West Whitby and Brooklin, will require additional resources to maintain current service levels.

3. Background:

Section 270(1) of the [Ontario Municipal Act](#) required municipalities to adopt a policy prior to March 1, 2019 which set out the manner in which it will protect and enhance their tree canopy and natural vegetation.

In 2019, [Public Works Report PW 06-19: Ontario Municipal Act – Tree Canopy Policies](#), [Tree Canopy Policy \(MS 380\)](#) was approved by Council (Resolution #59-19) and the following recommendation was made:

- That the Public Works Forestry Group provide semi-annual updates to Council on the status of Forestry, and its related tree management programs.

4. Discussion:

Community Services Forestry staff maintain approximately 53,000 municipal trees within road allowances, parks and other Town owned property and manage trees and other vegetation in woodlots and natural areas.

Forestry staff consists of seven (7) staff year-round, all of whom are fully certified arborists. They are augmented through the year by additional staff including: one (1) Labourer position, two (2) students in the summer, two (2) temporary workers in the fall and three (3) additional full-time staff reassigned from other Parks sections in the winter to assist with the Block Pruning Program. In total there are 10.16 FTEs, which is consistent with the 2022 staff complement.

Forestry programs and services that are undertaken each year to maintain tree assets include:

- Proactive block pruning on a five (5) year cycle;

- Response to residential requests for tree maintenance outside of scheduled block pruning;
- Response to emergency calls due to adverse weather events;
- Tree removals;
- New tree planting and establishment;
- Mature tree inspections;
- Pest management;
- Surface root treatments.

Other activities and projects include the development of the Urban Forest Management Plan (UFMP) and participating in tree planting and other forestry related events.

Block Pruning

The Block Pruning Program involves pruning and inspecting all residential street trees on a five (5) year cycle. The purpose of pruning is to produce safe, healthy trees. Pruning undertaken under the Block Pruning Program involves removing branches that could fall and cause injury or property damage, removing branches that interfere with lines of sight and clearances on streets, sidewalks and/or driveways, removing insect or disease infested wood and removing crossed and rubbing branches.

Pruning is also used to encourage trees to develop a strong structure and reduce the likelihood of damage during storms. A reduction in tree failures during extreme weather events also translates into fewer disruptions in hydro service and property damage claims.

During the 2022/2023 winter season, over 11,000 trees on more than 234 streets were pruned and inspected by staff, reducing potential maintenance requests from residents. Pruning was undertaken in Forestry Zones 2, 5, 8 and 9 (see Attachment 1 – Forestry Zones). Five (5) year pruning cycles continue to be maintained.

Block Pruning for the 2023/2024 season will be focused in Forestry Zone 6, which includes the area bounded by Rossland Road to the north, Anderson Street to the east, Dundas Street to the south, and Cochrane Street to the west. Any outstanding streets or trees that were not completed in 2022/2023 will also be addressed. The program generally begins in November and continues until April. A list of streets to be pruned is posted on the Town's website each year in October.

Response to Resident Requests for Tree Maintenance

In 2022 Forestry staff received 1,355 resident calls for general tree maintenance requests. As of the end of April 2023, approximately 150 of those service requests remain open.

Outside of the regular Block Pruning Program residents can call the Town to request maintenance of municipal trees adjacent to and/or affecting their property, along boulevards and in woodlots and open spaces. Trees are inspected by a

certified Arborist and work is prioritized based on level of risk. Where efficiencies can be achieved, structural pruning is incorporated into the season's Block Pruning Program.

Naturalized wooded areas contribute to the Town's overall tree canopy cover, provide vital habitat for wildlife within the urban environment, as well as corridors that connect areas of habitat and as such are left in their natural state and are not manicured. When residents request maintenance of trees in woodlots and ravines, an inspection is completed by staff who assess the overall health and structure of the tree(s) in question and determine the appropriate action to reduce the risk of personal injury and/or property damage on public and private property. Brush and wood resulting from tree maintenance or removal remains on site to decompose naturally. If there is potential for brush to interfere with the effective functioning of a watercourse, Forestry staff consult with Central Lake Ontario Conservation Authority (CLOCA) staff to determine the best course of action.

Emergency Calls and Weather Events

Extreme weather events primarily occur in the summer months when thunderstorms and high winds are more frequent. Emergency calls are inspected immediately, and if assessed as an imminent public safety risk, are addressed promptly. In 2022 Forestry staff received 417 emergency service requests.

On May 21, 2022, parts of Ontario and Quebec, including the Town of Whitby, were hit by a severe storm called a derecho. The extreme winds and thunderstorms associated with this storm left a path of destruction across the Town.

In Whitby, 472 municipal trees were damaged or uprooted, blocking roads, sidewalks, and driveways, disrupting power to homes and businesses and causing damage to cars, houses, fences, and other structures. In the first week alone, there were 372 calls received regarding tree damage from the storm.

The response by Operations staff, led by the Forestry team, was three-fold. The immediate response included providing access for emergency services and residents by clearing roads, driveways, and houses, as well as assisting in tree removals to facilitate the restoration of power. This was completed in just over a week. The secondary response was longer term and included additional clearing of fallen trees in backyards (over 60 locations), over walkways and in parks, as well as the collection of brush, branches and logs from private trees put to the curb by residents. Reassessment of affected trees was also undertaken to determine any follow up work required. This stage went well into the fall. Finally, stump removal and replacement planting of affected trees will continue in 2023. All stages of the response have been undertaken by a mix of Town staff and contracted services. Additional emergency funds were added to the 2022 to cover the cost of the incremental work resulting from the storm, including tree removals and replacement planting.

Tree Removals

Tree removals are scheduled in keeping with operational efficiencies and are prioritized by the level of risk present. In 2022, 659 municipal trees were removed by the Forestry section due to adverse weather, poor tree health, poor tree structure, disease, damage due to motor accidents, vandalism and/or infrastructure projects. This number is higher than a typical year, as it includes those trees that were removed as a result of the windstorm in May.

Tree Planting

Each spring and fall Forestry staff undertake regular tree planting programs. This involves planting trees at new locations in parks and in road allowances and/or replacing trees that have been removed. Stumps remaining from tree removals are also removed at this time. While the goal is a replacement ratio of 1:1 with removals, this is not always possible when conflicts with utilities and other infrastructure are present. Where the opportunity exists, replacement trees will be relocated to another location within close proximity of the removal, or additional trees will be planted in communal areas such as parks and open spaces.

In 2022 Forestry staff planted 300 trees during the spring and fall replacement planting programs, which is on par with previous years. There will be an increased number of trees planted in 2023, up to as many as 600, as replacement planting of trees damaged in the windstorm last May are undertaken.

New Tree Establishment

Trees are classified as a “new planting” for two (2) years following their planting date and are placed on a tree maintenance program. This includes:

- Watered a minimum of three (3) times per growing season;
- Inspected twice to determine pruning requirements to promote proper structure;
- Support stakes removed;
- Mulch replenished;
- Assessed for insect and disease damage.

This program is delivered primarily by two (2) Forestry Summer Students from May to August each year.

Mature Tree Inspections

Mature trees located in the Whitby and Brooklin downtown areas, which fall outside of the regular block pruning program, are assessed annually to monitor any changes in their condition and to determine their risk level. If required, mitigation measures are recommended and implemented to reduce the risk of personal injury and property damage while promoting the health of the tree to extend its longevity.

Forestry staff continues to maintain this annual inspection cycle, inspecting 298 trees over the year in 2022.

Pest Management

Trees are maintained with pesticides only as necessary to ensure tree survival and are not treated for aesthetic or nuisance issues. Forestry staff, through the use of contracted services, also responds to concerns about wasps' nests in trees that pose a danger to residents. There were 73 requests for the removal of, or treatment of wasp nests in 2022.

Staff continue to monitor data and information provided by the Ontario Ministry of Agriculture, Food and Rural Affairs, the Ontario Ministry of Northern Development and Mines, the Canadian Food Inspection Agency, Natural Resources and Forestry and the Canadian Ministry of Environment and Climate Change regarding ongoing and emerging tree pests, including *Lymantria dispar* (LDD moth), and Hemlock Woolly Adelgid (HWA). Furthermore, the Town has implemented preventative measures to address the threat of tree pests and diseases, such as Oak Wilt, which has a high risk of introduction to Canada.

Outbreaks of the LDD moth are cyclical, typically occurring every seven (7) to ten (10) years. The most recent outbreak peaked in 2021 and was the largest on record. There was minimal, localized defoliation due to the LDD moth in Whitby in 2022. Based on egg mass surveys completed in Ontario in the fall of 2022, it is anticipated that populations will contract again in 2023, with no significant infestations or defoliation in the Town.

Hemlock Woolly Adelgid (HWA) is an insect that poses a severe threat to hemlock trees, leading to significant damage or even the death of the tree if not addressed promptly. As such, Forestry staff has initiated measures to protect these trees from this pest by monitoring the Town's hemlock inventory and reporting any detected HWA infestations. While there have been no HWA infestations reported in the Durham area to date, the Canadian Food Inspection Agency has confirmed HWA's presence within close range including Grafton, Ontario in August 2022, and the Royal Botanical Gardens in Burlington in March 2023.

Although Oak Wilt has not yet been identified in Canada, it occurs in 24 U.S. states near Ontario posing a serious threat to the Town's oak trees, which are a valuable part of our landscape. Therefore, Forestry staff has adopted preventative measures to help protect oak trees from this deadly disease by pruning them during low-infection periods (August to March) and keeping up to date with Oak Wilt developments.

Surface Root Treatment

Resident requests regarding exposed surface roots are inspected and addressed if a safety issue is present, but not for aesthetic reasons alone. Roots may be removed by stump grinding or other means, such as covered with topsoil and grass seed, or other treatments as recommended by the Forestry Foreperson. These issues are generally addressed with stump grinding operations during spring and fall tree planting.

Urban Forest Management Plan

In February of 2023 a Request for Proposal (RFP) for the Urban Forest Management Plan (UFMP) was issued, with a closing date of April 28. The

proposals that were received have been evaluated by staff, and it is expected that an award will be made by early June. It is estimated that, once awarded, it will take up to eighteen (18) months to complete.

The UFMP will guide efforts to create, protect and maintain a healthy, safe, and sustainable urban forest that reflects the needs of the community. A healthy and resilient urban forest can mitigate the effects of climate change, improve local air quality, reduce the speed and volume of storm water runoff, decrease residential energy costs, provide habitat for local wildlife, mitigate the risk of property damage and personal injury, and contribute to an aesthetically pleasing and healthy community.

Tree Planting Event Partnerships

Forestry staff normally provide support for numerous community tree planting events each year. Events have been suspended or substantially reduced in scope since 2020 as a result of the COVID-19 pandemic. In the spring of 2022, there was a successful community planting event hosted by the Town in Peel Park. In the fall of 2022, as part of the new Community Greening Pilot Program approved by Council in September 2022 ([CAO Report 25-22](#)) the Town partnered with [LEAF](#) (Local Enhancements and Appreciation of Forests) to deliver a community tree planting in D'Hillier Park. The event involved approximately 70 volunteers who assisted with planting and mulching 450 trees to help increase and enhance Whitby's urban forest. Once again in 2022 the annual Scout tree planting was cancelled, but plans are in place to hold it on May 6 this year.

The Town's partnership with LEAF will continue in 2023, with two planting events planned. Once again, the spring event will take place in D'Hillier Park, and will expand the planting site from last fall. In addition to the planting events, there will also be a maintenance event to promote survival of plant material within previous tree planting areas.

Town staff are also actively exploring the opportunity to partner with the Region of Durham, neighbouring municipalities, CLOCA and LEAF, co-ordinated by [Trees for Life](#), to submit an application to the [2 Billion Trees Program \(2BT\)](#), as offered by the Government of Canada. The 2BT initiative is meant to motivate and support new tree planting projects across Canada. Eligible projects include those that create new forest cover, regenerate existing forests that have been damaged and restore forest habitat.

Educational Partnerships

The Town maintains an ongoing partnership with the [International Society of Arboriculture \(ISA\), Ontario Chapter](#) to support and provide educational and training programs held in the Town of Whitby. The Town is recognized as a training hub among arboriculture peers and has won awards in previous years recognizing this collaboration.

In 2022 the Town hosted multiple recertification courses that maintain the professionalism and safety of the industry. These courses included Tree Risk Assessment Qualification (TRAQ) and Tree Worker Climber Specialist from ISA

and Chainsaw Operations and Maintenance from the Infrastructure Health & Safety Association (IHSA).

Each spring, Forestry staff provide a one day pruning demonstration program for students in the Durham College Horticulture Technician Program. This year Forestry staff hosted the event at McKinney Arena on March 15, marking the sixth year that this event has taken place. It is a highlight for staff and students each year.

The Town continues to partner with the University of Toronto in a study aimed at comprehending and effectively managing the social and ecological effects of tree loss in the community. Forestry staff look forward to planning the Town's future urban forest and better communicate the benefits of trees from the results of this study.

In house, there are a number of initiatives that staff will be taking on this year to build a more resilient urban forest. Buckthorn is an invasive species that outcompetes native trees and is difficult to manage and control. To help restore areas with large infestations, Forestry staff will be conducting a trial of a biological herbicide called Lalcide Chondro to prevent resprouting and regrowth of the plant, eventually eliminating it. This treatment is a more environmentally conscious option over the use of chemical herbicides.

With soil compaction being one of the main causes of tree decline, another exciting treatment Forestry staff will trial involves worms and a technique called vertical mulching to improve soil conditions. This treatment will be used in highly compacted areas to encourage healthy growth and resilient trees. One potential location for the first trial of this initiative is Majestic Park, where there is a large mature Catalpa tree that has been negatively affected by soil compaction during development.

Future Urban Forest Update reports will provide information on the success of these initiatives.

Awards and Recognition

Once again for 2022, the Town of Whitby has been recognized as a [Tree City of the World](#). The application for this designation was led by Sustainability and supported by Planning and Development, Community Services – Parks Planning and Development and Operational Services.

5. Financial Considerations:

There will be an increase of tree assets added to the Town's tree inventory over the next several years due to the continued development of West Whitby and Brooklin. It is projected that there will be 5,167 boulevard and park trees added to the Town's tree inventory in 2024, as new subdivisions are assumed. A further 6,050 trees are anticipated to be added in 2025. Overall, this is roughly a 20% increase over the current inventory of maintained trees in the next two years. These numbers will continue to increase as additional development occurs in Brooklin. To maintain current service levels additional resources will be required.

The resources will be included in the Town's Work Force Plan and future budgets for Council consideration.

6. Communication and Public Engagement:

Community Services Forestry staff continue to work with Communications staff to identify opportunities to improve engagement and proactive communication with residents, through the Town of Whitby's website as well as other social media platforms.

Impacted residents are regularly provided notice of tree removals and tree planting for trees on the boulevard adjacent to their property. Notice of the annual block pruning program is posted on the Town of Whitby website each fall, listing streets that are scheduled for the upcoming season.

Development of the Urban Forest Management Plan will involve extensive engagement with Town staff, Council, the public and other stakeholders.

Forestry staff, along with staff from Parks Planning and Development and Sustainability, regularly engage with the public through tree planting events and education and information sessions.

7. Input from Departments/Sources:

Forestry staff regularly communicate, collaborate and partner with other staff within the Town, regarding the protection, maintenance and promotion of municipal tree assets and the urban forest. This includes Sustainability, Planning and Development, Asset Management, Parks Planning and Development, By-Law, and Engineering.

8. Strategic Priorities:

The arboriculture industry is continually updating its best management practices based on scientific research, technological advancement, climate change and laws and regulations. Through partnerships with outside agencies, Town of Whitby Forestry staff have been able to capitalize on these innovations and improved processes, balanced with the needs of the community. This continues to increase the efficiency and effectiveness of the Forestry section, along with the services it delivers to its customers.

Community Services Forestry staff establish, review and update service levels, aligning with the customer service strategic policy. Service levels are well defined, are consistent and Forestry staff are often praised by residents for their knowledge, dedication, and professionalism. Forestry staff are regularly engaged and empowered, through the partnerships they maintain, through continuing education and through internal research, development, and innovation. This increased engagement further enhances and promotes positive interactions with residents and other clients.

Sustainability:

A healthy and resilient urban forest supports the Town's declaration of a climate change emergency by:

- Sequestering carbon dioxide emissions, reducing the main driver of climate change in the atmosphere;
- Improving and regulating air and water quality;
- Reducing the impacts of water runoff and flooding caused by more frequent and intense rainstorms;
- Reducing the impacts of drought;
- Reducing the heat island effect;
- Increasing energy efficiency;
- Providing habitat for local wildlife;
- Promoting local and sustainable food through enhancement and protection of pollinators.

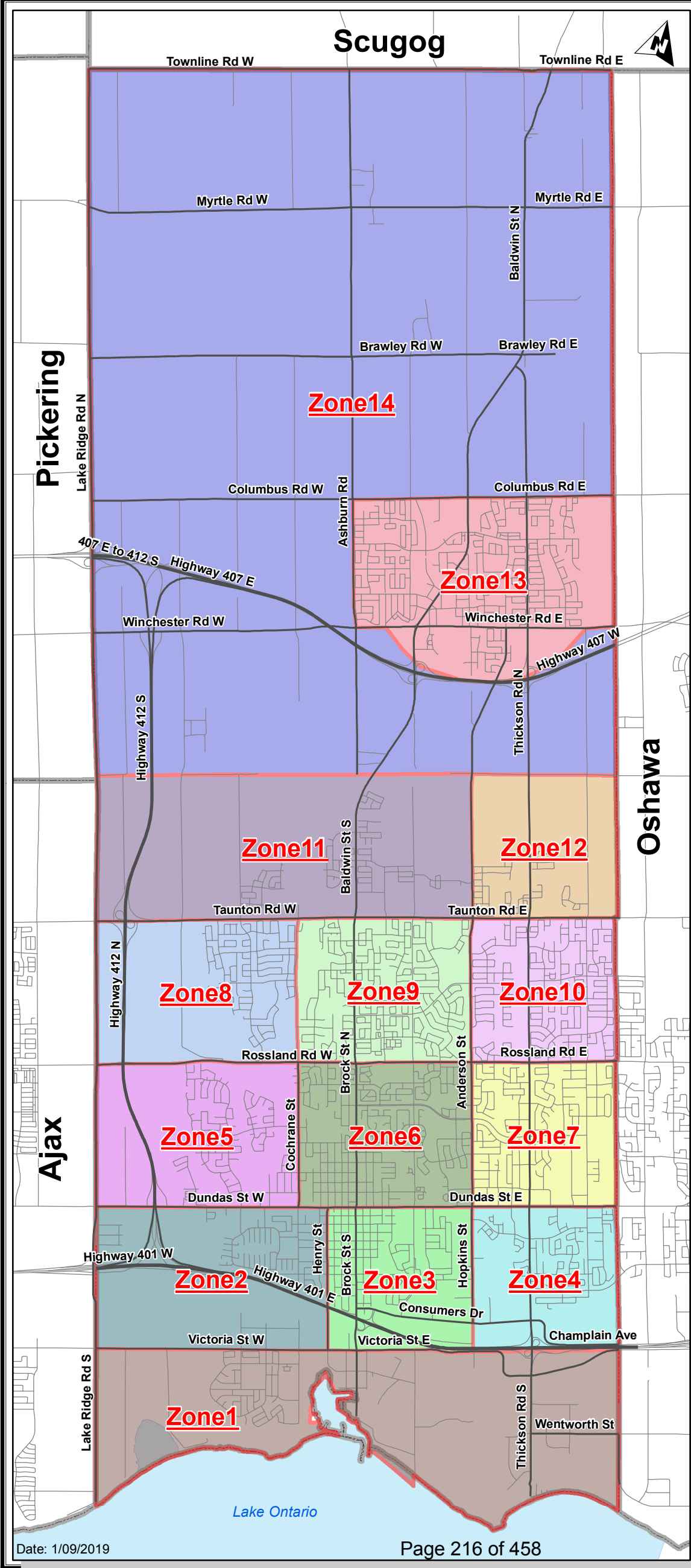
Accessibility:

Communications and information regarding tree maintenance activities are provided to customers in accessible formats, providing transparency, accountability, and inclusion. Tree pruning near sidewalks and walkways is

undertaken in a manner to provide proper clearances for people of all abilities, including those utilizing mobility devices.

9. Attachments:

Attachment 1 – Forestry Zones

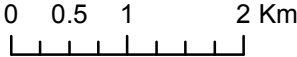


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This is not a plan of survey.



Town of Whitby
Region of Durham

Forestry
Zones

Town of Whitby

Staff Report

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Report Title: Annual Insured Claims Report

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: FS 13-23

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner Financial Services and Treasurer

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Tina Peterson, Risk Management and Insurance Analyst x2863

1. Recommendation:

1. That Report FS 13-23 regarding Annual Insured Claims be received as information.

2. Highlights:

- In accordance with the Town's Claims Handling Policy and Insurance Reserve Fund policy the purpose of this report is to provide Council with a summary of the insured claims activity for 2022, the status of open claims and the year end balance of the Insurance Reserve Fund.
- This report provides Council with an update on the Durham Municipal Insurance Pool (DMIP) and the Town's insurance and risk management program.
- The Town continues to benefit from being a member of the DMIP by continuing to receive protection against significant rising insurance costs.

3. Background:

The Town is a member of the Durham Municipal Insurance Pool (DMIP) which consists of seven of the other Area Municipalities and the Region of Durham in an

integrated insurance program to achieve greater control over the insurance coverage and costs.

The DMIP administers the insured claims for all members. The Town is responsible for claims within its local deductible of \$10 thousand per claim and shares in the pool claims that are beyond the local deductible of pool members and within the pool's deductible of \$500 thousand. Claims beyond \$500 thousand are insured by Intact Public Entities (IPE), previously Frank Cowan Company. By agreeing to share the claims and expenses of the integrated insurance program, pool members achieve a more stable supply of insurance coverage to meet the unique requirements of the municipal marketplace.

4. Discussion:

Insured Claims

The Town of Whitby receives claims from individuals most generally as a result of damage to private property or bodily or personal injury. A claim is submitted when the individual who suffered the loss or the injury believes that the loss was a result of some negligence on behalf of the Town or its employees.

The Town carries insurance through the DMIP to protect its employees, volunteers, and officers from such claims in addition to insuring Town-owned property. The types of insured claims include:

- Motor Vehicle Accident – includes claims relating to winter road maintenance, pothole claims, road debris
- Operations Action/Inaction – includes claims relating to damage to property in the course of performing work e.g., utility cable/wires during construction, projectiles from work equipment, trees falling
- Falls – includes claims for trips and falls or slips and falls on municipal property e.g., sidewalks, parking lots, trails, inside facilities and at playgrounds
- Professional Error – claims for financial losses due to error, misstatement or omission e.g., negligence in building inspection, zoning, planning, passing by-laws, failing to enforce by-laws
- Automobile – includes claims from third parties relating to property/bodily injury and property coverage for Town-owned vehicle damage
- Property – claims for damage to Town-owned insured property e.g., facilities

The insurance coverage includes costs incurred in responding to a claim including investigation and defence and in instances where it is determined the Town is liable for damages, any third-party awards/settlements.

Claims with Costs Incurred within Deductible

The Town is responsible for the first \$10 thousand on each claim. In 2022, the Town has incurred costs totaling \$202 thousand in deductible expenses related to insurance claims. Deductible expenses include external legal and external adjuster fees, investigation charges and other expenses and third party settlement costs within the \$10 thousand. This is higher than the Town's five-year average of \$186 thousand and 2022 budget of \$170 thousand. This increase could be attributed to the timing of closing claims as claims go through the investigation/litigation process. Prior to the pandemic the Town had seen an increase in the number of claims received which could be a reflection of a growing population and increasing litigious society. In addition, in 2022 the number of claims increased due to the May 21st derecho storm.

Open Claims at Year End 2022

There were 42 open claims at the beginning of 2022 and 81 at the end of 2022. Claim activity during the year is as follows:

42	Insurance claims open at the beginning of the year
122	new claims were received as Whitby claims during the year*
(91)	claims were closed in 2022
<u>8</u>	claims previously closed were re-opened
<u>81</u>	Insurance claims open at the end of the year

*Of the 122 new claims the Town of Whitby received in 2022, 31 are related to the May 21, 2022 derecho storm. Adjusting for the derecho storm, the Town had 91 new claims in 2022, which is trending upwards (compared to an average of about 73 claims per year pre-2020/pre-COVID-19 pandemic).

The 81 open claims at the end of 2022 relate to policy years 2010 to 2022 and are categorized by type in Table 1.

Table 1

Total # of Open Claims	Motor Vehicle Accidents	Operations Action/Inaction	Falls	Professional Error	Property	Automobile Owned
81	10	28	32	3	4	4

Risk Management Strategies

The Town of Whitby is continuing to work with the DMIP on mitigating the Town's insurance related risks as follows:

- Ensuring procedures, training, documentation including the use of AVL/GPS technology complies with Minimum Maintenance Standards (MMS);
- The Town has an annual sidewalk inspection program;
- The DMIP conducts annual inspections of a number of Town facilities to identify building and property hazards. A written risk control inspection report including recommendations is provided and staff follow up on completing recommendations;
- Review agreements, certificates of insurance, programs, and procedures i.e., include insurance and indemnity clauses to transfer risk and potential future liability from the Town to the appropriate party;
- The DMIP and Intact Public Entities, provides proactive/preventative risk management seminars. In 2022, the following webinars were provided:
 - Building Code
 - CVOR Success : Driving a Healthy Fleet
 - Don't Fall into Winter, Be Prepared
 - Road Patrol: Complying with Minimum Maintenance Standards (MMS)
 - Staff regularly review claims to implement lessons learned moving forward to prevent similar events from occurring, primarily improving documentation of work performed i.e., improvements made to the Town's documentation relating to winter maintenance and daily grass cutting
- Procuring additional insurance coverages, as required, including volunteer accident benefit coverage;
- The Town has a facility user liability program. The facility user liability insurance program minimizes risk to the facility rental user and the municipality by providing insurance for those who do not have the required insurance;
- Obtaining insurance coverage for specific programs and events including the Town's Adult Hockey League Program and various amateur performers at Town events. Although in 2021 due to the pandemic and events being cancelled coverage was not obtained, with events and programs again taking place in 2022, we continue to explore these options to mitigate risk.

Renewal of Insurance Contract for 2023/2024

At the time of writing this report, the DMIP has not yet received renewal quotation information from IPE. However, IPE did meet with the DMIP Board earlier in the year and advised that the January renewals were challenging in terms of increasing premium costs due to the continuing hard market. In addition, because of both the hard market, as well IPE assuming previous Frank Cowan clients, underwriting practices are becoming more aligned to IPE's approach and much more underwriting application information will be required for this renewal and going forward adding administrative pressures to the Town. This is not a client issue but rather a reflection of the global market capacity and carriers being more selective to ensure profitable growth.

It is anticipated that renewal information will be provided beginning of June and the timing of the placement of insurance by the DMIP Board will be later in June. The Town's 2023 budget assumed an overall 10% increase for corporate insurance premium/levy and deductible costs. If the renewal exceeds the budget estimate the pressure will be reflected in the quarterly projection report scheduled for September. If there is no 2023 year-end surplus then the Insurance Reserve Fund will be used to offset any insurance related cost pressure.

Insurance Reserve Fund

The Town's insurance reserve fund, as per policy (F160), may be used to fund expenditures beyond the budgeted deductible and premium amounts, claims payments in excess of insurance coverage, payments required under the Town's indemnification by-law and additional insurance/risk management related expenditures/studies.

Industry experts anticipate that the trend is for municipal insurance premiums to continue to rise and experience upward pressures on rates through the remainder of 2023 due to the hard market. There is a cycle of hard and soft markets in the insurance industry. A soft market allows for more competition in the marketplace, lower rates, and more favourable terms whereas a hard market results in less competition, higher rates, and more restrictive terms. The DMIP met with the pool's insurer and was advised the hard market will continue and that the trend is for municipal insurance premiums to continue to rise. They advised the hard market is reflective of the following factors:

- increasing costs of claims due to increase in judicial awards and increasing litigious nature of society
- significant property loss claims related to weather events and climate change including wildfires, fires, flooding, ice storms

At the end of 2022, the balance of the Insurance Reserve Fund adjusted for budgetary commitments is \$1,491 thousand (unaudited).

5. Financial Considerations:

The corporate insurance program is funded from the annual operating budget (Corporate Revenue and Expense section of the budget) at \$1,454 thousand (2022 budget).

In addition, the 2022 budget for the estimated annual cost of claims within the local deductible was \$170 thousand. As noted above, the Town has incurred costs totaling \$202 thousand in deductible expenses related to insurance claims in 2022 for expenses including external legal and external adjuster fees, investigation charges, and third party settlement costs within the \$10 thousand deductible (per claim). The 2022 budget pressure related to budgeted deductible was offset by other 2022 operating budget surpluses and a draw from the Town's Insurance Reserve Fund will not be required for 2022.

6. Communication and Public Engagement:

An electronic claims intake form was launched March 1, 2022 on the Town's website, where residents/other claimants receive automatic notification of receipt of a claim. The DMIP and Town staff are immediately notified and can begin the claims investigation process.

7. Input from Departments/Sources:

Claims and in particular those going through the litigation process require considerable staff resources. Staff resources from across the organization are involved in the investigation of claims, preparing and participating in the claims litigation process and identifying and implementing lessons learned. Further, staff work together to mitigate the Town's risks by establishing/updating policies and procedures and keeping records that demonstrate such and ensuring appropriate transfer of risk when procuring goods and services and permitting Town facilities and special events.

8. Strategic Priorities:

The claims handling policy and processes support the corporate strategic plan to ensure all municipal affairs are conducted with professionalism and integrity by responding promptly to claim inquiries, maintaining assets and by having a systematic approach to identify, assess, mitigate, and manage risks. The Town will continue the tradition of financial management and respect for taxpayers to ensure the Town is adequately protected; and to understand the importance of affordability and sustainability to a healthy balanced community.

9. Attachments:

N/a

Town of Whitby

Staff Report

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Report Title: Building Permit Fees Annual Financial Report 2022

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: FS 17-23

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:

Kevin Douglas, Interim Supervisor,
Financial Analysis x2904

1. Recommendation:

That Report FS 17-23 on Building Permit Fees Annual Financial Report 2022 be received as information.

2. Highlights:

- As required by the *Building Code Act 1992*, this report contains the Town's annual reporting, for the year ended December 31, 2022, of building permit fees, related costs, and the Building Permit Reserve Fund related to the Town's administration and enforcement of the Ontario *Building Code Act*.

3. Background:

In accordance with the *Building Code Act* Division C Part 1, Article 1.9.1.1 which specifies what is to be included in the annual report, attached is a summary of the building permit fees and related costs and Statement of Reserve Fund for the year ended December 31, 2022.

4. Discussion:

- The Town regularly reviews its fees for planning applications, building permit applications and engineering review and inspection to help offset the cost of development related services.

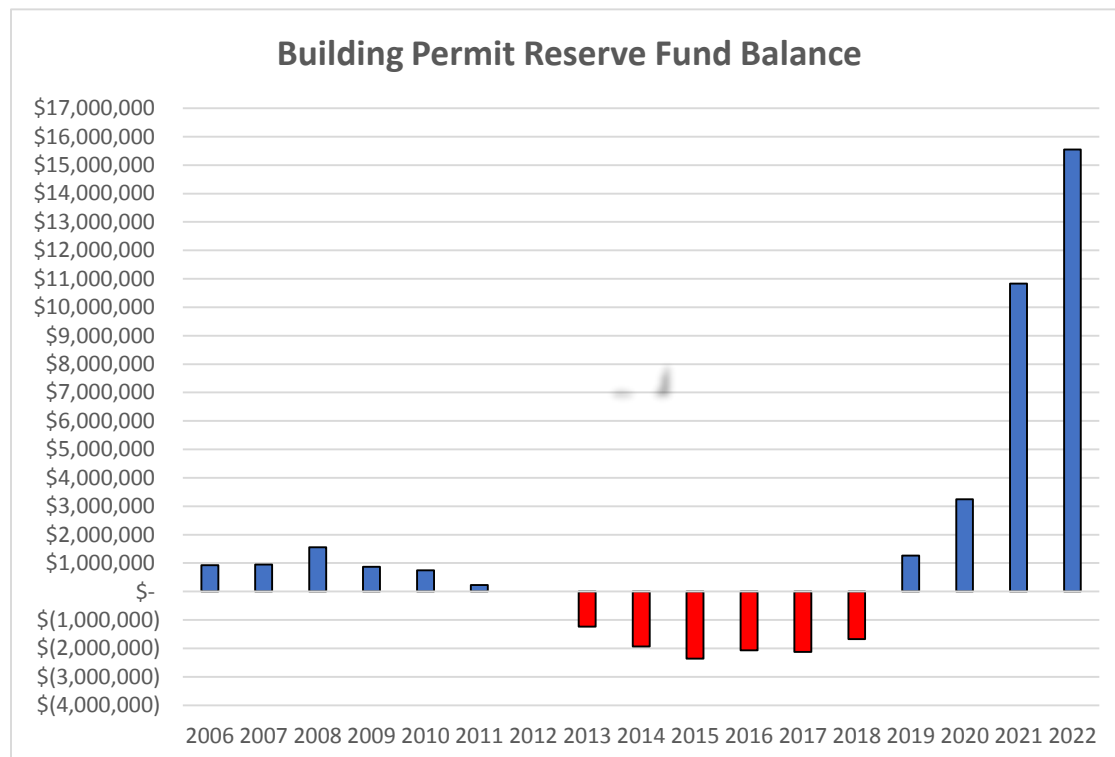
- The most recent Development Related Fee Study completed for building permit applications was undertaken by staff in 2018 in conjunction with Watson & Associates Economics Ltd. The objective of the Development Related Fee Study was to provide a comprehensive Development Fee review resulting in new Building Permit Fees and Planning Application Fees and their related By-laws.
- The revised fees came into force on October 1, 2018 and are to be indexed by 2.5 per cent on October 1 of each year. The next Development Related Fee Study for building permit applications is currently in progress at the time of this report and is scheduled for completion in the Fall of 2023.
- The Building Permit Fees Annual Financial Report 2022, (Attachment 1), outlines the fees and costs that are directly and indirectly attributable to the costs and associated fees permitted in accordance with the *Building Code Act*.
- The annual report includes information regarding the revenues and total costs and contribution to the Building Permit Reserve Fund.

5. Financial Considerations:

Building permit fees were established to fully recover the Town's cost of providing building permit services, including an allocation of administrative overhead/indirect costs. Any surplus of revenue from building permit fees is transferred to a reserve fund.

This reserve fund is used to ensure continued building permit service delivery during an economic downturn (e.g., building permit inspections that may take place year(s) after a building permit is pulled).

The following graph illustrates the December 31st balance in the Building Permit Reserve Fund since it was established in 2006:



As illustrated above, the extended economic downturn starting in 2008 had resulted in the Building Permit Reserve Fund requiring temporary funding from the Long Term Finance Reserve. The years 2013, 2014, 2015 and 2017 actually required funds to be borrowed from the Long Term Finance Reserve to offset costs for building code enforcement. By 2019, all remaining funds loaned to the Building Permit Reserve Fund were repaid to the Long Term Finance Reserve as a result of increased development activity. There have been regular contributions to the reserve since. The contribution to the Building Permit Reserve Fund in 2022 is reflective of the significant development activity in 2022.

The unaudited balance in the Building Permit Reserve Fund, as of December 31, 2022 is \$15,551,588:

- The target reserve fund balance is 2.07 times the annual total building code costs (i.e., direct, indirect, and capital costs). This means that the Building Permit Reserve Fund has a target balance to keep the Building Department operational (e.g., inspections and other work related to building permits already issued and still open) for just over 2 years if there is an economic downturn and no new building permit applications/revenues are received.
- The current balance of the reserve fund is in excess of the 2.07 times/years target and is more reflective of the years of required draws from this reserve to fund the Building Department operations during the last economic downturn (as shown in the chart above). As part of the Development Related Fee Study in 2023, Town staff will complete a fulsome assessment of building permit service delivery and adequacy of the reserve fund target balance going forward.

6. Communication and Public Engagement:

The *Building Code Act* requires that the Town of Whitby shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the Town of Whitby provide the person or organization with such notice and has provided an address for the notice. To date, no person or organization has requested for such notice.

7. Input from Departments/Sources:

The report was reviewed with the Building Services division within the Planning and Development Department

8. Strategic Priorities:

- To continue the Whitby tradition of responsible financial management and respect for taxpayers; and to understand the importance of affordability and sustainability to a healthy, balanced community.
- Develop and utilize comprehensive business and financial planning processes.

9. Attachments:

Attachment 1: Building Permit Fees Annual Financial Report, December 31, 2022

**The Town of Whitby
Building Permit Fees Annual Financial Report
Results for the 12 Months Ended December 31, 2022 (Unaudited)**

2022 Actuals

Revenue

Fees \$7,596,366

Total Revenues \$7,596,366

Expenses

Direct \$2,017,043

Indirect \$1,205,653

Contribution to Reserve \$4,373,670

Total Expenses \$7,596,366

Net Revenue \$0

**Building Permit Reserve Fund
Balance as of December 31, 2022 (Unaudited)**

Opening Balance (January 1, 2022) \$10,833,866

Capital Project Funding Commitments \$0

Interest Earned \$344,051

2022 Contribution to Reserve \$4,373,670

Closing Balance (December 31, 2022) **\$15,551,588**

Town of Whitby

Staff Report

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Report Title: 2022 Year End Operating Budget Variances and Reserve Funds

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: FS 18-23

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner of
Financial Services / Treasurer, x4314

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

For additional information, contact:

Kevin Douglas, Senior Financial Analyst,
x2904

Jessie Wu, Senior Financial Analyst,
x2895

Valerie Mayers-Griffith, Senior Financial
Analyst, x2830

1. Recommendation:

1. That report FS 18-23 regarding 2022 Year End Operating Variances and Reserve Funds be received.

2. Highlights:

- The Town's net operating budget surplus for 2022 was \$2.8 million, comprised of a \$0.5 million favourable variance in revenues and \$2.3 million favourable variances in expenditures.
- In accordance with Town Policy, the net operating surplus was transferred to the Asset Management Reserve (50%) and the Long-Term Finance Reserve (50%).

3. Background:

In accordance with the Town's Operating Budget Process Policy, the Treasurer will coordinate and report on budget performance on a periodic basis.

4. Discussion:

The Town of Whitby's 2022 Operating Budget consists of \$153.3 million of Revenues and \$153.3 million of Expenses. At the end of 2022, there was an operating budget surplus of \$2.8 million comprised of a \$0.5 million surplus in revenues and expenditure savings of \$2.3 million (based on actual vs. budget).

Table 1 below provides a summary of the 2022 operating variances (unaudited) by budget category. Variance explanations, at a corporate level, follow Table 1 and were prepared in consultation with staff from Departments across the Town. Further detail on departmental variances is available in Attachment 1 of this report.

TABLE 1:

Town of Whitby by Budget Category* (\$ in Millions)	2022 Budget	2022 Actual**	2022 Year-end Surplus / (Deficit)	Variance %
Revenue				
Taxation	(\$111.2)	(\$112.9)	\$1.7	2%
Grants	(\$0.2)	(\$0.3)	\$0.2	108%
Program Revenues, Fees, and Fines	(\$25.1)	(\$24.3)	(\$0.7)	(3%)
Miscellaneous Revenue & External Recoveries	(\$2.7)	(\$2.9)	\$0.1	5%
Other Revenues	(\$5.2)	(\$5.3)	\$0.1	(2%)
Transfers from Reserves & Internal Recoveries	(\$9.0)	(\$8.1)	(\$0.9)	10%
Total Revenues	(\$153.3)	(\$153.8)	\$0.5	0%
Expenditures				
Salaries, Wages & Benefits	\$83.7	\$80.9	\$2.8	3%
Building Related Costs & Utilities	\$6.8	\$6.1	\$0.7	10%

Vehicle & Equipment Maintenance & Fuel	\$2.7	\$3.0	(\$0.3)	(11%)
Purchased Services and Supplies	\$9.4	\$9.8	(\$0.4)	(5%)
Administrative Costs	\$5.9	\$5.7	\$0.2	4%
Grants	\$6.5	\$6.4	\$0.2	3%
Debt Charges	\$1.9	\$1.9	\$0.0	0%
Transfers to Reserves & Internal Transfers	\$36.4	\$37.1	(\$0.8)	(2%)
Total Expenditures	\$153.3	\$151.0	\$2.3	2%
Net Operating Budget	\$ -	(\$2.8)	\$2.8	

*Note: Numbers may not add due to rounding

**2022 Actuals have been adjusted to eliminate offsetting (surplus/deficit) variances related to reserve/reserve fund transfers approved by Town Policy. See "Other Transfers to Reserve/Reserve Funds" section of this report for more information.

Details of the Revenue and Expenditure variances, noted in Table 1, are as follows:

PART A: REVENUE VARIANCES

Taxation

The Taxation revenue surplus of \$1.7 million is mainly due to additional supplementary tax revenue from assessment growth (e.g., new properties added to the property tax roll during the year). Timing of the supplementary tax revenues is based on the Municipal Property Assessment Corporation (MPAC) determining an assessment value for new builds and property improvements.

Grants

The Grants revenue surplus of \$0.2 million is from higher Federal Government summer student grants across the Town with the greatest increases experienced in summer camps and parks.

Program Revenues, Fees, and Fines

The Program Revenues, Fees, and Fines revenue deficit of (\$0.7) million is primarily a result of a (\$1.8) million pressure from facility closures and cancellation of programming in the first quarter of 2022 due to the COVID-19 pandemic, as well as renovations of the Civic Recreation Complex (CRC) pool necessitating its closure for the entire year. Additional late payment fees collected for property taxes of \$0.7 million and a higher volume of Municipal Consent approval fees of \$0.6 million partially offset these revenue shortfalls. Further, facility closures also resulted in lower facility expenditures (such as

utilities) which are reflected in other sections of the Town's budget/this report. There were other net revenue pressures of (\$0.2) million from various accounts.

Miscellaneous Revenue & External Recoveries

The Miscellaneous Revenues & External Recoveries surplus of \$0.1 million is derived from a \$0.4 million increase in external recoveries for winter maintenance services provided on provincial and regional roads. This is offset by (\$0.2) million in reduced WSIB recoveries for Fire and Emergency Services and a planned (\$0.2) million draw from a natural gas cost stabilization account that was not required. Remaining net revenue surplus of \$0.1 million from various accounts.

Other Revenues

The Other Revenues surplus of \$0.1 million is due to increased investment income of \$0.7 million from higher prime interest rates in 2022. In an effort to combat inflationary pressures, the Bank of Canada increased overnight lending rates eight (8) times since January 2022. The rate increases impacts debt servicing costs but also results in higher interest revenues for Town bank balances. The higher interest revenue was mostly offset by (\$0.6) million in budget revenues from the Whitby Football Club that were not collected due to a suspension of the Club's debt repayments during the pandemic. The Town is in discussions with the Whitby Football Club to resume repayments in 2023.

Transfers from Reserves & Internal Recoveries

The Transfers from Reserves & Internal Recoveries deficit of (\$0.9) million is mainly due to lower than budgeted recoveries of staffing costs from capital projects of (\$0.7) million as a direct result of vacancies/staffing shortages. Further a budgeted draw from the from the Tax Rate Stabilization Reserve for an anticipated Elexicon dividend shortfall was not required, resulting in a (\$0.1) million pressure. The remaining net revenue deficit of (\$0.1 million) is from various accounts.

PART B: EXPENDITURE VARIANCES

Salaries, Wages & Benefits

Salaries, Wages & Benefits generated the largest variance with a \$2.8 million favourable variance. Staff vacancies (e.g., due to turnover, retirement, etc.) combined with staff recruitment challenges (i.e., competitive wage rates and shortage of qualified staff for some departments) were the main contributors to a surplus of \$3.5 million. While staff vacancies results in an overall surplus for the Town, the staff shortages results in work/projects not being completed/not being completed in a timely manner and adds workload and stress for remaining staff. A compensation review, e.g., benchmarking the Town's compensation to other municipal comparators, will be started in the Fall to help address the Town's staffing attraction and retention challenges.

Also contributing to the surplus was a WSIB credit of \$0.6 million provided to the Town as a financial relief to combat the effects of COVID-19. Partially offsetting this surplus is (\$1.3) million of additional overtime expense within Fire and Emergency Services to

cover an increased number of absences due to the pandemic, as well as scheduled time off and staff on leave.

Building Related Costs & Utilities

The Building Related Costs & Utilities surplus of \$0.7 million can be attributed to \$0.3 million in streetlight savings from a combination of lower hydro rates than budgeted and reduced consumption related to the use of higher efficiency lighting. Further the Community Services department experienced additional savings of \$0.4 million due mainly to reduced consumption as a result of the previously mentioned facility closures and reduced programming.

Vehicle & Equipment Maintenance & Fuel

The Vehicle & Equipment Maintenance & Fuel deficit of (\$0.3) million was primarily due to higher fuel market prices during 2022.

Purchased Services and Supplies

The Purchased Services and Supplies pressure of (\$0.4) million was mainly attributed to the May 21st Derecho storm for contracted work plus the purchase/rental of small equipment and supplies within Operations of (\$0.5) million. Additional expenditures across the Town accounted for an additional pressure of (\$0.2) million. Partially offsetting these unanticipated pressures is savings of \$0.3 million in Community Services because of facility closures and reduced programming caused by the pandemic.

Administrative Costs

The Administrative Costs surplus of \$0.2 million is related to the staffing vacancies experienced throughout the Town resulting in lower conference, training, mileage, and other staff-related expenses.

Grants

Grant programs ended 2022 with a \$0.2 million expense surplus caused mainly by lower participation in the Access Program in the first half of the year, closure of the Civic Recreation Centre (CRC) pool for renovations and fewer applications for grants related to taxable charities, the Heritage Tax Rebate, and the Accessibility Improvement Grant.

Debt Charges

There was no material variance to report for Debt Charges in 2022. While Council has approved capital projects in the budget to be debt-financed, the Town's practice is to issue debentures, through the Region of Durham, following the completion of the project (when final costs are known). Once the debt is issued, debt servicing costs (interest and principal) are incorporated into future operating budgets.

Transfers to Reserves & Internal Transfers

The Transfers to Reserves & Internal Transfers pressure of (\$0.8) million was primarily due to a (\$0.7) million transfer to the Zero Carbon Revolving Fund that was approved by Council as part of the Town's 2023 Budget (Report FS 06-23 Recommended 2023 Operating and Capital Budget report, Decision Item #49 "Zero Carbon One-Time

Funding Request”). There was also a contribution of (\$0.1 million) to the Winter Control Reserve.

Other Transfers to Reserve/Reserve Funds

The following are transfers to reserve and reserve funds related to approved Town policies. The transfers are dependent upon actual revenues/expenditures related to the department/division or program. Rather than showing a surplus in Table 1 fully offset by a pressure in a different section of Table 1 (i.e., the Transfer to Reserve section), the surplus and offsetting pressure/transfer have been excluded from Table 1 and explanation of the variance and transfer to reserve shown below. The intent of combining this information is to better communicate operating results for programs and resulting reserve transfers:

Building Permit Reserve Fund

In 2022, Building Services experienced an overall transfer to the Building Permit Reserve Fund (BPRF) of \$4.4 million. The budgeted transfer to the BPRF in 2022 was \$0.7 million. This \$3.7 million increased transfer to the reserve is mainly attributed to a revenue surplus of \$3.0 million primarily from higher building permit volumes. In addition, there was net salary and benefit surplus of \$0.5 million because of staff vacancies/staffing shortages. Building Services also experienced other net savings of \$0.2 million in reduced administrative type expenses and purchased services.

The Building Permit Reserve Fund was established from the 2005 implementation of the Building Code Statute Law Amendment Act (Bill 124). The purpose of the reserve is to allow the municipality to stabilize slow years in terms of building activity and permit revenue. The Building Services division operates as a full cost recovery and any surplus or deficit in the division is accounted for by a transfer to or from, respectively, the BPRF. Accordingly, the Building division is fully funded from fees and does not have an impact on property taxes.

Parking Reserve Fund

The Transportation Parking division transferred \$0.1 million to the Parking Reserve Fund. The budgeted transfer to the Parking Reserve Fund in 2022 was \$0.4 million. The reduced contribution to the reserve of \$0.3 million is due to forgone revenues as a result of the Town continuing to waive parking fees (until April 2022) during the COVID-19 pandemic.

Parking Enforcement transferred (\$0.2) million from the Parking Reserve fund. The budgeted transfer to the Parking Reserve was \$0.1 million for 2022. The increase transfer from the reserve is related to lower parking revenues in 2022.

The purpose of the reserve is to provide a funding source for future public parking related infrastructure and parking enforcement in the Town of Whitby.

Marina Reserve Fund

The overall contribution to the Marina Reserve Fund is \$0.2 million which is a decrease of (\$0.1) million compared to budget. The Marina/Harbour Facilities Division

experienced a net shortfall in dock and hall rental revenues due to residual pandemic impacts. The purpose of this program reserve is primarily to fund capital requirements of the Port Whitby Marina and annual long term debt repayments for Marina or harbour related infrastructure projects.

Arena Reserve

The overall contribution to the Arena Reserve is \$0.4 million or a decrease of (\$0.1) million compared to budget due to reduced ice surcharge revenues during the year from pandemic-related facility closures in early 2022. The purpose of this program reserve is to fund arena related infrastructure asset management projects.

Planning Development Fee Reserve

Due to a higher volume of subdivision/zoning applications for Brooklin, other zoning and site plan applications throughout the Town, there was an operating surplus and a 2022 transfer to the Planning Development Fee Reserve of \$1.5 million. The purpose of this program reserve is to provide a funding source during fiscal years, where annual development fee revenue for the Development Control, Design and Technical Services Section, falls below budget or when annual expenditures are in excess of budget.

Engineering Development Fee Reserve

Due to a higher volume of development applications, there is a surplus in site plan engineering fees and a 2022 transfer to the Engineering Development Fee Reserve of \$0.2 million. The purpose of this program reserve is to provide a funding source during fiscal years, where annual development fee revenue for the Development Engineering Section, falls below budget or when annual expenditures are in excess of budget.

Road Infrastructure Repair Reserve

The overall contribution to the Road Infrastructure Repair Reserve increased \$0.9 million above budget to \$1.2 million due to a surplus in Road Occupancy Permit repair works fees. The purpose of this program reserve is to fund capital projects relating to repair of infrastructure damage and other damage along roads.

2022 Year End Surplus and Disposition

In accordance with the Town's Disposition of Operating Surplus Policy (s.3.1.3 of Policy F 010), the net operating surplus, \$2.8 million as shown in Table 1 of this report, was transferred 50% or \$1.4 million to the Asset Management Reserve Fund and 50% or \$1.4 million to the Long Term Finance Reserve. The Asset Management Reserve Fund is used to fund the repair, maintenance, and rehabilitation of the Town's existing and aging infrastructure. The Long Term Finance Reserve (also known as the one-time reserve) is used to fund capital projects, special projects and pilot projects that are not related to asset management or growth. In recent years, the Long Term Finance Reserve has been used to fund a loan to the Abilities Centre, the natural ice surface pilot, non-statutory development charge exemptions, and sustainability studies.

A complete listing of the Town's reserve/reserve fund balances as at December 31st for the years 2020-2022 has been included in Attachment 2 of this report. More context

and discussion about the following reserve/reserve funds are included in other reports on the June 12, 2023 Committee agenda:

- Building Permit Reserve Fund – Report “FS 17-23 – Building Permit Fees Annual Report”
- Development Charges and Cash-in-Lieu of Parkland Dedication Reserves – Report “FS 19-23 – Annual Treasurer’s Statement – Development Charges and Parks Reserve Fund”

Derecho Storm - May 21, 2022

The Whitby area was hit by a large storm, known as a derecho, on Saturday, May 21, 2022. Hundreds of trees were broken and uprooted causing blocked roads and sidewalks, downed hydro wires, damage to cars, houses, fences, and structures in Whitby related to the storm.

As reported to Council in 2022, the Town reached out to the Ministry of Municipal Affairs and Housing (MMAH) to determine whether Town residents and businesses would be eligible for Provincial Disaster Recovery Assistance for Ontarians (DRAO) program funding and whether the Town would be eligible for Municipal Disaster Relief Assistance (MDRA). Following a site visit, facilitated by Town staff, MMAH did not activate the DRAO program for the Whitby area. Further, the MDRA program for municipalities requires municipalities to spend at least 3% of the municipality’s own tax levy on incremental costs related to the disaster. For the Town of Whitby, the threshold for MDRA activation would be \$3.3 million. In total, the Town spent \$0.8 million related to the derecho storm (which is below the 3% threshold for MDRA program activation).

5. Financial Considerations:

The financial considerations are outlined in other sections of this report.

6. Communication and Public Engagement:

Through the development of Whitby’s Community Strategic Plan, a focus on the value for money, financial sustainability as well as transparent reporting were identified as priorities. Under the Government Pillar, timely and transparent reporting was identified as the highest priority with long term financial planning being identified as the third highest priority. This report supports these priorities identified in the Community Strategic Plan. Furthermore, within the operating expenses, funds to support accessibility and sustainability are allocated, including the investment of \$0.7 million to the zero carbon revolving fund to support the implementation of zero carbon projects.

7. Input from Departments/Sources:

Information in this report was provided by the various departments.

8. Strategic Priorities:

Through the development of Whitby's Community Strategic Plan, a focus on value for money, financial sustainability as well as transparent reporting were identified as priorities. Under the Government Pillar, timely and transparent reporting was identified as the highest priority with long term financial planning being identified as the third highest priority. This report supports these priorities identified in the Community Strategic Plan. Furthermore, within the operating expenses, funds to support accessibility and sustainability are allocated, including the investment of \$0.7 million to the Zero Carbon Revolving fund to support the implementation of zero carbon projects.

9. Attachments:

Attachment 1 – 2022 Year End Operating Variances by Department

Attachment 2 – Reserve and Reserve Fund Year End Balances 2020-2022

Table 2: 2022 Year-End Operating Variances by Department

The following is a summary of the 2022 Operating Budget Year-End Actuals (unaudited) by Department.

Town of Whitby by Department* (\$ in Thousands)		2022 Budget	2022 Actual**	Total YE 2022 Surplus / (Deficit)	Variance %
Executive and Legislative	Revenue	(\$317)	(\$351)	\$35	
	Expense	\$1,089	\$1,088	\$1	
	Net	\$772	\$737	\$36	5%
Chief Administrative Office	Revenue	(\$1,082)	(\$1,479)	\$397	
	Expense	\$15,700	\$16,103	(\$403)	
	Net	\$14,619	\$14,624	(\$6)	(0%)
Legal & Enforcement Services	Revenue	(\$1,430)	(\$1,408)	(\$22)	
	Expense	\$3,888	\$3,588	\$300	
	Net	\$2,458	\$2,180	\$278	11%
Financial Services	Revenue	(\$3,860)	(\$4,465)	\$604	
	Expense	\$5,375	\$5,122	\$253	
	Net	\$1,514	\$657	\$857	57%
Operational Services	Revenue	(\$1,699)	(\$2,650)	\$952	
	Expense	\$24,650	\$24,541	\$109	
	Net	\$22,952	\$21,891	\$1,061	5%
Fire & Emergency Services	Revenue	(\$595)	(\$391)	(\$205)	
	Expense	\$24,678	\$25,798	(\$1,120)	
	Net	\$24,083	\$25,407	(\$1,325)	(5%)
Planning and Development	Revenue	(\$11,041)	(\$10,230)	(\$811)	
	Expense	\$13,341	\$11,280	\$2,061	
	Net	\$2,300	\$1,050	\$1,250	54%
Community Services	Revenue	(\$10,850)	(\$8,911)	(\$1,939)	
	Expense	\$20,314	\$18,565	\$1,749	
	Net	\$9,464	\$9,653	(\$190)	(2%)

Grants	Revenue	(\$170)	(\$150)	(\$20)	
	Expense	\$6,497	\$6,310	\$187	
	Net	\$6,327	\$6,160	\$167	3%
Corporate Revenues and Expenses	Revenue	(\$122,290)	(\$123,755)	\$1,465	
	Expense	\$37,802	\$38,560	(\$758)	
	Net	(\$84,488)	(\$85,195)	\$707	1%
TOTAL	Revenue	(\$153,333)	(\$153,791)	\$458	
	Expense	\$153,333	\$150,956	\$2,377	
	Net	\$ -	(\$2,835)	\$2,835	

*Note: Numbers may not add due to rounding

**2022 Actuals have been adjusted to eliminate variances related to offsetting (surplus/deficit) variances related to reserve/reserve fund transfers approved by Town Policy. See "Other Transfers to Reserve/Reserve Funds" section of the report for more information.

Executive and Legislative

Executive and Legislative experienced an overall **net surplus of \$36 thousand** consisting of a \$35 thousand revenue surplus and \$1 thousand of expense savings. This net surplus is primarily due to staff vacancies/shortages.

Chief Administrative Office

The Chief Administrative Office ended 2022 with an overall **net deficit of (\$6 thousand)**. Variances in revenues and expenditures reflect additional staff hired to backfill seconded on capital projects, such as Project Wisdom, and the Streamline Development Approval Fund project, shown as expenditure variances while the recovery from capital projects is shown as a revenue variance.

Legal and Enforcement Services

Legal and Enforcement Services experienced an overall **net surplus of \$278 thousand** composed of a (\$22 thousand) revenue pressure and a favourable expense variance of \$300 thousand. This surplus is primarily due to \$332 thousand from staff vacancies/staff shortages. This is offset by (\$46 thousand) mainly for additional building grounds maintenance and operating supplies at the Animal Services Centre. The remaining net pressure (\$8 thousand) is due to other miscellaneous accounts.

Financial Services

Financial Services ended 2022 with a **\$857 thousand net surplus** consisting of \$604 thousand of additional revenue and a favourable expense variance of \$253 thousand. This is mainly due to an additional \$700 thousand in late payment fees on tax arrears and \$40 thousand of increased rental income from Town-owned properties (lease extensions and a new rental). Staff vacancies/staff shortages resulted in a variance of \$275 thousand. These surpluses are partially offset by reduced staff recoveries from capital projects (\$178 thousand). The remaining net surplus of \$20 thousand is from other miscellaneous accounts.

Operational Services

Operational Services experienced an overall **net surplus of \$1,061 thousand** composed of \$952 thousand in surplus revenue and a favourable expense variance of \$109 thousand. There is a \$630 thousand surplus in Municipal Consent approval fees collected and a \$356 thousand surplus in external recoveries for winter maintenance services provided on provincial and regional roads. The overall favourable variance in salaries and benefits of \$551 thousand for the department is comprised of \$794 thousand of vacancy/staff shortages partially offset by (\$243 thousand) pressure for May 21 derecho storm cleanup. Hydro-electricity savings of \$402 thousand is predominately in streetlighting. There was a (\$544 thousand) pressure for contracted service work, fuel usage and purchase/rental of small equipment and supplies related to the storm cleanup, (\$232 thousand) in fuel due to high market prices and (\$85 thousand) for the contribution to the Winter Control Reserve. The remaining variance of (\$17 thousand) is from other accounts.

Fire and Emergency Services

Fire & Emergency Services experienced an overall **net pressure of (\$1,325 thousand)** comprised of a (\$205 thousand) deficit in revenue and a (\$1,120 thousand) of additional expenses. There was a decrease of (\$160 thousand) in WSIB recoveries due to a change in the number of people on WSIB and a decrease of (\$64 thousand) in Motor Vehicle Collision recoveries. A significant pressure of (\$1,302 thousand) was experienced in overtime pay to cover an increased number of absences due to the pandemic, as well as scheduled time off and leaves of absence which is offset by a \$254 thousand surplus in full-time salaries. There was a (\$154 thousand) pressure in emergency dispatch service costs and a surplus of \$71 thousand in repairs and

maintenance for Fire fleet vehicles. The remaining surplus of \$30 thousand is from other accounts.

Planning & Development

Planning & Development ended 2022 with an overall **net surplus of \$1,250 thousand** composed of an (\$811 thousand) deficit in revenue and a favourable expense variance of \$2,061 thousand. The main driver of this surplus is due staff vacancies/staff shortages, \$1,897 thousand. Other favourable variances of \$164 thousand are due primarily to reduced administrative type expenses such as conferences, training, and supplies. These savings are offset by a (\$617 thousand) reduction in recoveries of staff time from capital projects which is a direct result of the staff vacancies. The remaining net revenue deficit of (\$194 thousand) can be mainly attributed to reduced subdivision inspection fees and other miscellaneous revenue impacts.

Community Services

Community Services experienced an overall **net pressure of (\$190 thousand)** consisting of a (\$1,939 thousand) shortfall in revenue and a favourable expense variance of \$1,749. A revenue pressure of (\$210 thousand) is due to a reduction in capital project recoveries mainly in Parks Development. Further revenue losses of (\$1,758 thousand) were due to facility closures and cancellation of programming in the first quarter of 2022 due to lingering pandemic conditions, with gradual recovery in participation levels since reopening. The Civic Recreation Complex (CRC) pool was closed for renovations for the entire year which further contributed to lost revenues. Revenue shortfalls from reduced programming and facility closures were partially offset by a related \$899 thousand variance in salaries and benefits, a \$420 thousand reduction in utility costs, \$338 thousand savings in purchased services/supplies and \$164 thousand savings in administrative costs. There was a pressure of (\$108 thousand) in building operation related costs from increased HVAC and plumbing. The remaining net surplus of \$65 thousand is from other accounts.

Grants

Grant programs ended 2022 with an overall **net surplus of \$167 thousand** comprised of a (\$20 thousand) revenue deficit offset by \$187 thousand of expense savings. Town grant programs had lower expenses of \$159 thousand mainly due to reduced participation in the Access Program at the beginning of the year, as well as closure of the Civic Recreation Centre (CRC) pool for renovations, fewer applications for the grants to taxable charities, the Heritage Tax Rebate, and the Accessibility Improvement program.

Corporate Revenues and Expenses

Corporate Revenues and Expenses experienced an overall **net surplus of \$707 thousand** consisting of a \$1,465 thousand revenue surplus and (\$758 thousand) in additional expenses. There was a net taxation surplus of \$1,662 thousand mainly due to additional supplementary tax revenue based assessment growth provided by MPAC. Surplus investment income of \$663 thousand due to higher prime interest rates in 2022. Offsetting these surpluses are reduced revenues of (\$605 thousand) from the soccer domes operated by the Whitby Football Club due to lingering pandemic impacts. Helping to offset this pressure is a surplus distribution credit of \$545 thousand from WSIB in an effort to provide organizations with financial relief from COVID-19 and other net salaries and benefits variances of \$322 thousand. As a result of the overall Town year end surplus, the budgeted contributions of (\$115 thousand) from the Tax Rate Stabilization Reserve for Elexicon dividend shortfalls, planned draw from a natural gas cost stabilization account (\$200 thousand) and a transfer from the Insurance Reserve Fund of (\$26 thousand) were not required. Per Council direction from FS 06-23, Decision Item #49 “Zero Carbon One-Time Funding Request”, Council approved that the Town’s operating budget surplus for 2022 be used to replenish the Zero Carbon Revolving Fund up to (\$721 thousand). The remaining \$32 thousand surplus was from other accounts.

Asset Management Reserve Funds

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
Asset Management	\$42,261,951	\$54,700,431	\$63,850,771
Canada Community Building	\$12,044,869	\$18,809,784	\$20,465,303
Total	\$54,306,820	\$73,510,215	\$84,316,074

Growth Reserve Funds

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
Growth	\$41,228,324	\$48,392,673	\$51,521,673

Development Charges Reserve Funds

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
Total Development Charges Reserve Funds (Combined)	\$131,250,631	\$171,431,424	\$183,355,972

See June 12, 2023 Staff Report FS 19-23 for further details, including details of the reserves by service area, opening balance, 2022 transactions, and commitments/allocation against development charges reserve funds.

Program Reserves / Reserve Funds

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
IT Infrastructure	\$2,738,722	\$2,720,697	\$2,157,439
Municipal Election	\$233,048	\$339,738	-\$59,546
Roadwatch Program	\$18,952	\$18,952	\$18,952
Mayor's Comm Dev Fund	\$89,747	\$87,747	\$97,647
Dedications	\$10,370	\$10,025	\$19,284
Gravel Pit Rehab	\$87,164	\$87,164	\$91,177
Whitby Station Gallery	\$30,000	\$30,000	\$30,000
Corporate Development	\$1,402,985	\$1,157,258	\$960,499
Facade Grant Improvement	\$146,282	\$111,388	\$144,335
Arenas	\$1,975,074	\$2,354,608	\$2,680,572
Res Perform Arts Comm Dev	\$162,295	\$119,295	\$111,545
Harbour Maintenance	\$ -	\$9,999	\$121
Tree Planting	\$596,586	\$562,454	\$596,176
Environmental Guide	\$23,953	\$23,953	\$23,953
Whitby Public Library	\$500,000	\$234,033	\$234,033
Roads Infrastructure Repair	\$912,308	\$956,956	\$1,815,894
Whitby Soccer Dome Res	\$281,104	\$325,074	\$365,872
Building Permit Rev - Bill 124	\$3,244,530	\$10,833,866	\$15,551,588
Town Property	\$5,285,524	\$5,433,323	\$4,671,679

Groveside Equipment	\$81,933	\$112,841	\$126,331
Groveside Future	\$5,397	\$96,898	\$121,493
Groveside Burial Options	\$138,635	\$150,449	\$146,659
Library Fundraising	\$22,342	\$18,420	\$18,570
Lynde Shores Monitoring	\$151,394	\$155,344	\$157,142
Marina	\$807,373	\$1,063,834	\$1,104,754
Parking	\$4,131,061	\$4,780,029	\$4,505,843
Parks (Cash in Lieu)	\$9,419,801	\$16,540,009	\$9,149,755
Seniors Committee of Council	\$58,457	\$59,983	\$53,666
Seniors' Ctr Transportation	\$ 79,546	\$81,621	\$82,566
Employee Related Benefits	\$1,023,004	\$1,049,696	\$1,061,846
Future Specified – Sub Division Contributions	\$12,831,158	\$ 10,394,304	\$17,103,805
Engineering Dev Fee	\$ -	\$ -	\$741,398
Planning Dev Fee	\$ -	\$ -	\$2,381,946
Zero Carbon	\$ -	\$ -	\$765,096
Total	\$46,488,744	\$59,919,958	\$67,032,090

See June 12, 2023 Staff Report FS 19-23 for further details, including opening balance, 2022 transactions, and commitments/allocation against the Parks (Cash-in-Lieu) reserve fund.

Stabilization Reserves / Reserve Funds

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
Reserve for Tax Rate Stabilization	\$1,070,274	\$1,070,274	\$1,070,274
Reserve for Working Funds	\$1,007,500	\$1,007,500	\$1,007,500
Reserve Bad Debt Allowance	\$327,021	\$365,450	\$385,223
Res Winter Control Contingency	\$1,431,888	\$1,607,064	\$1,691,918
Reserve General Contingency	\$4,827,831	\$4,827,831	\$4,827,831
WISB-NEER Reserve Fund	\$948,522	\$973,271	\$984,536
Insurance Reserve Fund	\$1,819,966	\$1,600,189	\$1,613,800
Total	\$11,433,002	\$11,451,579	\$11,581,082

One Time Reserve

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
Long Term Finance	\$12,258,847	\$9,188,414	\$8,054,268

Total All Reserves / Reserve Funds

Description	Balance as at Year End 2020	Balance as at Year End 2021	Balance as at Year End 2022
Total	\$296,966,368	\$373,894,263	\$405,861,159

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: FS 19-23

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner of
Financial Services / Treasurer

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

For additional information, contact:

Erika Watson, Manager of Development
Finance and Long Term Financial
Planning,

1. Recommendation:

1. That Report FS 19-23, the Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022 be received.

2. Highlights:

- This report provides statutory statements and information related to the Town of Whitby's Development Charge (DC) Reserve Funds, and Parkland Reserve Fund.
- As detailed in Attachment 1 of this report, the Town of Whitby's overall DC reserve fund balance increased by \$11,924,548, from \$171,431,424 on January 1, 2022, to \$183,355,972 by December 31, 2022.
 - The December 2022/January 2023 balance of \$183,355,972 in DC Reserve Funds is not sufficient to fund the \$974,918,935 of capital projects approved in the 2023 and past budget and the projects, approved by Council, in the Town's ten (10)-year capital forecast (details also available in Attachment 1)

- It is anticipated that the funds to pay for project costs, in excess of December 2022 DC reserve fund balances, will come from future DC collections (and property taxes) as the Town continues to grow.
- A detailed listing of the 2022 growth related capital expenditures (including the annual debt repayment for capital projects), totaling \$27,246,065 is provided in Attachment 2 of this report. The growth related expenditures were funded from DC Reserve Funds (\$18,714,351) and from non-DC sources (\$8,531,714), including property tax based reserves.
- As summarized in Attachment 3 to this report, the Town's Park Reserve Fund (containing cash-in-lieu of parkland dedication revenues) had an opening balance of \$16,540,008 at the start of 2022 and an ending balance of \$9,149,755 million as of December 31, 2022
 - This represents a net decrease of \$7,390,254 due to capital expenditures in 2022
 - Of the December 2022/January 1 balance, \$6,949,278 (or 76%) has been committed or allocated to ongoing capital projects already approved and projects in the Town's ten (10)-year capital forecast, approved in principle by Town of Whitby Council as part of the Town's 2023 Budget.

3. Background:

Section 43(1) of the *Development Charges Act, S.O. 1997 (DCA)* states that "The treasurer of a municipality shall each year on or before such date as the council of the municipality may direct, give the council a financial statement relating to development charge by-laws and reserve funds established under section 33. 1997, c. 27, s. 43 (1)." This statement must include:

- The opening and closing balances of the reserve funds including the transactions relating to the funds;
- A listing of all assets whose capital costs were funded under a development charge by-law during the year, and for each asset, the costs not funded under the by-law and the source of other funding;
- A statement indicating compliance with subsection 59.1(1) to not impose directly or indirectly a charge related to a development or a requirement to construct a service to development except as permitted by the DCA or another Act.

For cash-in-lieu of parkland dedication funds, the funds are to be held in a special account and used as permitted under Section 42(15) of the *Planning Act*. In addition, Section 42(17) of the *Planning Act* requires "a council of a municipality that passes a by-law under this section shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. 2019, c. 9, Sched. 12, s. 12 (9)."

4. Discussion:

This report provides statutory annual reporting in accordance with the DCA related to the Town's development charges and development charge by-law, and statutory annual reporting on cash-in-lieu of parkland dedication reserves in accordance with the Planning Act.

Statutory Annual Statement of Development Charge Reserve Funds

Development Charges are collected from developers to pay for infrastructure, such as roads, new recreational parks and facilities, fire, library facilities, etc. to support growth related to additional population and employment.

Once collected, DCs are allocated to specific DC reserve funds for the each of the growth-related infrastructure service areas in accordance with and the proportions outlined in the Town's DC Background Study.

As growth-related capital projects are approved in the Town's budget and capital projects are started, funds are subsequently drawn from the DC reserve funds to pay or partially pay for capital project expenditures.

As detailed in Attachment 1 of this report, the Town of Whitby's overall Development Charge (DC) reserve fund balance at the beginning of 2022 was \$171,431,424 and increased (net) by \$11,924,548 to \$183,355,972 at December 31, 2022. A summary of the increase is provided below:

Summary of Change in DC Reserve Funds (Details provided in Attachment 1)	Total
Increase in the DC reserve funds is mainly from DCs collected from Developers and Interest Income	\$45,653,314
Decrease in DC reserve funds relating to draws to fund growth-related capital projects, and repayment of the West Whitby Landowners Group Front Funding Agreement through DC credits, net of the expected recovery from MTO for Rossland Road.	(\$33,728,766)
Net overall increase to DC reserve funds that will be used to fund current projects in progress and future growth-related infrastructure projects	\$11,924,548

Attachment 1 of this report also shows \$974,918,935 of the \$183,355,971 ending 2022/beginning 2023 balance of DC Reserve Funds has been committed or allocated to ongoing capital projects already approved and projects in the Town's ten (10)-year capital forecast, approved in principle by Town of Whitby Council as part of the Town's

2023 Budget. This means that the December 2022/January 2023 balance of \$183,355,972 in DC Reserve Funds is not sufficient to fund future growth-related capital projects. It is anticipated that the funds to pay for project costs, in excess of December 2022 DC reserve fund balances, will come from future DC collections (and property taxes) as the Town continues to grow.

The legislated changes to the DCA that came into effect on January 1, 2020 included Section 26.1 of the Act, which defers the payment of development charges for specific development types until first occupancy, and then permits 6 or 21 equal annual installment payments. Interest is applied on the deferred amount from the date of first building permit issuance until the date development charges are paid in full.

The reporting and tracking of the balances owed (to the Town) are reflected in Attachment 1.

At the end of 2022, Town of Whitby development charges totaling \$3,764,3318 are to be collected in a future year for 3 developments under Section 26.1 of the DCA. The timing of those collections is dependent on their first occupancy.

Attachment 2 provides detailed information on the \$27,246,065 of growth-related expenditures, including specific capital projects the DC's funded, and other Non-DC funding for the projects. In total, \$27,246,065 of growth-related capital expenditures were funded by \$18,714,351 from development charges and \$8,531,714 from other Non-DC funding sources in 2022.

As per the West Whitby Landowners Front Funding Agreement, for the construction of Des Newman and Rossland Road, DC Credits are tracked and payable (by the Town, to the West Whitby Landowners Group) based on the cost of works completed and up-fronted by the landowners group. The minimum repayment, by the Town, in any given year is 50% of "Roads and Related – Town Wide Infrastructure" development charges collected from the West Whitby Landowners Group that year (to a maximum of the up-fronted costs). In 2022, the Town recognized that the West Whitby Landowners Group earned an additional \$15,014,415 for up-fronted works and the Town reimbursed the landowners group \$14,308,640.

Legislated change to the DCA from Bill 23 pertaining to Section 35.2 of the Act notes that a municipality shall spend or allocate at least 60% of the monies that are in the reserve fund for priority services (i.e., water, wastewater, and roads). For the Town of Whitby, as a lower tier municipality within Durham, only the roads service is applicable. The commitments include approved capital projects that are currently in progress but were not completed in 2022, and those approved by Council in the Town's 10-Year capital forecast:

Description	DC – Roads & Related - Townwide	DC – Roads & Related – Alternate Route
Total DC Roads & Related funds available as of Dec.31.2022	\$ 76,535,197	\$ 19,456,618
Commitments for Capital Projects approved but not complete as of Dec.31.2022	(\$62,347,933)	(\$1,336,358)
Allocated for Capital Projects approved Capital Forecast	(\$523,766,143)	(\$92,713,050)
Percentage of DC Funds Allocated/Committed	766%	483%

As shown in the Table above, the Town has allocated more than 100% of DC funds on hand at the end of 2022/beginning of 2023 as part of the 2023 and past budget and the Town's ten (10)-Year capital forecast, which was approved by Council as part of the Town's 2023 budget. It is anticipated that the funds to pay for project costs, in excess of December 2022 DC reserve fund balances, will come from future DC collections (and property taxes) as the Town continues to grow.

In addition to the information provided in the annual statements attached to this report, the Treasurer must provide a statement each year regarding the Town's compliance with subsection 59.1(1) of the DCA.

The Town of Whitby affirms that it is compliance with subsection 59.1(1) of the DCA for the 2022 reporting period, whereby it has not imposed directly or indirectly a charge related to development or a requirement to construct a service related to development, except as permitted by the DCA or another Act.

Statutory Annual Statement of the Parkland Dedication Cash-in-Lieu Reserve Fund

The *Planning Act* provides for the conveyance of land to a municipality for park or other public recreational purposes as a condition of development or redevelopment of land.

Instead of conveying land, Developers may make a payment known as a cash-in-lieu of parkland dedication payment for the Town to fund a future park or other public recreational projects. These payments are allocated to the Town's Park Reserve Fund.

The Statement for the Park Reserve Fund (Attachment 3) summarizes the cash-in-lieu of parkland dedication funds collected and drawn for capital expenditures during 2022.

Overall, the fund decreased (net) by \$7,390,254, from \$16,540,009 as of January 1, 2022 to \$9,149,755 as of December 31, 2022.

The legislated change to the *Planning Act* from Bill 23 pertaining to Section 47 requires a municipality to spend or allocate at least 60% of the monies collected as cash-in-lieu of parkland dedication, which are allocated to the Park Reserve Fund. Attachment 3 of this report also shows \$6,949,278 (or 76%) of the \$9,149,755 December 31, 2022 balance/ January 1, 2023 balance has been committed or allocated to ongoing capital projects already approved and projects in the Town's ten (10)-year capital forecast, which were approved in principle by Town of Whitby Council as part of the Town's 2023 Budget.

5. Financial Considerations:

The value of development charge non-statutory exemptions granted by a municipality, such as those eligible through Community Improvement Plans or the Town of Whitby's DC By-Law must be contributed from Town Funds to the Town's DC reserve funds. This is a legislative requirement to ensure the financial burden created by municipal policy decisions is not transferred to future developments.

As shown in Attachment 1, during 2022 a transfer of \$581,608 from the One-Time Reserve to the applicable Development Charge Reserve Fund(s) was made in 2022 to account for non-statutory development charge exemptions provided in 2022.

- \$376,409 for a high-density residential developments approved under the Downtown CIP Grant program.
- \$205,199 for a non-residential farm buildings used for bona fide farm use.

As outlined in this report, the Town's approved capital budgets and ten (10)-year capital forecasts for growth-related infrastructure exceeds current December 2022/January 2023 balances in the Town's Development Charges Reserve Funds. As the Town continues to grow (e.g. residential and non-residential developments), the Town will continue to collect DC's to fund the growth-related infrastructure projects. The changes to the Development Charges Act introduced by Bill 23, the More Homes Built Faster Act, 2022, may shift some of the growth-related infrastructure costs from Developers/DC's to taxpayers and/or result in delays in the projects. Due to the timing of Bill 23 (i.e. the Bill received Royal Assent on November 28, 2022) the Town's 2023 budget was prepared excluding the impact of Bill 23.

6. Communication and Public Engagement:

As per O. Reg. 82/98, the Town is required to ensure that the Treasurer's Annual Statement is available to the public, as such a copy of this report and the attachments will be posted on the Town's [Development Charge](#) webpage.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

Through the development of Whitby's Community Strategic Plan, a focus on the value for money, financial sustainability as well as transparent reporting were identified as priorities. Under the Government Pillar, timely and transparent reporting was identified as the highest priority with long term financial planning being identified as the third highest priority. This report supports these priorities identified in the Community Strategic Plan.

9. Attachments:

Attachment 1 – Statement of Development Charge Reserve Funds, December 31, 2022

Attachment 2 – Expenditures Financed from Development Charge Reserve Funds and Other Sources, December 31, 2022.

Attachment 3 – Statement of the Park Reserve Fund, December 31, 2022

	Libraries	Parks and Recreation	Fire	Waste Management	By-Law Enforcement	Development Related Studies	Operations	Roads & Related - Town Wide Infrastructure		Roads & Related - Alternate Route	Storm Water Management	Parking (note 1)	Non-Administrative Operational Facilities (note 1)	Total Reserves	DC Installment Receivable (DCA Section 26.1)
Balance as of January 1, 2022	\$ 897,961.51	\$ 64,369,670.41	\$ 3,018,736.01	\$ 797,219.43	\$ 26,392.45	\$ 4,923,139.68	\$ 4,070,647.71	\$ 75,471,273.00	\$ 15,246,932.95	\$ 452,165.15	\$ 1,114,386.05	\$ 1,042,899.28	\$ 171,431,423.63	\$ 3,587,547.89	
Revenues															
Developer Contributions	\$ 1,112,123.91	\$ 7,768,553.03	\$ 1,014,063.36	\$ 109,823.25	\$ 44,493.90	\$ 656,721.88	\$ 1,144,739.07	\$ 25,903,234.36	\$ 4,075,530.92	\$ 825,990.49	\$ 70,858.24	\$ 68,269.61	\$ 42,794,402.02	\$ -	
Non-Statutory DC Exemptions Paid	\$ 11,990.68	\$ 85,864.78	\$ 12,709.75	\$ 1,120.73	\$ 730.46	\$ 4,116.49	\$ 13,017.50	\$ 387,696.36	\$ 52,994.72	\$ 11,367.01	\$ -	\$ -	\$ 581,608.48	\$ -	
Investment Income	\$ 31,913.31	\$ 979,942.63	\$ 81,217.41	\$ 15,221.65	\$ (10,157.29)	\$ 90,983.53	\$ 81,043.74	\$ 1,172,571.41	\$ 346,550.25	\$ -	\$ 28,356.15	\$ 16,538.39	\$ 2,834,181.18	\$ -	
Interfund Transfers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (5,708,090.57)	\$ -	\$ -	\$ -	\$ -	\$ (5,708,090.57)	\$ -	
MTO Recovery Receivable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,114,245.73	\$ -	\$ -	\$ -	\$ -	\$ 5,114,245.73	\$ -	
Provincial Grant Recovery	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,900.79	\$ -	\$ -	\$ 8,900.79	\$ -	
Release of Accounting Holdbacks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,066.34	\$ -	\$ -	\$ -	\$ -	\$ 28,066.34	\$ -	
Development Charge Installments Receivable (section 26.1 DCA)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Accrued Interest on DC Installments Due	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 176,782.49	
Total Revenue	\$ 1,156,027.90	\$ 8,834,360.44	\$ 1,107,990.52	\$ 126,165.63	\$ 35,067.07	\$ 751,821.90	\$ 1,238,800.31	\$ 26,897,723.63	\$ 4,475,075.89	\$ 846,258.29	\$ 99,214.39	\$ 84,808.00	\$ 45,653,313.97	\$ 176,782.49	
Expenditures															
Front Funding Agreement Credits Payable (below)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,014,415.07)	\$ -	\$ -	\$ -	\$ -	\$ (15,014,415.07)	\$ -	
Capital Expenditures including Annual LTD Repayment (Attachment 2)	\$ (790,973.23)	\$ (4,210,315.65)	\$ (159,031.21)	\$ -	\$ -	\$ (208,340.33)	\$ (494,663.88)	\$ (10,819,384.18)	\$ (265,390.68)	\$ (1,637,202.27)	\$ (78,148.19)	\$ (50,901.08)	\$ (18,714,350.70)	\$ -	
Total Expenditures	\$ (790,973.23)	\$ (4,210,315.65)	\$ (159,031.21)	\$ -	\$ -	\$ (208,340.33)	\$ (494,663.88)	\$ (25,833,799.25)	\$ (265,390.68)	\$ (1,637,202.27)	\$ (78,148.19)	\$ (50,901.08)	\$ (33,728,765.77)	\$ -	
December 31, 2022 Closing Balance	\$ 1,263,016.18	\$ 68,993,715.20	\$ 3,967,695.32	\$ 923,385.06	\$ 61,459.52	\$ 5,466,621.25	\$ 4,814,784.14	\$ 76,535,197.38	\$ 19,456,618.16	\$ (338,778.83)	\$ 1,135,452.25	\$ 1,076,806.20	\$ 183,355,971.83	\$ 3,764,330.38	
Commitments and Allocations:															
Commitments for Capital Projects Approved as of December 31, 2022	\$ (16,444.00)	\$ (17,418,358.00)	\$ (481,778.00)	\$ -	\$ (49,854.00)	\$ (1,629,010.00)	\$ (1,232,991.00)	\$ (62,347,932.72)	\$ (1,336,358.00)	\$ (120,124.00)	\$ (808,130.00)	\$ (60,655.00)	\$ (85,501,634.72)	\$ -	
Allocations for Capital Projects Approved in 10 year Capital Forecast	\$ (14,827,500.00)	\$ (202,781,135.00)	\$ (8,125,074.00)	\$ (2,336,607.00)	\$ (915,610.00)	\$ (4,224,872.00)	\$ (25,128,053.00)	\$ (523,766,143.00)	\$ (92,713,050.00)	\$ (13,855,256.00)	\$ -	\$ (744,000.00)	\$ (889,417,300.00)	\$ -	
Total Commitments & Allocations	\$ (14,843,944.00)	\$ (220,199,493.00)	\$ (8,606,852.00)	\$ (2,336,607.00)	\$ (965,464.00)	\$ (5,853,882.00)	\$ (26,361,044.00)	\$ (586,114,075.72)	\$ (94,049,408.00)	\$ (13,975,380.00)	\$ (808,130.00)	\$ (804,655.00)	\$ (974,918,934.72)	\$ -	
Balance of DC Reserve Net of Commitments	\$ (13,580,927.82)	\$ (151,205,777.80)	\$ (4,639,156.68)	\$ (1,413,221.94)	\$ (904,004.48)	\$ (387,260.75)	\$ (21,546,259.86)	\$ (509,578,878.34)	\$ (74,592,789.84)	\$ (14,314,158.83)	\$ 327,322.25	\$ 272,151.20	\$ (791,562,962.90)	\$ 3,764,330.38	

West Whitby Landowners Front Funding Agreement (note 2)

AP Balance as of January 1, 2022

Front End Recovery Development Charge Collection Due to Landowners for 2022 Building Activity (Roads & Related - Town Wide Infrastructure)

Development Charge Credit Reimbursement Paid to Landowners

AP Balance as of December 31, 2022

Front Funding Credit AP Account
\$ (2,113,104.50)
\$ (15,014,415.07)
\$ 14,308,640.39
\$ (2,818,879.18)

Note:

(1) Reserves included in the 2017 DC By-Law but are not included in the 2021 DC By-Law

(2) This statement does not reflect the development charge credit commitment with respect to the repayment of the DC Roads & Related Town wide Infrastructure amount to developers under the West Whitby Landowners Front Funding Agreement for the construction of the agreed upon roads projects

The Corporation of the Town of Whitby
Expenditures Financed from Development Charge Reserve Funds and Other Sources
December 31, 2022

Attachment 2 to Report FS 19-23

	Development Charge Reserve Funds	Reserve & Reserve Funds	Subdivider Contributions, Grants & Other	Total
DC - Libraries				
90204001 Library Collection Expansion	(255,000.00)			(255,000.00)
90221502 CPL - F10 Makerspace Conversion	(57,056.11)			(57,056.11)
Repayment of Central Public Library Loan (2021)	(478,917.12)			(478,917.12)
	\$ (790,973.23)	\$ -	\$ -	\$ (790,973.23)
DC - Parks & Recreation				
30200405 PKSG - Wide Cut Mower (additional)	(82,099.96)			(82,099.96)
30202401 HORT - Sportsfield Mower (additional)	(170,017.55)			(170,017.55)
30211305 OPC - Expansion Phase 2	(7,999.92)	(1,659.72)		(9,659.64)
55208001 EV Joint Venture (charging stations)	(129,703.11)	(83,550.66)	(28,385.80)	(241,639.57)
55221001 North Whitby Zero Carbon District Energy Design	(13,998.82)	(12,570.71)		(26,569.53)
70188301 Lynde Creek Trail (Twin Streams to Rossland)	(1,994.04)	(840.46)		(2,834.50)
70188302 Heber Down to Country Lane	(65,236.14)	(15,303.03)		(80,539.17)
70190214 Cullen Central Park Geotechnical / Hydro-Geomorphic Studies/Consulting	(2,289.71)	(254.29)		(2,544.00)
70200002 Kinq Street Park Improvements	(53,425.98)	(12,532.45)		(65,958.43)
70200103 Grass Park Redevelopment	(1,716.95)	(5,151.85)		(6,868.80)
70200112 HEPC Trail (Longwood Park to Thickson)	(9,338.99)	(3,936.21)		(13,275.20)
70200113 Lynde Creek Trail - Bonacord to Dundas	(984.88)	(415.12)		(1,400.00)
70200115 Waterfront Trail South Blair to Thickson	(4,582.05)	(1,073.61)		(5,655.66)
70200117 Waterfront Trail Thickson to Boundary Road	(19,465.99)	(4,566.83)		(24,032.82)
70200217 Kiwanis Heydenshore Redevelopment	(62,669.06)	(188,008.45)		(250,677.51)
70200225 Mattamy District Park	(3,127.20)			(3,127.20)
70200306 Ashburn Park Picnic Shelter	(1,290.74)			(1,290.74)
70210101 Lynde Creek Trail - Taunton to Twin Streams	(1,348.41)	(568.32)		(1,916.73)
70210102 Florence Drive to Garden Street	(1,055.24)	(444.76)		(1,500.00)
70210215 Lazy Dolphin Local Park	(43,107.20)			(43,107.20)
70210216 TFP Whitby District Park	(2,000.00)			(2,000.00)
70210308 Iroquois Park Baseball - Field 4 - Add Lighting	(323,541.47)			(323,541.47)
70210309 Trail Rest Stops and Benches	(78,404.38)	(35,844.64)		(114,249.02)
70220110 Minto Development Trails	(70,350.00)	(29,650.00)		(100,000.00)
70220218 Chelseahill Local Park	(391,850.53)			(391,850.53)
70247301 CPROS Update	(55,886.00)	(18,628.67)		(74,514.67)
70250102 Waterfront Trail LCBO Boardwalk	(7,034.90)	(2,965.10)		(10,000.00)
71201016 IPSC - Air Conditioning Pad 1	(224,948.96)	(274,937.62)		(499,886.58)
71201033 New Whitby Sports Complex	(220,186.20)			(220,186.20)
71201034 CRC - C1010 Family Changeroom (S)	(484.00)	(54.00)	(1,477.00)	(2,015.00)
71201045 RFP-71-2020 North Whitby Sports Complex Prime Consultant/Arc	(1,234,454.06)	(109,035.11)		(1,343,489.17)
71221040 Whitby Sports Complex Prime Consultant for Park Design	(239,588.96)			(239,588.96)
71221137 CRC Renovation - Growth Related (Grant Funded)	(502,911.23)	(82,461.19)	(50,394.94)	(635,767.36)
74301101 PWM - F10 Staff Work Building	(432.48)	(432.48)		(864.96)
Repayment of Operations Centre Expansion Loan (2021)	(180,500.84)			(180,500.84)
	\$ (4,208,025.95)	\$ (884,885.28)	\$ (80,257.74)	\$ (5,173,168.97)
DC - Fire Services				
20178501 Special Project - Fire Mobile Data Terminals / Turn Out Technology	(3,965.35)	(22,820.24)		(26,785.59)
55208001 EV Joint Venture (charging stations)	(25,001.27)	(16,105.03)	(5,471.58)	(46,577.88)
71291201 Fire Training Complex	(2,707.48)	(9,599.26)		(12,306.74)
Repayment of Land - Future Fire Hall Loan (2021)	(110,918.42)			(110,918.42)
Repayment of Land - Future Fire Training Complex Loan (2021)	(16,438.69)	(59,195.41)		(75,634.10)
	\$ (159,031.21)	\$ (107,719.94)	\$ (5,471.58)	\$ (272,222.73)
DC - Development Related Studies				
13227002 Long Range Financial Plan Annual Update	(3,724.42)	(3,724.42)		(7,448.84)
50217001 Workforce Planning Study	(18,703.99)	(56,598.41)		(75,302.40)
50227801 Corporate Public Engagement Strategy and Tools	(1,270.50)	(14,223.16)		(15,493.66)
80060308 Comprehensive Zoning By-Law	(140,948.46)	(54,813.20)		(195,761.66)
81152301 Town Accessible Signage Standards (Interior & Exterior)	(19,989.68)	(24,431.83)		(44,421.51)
81167801 Downtown Whitby Secondary Plan Update	(20,508.24)	(2,278.67)		(22,786.91)
81177801 Zoning Study - Brooklyn	(2,867.12)	(1,114.99)		(3,982.11)
84198001 Corporate Energy and Emissions Management Plan Update	(327.93)	(1,961.67)		(2,289.60)
	\$ (208,340.34)	\$ (159,146.35)	\$ -	\$ (367,486.69)
DC - Operations				
30202002 TRAF - Extended Cab Pickup Truck with Plow(additional)	(71,468.14)			(71,468.14)
30211305 OPC - Expansion Phase 2	(11,806.23)	(1,659.72)		(13,465.95)
30212901 TRAF - Portable Traffic Signs (additional)	(36,023.04)			(36,023.04)
55208001 EV Joint Venture (charging stations)	(49,885.81)	(32,134.87)	(10,917.62)	(92,938.30)
Repayment of Land - Future Satellite Facility Loan (2021)	(105,080.61)			(105,080.61)
Repayment of Operations Centre Expansion Loan (2021)	(220,400.05)			(220,400.05)
	\$ (494,663.88)	\$ (33,794.59)	\$ (10,917.62)	\$ (539,376.09)
DC - Roads & Related - Townwide Infrastructure				
13216001 WWLA Roadworks (HST Costs)	(251,832.07)			(251,832.07)
13217003 Development Related Administrative Overhead	(90,180.64)			(90,180.64)
35186001 Garden/Burns Corridor Safety Review	(6,833.81)	(4,748.36)		(11,582.17)
35206403 Gordon St - PXO and Corridor Improvements	(144.55)	(471.50)		(616.05)
35216204 Anderson Continuity	(20,263.69)			(20,263.69)
35216205 Cross Rides	(20,263.70)			(20,263.70)
35226002 Traffic Calming Initiatives	(7,496.25)	(7,496.25)		(14,992.50)
35226201 Cycling Misc. Facility Improvements	(115,176.25)	(49,361.25)		(164,537.50)
35226304 On-Street Metres / Pav and Display (additional)	(12.76)	(33.03)		(45.79)
35226402 Future Traffic Signals / Traffic Control Devices	(1,059.77)			(1,059.77)
35226404 Urban Mobility Amenities (ie bike repair stands, bike parking)	(6,449.62)	(2,614.85)		(9,064.47)
35227103 Traffic & Transportation Study	(93,258.42)			(93,258.42)
35228003 Data Collection - Radar Message Boards and Cyclist/Pedestrians Counters	(593.74)	(254.46)		(848.20)
35236401 Dryden Boulevard at the HEPC Trail - Pedestrian Crossing	(5,997.00)			(5,997.00)
40062105 RR 12 Brock - Rossland to Taunton (Street Lighting)	(255,292.42)	(111,707.58)		(367,000.00)
40112302 Municipal Engineering Growth Studies/Design Reviews	(12,517.35)			(12,517.35)
40122304 Traffic & Transportation Study	(35,208.69)			(35,208.69)
40130201 Des Newman/CP Rail Grade Separation - Phase 1 (Embankments)	(1,151,257.14)			(1,151,257.14)
40131813 RR 22 Victoria - Brock to South Blair	(46,835.14)	(19,740.55)		(66,575.69)
40132304 Transportation & Pedestrian Safety Action Plan	(10,534.94)	(10,763.93)		(21,298.87)

The Corporation of the Town of Whitby
Expenditures Financed from Development Charge Reserve Funds and Other Sources
December 31, 2022

Attachment 2 to Report FS 19-23

	Development Charge Reserve Funds	Reserve & Reserve Funds	Subdivider Contributions, Grants & Other	Total
40140502 Ferguson Avenue Environmental Assessment	(2,488.74)	(4,313.91)		(6,802.65)
40141709 Brock St - LT Lanes Palmerston Ave	(977,082.90)	(977,067.82)		(1,954,150.72)
40151737 Country Lane - Taunton to 900m north	(2,497.30)	(440.70)		(2,938.00)
40170701 RR 12 Brock - Rossland to Taunton (MUP)	(152,250.05)	(136,519.95)		(288,770.00)
40171724 Cochrane St - north of Taunton Rd	(4,881.60)	(542.40)		(5,424.00)
40171806 RR 4 Taunton - Coronation Rd to Baycliffe Dr	(179,391.00)	(75,609.00)		(255,000.00)
40181201 LA - Mid Block Conn. (Cochrane to Thickson)	(98,827.72)			(98,827.72)
40186008 Future Design - Road Intersection Improvements	(6,085.00)	(6,085.00)		(12,170.00)
40186009 Mid Arterial Roadway - Ashburn to Anderson 1. EA	(84,277.44)			(84,277.44)
40187102 Pedestrian Traffic Signal - Brock / Colborne	(200,000.00)			(200,000.00)
40196019 Mid Arterial Roadway EA & Prelim Design Reimbursement Agreement	(914,564.57)			(914,564.57)
40196107 CU A07 01 - Ashburn Culvert	(163.31)	(653.11)		(816.42)
40201701 T-40-2021 Rossland CP Bridge	(25,849.63)	(3,174.67)		(29,024.30)
40206009 Garden - Dryden to Taunton 4. Utilities, MUP & Tree Planting	(6,039.59)	(1,065.78)		(7,105.37)
40206015 Brock St Widening (Curling Club to Manning) including MUP	(1,154,954.00)	(203,815.00)		(1,358,769.00)
40206021 Rossland / Coronation - Intersection Improvements	(2,431,000.00)	(429,000.00)		(2,860,000.00)
40206111 BR A08 02 - White Bridge	(99,730.00)	(306,106.00)		(405,836.00)
40206202 Annes St - Burns to Dawson	(11,764.56)	(105,872.06)		(117,636.62)
40206205 Dundas - White Oaks westerly	(43,441.80)			(43,441.80)
40206208 Rossland - Sidewalk Centre to Brock	(47,421.00)			(47,421.00)
40206218 Annes St - Dawson to Jermyn	(12,605.51)	(113,446.60)		(126,052.11)
40206219 RR 43 Cochrane - Walnut to Bonacord	(206.03)	(1,856.27)		(2,062.30)
40206220 Annes St - Jermyn to Dunlop	(10,741.49)	(96,666.43)		(107,407.92)
40206601 RR 26 Thickson - Sawyer to Columbus	(236,037.00)			(236,037.00)
40216030 Mid Arterial Roadway - Ashburn to Anderson 2. Design	(32,868.48)			(32,868.48)
40216032 Desmond Newman Blvd - Taunton to Coronation	(7,640.39)	(111.41)		(7,751.80)
40216043 Data Collection - Radar Message Boards and Cyclist/Pedestrians Counters	(9,041.83)	(3,779.93)		(12,821.76)
40216106 Rossland CP Bridge Design (TFP)	(90,844.00)	(11,156.00)		(102,000.00)
40216208 Cassels Rd E - Baldwin to 50m East	(3,890.45)	(3,890.45)		(7,780.90)
40216210 Brock - Sidewalk Rossland to Palmerson (WS)	(4,320.91)	(21,320.10)		(25,641.01)
40216216 RR 25 Stellar - City of Oshawa Boundary to Thickson	(232,151.00)	(97,849.00)		(330,000.00)
40216223 Rossland - McQuay to Coronation MUP (Developers)	(171,000.00)	(19,000.00)		(190,000.00)
40216224 Rossland - Cochrane to Centre MUP (ROD)	(91,919.00)	(11,289.00)		(103,208.00)
40216606 Streetlights - Additional Dark Zone Lights	(12,515.67)	(28,380.93)		(40,896.60)
40226020 Mid Arterial Roadway - Ashburn to Garden Reimbursement Agreement	(33,784.41)	(585.03)		(34,369.44)
40226057 Misc Striping and Signage	(4,590.95)	(1,935.05)		(6,526.00)
40226061 Des Newman Blvd (Top Asphalt)	(615,293.04)		(441,346.64)	(1,056,639.68)
40226063 Des Newman Blvd - Taunton to Twin Streams	(266,637.98)		(121,595.50)	(388,233.48)
40226064 Harbour Street Extension	(184,300.98)	(35,309.25)		(219,610.23)
40226113 Design Future Work - Bridges & Structural Culverts	(50,105.39)			(50,105.39)
40226115 CU D01 06 - White Oaks / Lynde Creek Gardens Culvert	(2,492.33)	(9,969.34)		(12,461.67)
40226402 Future Traffic Signage and Pavement Markings	(15,792.05)			(15,792.05)
40227104 Municipal Engineering Growth Studies/Design Reviews	(16,934.80)			(16,934.80)
40230301 CU A07 02 - Brawley Road Culvert (Monitoring)	(600.38)	(2,401.54)		(3,001.92)
40236029 Dryden Blvd - Thickson to Oshawa	(110,751.72)	(996,854.00)	(160,318.70)	(1,267,924.42)
40246022 Water Street 3. Property	(2,849.28)	(712.32)		(3,561.60)
40256047 Columbus Road - EA and Detailed Design Studies	(25,550.92)	(4,508.99)		(30,059.91)
DC - Roads - Alternate Route and Related Infrastructure	\$ (10,819,384.15)	\$ (3,918,478.80)	\$ (723,260.84)	\$ (15,461,123.79)
40160502 EA Study - Highway 7/12 Alternate Route	(265,390.68)			(265,390.68)
DC - Stormwater Management	\$ (265,390.68)	\$ -	\$ -	\$ (265,390.68)
40092001 Turk SWQ Pond	(1,537,659.94)	(2,304,719.92)		(3,842,379.86)
40167702 Storm Sewer Capacity Improvements Study	(31,289.10)	(7,821.64)	(91,696.57)	(130,807.31)
40177302 SWM Facility Rehabilitation Analysis	(1,448.90)	(2,178.84)		(3,627.74)
40182001 Rowe Channel Upgrades	(10,381.07)	(15,648.10)		(26,029.17)
40197102 Corbett Creek Master Drainage Plan and Flood Mapping	(8,547.51)	(2,136.88)	(55,000.00)	(65,684.39)
40207102 Lynde Creek Update	(2,019.41)	(504.83)		(2,524.24)
40216501 Garden St Snow Storage Facility - Phase 2	(32,124.82)	(48,186.94)		(80,311.76)
40216505 Turk Pond Access Road	(14,972.30)	(5,124.37)		(20,096.67)
40226503 Creek Erosion Restoration Works	(1,048.94)	(10,191.47)		(11,240.41)
DC - Parking	\$ (1,639,491.99)	\$ (2,396,512.99)	\$ (146,696.57)	\$ (4,182,701.55)
15211601 Land Purchase - 112 Colborne St W	(50,946.74)			(50,946.74)
35206302 Parking Lot #5 Expansion	(27,201.45)	(3,022.44)		(30,223.89)
DC - Non-Administrative Operational Facilities	\$ (78,148.19)	\$ (3,022.44)	\$ -	\$ (81,170.63)
10132404 Special Project - eServices Modules	(1,938.21)	(21,740.21)		(23,678.42)
10152401 Special Project - Growth Related IT Infrastructure Prep	(45,495.02)	(11,374.18)		(56,869.20)
10184702 Special Project - Future Technology Impacts	(138.31)	(1,793.71)		(1,932.02)
10205603 RFP-50-2020 ERP Project Consultant	(3,329.54)	(26,641.35)		(29,970.89)
Total	\$ (18,714,350.70)	\$ (7,565,109.84)	\$ (966,604.35)	\$ (27,246,064.89)

**The Corporation of the Town of Whitby
Statement of the Park Reserve Fund
December 31, 2022**

Attachment 3 to Report FS 19-23

	Park Reserve Fund (note 1)
Balance at January 1, 2022	\$ 16,540,008.99
Revenues	
Developer Contributions	\$ 5,139,291.47
Investment Income	\$ 96,289.89
Total Revenue	\$ 5,235,581.36
Expenditures	
Capital Expenditures (see details below)	\$ (12,625,835.21)
Total Expenditures	\$ (12,625,835.21)
December 31, 2022 Closing Balance	\$ 9,149,755.14
Commitments for Capital Projects Approved as of December 31, 2022	\$ (2,528,933.00)
Commitments for Capital Projects Approved in 10yr Capital Forecast	\$ (4,420,345.00)
Total Commitments	\$ (6,949,278.00)
Balance net of Capital Commitments	\$ 2,200,477.14

Capital Expenditures	Park Reserve Fund	Other Sources	Total
15211001 Land Acquisition - Whitby Sports Complex	\$ (12,608,601.22)		\$ (12,608,601.22)
70210309 Trail Rest Stops and Benches	\$ (11,593.55)	\$ (78,404.38)	\$ (89,997.93)
70200115 Waterfront Trail South Blair to Thickson	\$ (1,073.61)	\$ (4,582.05)	\$ (5,655.66)
70200117 Waterfront Trail Thickson to Boundary Road	\$ (4,566.83)	\$ (19,465.99)	\$ (24,032.82)
	\$ (12,625,835.21)	\$ (102,452.42)	\$ (12,728,287.63)

Note (1) Special account for the Parkland Dedication Cash-in-Lieu payments as collected under the Planning Act

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Whitby Firefighters – Fallen Firefighters Memorial

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: FES 03-23

Department(s) Responsible:

Fire and Emergency Services

Submitted by:

Fire Chief Michael Hickey

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

For additional information, contact:

Michael Hickey, Fire Chief, ext. 4331

1. Recommendation:

1. That Council actively partners with the Whitby Professional Firefighters Association IAFF Local 2036 (“Local 2036”) on the design and construction of a memorial to fallen firefighters to be located at Whitby Civic Park adjacent to Town Hall;
2. That the Town of Whitby match Local 2036’s contribution to a maximum of \$35,000, funded from Whitby Fire and Emergency Services Operating Budget account 12105-54030, for the design and construction of the memorial;
3. That a new capital project in the amount of \$250,000 be established for the Whitby Memorial to Fallen Firefighters, funded from Local 2036 (\$35,000), the Town of Whitby (\$35,000), and external fundraising (\$180,000);
4. That the Town of Whitby actively partners with Local 2036 to source additional public and/or private sources of funding and/or sponsorship opportunities towards the memorial;
5. That construction for the memorial only proceeds once the \$180,000 fund raising goal has been achieved; and,

6. That Staff follow the process outlined in report FES 03-23 for the issuance of Official Donation Receipts for income tax purposes related to the external fundraising efforts for this Town of Whitby project.

2. Highlights:

- Whitby Fire and Emergency Services (WFES) and Local 2036 have unfortunately suffered five (5) Line of Duty Deaths (LODD) since it's inception.
- The Town of Whitby would be the first municipality to construct a Fallen Firefighters Memorial in Durham Region.
- Local 2036 has raised \$35,000 in funding to contribute to the project and funding from the employer would provide an opportunity to collaborate on this important initiative.
- The WFES estimates the cost of the memorial to be \$250,000. Subject to Council approval of this report, a new 2023 capital project will be established for \$250,000 funded from Local 2036 (\$35,000), Town of Whitby (\$35,000), and external fundraising (\$180,000)

3. Background:

The purpose of this report is to propose a Fallen Firefighter Memorial be erected in the Town of Whitby at Whitby Civic Centre Park. This memorial would allow for the families of LODDs, the fire service, and the citizens of Whitby, a chance to celebrate, remember and honour those lost protecting our community.

It is also important to recognize that the Town of Whitby has committed to commemorating our LODDs by naming streets after them in an upcoming Brooklin development. However, through this proposal the hope is to share with Council the importance of a space to reflect on and recognize the Whitby Firefighters who have lost their lives while serving our community.

The loss of these WFES employees takes a heavy toll on their families, as well as the members of WFES and Local 2036. These harsh realities act as strong reminders of the potential devastation the fire fighting profession can take on the firefighters and their families.

4. Discussion:

Throughout Ontario, councils, fire services and firefighter associations have all come together to erect memorials to honour LODDs. These memorials showcase and legitimize the strong bond communities share with their fire service.

The Regional Municipality of Durham is unique in Ontario, as none of its cities and/or towns currently have a memorial for fallen firefighters. However, our region has suffered the loss of many LODDs and a place of dedicated to remembrance is required. Should approval be sought for this important initiative, Whitby would have the exclusive opportunity to be a leader in the region, as the first town to honour the sacrifice of these brave firefighters.

Prior to constructing a memorial, there were many details to consider such as:

Location:

- The right location of a fallen firefighter memorial is crucial to ensure LODDs are honoured as they deserve. A memorial of this kind should be in a secluded location, to allow for solemn and peaceful contemplation of those lost. Ideally, the memorial would be located on Town owned land which would assist in keeping costs at a minimum.
- Civic Centre Park adjacent to Town Hall would be make an ideal location. Civic Centre Park offers the opportunity for solitude within the large green space of the park behind Town Hall. Town Hall also provides accessible access and ample parking. With Council's recent investments in the site, as well as the ongoing and planned renovations and expansions, it emphasizes the importance to remain at this location. In turn, this location would then guarantee there would not be a need to move the memorial once constructed.
- Finally, this property offers room for growth of the memorial, security in the form of security cameras at both Town Hall and the Civic Centre, and at a property which is already maintained by Operations staff.

Design:

- The design of the memorial influences its effectiveness. To build this memorial, the hope is to work with a designer or artist, as well as a local monument company.
- The scale of the design will be subject to budgetary constraints. However, the goal is to erect a memorial that could grow should the unfortunate need arise in the future.

5. Financial Considerations:

The WFES estimates the cost to design and construct the memorial at Civic Centre Park to be \$250,000 and recommends a new 2023 capital project be established to support this initiative. With a \$35,000 contribution from Local 2036, Town staff recommend a matching \$35,000 contribution towards the project, funded via a transfer from WFES' annual operating budget, account 12105-54030 – Transfer to Capital Fund. The proposed transfer is not budgeted for and will result in a 2023 operating budget pressure which may be offset by operating budget savings in other accounts and other departments across the Town.

It is recommended that the \$180,000 (= \$250,000 - \$35,00 - \$35,000) balance for the memorial be funded from external fundraising efforts co-ordinated by the Town. The Town of Whitby is a qualified donee under the Income Tax Act and may issue Official Donation Receipts for income tax purposes ("**Donation Receipts**") in accordance with Canada Revenue Agency ("**CRA**") guidelines and regulations. Organizations not complying with CRA regulations regarding the issuance, record keeping and administration of charitable gifts/Donation Receipts, may have their qualified donee designation revoked by CRA. Accordingly, the following guidelines are recommended for the Town's fundraising efforts for the memorial project:

- a) All cheques must be made payable to the Town of Whitby;
- b) If donations are collected by external parties, such Local 2036, the collections and a summary of the donors, amounts, addresses must be provided to the Town's Financial Services department directly. The collection shall be counted and reconciled with the external party present;
- c) Donation Receipts may be provided for donations of \$20 or greater:
 - For corporate donors, an option will be provided to select recognition (e.g., advertisements or banners) by the Town in lieu of a Donation Receipt;
 - Donors that received a benefit or consideration related to the donation (e.g., gala dinner or gift) may not be issued a Donation Receipt;
 - Donation Receipts may not be issued if the name, address is ineligible; and
 - Donation Receipts shall not be issued for the prior year after February 28th of any year.

It is recommended that the construction of the memorial proceed only when the fundraising goal (currently \$180,000) has been met – e.g., when the capital project is fully funded.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The Town's Legal Services Department was consulted on any agreements related to this project. The Operations Department would be involved in the general maintenance of the landscaped areas associated with the memorial.

8. Strategic Priorities:

The recommendations contained in this report are consistent with the Town of Whitby Corporate Strategic Plan:

Strategic Priority 1: People

We will foster an inclusive environment where employees can experience job satisfaction and rewarding careers.

- 1.1 Recognize and celebrate successes
- 1.3 Empower staff
- 1.4 Attract and retain top talent
- 1.5 Become the organization that people want to join

In addition, the recommendations are consistent with the Town of Whitby's Mission, Vision, and Core Value statement: WE CARE.

9. Attachments:

Attachment 1 – Whitby Fallen Firefighters Memorial Proposal

TOWN OF WHITBY FALLEN FIREFIGHTER MEMORIAL

PROPOSAL



*SUBMITTED BY:
WHITBY PROFESSIONAL FIRE FIGHTERS' ASSOCIATION
IAFF LOCAL 2036*

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1.0 PURPOSE

Whitby Professional Fire Fighters' Association would like to propose a Fallen Firefighter Memorial be erected within our Town. This memorial would allow the families of our fallen firefighters, our fire service, and the citizens of Whitby, a chance to memorialize and honour those lost protecting our community.



Whitby Fire & Emergency Services Platoon Chief Randy Tureski

Whitby Professional Fire Fighters' Association would like to acknowledge and thank the Town of Whitby for their recent commitment to commemorate our fallen members through street names in an upcoming Brooklin development. However, through this proposal we hope to share with you the importance of a space to reflect on and recognize our members who have passed serving this Town.

As we continue, this report will provide the necessary information regarding a proposed fallen firefighter memorial.

2.0 BACKGROUND

The Town of Whitby has a strong and long-lasting tradition with its fire service. Since originating in 1851 as a volunteer organization, Whitby Fire & Emergency Services has evolved into a modern department, providing fire and emergency services, as well as public fire and life safety, to residents and visitors of the Town.

Whenever Whitby's firefighters arrive on shift, they and their families acknowledge and accept the risks they may be faced with that day, all in an effort to ensure protection and safety for our citizens. These are risks we willingly accept, to protect those we often do not know.

However, sometimes these risks are too great to overcome, and our fellow brothers and sisters end up paying the ultimate sacrifice for our community.

To date, Whitby Fire & Emergency Services and Whitby Professional Fire Fighters' Association have lost five members in the line of duty.



Captain Michael Hutchings, 59. Died February 5th, 2010, after a ten-month battle with cancer he received serving the Town. Captain Hutchings served the citizens of Whitby for 26 years.



Captain Michael Klein, 67. Died February 11th, 2014, following a battle with presumptive cancer he received serving the Town. Captain Klein served the citizens of Whitby for 30 years.



Platoon Chief Randy Tureski, 55. Died April 27th, 2017, following a battle with presumptive cancer he received serving the Town. Platoon Chief Tureski served the citizens of Whitby for 32 years.



Chief Fire Prevention Officer Nicholas Webb, 57. Died April 10th, 2018, following a battle with presumptive cancer he received serving the Town. Chief Fire Prevention Officer Webb served the citizens of Whitby for 5 years.



Platoon Chief Robert Vesey, 87. Died February 25th, 2022, following a battle with presumptive cancer he received serving the Town.

The loss of these men takes a heavy toll on their families, as well as the members of our Fire Service and Association. These harsh realities act as strong reminders of the potential devastation our profession can take on us and our families. These brave men gave everything for Whitby, and for this reason we believe it is only right to memorialize them for our community to honour and remember.

3.0 CONNECTION

A fallen firefighter memorial is an opportunity to honour and remember our Town of Whitby fire service employees, who have paid the ultimate sacrifice. Such a place would carry great significance and purpose, and directly align with our Town's Mission, Vision and Core Value statements.

Mission: *"Together we deliver services that make a difference in our community."*

Our Town's Mission Statement epitomizes the duties of our fallen members. Our colleagues provided the highest standard of service, to protect the great people of Whitby. However, regrettably, they died for this cause.

Our Town's Mission Statement also encompasses the importance of a fallen firefighter memorial. The introduction of a memorial *would* make a difference in our community. Having a place for reflection would be momentous to the public, families of the fallen, and our fire service.

Vision: *"Inspiring excellence through a culture where everyone is valued and respected."*

A fallen firefighter memorial also aligns with our Town's Vision Statement. The creation of a memorial publicizes the value and respect the Town of Whitby has for its fire service and their fallen members. By creating a fallen firefighter memorial, the Town would be announcing their appreciation for these brave firefighters.

Core Values – Whitby **E**mployees
Collaborate**A**ccountable**R**espectful**E**ngaged

The creation of a fallen firefighter memorial adheres explicitly to the Core Values our Town strives to epitomize.

Collaborate: *“Working together to achieve better outcomes.”*

Collaboration is a necessity as we continue our pursuit to eliminate line of duty deaths (LODDs). However, collaboration is also essential between our organizations as we endeavor to honour our fallen.

Accountable: *“Being responsible for my actions and for living our values.”*

Every firefighter who joins Whitby Fire & Emergency Services (WFES) and Whitby Professional Fire Fighters' Association (WPFFA) understands the risks involved with our profession. For this reason, WFES and WPFFA have created a culture of accountability and professionalism of the highest standard. However, these risks cannot always be evaded, and because of this, sadly, our members pay the ultimate sacrifice.

Accountability is also imperative for the Corporation of the Town of Whitby. The dangers of firefighting are well known, and so our Town is also responsible for the actions which take place within our fire service. It is understood that sometimes the dangers are too great to overcome, and for this reason, it is rightful to honour the employees that sacrificed all.

Respectful: *“Treating each other with mutual respect.”*

Respect is the foundation of a fallen firefighter memorial. A demonstration of gratitude is a must for our fallen firefighters. A fallen firefighter memorial is a chance for our Town to signify and publicize the respect it has for these members.

Engaged: *“Being an active participant to make this a great workplace.”*

Engagement applies to our current fire service. Through the creation of a fallen firefighter memorial, the Town would be showcasing their support for our fire service. A strong bond between a Town and its firefighters is essential for morale within its fire service. The creation of a fallen firefighter memorial would continue to strengthen this relationship.

Finally, the acronym **WE CARE** emulates the purpose of a fallen firefighter memorial. A demonstration of care for our fallen members and their families is precisely what we hope to achieve.

4.0 APPROACH

Throughout Ontario, councils, fire services and their firefighter associations have come together to erect memorials to honour their fallen. Examples of many of these memorials can be found throughout this proposal. These memorials showcase and legitimize the strong bond communities share with their fire service.

Often, these memorials are based on pre-existing fallen firefighter memorials, such as the International Association of Fire Fighters (IAFF) Fallen Firefighter Memorial, located in Colorado Springs, CO, or the Ontario Professional Fire Fighters Association (OPFFA) Fallen Firefighter Memorial, located in Toronto, ON.



IAFF Fallen Firefighter Memorial



OPFFA Fallen Firefighter Memorial

The Regional Municipality of Durham is unique in Ontario, as none of its cities with fulltime fire services have a memorial for their fallen firefighters. This is despite the fact there have been many LODDs across our region. Therefore, this gives Whitby the exclusive opportunity to be the first in the region to showcase their honour for these brave firefighters.

Prior to constructing a fallen firefighter memorial, there are many details to consider.

4.1 LOCATION

The right location of a fallen firefighter memorial is crucial to ensure the fallen receive the honour they deserve. A memorial of this kind would be ideally located in a secluded location, to allow for solemn and peaceful contemplation of those we have lost. We would want to keep the memorial to Town owned land, to keep the costs at a minimum. To do this, we could either add it to existing land, or partner with new land in current or future developments.

After reviewing our Town, some potential locations that could provide this solitude include:

Whitby Town Hall

Whitby Town Hall offers the opportunity for solitude within the large green space behind the building. The Town Hall also offers great access and parking availability. This is our preferred location choice for the memorial. Council has recently invested in the site, with the previous renovations and expansion. Therefore, this demonstrates their desire to stay at this property, and so there would not be a need to move the memorial once built.



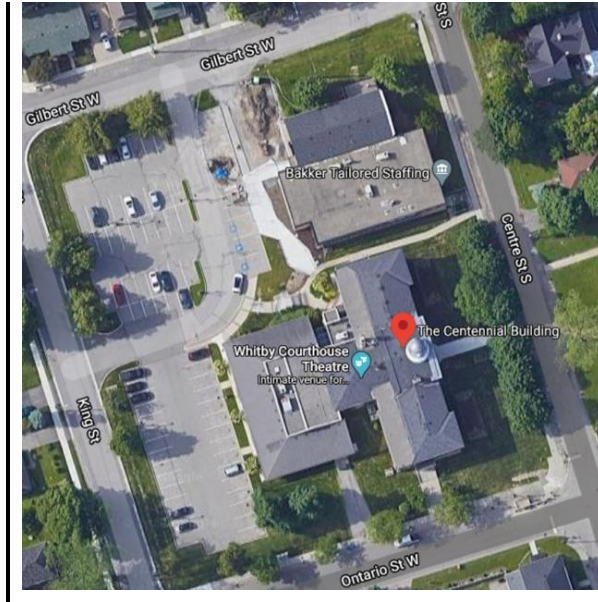
Grass Park

Grass Park offers a unique opportunity to construct a fallen firefighter memorial right in the heart of Brooklin. Erecting a memorial in Grass Park would allow for greater public attention, while still being secluded under the trees.



Centennial Building

The Centennial Building offers solitude to the east, under a canopy of trees, and next to a quiet residential street. The Centennial Building is also very accessible and provides ample parking.



Whitby Waterfront

The Whitby Waterfront offers many possible locations along Lake Ontario's shores, while still providing the solitude appropriate for the memorial. The waterfront also offers a wonderful natural backdrop in the form of the lake.



We have not included fire halls as a proposed option, due to the emotional connection tied to visiting a memorial. Hosting a fallen firefighter memorial at a fire hall may incite unwanted feelings for the visitors. As well, due to concerns regarding potential station relocations over time, as districts and service areas realign through Master Fire Plans, we would want to avoid the need to move the memorial.

4.2 DESIGN

The design of the memorial also influences its effectiveness. Included below are different design options to consider when erecting a memorial. A more visible location may increase the chance of attracting a prominent artist or design school to conduct the project at a lower cost, to increase their own publicity. However, the location and allocated budget would be the greatest factor in deciding what direction can be taken.

4.2.1 MEMORIAL CONSTRUCTION

There are many examples from neighbouring communities across Ontario of fallen firefighter memorials we can utilize to begin the design phase. Typically, these monuments are built using stone, cast brass or cast bronze.

Stone

Granite and marble are the most commonly used stone. They are both often used in cemeteries as grave markers with inscribed the names of those who have passed. These stones are instantly reminiscent of mourning and loss.



Kitchener, ON Fallen Firefighter Memorial

Cast Brass/Bronze

Cast brass or cast bronze is used more often when constructing an artistic scene and a 'larger than life' depiction of firefighting.



Ottawa, ON Fallen Firefighter Memorial

Combination Stone and Cast

Finally, both mediums used together can be very visually appealing.



North Perth, ON Fallen Firefighter Memorial

4.2.2 MEMORIAL HARDSCAPING

A memorial is more than a statue. The type of hardscaping that will surround the focal point should also be considered. Interlocking pavers and poured concrete are materials often used, and they allow for creativity in the design process. Often, the Maltese Cross, a symbol synonymous with the fire service, can be found under a memorial.

Poured Concrete



London, ON Fallen Firefighter Memorial

Pavers



Niagara Falls, ON Fallen Firefighter Memorial

4.2.3 MEMORIALIZING THE FALLEN

As our fallen firefighters' names are added to the memorial, they will need to be remembered individually. Commonly this is done by inscribing their name on the memorial. Additional details could include: years of service, date of passing, rank and/or age.



Welland, ON Fallen Firefighter Memorial

Additional ways of remembering our fallen firefighters can include:

Cast Helmet for Fallen Members



Kitchener, ON Fallen Firefighter Memorial



Individual Plaques/Stones



Toronto, ON Fallen Firefighter Memorial

Other design elements could also be added:

Lighting



Ottawa, ON Fallen Firefighter Memorial

Benches



Thorold, ON Fallen Firefighter Memorial

'Last Alarm' Bell



St. Catharines, ON Fallen Firefighter Memorial

Flag Poles



Gravenhurst, ON Fallen Firefighter Memorial

Gardens



Sarnia, ON Fallen Firefighters Memorial Garden

4.3 THINGS TO CONSIDER

All aspects of the memorial will need to be maintained and material considered. Depending on the design of the memorial, this can include:

- Tending to gardens, trimming trees, cutting grass and clean/polishing the memorial.
- Possible graffiti concerns.
- The lifespan of the materials chosen.

5.0 COST

If this proposal is to be accepted, a location would have to be determined, followed by a budget, and finally a design. This could be completed by a committee struck together containing Town of Whitby, Fire Service and Fire Association members.

As Whitby is a smaller fire service, in comparison with some others across Ontario, it would not be expected to build an outlandish memorial. However, the budget allotted will dictate its scale. A detailed design and tender would be required before the true cost could be determined.

Cost arrangements between the Town of Whitby, Whitby Fire & Emergency Services, and Whitby Professional Fire Fighters' Association would also have to be agreed upon prior to purchasing.

Possible private monetary, land, memorial design, and landscaping donations would help to offset the cost of this project. As well, if a memorial were to be built on, or tied into an existing Town location, maintenance/upkeep may be negligible.

These are all conversations and arrangements which will need to take place should the decision be made to move ahead with our proposal.

6.0 SUMMARY

As the Town of Whitby and its fire service continues to grow, and the untimely passing of our brothers and sisters continues, a need for a fallen firefighter memorial is paramount. A place of refuge to memorialize, honour, and remember our members who have sacrificed everything for our community is deserved.

The citizens of Whitby, the families of the fallen, and our fire service brothers and sisters are in need of a space to reflect and bestow their respect to those who gave all.

Erecting a fallen firefighter memorial in Whitby would give our Town the unique opportunity of being the first city with a fulltime fire service, in the Regional Municipality of Durham, to have a memorial. This showcases to the public, Region, and Ontario, the respect our Town has for its fire service.

In closing, the chance to erect a fallen firefighter memorial in the Town of Whitby offers a special opportunity to display support, respect and offer commendation to our members and their families who have paid the ultimate sacrifice.



Whitby Fire & Emergency Services Chief Fire Prevention Officer Nicholas Webb

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Report and Recommendations of changes to the Bylaw to Regulate the Sales and Discharge of Fireworks

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: FES 04-23

Department(s) Responsible:

Fire and Emergency Services

Submitted by:

Fire Chief Michael Hickey

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Deputy Chief Glenn Green

Fire Chief Michael Hickey

1. Recommendation:

1. That report FES 04-23 be received for information; and,
2. That Council direct staff to bring forward a Fireworks By-law in accordance with the recommendations contained in Report FES 04-23 and in consideration of the Connect Whitby fireworks public survey results, with an effective date of January 1, 2024.

2. Highlights:

- In 2021 a community petition was submitted to add Diwali to the list of celebrations where no permit is required to discharge consumer fireworks.
- An exemption to By-law # 6339-10 was granted to allow for the discharge of consumer fireworks without the need for a permit during the celebration of Diwali.
- Following that exemption, Council requested that staff bring forward a report to amend By-law # 6339-10 to allow fireworks to be used for the festival of Diwali in perpetuity and investigate other cultural days of celebration where the discharge of fireworks played an integral role.

- In 2022 two (2) surveys were completed to gain feedback from the public about fireworks and other celebrations.
- Respondents identified the top three (3) celebrations of Diwali, Lunar New Year and Labour Day; with a smaller group of respondents specifying the addition of Eid al-Fitr, Family Day, and Remembrance Day.
- 68% of respondents identified no concerns with the display grade fireworks set off by professionals, facilitated by the Town.
- 78% of respondents were in favour of display fireworks at Town event(s).
- 75.3% of respondents were concerned about garbage, noise, and unsafe use of consumer grade fireworks during any private event and/or public holiday.
- 47.8% of respondents were in favour of a consumer grade fireworks ban.
- Recommend Council rescind bylaw # 6339-10 and prohibit the possession, sale and/or discharge of all consumer fireworks in the Town of Whitby.
- Professional display fireworks permits will remain available for licensed professionals at any time of the year; at a cost of \$225 (plus HST), in accordance with Town of Whitby By-law item number FES- 50.
- The ban on consumer fireworks would not take effect until 2024 in order to allow for an appropriate notice period for community groups, raise funds and organize professional displays with permits.
- Until implementation of the new by-law, it is recommended the Town of Whitby continues with the allowance of consumer grade fireworks during the 2023 celebration of Diwali.
- The Explosives Act, R.S.C., 1985, c. E-17, (sec 29a) allows a municipality to enact bylaws that govern the acquisition, possession, storage, handling, sale, transportation or delivery of explosives or components of explosives.

3. Background:

In 2021, pursuant to a public petition, an exemption to By-law # 6339-10 was granted to allow for the discharge of consumer grade fireworks without the need for a permit during the celebration of Diwali for that same year. Following this exemption, Council requested staff bring forward a report to amend Fireworks By-law # 6339-10 to allow fireworks to be used for the celebration of Diwali in

perpetuity and investigate other cultural days of celebration where the discharge of fireworks played an integral role.

Public engagement was sought through an online survey in March 2022, with 651 people providing responses. Concerns were identified within this survey regarding the impacts of fireworks discharge on the community as a whole.

Due to the number of concerns, an additional survey was conducted in October 2022 to further clarify the overall sentiment about the use of fireworks within the Town of Whitby. This second survey garnered over 1,500 responses.

The table below denotes the levels of engagement for both surveys:

Engagement Tool Name	Visitors	Contributors		
		Registered	Unverified	Anonymous
Fireworks Second Survey	3231	569	937	0
Fireworks Survey	1203	89	562	0

In addition to the survey, Town staff have received complaints from the public and concerns from Whitby Councillors, regarding the use of consumer grade fireworks throughout the community. Complaints are primarily related to noise, the negative impact to people's sleep, pets, animals, children, elderly and/or war veterans. Other complaints have been received regarding debris on private property, and/or damage to property. Finally, concerns surrounding environmental impacts of fireworks were identified with respect to air quality, to wild animals and/or birds.









4. Discussion:

As previously described, public feedback surveys were conducted in March 2022 and October 2022 via Connect Whitby. Each survey experienced considerable engagement from the public, who not only identified additional holidays to be added but also multiple concerns regarding health and safety, environmental, and general nuisances.

Pressures from the Province due to Bill-23 and decreasing home affordability, will continue to drive community intensification. This intensification will only exacerbate the concerns from residents with regard to garbage and noise from discharged fireworks, while also increasing the possibility of an injury and/or fire incident as a result of unsafe use of consumer grade fireworks.

Other municipalities have also completed comprehensive reviews of their fireworks by-laws which has resulted in reducing and/or eliminating the permissions to discharge consumer grade fireworks.

The below summaries current permitted use of consumer grade fireworks among other municipalities:

Only Permitted on: Canada Day & Victoria Day	Only Permitted on: Canada Day, Victoria Day & Diwali	Permitted on: Multiple Holidays	Complete Ban on Fireworks
    	  	 	

While appreciating Council's direction for allowance of consumer grade fireworks during the festival of Diwali in perpetuity, while also investigating other cultural days or celebrations where the discharge of fireworks plays an integral role, it became apparent through survey responses that the public has a high degree of concern from health and safety, environmental, and nuisance perspective.

In recognition of public response, coupled with intensification concerns outlined above, WFES is recommending a complete ban on consumer grade fireworks. Permitted use of professional display fireworks by licensed professionals will continue to be authorized at anytime during the year.

5. Financial Considerations:

The proposed ban, effective 2024, would require community groups and/or organizations to hire licenced vendors in order to safely run fireworks with display grade fireworks. The Town's Strategic Initiatives division currently organizes firework displays at various Town events through licenced vendors with costs ranging from \$10,000 to \$30,000 per event, depending on duration and intensity of the display.

The sale of consumer grade fireworks requires a retail licence from the Town. Retail licences for the sale of fireworks from a mobile premise are obtained through the By-law Enforcement division. At a cost of approximately \$235 per license (fee # BYL- 18), the division reviews the application, setbacks, and health and safety provisions related to combustibles at the retail location.

The Town's Fees and Charges By-law also includes a \$225 (plus HST) fee for an application to "Discharge of Fire Works – Display Grade", under fee FES- 50, to recover the costs of the Whitby Fire and Emergency Services Department staff reviewing the application, verification of the vendor's Federal licence, and conducting a site visit prior to the event.

6. Communication and Public Engagement:

Working with Communications and Creative Services, strategic communication plans were developed to support building awareness of, and encourage participation in, the two (2) surveys, which lead to more than 2,157 people participating and providing feedback.

WFES will continue to work with the Communications and Creative Services division to develop a comprehensive communications plan to inform the community of the changes and revised By-law, in advance of the 2024 implementation.

7. Input from Departments/Sources:

Fireworks are not permitted in any Town of Whitby parks however, Operational Services staff routinely visit all parks for regular maintenance and garbage, litter, and debris collection. It is not uncommon for this collected debris to include fireworks waste. If there is a permitted use in a park (i.e., minor baseball, soccer etc.) after an illegal fireworks discharge and before staff are able to attend, the permitted user would be responsible for clearing any debris that is impeding the use of the sports field and/or other permitted area. Operational Services does not have available resources to attend all 130 parks frequently enough to guarantee a permitted user would not need to remove debris prior to using the space.

Legal and Enforcement Services reports barriers to enforcement due to time of day, length of time of the displays (discharge is complete prior to arrival), locations are difficult to predict and insufficient resources to proactively patrol the Town. Despite the challenges of enforcing a complete band, Legal and Enforcement Services is committed to partnering with internal departments, such as WFES, on how best to address and/or patrol received complaints.

8. Strategic Priorities:

The recommendation of a complete band on consumer grade fireworks, as outlined within this report, was derived from health and safety, environmental and nuisance concerns. In conclusion, this ban will ensure community safety remains the top priority for the Town of Whitby.

9. Attachments:

Attachment 1 – Whitby Fireworks Survey

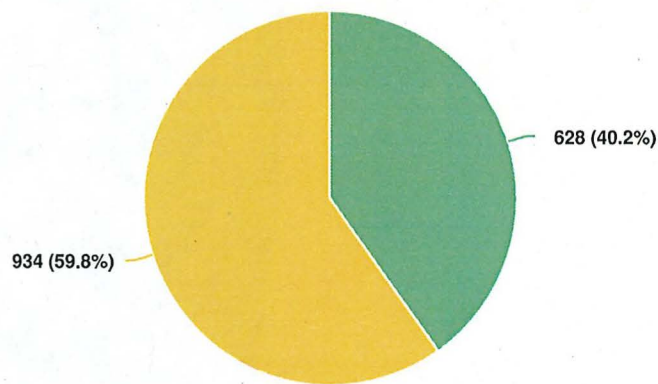
Project Report

Connect Whitby

Fireworks in Whitby



Do you know where to find safety information?



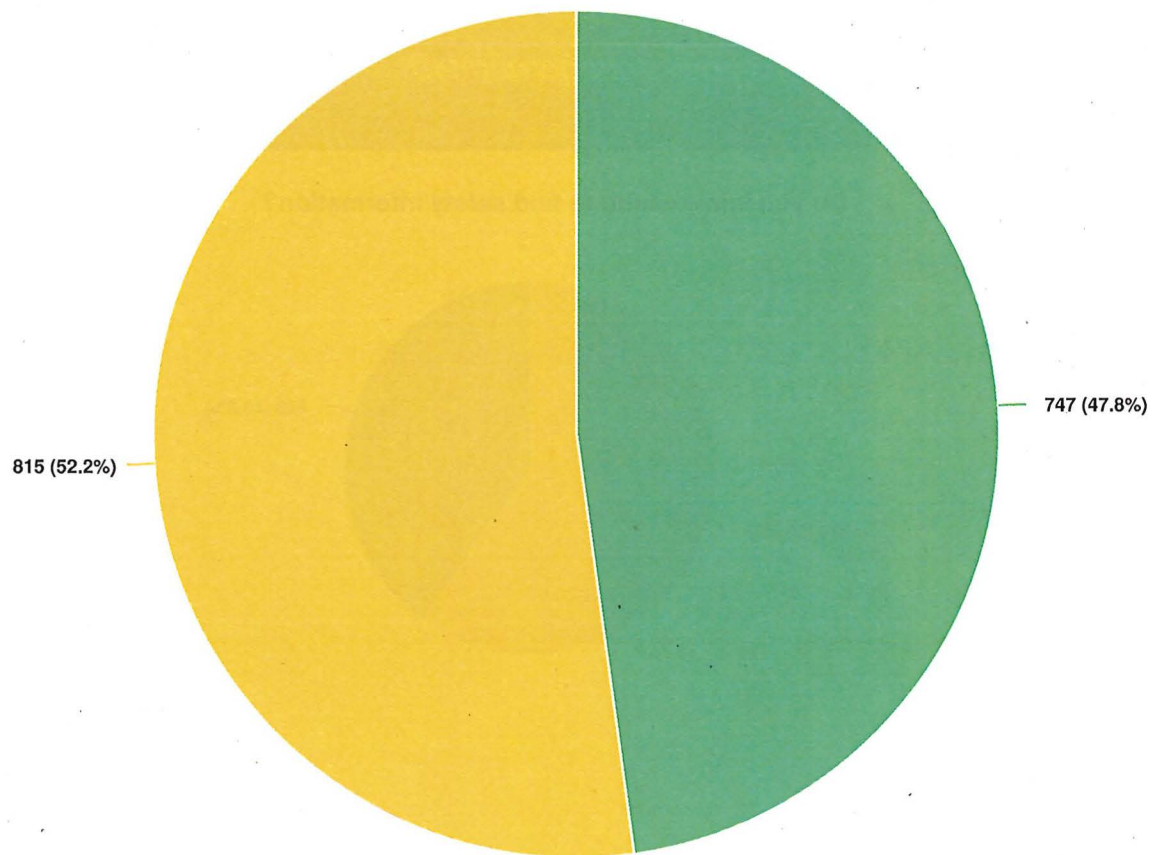
Question options

Yes No

Mandatory Question (1561 response(s))

Question type: Radio Button Question

Would you support a ban on the use of consumer-grade fireworks (i.e. residential/neighbourhood fireworks that individuals can buy from retailers)? This means that the only exception to the ban would be the use of display fireworks by a licensed pyr...



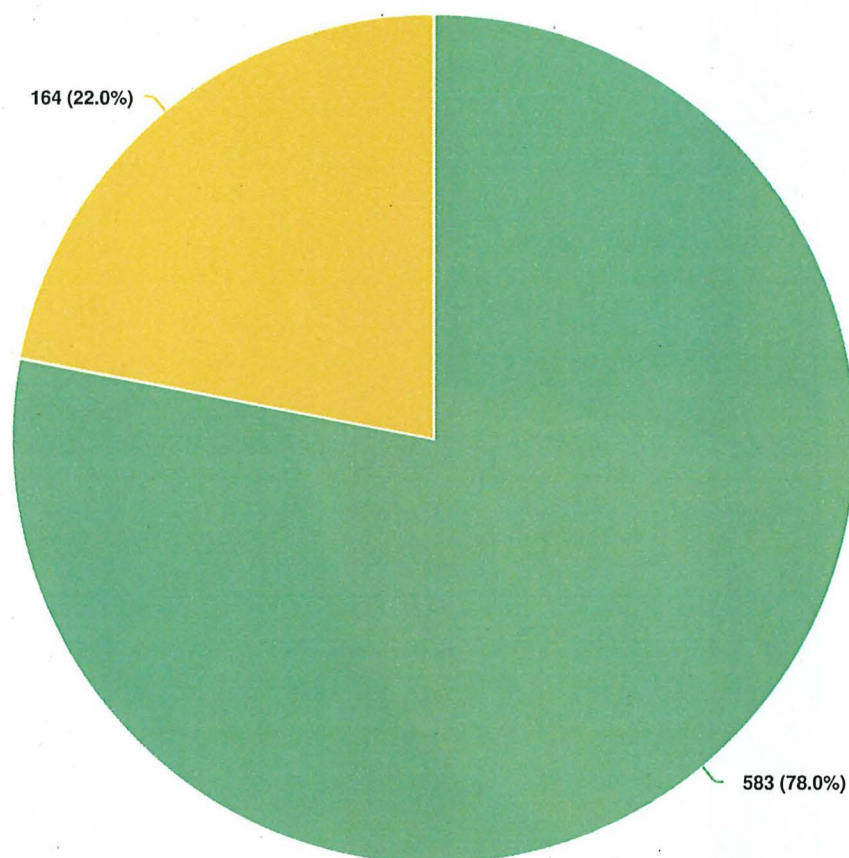
Question options

☒ Yes ☐ No

Mandatory Question (1561 response(s))

Question type: Radio Button Question

Are you in favour of professional display fireworks at Town events?



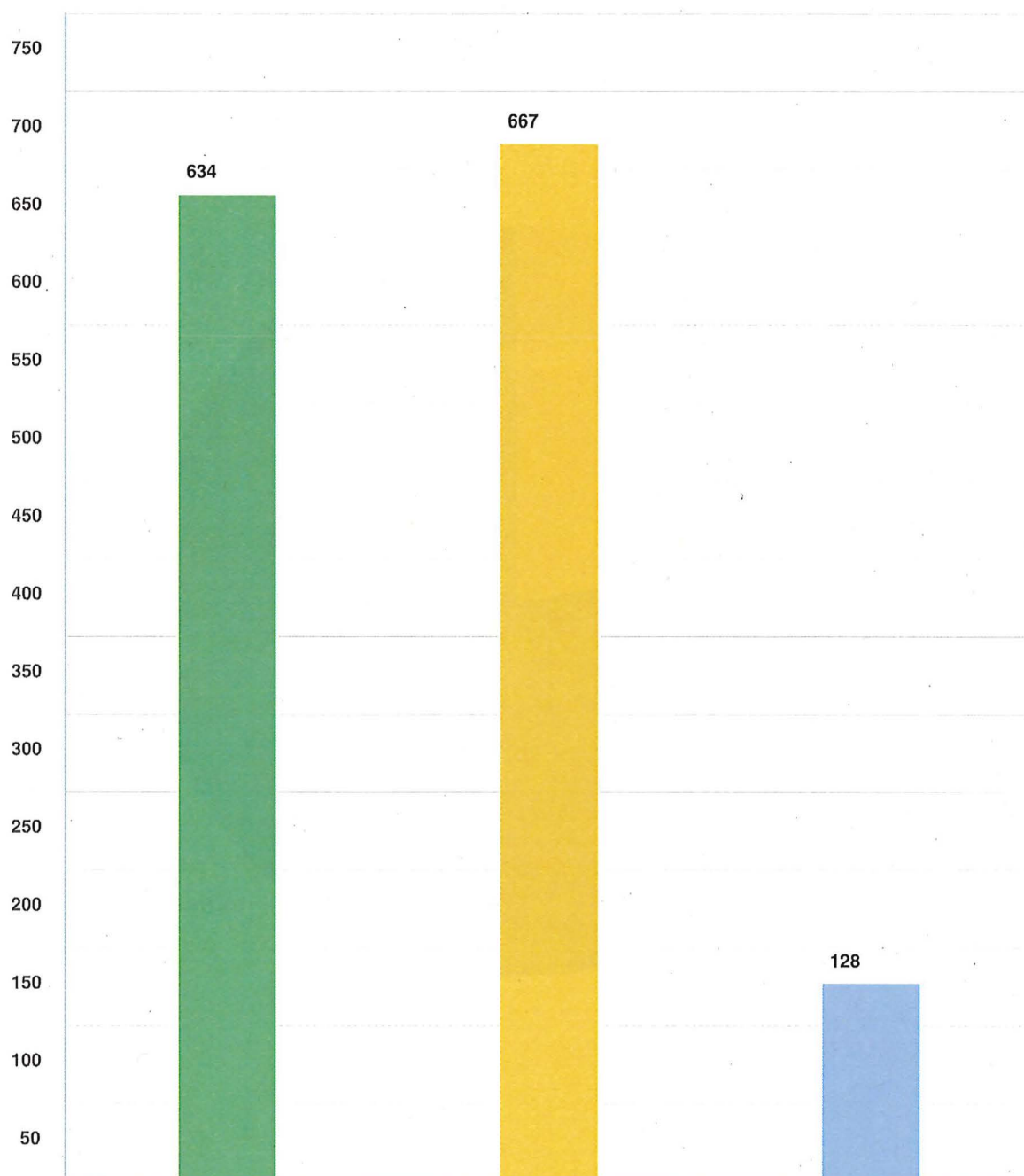
Question options

☒ Yes ☐ No

Mandatory Question (746 response(s))

Question type: Radio Button Question

Why do you feel this way?



Question options

☒ They are important for cultural celebrations ☒ They bring the community together ☐ Other (please specify)

Mandatory Question (815 response(s))

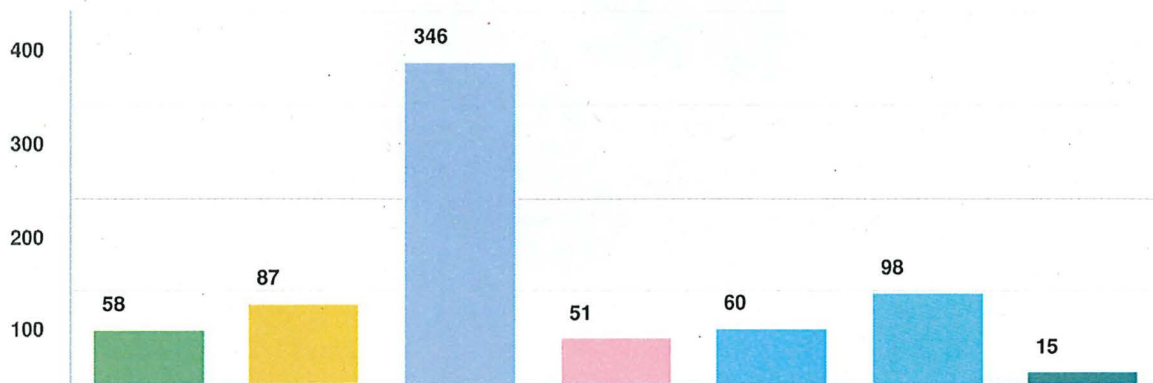
Question type: Checkbox Question

ENGAGEMENT TOOL: SURVEY TOOL

Fireworks Survey

Visitors	1203	Contributors	651	CONTRIBUTIONS	659
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How did you learn about this community engagement opportunity? (select all that apply)



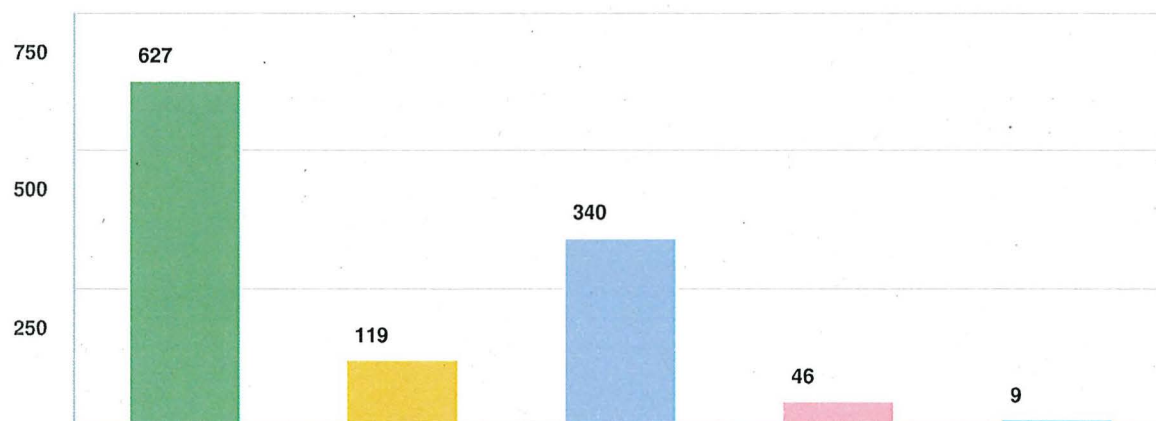
Question options

- Connect Whitby website (connectwhitby.ca)
- Newspaper ad
- Social Media
- Town of Whitby website (whitby.ca)
- Email/Town e-News alert
- Word of Mouth
- Other (please specify)

Mandatory Question (659 response(s))

Question type: Checkbox Question

Do you...? (select all that apply)



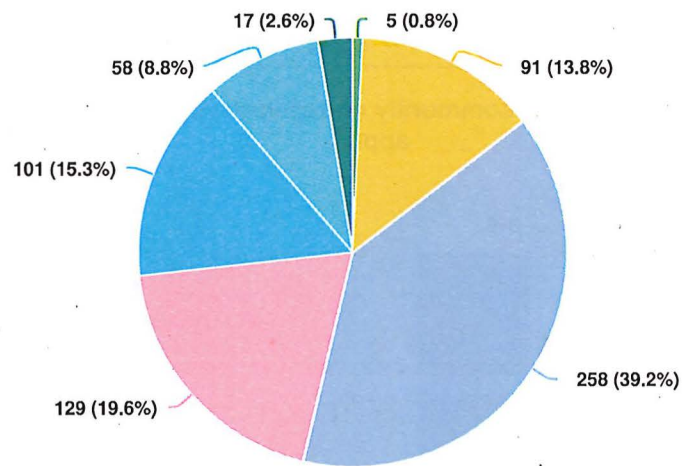
Question options

- Live in Whitby
- Work in Whitby
- Own property in Whitby
- Own a business in Whitby
- None of the above

Mandatory Question (659 response(s))

Question type: Checkbox Question

How old are you?



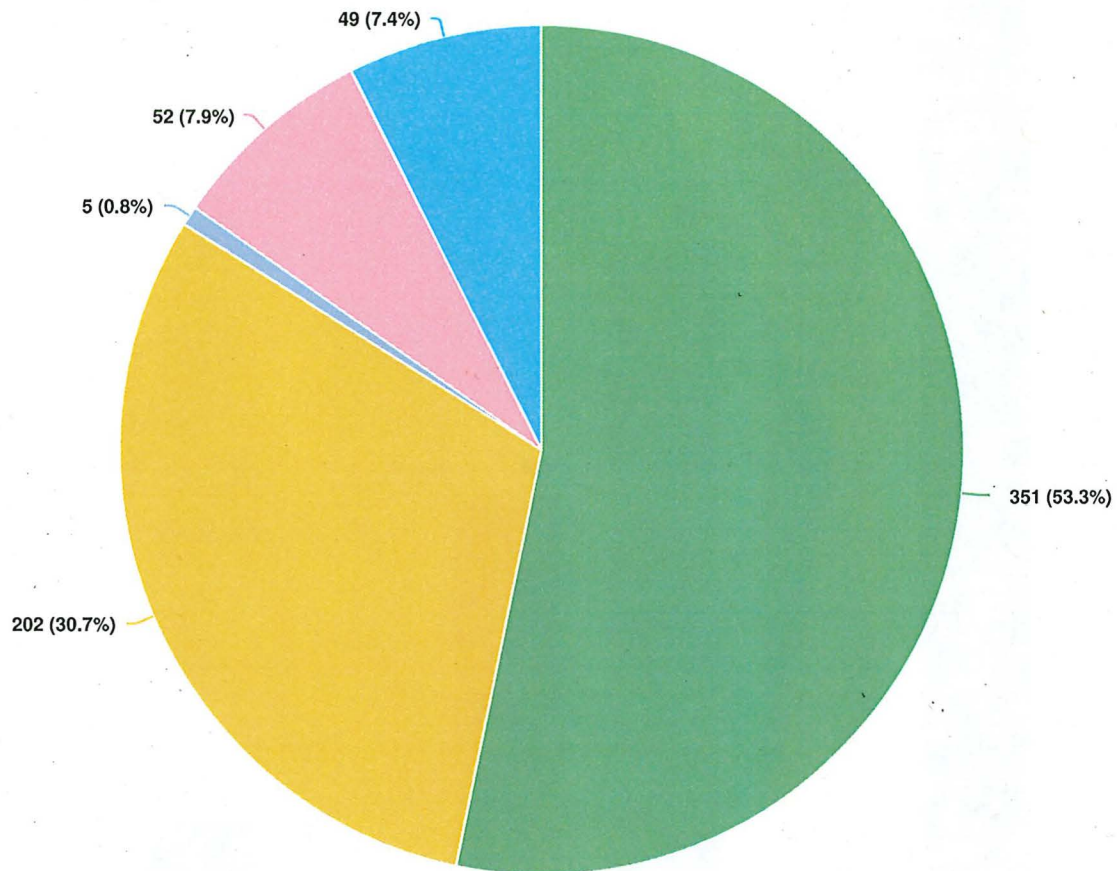
Question options

18 - 24 25 - 34 35 - 44 45 - 54 55 - 64 65+ Prefer not to say

Mandatory Question (659 response(s))

Question type: Radio Button Question

Do you enjoy watching fireworks?



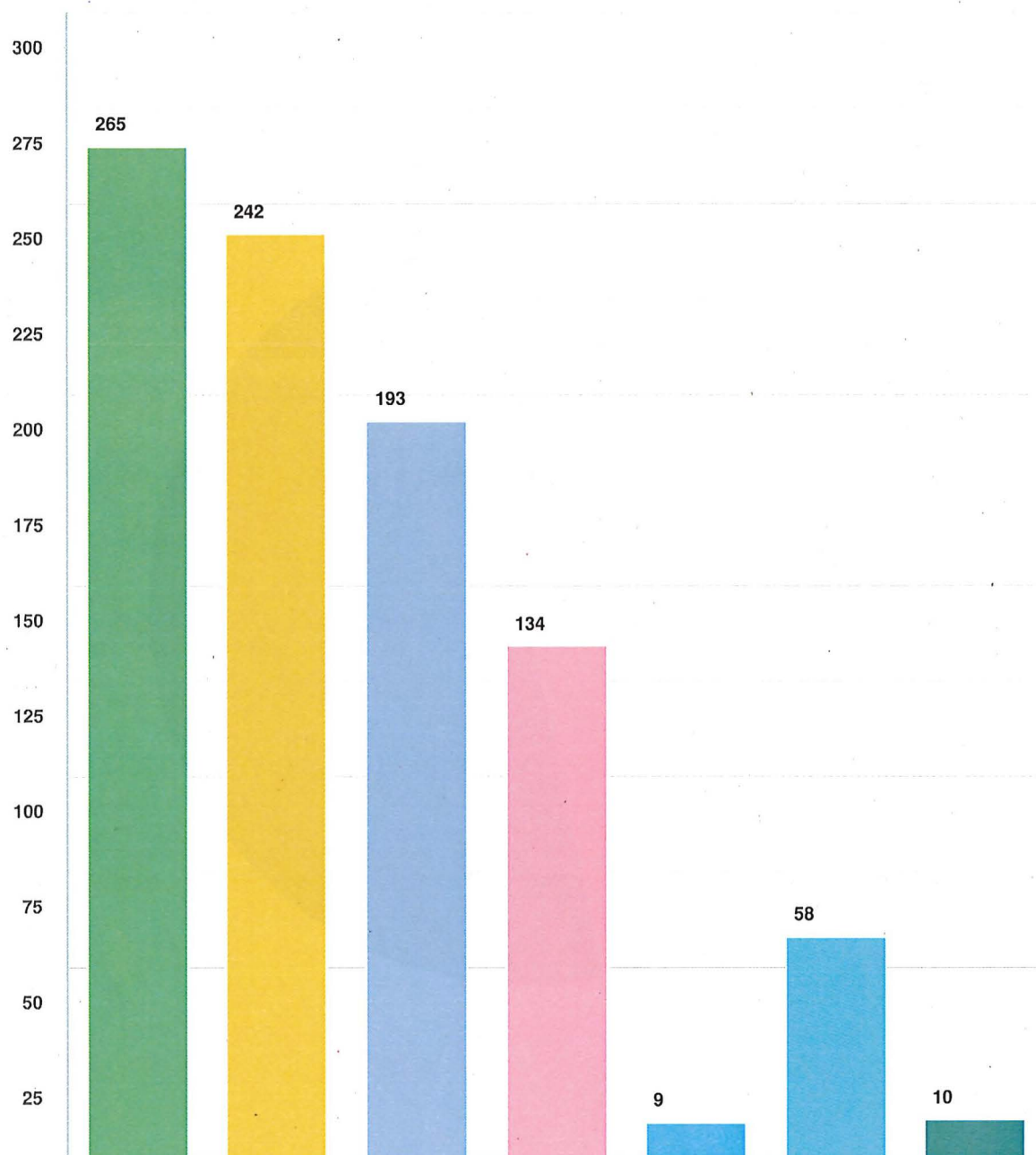
Question options

● Yes, a lot ● Somewhat ● Not sure ● Not a lot ● Not at all

Mandatory Question (659 response(s))

Question type: Radio Button Question

Where to you typically like to watch fireworks? (select all that apply)



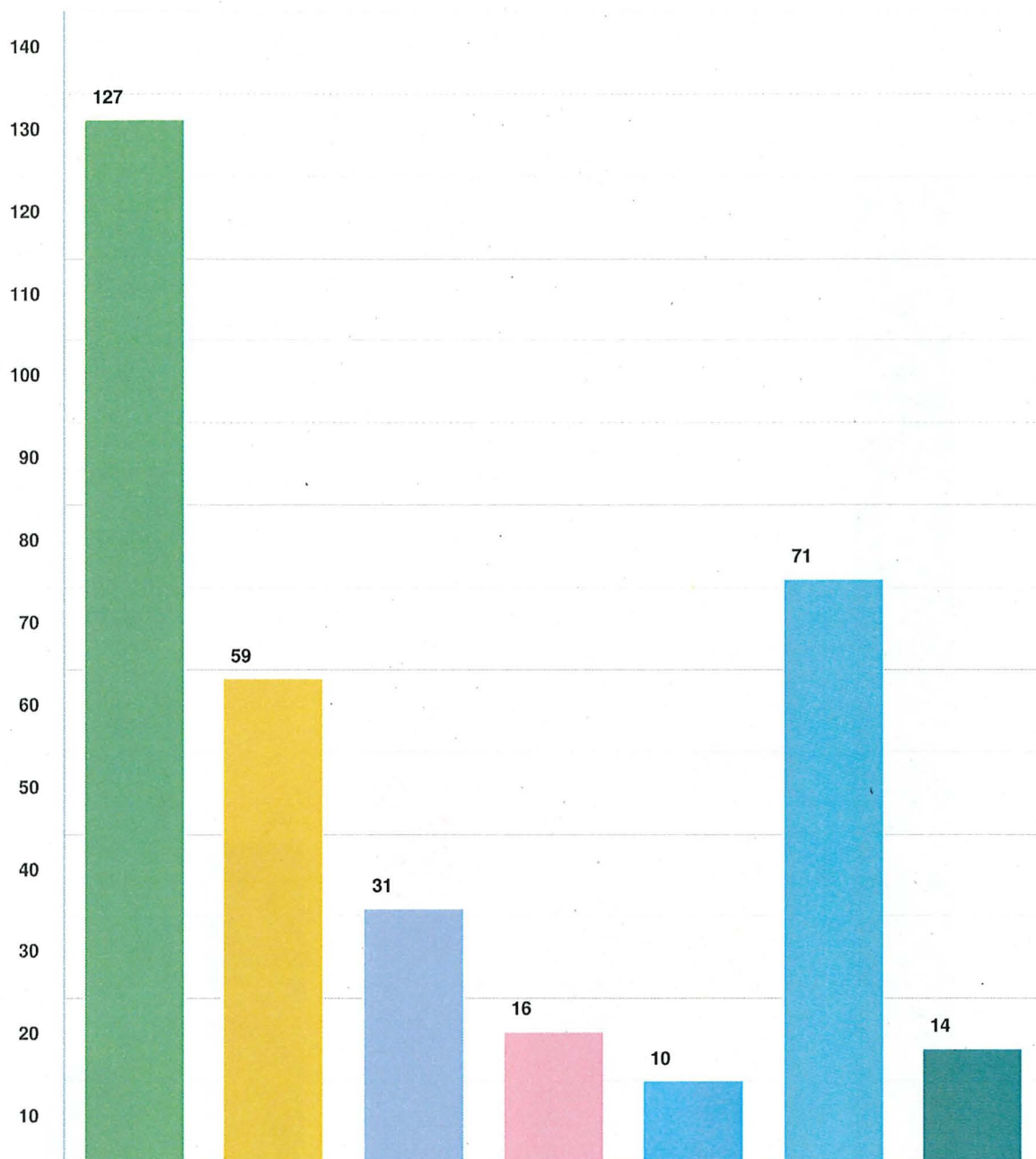
Question options

- ☒ The waterfront ☒ Local parks ☒ On my street ☒ At friend's houses ☒ Virtually
☒ Only at Town or Community events ☒ Other (please specify)

Mandatory Question (351 response(s))

Question type: Checkbox Question

Where to you typically like to watch fireworks? (select all that apply)



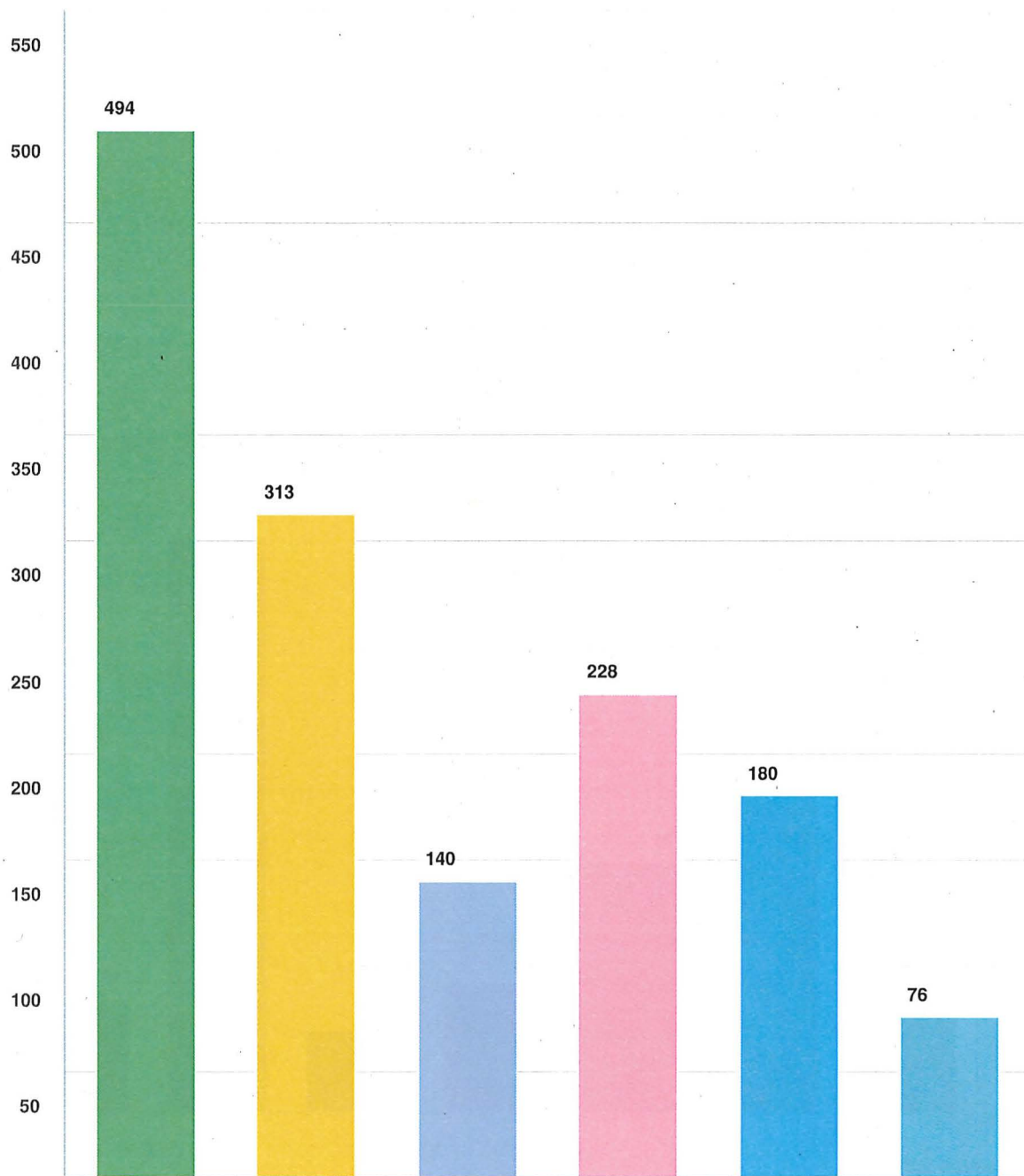
Question options

- ☒ The waterfront ☒ Local parks ☒ On my street ☒ At friend's houses ☒ Virtually
☒ Only at Town or Community events ☒ Other (please specify)

Optional question (195 response(s), 464 skipped)

Question type: Checkbox Question

Who do you think should be permitted to use fireworks in Whitby? (select all that apply)



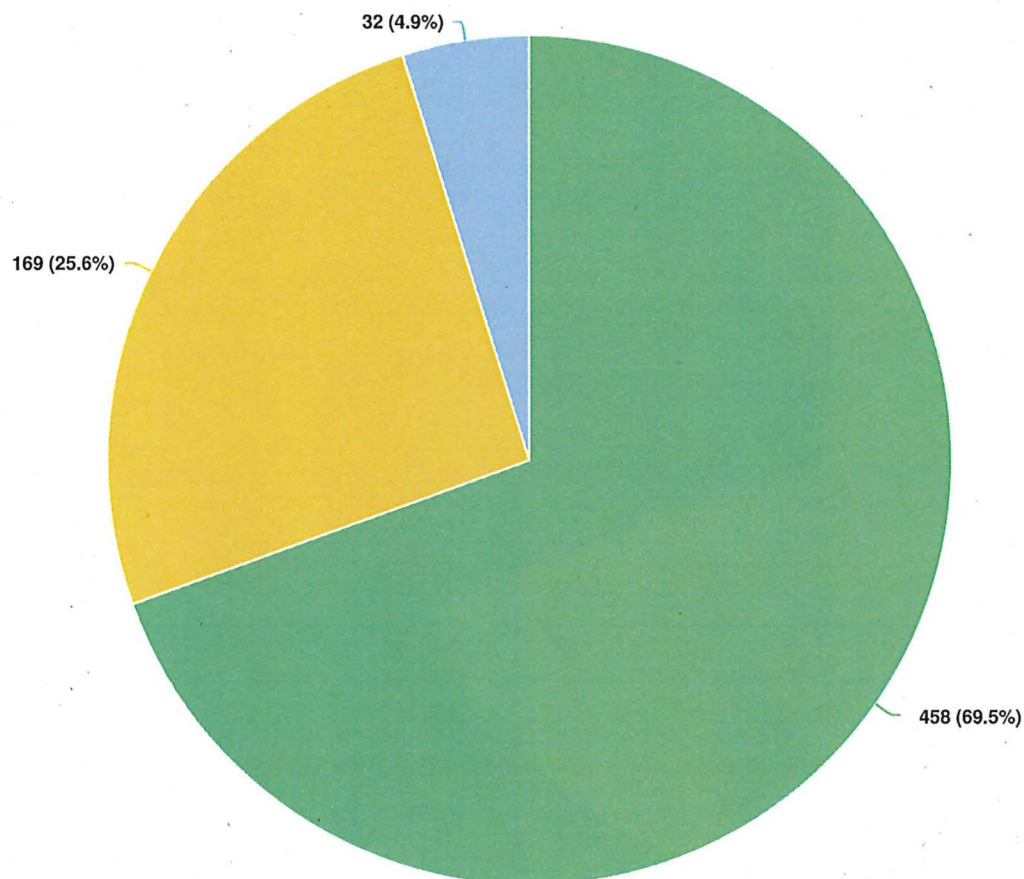
Question options

● The Town ● Community groups ● Businesses ● Residents ● Anyone ● No one

Mandatory Question (659 response(s))

Question type: Checkbox Question

Do you think the Town should limit on what days and where fireworks are allowed?



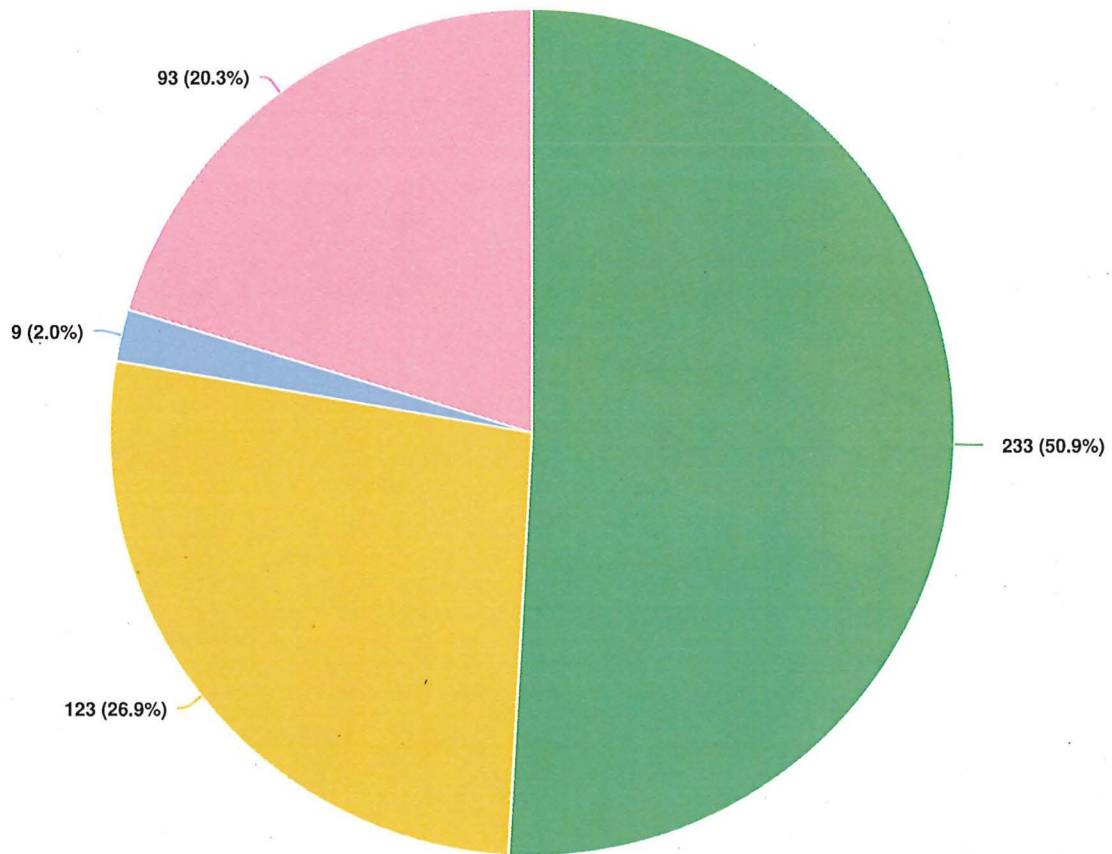
Question options

● Yes ● No ● Not sure

Mandatory Question (659 response(s))

Question type: Radio Button Question

Where in the Town should they be limited to?



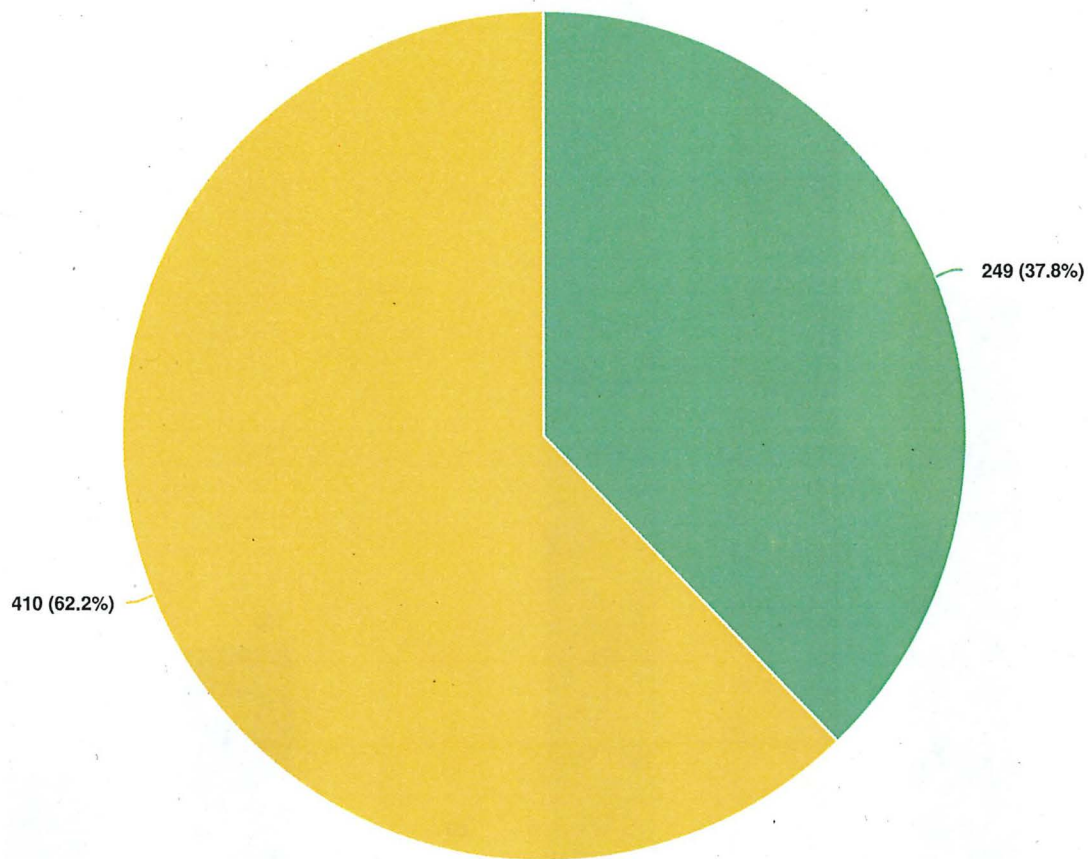
Question options

● The waterfront ● Local Parks ● Downtown ● Other (please specify)

Mandatory Question (458 response(s))

Question type: Radio Button Question

Are you aware if people visit Whitby to watch or set off fireworks?



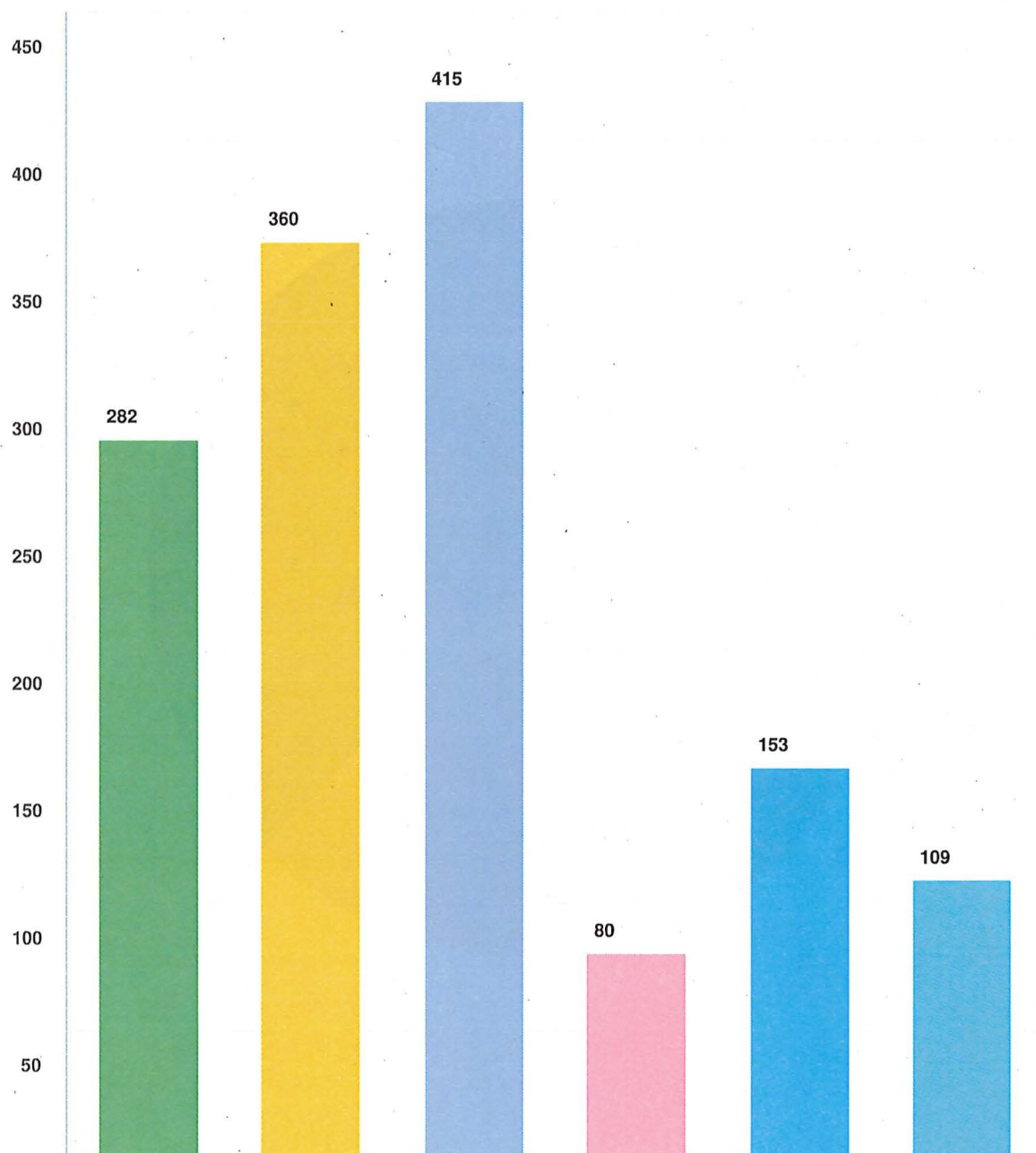
Question options

☒ Yes ☐ No

Mandatory Question (659 response(s))

Question type: Radio Button Question

**If you have concerns about people using fireworks in the Town, what are they?
(select all that apply)**



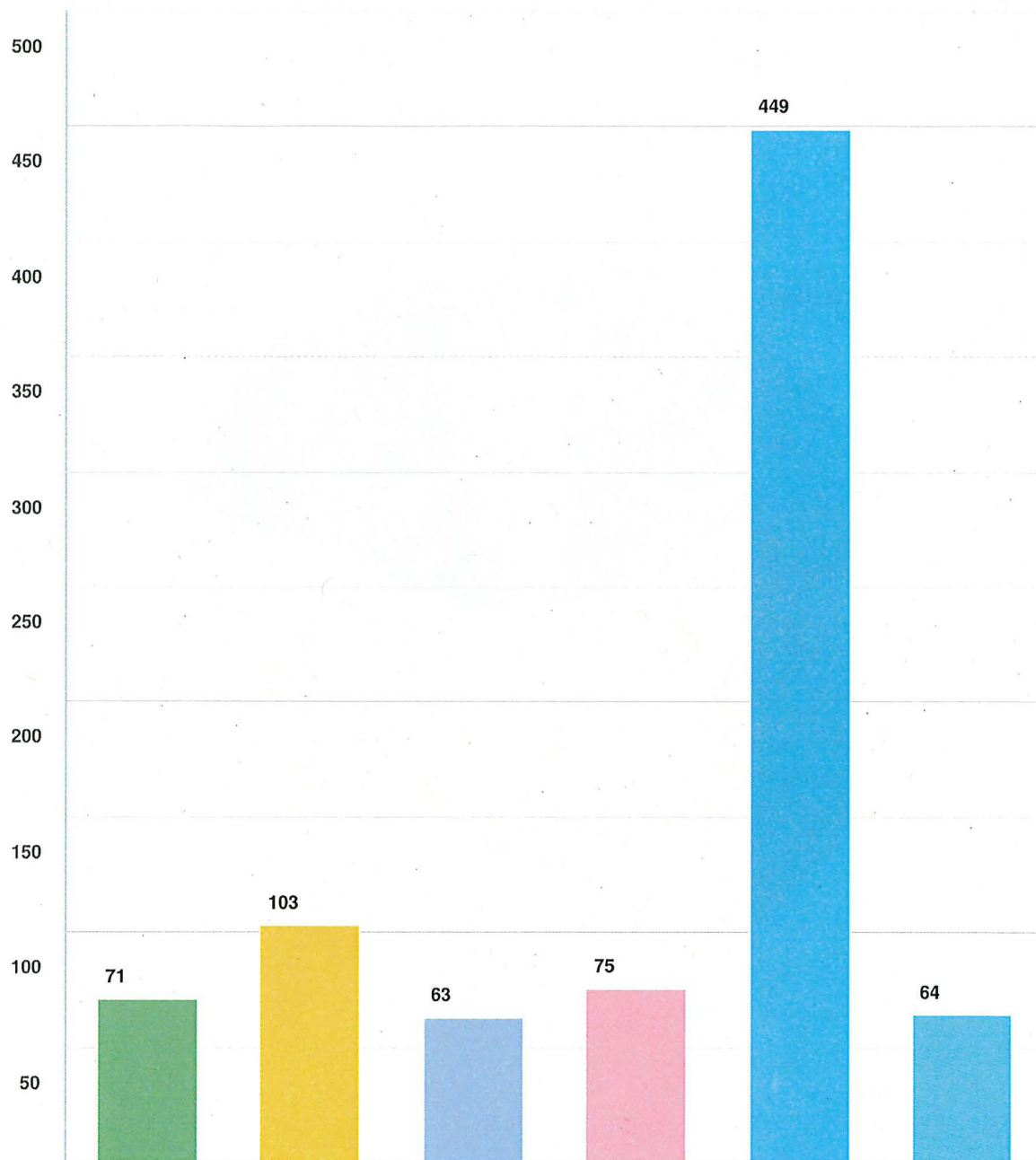
Question options

- Garbage ● Noise ● Safety/unsafe use (could result in fire, personal injury, property damage, etc.) ● Traffic/Parking
● No concerns ● Other (please specify)

Mandatory Question (659 response(s))

Question type: Checkbox Question

Prior to the pandemic, the Town of Whitby typically held a fireworks show one day a year – on Canada Day. If you have concerns about fireworks set off by the Town of Whitby (organization), what are they? (Select all that apply)



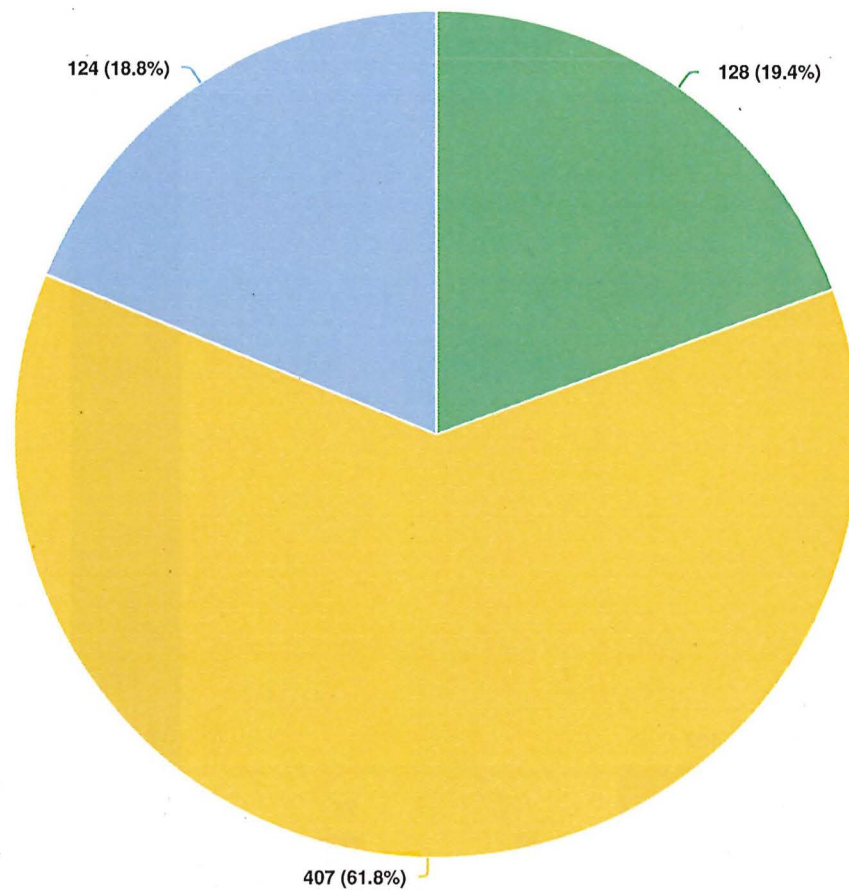
Question options

- ☒ Garbage ☒ Noise ☒ Safety/unsafe use (could result in fire, personal injury, property damage, etc.) ☒ Traffic/Parking
☒ No concerns ☒ Other (please specify)

Mandatory Question (659 response(s))

Question type: Checkbox Question

Currently, fireworks are allowed in Whitby on New Years' Eve, New Years' Day, Victoria Day, Canada Day and in 2021, Whitby Town Council authorized an exemption to its Fireworks Bylaw to allow the use of fireworks on Diwali. Are there any other days ...



Question options

☒ Yes ☒ No ☒ Not sure

Mandatory Question (659 response(s))

Question type: Radio Button Question

Q12 (Please elaborate on your safety concerns:)
Last year a fire that was started in a neighbor's backyard when their 16 year old son shot fireworks & lit the fence/trees on fire. I called 911 and my husband grabbed a fire extinguisher to put out the fire. Seeing how quickly the fire escalated made me realize how much damage and potential injury fireworks may cause. Having to call 911 on a busy holiday weekend to have the fire department show up and waste taxpayer dollars was not something to take lightly. This is something the Town should consider in this decision process.
I think if it was limited to businesses with large property it would help to ease community's safety concern.
People can safely deploy fireworks on residential streets permitting it is facing away from properties and shrubs (i.e. small ones that do not go up in the air or hand held sparklers).
Fireworks if not properly setup before ignition can have potential adverse effects.
The noise is very disturbing to animals and little children.
As stated above....fire, personal injury, property damage, garbage, children unsupervised useage, pets terrified...
Too many people handle fireworks carelessly, no consider to safety or the disturbance to fireworks every day of a long weekend and then some. I've had neighbours set them off in their backyards and this could result in fire and injury since, quite frankly, a lot of people are stupid.
The fire-works are sometimes set off by children who may not know all possible precautionary measures that need to be taken into consideration to avoid tragic consequences or disturbance to neighbours.
Many people do not understand the hazards with fire works. They have no safety plan and in most cases not even a 1st aid kit.
I have observed people lighting them too close to houses, and also children playing/running too close to the detonation spot. I am concerned for childhood injuries from reckless use and also for the potential fire hazards.
Dogs and young children might be afraid.
The visual aspect of fireworks is enjoyable but the noise factor is very disruptive and stressful to residents and their animals. Youth and teenagers generally do not abide by the rules and set off fireworks late into the night. They regularly use Roman candles as hand held projectiles which is a serious safety concern to human health and infrastructure.
All firework displays should be limited to professional displays approved by the Town.
One mistake, even with a small child's sparkler, and you have a tragedy.
unsafe use is a major concern, other than that, I'm fine with all the others for just a few days a
Improper use, lack of concern for safety
Burns and structure fires
Annoying all hrs of nite
-People shooting fireworks at each other in the park behind our house.
-Fireworks hitting our house again
Risk of fire or injury
Our local park and playground is strewn with the discarded remnants of fireworks after any screaming. They drive away at high speeds. In the morning I go to the beach and fill garbage bags with empty alcohol bottles, mountains of wrappers and fireworks. So dangerous to live here, i can't wait to get back to Toronto, I felt safer and more peaceful with a police force that cared.

Should be used in a supervised manor
I live in a townhouse complex and some of my neighbors set them off in the backyard which is way too close to any of our houses. People leave all their garbage in the park's, the noise spooks the dogs, and people set them off all days of the week not just the designated holiday
Disturb wildlife and pets and children who may be afraid of loud noises
Ppl need to clean up the mess they make, and set them off safely.. away from other ppl homes..cars.. etc
If used in a safe manner, and responsible people using them, we should not limit the use
Residents and their visiting friends and relatives using fireworks within residential parks, parking lots, backyards don't have any respect for people who work early mornings, even on Canadian holidays and weekends, regardless of the dates the city permits it, as they do not adhere to these regulations anyways. Additionally, these amateur fireworks are of significant fire concern to me, and should be for everyone, and since we (residents of whitby)cannot have an open firepit in whitby, i must assume its of major concern to city leadership as well, Lastly, fireworks are a significant problem for dogs and infants, who are greatly impacted by the noise. Fireworks should absolutely, and exclusively, be used by permit issued from the city, and exclusively near the waterfront, or central single location, to be avoided by people like me.
No safety precautions are taken, often there is drinking involved. Personal injury or fire damage can result when not handled properly. Minors often are setting off dangerous fireworks in neighbourhood parks.
In general, my concerns are usually alcohol is involved with people setting off fireworks, with noise until at least 2am in my neighborhood. Garbage is left all over our nearby park (Willow
Just need to be careful
Personal injury or fire damage to private property
No regards for dates or times
Safe distance from homes
Fire, injuries
Kids shooting them at each other, fires, dangerous storage
People setting them off through the night/early morning and shooting them at each other
I have witnessed neighbours carelessly setting off fireworks in the street and far too close to houses and then not clean up any of the debris
Safety concerns include damage to the environment, burning down houses, triggering hazardous fire events, children and adults could get hurt with fireworks and causing healthcare emergencies, houses are made of wood in Canada and can have severe consequences if the general public is allowed to use fireworks. It should be obvious that allowing fireworks to be used by anyone is dangerous
I am concerned with neighbours setting off fireworks in backyards, on neighbourhood streets and in community parks. Fireworks are dangerous, especially when handled by people with little to no experience handling them. In some cases they are being set off too close to other people and houses.
Injuries, property damage, fires
Teens and adults setting them off without water or knowing what they are doing
home. Fireworks are frequently set off on any good-weather holiday, usually every night of the weekend. Partying before, during and after the fireworks. Not much regard for safety, for the ones lighting the fireworks , spectators, or neighbours. Lots of garbage left for others to pick up next day.

We back onto Peel Park, where there are people setting off fireworks frequently. There have been long weekends when we have had 4 consecutive nights of noise - sometimes 4-5 hours at a time. They have gone on well after midnight many times. Quite often, they are set off on random days. I believe these are young people enjoying themselves but I doubt they have any safety equipment and there is no water available. Grass fires are a concern.
I've seen issues of fireworks hitting homes and parked vehicles in my neighbourhood. Huge issue if potential fire. In another municipality I've seen brush fires start.
Unexplored ordnance is typically left behind for kids and pets to pick up.
I have seen people setting off fireworks in an unsafe manner in residential areas.
We have seen damage in our parks due to fireworks. We worry about fires if the fireworks are too close to homes.
People gather while drinking, don't trust their competence. My house backs onto a park...I've had debris land on my property.
Residents using fireworks in communities. Issues with fireworks hitting houses, cars and more. Also it is very hard on pets.
Residents using fireworks in neighborhoods. Issues with hitting houses, cars and more. Also issue with the noise for pets.
Personal injury due to the inexperience of the handler. Also potential fire hazard also based on inexperience.
Fire safety from my neighbours setting off fireworks in the wooded area behind their house, close to our fence line. One mistake and my property could be damaged/destroyed. In the past two years, local residents have not honoured the noise-related time limits and have continued their fireworks shows long after midnight.
No one respect the 11pm dead line and bylaw is not enforced. With your kids those night when people use fireworks are nightmare.
Too close to houses
It happens for days before and days after the holiday and its Traumatizing and danger.
Can cause fire and I have seen it happen in the past
The noise, it's stressful on area animals, and pets. Knowing specific days and times allows a responsible pet owner to ensure their pet is indoors and safe
Some people appear to underestimate the danger and ignore safe and prudent spacing/distance from property.
The event at the waterfront is always amazing, but the exit process for drivers is not practical with streets blocked off. We would have to drive west to Ajax and then turn around on another Main Street just to get home, which is daunting.
People can be erratic, don't know how to use them properly and potentially injure someone, or set something on fire. Not to mention the distress animals go through.
My pet is terrified of fireworks. Particularly when there are consecutive days, it gets worse and worse. It's extremely stressful for him and us. We have them often in our neighborhood.
We have a baseball diamond behind our house that always gets used for fireworks. The garbage left behind is disgusting. No idea what kind of safety precautions are in place. A lot of pets get spooked by the sound of fireworks and it can cause a lot of anxiety in animals not to mention dogs that run off from their homes.
Fireworks should not be allowed in around residential neighbourhoods.
Have seen them done too close to homes or neighborhoods that are very condensed
People just let them off without taking safety measures around people and their property.

On and around firework permitted days I see and hear fireworks being set off inappropriately. People's small yards, next to people's homes, in public parks as people are walking by or walking a dog. It's clear they're not being used safely and consiterately by the general public.
I have witnessed fireworks gone wrong. No one was hurt, as far as I know but it was scary and upsetting to everyone involved. Put a damper on the night and traumatized my young daughter.
Unnecessary and can be very loud/upsetting for people for lots of reasons, but when people set them off then everyone else has to hear them.
Fireworks as part of a planned city function or in someone's house/street are fun and needed after everything we have been through with Covid. Fireworks in parks or heavily treed areas should require notice given to the town to ensure safety (fire).
Appropriate hours of use should be in place (none after certain time), but I believe groups should be allowed to set off fireworks.
People who uses them should be responsible and make sure they are used in a safety matter. Safety precautions should be shared with residents
Pollution and wildlife become very scared at fireworks and also may eat the waste. my dog must be sedated on all holidays already due to his fear of fireworks. i am okay with fireworks being allowed on certain days but the days must be limited
Personal injury
Garbage
It is also very distressing for our pets, not to mention people with ptsd. I live close to downtown whitby close to a park where kids park melted due to people lighting fireworks. It's a waste of money and it's dangerous.
Personal/animal injury, property damage
It causes pollution , noise and lot of waste
Unfortunately, fireworks are often not set up properly/safely and can cause injury or fires.
Please stop polluting the air. Next day after fireworks I cannot breathe properly.think about the wildlife and global warming. We should start protecting environment somewhere and why not start at whitby
gets done about it. We're surrounded by parks and schools and parking lots so whenever it's time to set off fireworks, it gets crazy, nearly uncontrolled. Just a huge fire concern and a garbage concern.
Could cause fires, cause harm to people and animals, property etc
Kids get burned
Fireworks are very loud and people don't abide the rules. On new year's, fireworks was still happening past midnight
It is noisy and disrupts. Sometimes in the evening hours. I am concerned about garbage people leave behind. I am most concerned about them hitting vehicles, houses, or injuring
Fire hazard, injuries
Sometimes fireworks aren't lit properly, dealt with properly or disposed of properly.
I live in old downtown Whitby. A number of years ago someone purchased a home across the street from us and decided to throw fireworks from the street, where the sparks etc, would fall on our 98 year old house. Obviously it did not happen again. Not to mention the stress on our neighbourhood dogs and area birds. I do not support fireworks at all
People set off fireworks whenever they like and the existing bylaws are not enforced.
Stray fireworks can be extremely dangerous.
Home fireworks are being used carelessly. Concerns for fire safety issues in out neighborhood.

Fire hazard
Follow safe practice
untrained people not aware of how dangerous they can be
The loud noises distrust baby and small children's sleep, as well as make pets
Have a family and cannot withstand noise due to firecrackers
I have seen them being set off on driveways or small front lawns, they fly over my yard and house. It's too close and dangerous if something we're to catch fire.
Fire or injury
Too much noise and unsafe traffic and ofcourse garbage
I have seen fireworks wars fought. Also people who set fireworks in their backyards where space is limited - I have heard the fireworks hit my roof after explosion.
Fireworks used by residents, many of whom are inexperienced, in locations which impact other residents of a community, are too often uncontrolled, unsupervised, and create nuisance
Be careful while working with fireworks
Fireworks yes but done carefully
My house backs on to Col farewell school. many times fireworks are set off at the baseball diamond on school property where houses are in close proximity The last firework display that was there a firework went wrong and fireballs were shooting towards my house and neighbours It was a scary situation. It is hard to control peoples actions but there needs to be bylaw officers available on call when these situations arise. Fireworks should not be put into the hands of just anyone. they are avery dangerous if not used correctly
I have seen people setting up fireworks without safety and getting injured
Exploded fireworks have landed 50m away on property with old growth trees and there is a concern of fire in dry summer season when foliage is very dry.
People start them early in the evening and do it on the street rather than in parks. The noise is very loud and affects the young children and especially babies and pets who are scared of the loud sounds.
Children under age of 16 should be accompanied by an adult.
People are not careful setting off fireworks when children are nearby
People are not careful setting off fireworks when children are nearby
Both extreme noise which not only scares humans but is very detrimental to animals. Also pyrotechnics are extremely dangerous if not handled properly and can set off fires. They should be BANNED altogether. Only the Town of Whitby should be allowed to handle fireworks as they do at Canada Day at Victoria Fields.
Sky rocketing or similar kinds should be used by professionals only and in open spaces
People lighting fireworks with inadequate safety (water, sand) or training (too large a firework for a small space)
If you could use the silent fireworks, this would be preferred. Animals are terrified by the sound, both domestic and wild. It's not worth the trauma. Children with special needs, such as autism, are also traumatized by the sound.
In this sub division they have had a detrimental effect over holiday weekends. Fireworks have been let off long into the early hours of the morning and disrupt pets and humans alike
Safety is always a concern. Many don't understand proper use of them.
Fireworks in subdivisions during a long dry hot summer seem to be a recipe for disaster and a potential cause of house fires. Residential fireworks need to be banned by the Town.
They are not good for the environment, and they are not good for animals.

Improper use
The fireworks should not damage property or cause injury to an individual.
I am concerned for the wildlife and pets. Fireworks are extremely frightening for them, also dangerous for people if they get in the wrong hands
Fireworks are great when the town puts them off at a set time and place. When random neighbors use them in parks near your home, they never abide by the 11pm cutoff time. Fireworks can trigger a severe response in people with PTSD, they wake up children and ruin their nights, and deeply disturbs animals. Again, fireworks are wonderful to watch when they are done in monitored situations, with time cutoffs, and not in small parks in residential zones.
Alcohol, drugs, fools and fireworks don't mix
People set them off in their backyards of suburban neighbourhood s, could damage our roof or property. Also they terrify my dogs
Damages to property
After hours use by youth who disregard safety precautions.
In my neighborhood people set them off in the middle of the street or in backyards
They should read the instructions in detail and follow it.
People not knowing how to correctly use them (eg pointing at people or homes or animals)
Idiots setting them off day and night without any training. Risk of fallout damage. Traffic is crazy, saw people almost hit as well as road rage. People in cars literally stop in the middle of the road and watch, some people literally park anywhere and leave vehicles in the way. There is no way will emergency vehicles get through that.
Safety of public and private property
People will light them in their street
Unqualified or underage use. I think an adult (21 or older) is mature enough to safely monitor and use basic "over the counter" fireworks.
The ongoing issues on firework nights in the parking lot of all saints high school. Numerous fights, violence property destruction. Need to be addressed but hasn't since we have lived here
Lack of safety education mixed with alcohol can create issues.
The fireworks can go in any direction and cause damage
I'm most concerned about how the noise affects pets and wildlife.
See above. People are letting them off near houses and parks at times outside of the bylaw without any consideration. With cornerstores selling them all the time they are easily accessible
People don't take proper precautions and know how to for new variety of fireworks. There should be some rules and laws around it for generic resident use.
Fire, young children
Noise is the biggest issue with fireworks because it is so detrimental to humans and animals
Could result in burns
Fireworks frighten pets, farm animals, and young children. I back onto a park and have seen some unsafe practices that have had me worried about fires.
Fire and injury
Fire emergency
approved locations away from structures. I always worry each time I see some random person with the kids in tow, setting off random works in their backyard! One Victoria Day a neighbour's teenagers had a party and were shooting them off their townhouse deck into the street!

Governments are working to limit our carbon footprint. In these times, we should focus on minimizing the use of fireworks and keep the environment and air in residential communities much cleaner.
There is no safe way to set off fireworks, if we want to ensure we are not directly causing harm how can you even propose to allow fireworks to be set off within residential communities? Do you not care about disabled people, are they lesser beings who are somehow less deserving of the ability to exist comfortably within the homes they pay for? What about the homeless that have to hide in dark, scary conditions to avoid charges? Are they not allowed to sleep without the trigger of excessively loud noises that mimic gun shots? When theres a long weekend i have had to spend hours consoling my animals & other human beings & myself. I have had to use my minimal resources to purchase accommodations to avoid having actual heart palpitations. What about human beings with heart conditions and trauma? Do you feel comfortable causing higher numbers of heart attacks and eventually, deaths?
I live with a park behind the house and have seen people setting off fireworks in an unsafe manor, even some of them shooting fireworks at each other and they always leave lots of
Concerned with residence setting fireworks off on residential streets
Fire
Fireworks are set off in the green space with the chance of setting fires in the community
Unorganized fireworks always leave trash around, fireworks go on and on in the evening. It's not planned and cause an uninvited scare to our children and pets.
Environment and safety
Use of fireworks in private lots could result in a fire.
I do not think fireworks should be permitted. There are other ways to celebrate that do not involve such noise and create anxiety in individuals and animals. With the diverse population, fireworks are a frequent occurrence and they cause unnecessary stress for many.
fire and personal harm
concerned about house fire when used close to homes
We have seen errant fireworks at Captain Vandenbos school (from neighbours) go towards houses...not safe as people do not bring a bucket of water, etc..and parents with babies have issues as the fireworks scares them...
People setting off firework incorrectly cause damage, unnecessary noise that scare animals and people
Adults only should use them but still be safe.
Once or twice a year ok... Beyond that NO
Kids should be use crackers with the elders
Lately it seems that people are having fireworks for days on end surrounding a holiday. Then they leave all the garbage in the field behind at the rec centre.
Please ban them outside of waterfront. They are so disruptive to neighborhoods in so many
Many people set them off in fields/their backyards. There is a risk of starting a fire/hurting someone when inexperienced people set them off wherever/whenever they want. People should not be able to purchase them and set them off in Whitby.
could result in fire, personal injury, property damage, etc

have unsafely set off fireworks in their front yards. Neighbours are often using fireworks outside of the permitted days (I.e., during lockdown, fireworks were being set off every night of the week!) I also frequent Lynde Shores Conservation Area, and was appalled to see the amount of garbage and pollution left from fireworks, as well as the wanton destruction of protected wetland habitat.
I work as a Registered Nurse, and have witnessed horrific injuries caused by fireworks (including injury to innocent bystanders and young children!)
It only takes one unsupervised idiot to set fire to a house.
People in the neighborhood set them off on the street aiming at each other. Police did nothing whatsoever. Keep it to the parks and waterfront. Not in the street or too close to homes.
Fireworks lit in backyard can lead to neighbourhood fires. I would rather have people light fireworks in parks.
Childrens safety and improper use of them. Also the safety and well being of animals not just pets but also the impact on wildlife
There have been personal and community organized fireworks in College Downs Park behind our house. They did not have a permit. Fireworks material ended up in the back yard and eaten by our dogs which became ill. Material also ended up in an area around the house that led me to lead it landed on the roof and fell off over the front of the house.
Fire hazard
Kids fire them at houses and themselves
I'm in Williamsburg area, and fireworks go off all the time, NOT just those holidays mentioned. My family gets up early for work/school and in bed by 9pm. Fireworks start then and go until midnight, or 1am. ALL THE TIME. Canada Day? Yes.. .the day previous and for a few days after as well. The noise, garbage and disruptions are unwanted.
Houses in our neighbourhood are close together and unfortunately, consideration is often lacking with the groups who set off fireworks. It doesn't make sense for the town to allow members of the public to set off fireworks in parks and yards when fire pits and open fires are banned. We have someone in our household with asthma and neighbours setting off fireworks and also having illegal fires in their yard are a huge health problem for us.
People and children can be burned and blinded by improper use of fireworks.
Recent years people have been setting them off multiple days in a row in the middle of the night disturbing residents sleep and impacting pets. There was a week straight where this was happening as well as random times throughout the year. Kids have started to shoot them off at each other and at other properties. The garbage is atrocious and impacts wildlife.
Stupid people do stupid things. Luckily I don't know if any incidents.
Poor safety practices. Parking concerns. Garbage left behind.
When the fireworks happen at the park behind my home, my dog gets VERY SCARED and agitated- he is EXTREMELY hard to console. Furthermore I have to be careful when I let him out in the night for a potty break
Concerned about people using it unsafely manner.
Property damage and fireworks going off too close to houses
Teenagers shooting fireworks at each other in our neighbourhood
As long as people use a proper base to set them off in and make sure they are safely distanced from buildings and people
Current rule only allows fireworks at residence. With such a dense population I don't think it makes any sense as it will definitely lead to fire incidents.

Using fireworks close to residential areas. Should have permits to use fireworks and only do it in big open space such as parks
not cleaning up, use that could cause fire or hurt others.
There is a park behind our property and we have found firework remnants in the back and front yards after fireworks were lit in the park. Our dogs ate some of it and became ill.
Not accessible to children
I have concerns about people setting off fireworks in their yards/streets without proper safety precautions. If they are unregulated, the risk of dangerous behaviors increases, including risks of young kids getting hurt, accidental fires, injuries, with no safety plan.
If young kids get a hold of fireworks they might not know how to use them properly and can result in property damage or injury.
Currently people in neighbourhoods set them off at all times of the day and night regardless if there is a holiday or not. Fireworks should not be available to the public to buy
There was a fire on school property in the middle of the night due to improperly handled fireworks last year
People setting them off unsafely, leading to fires.
During Diwali. People of all ages set off fireworks including minors/underage children with a lack of supervision. This will result in unnecessary accidents and waste of resources.
i've seen a lot of close calls with fireworks. they're dangerous traffic/parking is why we go to fireworks in Ajax rather than Whitby. Whitby events are a hot mess.
Close density may cause debris to light surrounding houses on fire.
Having fireworks on non designated canadian holidays created all sorts of problem. People using them are not prepared, trained and have no consideration for their neighbors and use local parks to create chaotic situation for other local neighbors.
If someone sets off fireworks of any kind, they are posing an unnecessary risk to first to themselves, others in the proximity and first responders. First responders are better utilized in real emergency situations, like car accidents, house fires, etc. Fireworks are only good for momentary joy. Other activities could offer us humans that joy.
Individuals often set them off on their backyard or on the street. They are not trained in use or handling and would certainly not have insurance should someone be seriously injured or homes burned.
Untrained uninsured individuals should not be setting off fireworks. If you need training and permits to store and sell fireworks you should require training and permits to fire them.
Should not be allowed in community parks. Garbage always left in park and, in particular, pieces of the fireworks for small children to accidentally pick up in the park the next day or for dogs to pick up. Also, in the past firework debris left beside the garbage container which melted the garbage container.
Burns leaving garbage & debris behind, it is unsafe for animals that may try to eat the garbage.
As well as the panic it causes for most animals.
People are not allowed an open fire on their property yet anyone can buy and set off fireworks. I am not in favour of either.
That cleaning to be taken care of post activities.
Safety measure to be in place of course..

Armatures, who could have been drinking all day, with explosives.
There have been incidents in recent years of improper firework use in
holiday seems to have turned into multiple nights - it is significantly disturbing to my dog who experiences extreme illness after and this is not tolerable for multiple nights in my community. I am sure it is also not good for wildlife either. These should be controlled events on one specific date.
Concerns re: effect on environment pets, and use by people who don't have the right knowledge or expertise.
I am concerned on how the noise pollution effects animals (pets and wildlife) as well as young children. Living near a park, we see first hand how dangerous the fireworks can be and the garbage strewn about town property post festivities.
Williamsburg subdivision - fireworks start on Thurs pm until Sun / Mon on a holiday weekend. 9 pm, 11 pm, 2 am. They just don't stop!
Use in residential neighbourhoods and lack of concern for injury
Last summer alone I have heard of two safety incidents with firework use (that could have led to fire if someone hadn't happened to wake in the night).
Typically residents tend to take advantage of long weekends and have fireworks all weekend. It's loud and very disruptive. Every long weekend there are fireworks from 9 am to after midnight. This is beyond ridiculous.
HEALTH ISSUES: Shift workers- sleep, babies- sleep, PTSD- military, police Dogs- many do not like the flash/ bang sound ALSO many people have noise sensitivity and having a Mental Health facility, should be addressed also.
A neighbour seems to celebrate anytime and last July extended to 6 nights AND one night lasted until after 1 in the morning! Don't know where these people get the fireworks but they seem to be lighting them off often!
I am concerned about fire, property damage, personal injury and garbage.
On every long weekend through the summer people are setting off fireworks at all times and all through the weekend. It is very frustrating when they are set off for hours every night of a long weekend. It should be restricted to one day and time or by professionals only.
fire pollution
Noise, timings, pollution
Shooting at houses at 1am country lane and Taunton area
To much people in one area shooting off fireworks could be problematic
Some people are clueless with fireworks. I was a teenager once, firing roman candles out of my hand or taped to my car. We can't fix that. But they shouldn't be fired over houses or buildings. An empty ball diamond or soccer field, aimed away from structures and spectators, is relatively safe. Chinese lanterns need to be banned completely - they're a floating fire hazard. And people need to be reminded to properly dispose of their garbage - take it home!
People leave garbage and don't clean up after
I have young children who are very frightened by the loud noise of fireworks. This is especially difficult when fireworks occur after dark when the children are trying to sleep. I also understand fireworks are particularly scary for dogs. For these reasons I think fireworks should be limited to only a few public gathering areas where the noise is less likely to impact residents.
Indiscriminate use throughout the community, often teens.
See above. The displays are set off everywhere. They go on late at night. They're being set off unsafely I. My dog and others are terrified by the noise.

Where there is fire and explosives, there is always a risk of injury. I know someone who was badly burned by fireworks that were set off by inexperienced neighbours.
People losing fingers or hurting themselves or setting homes on fire.
Risks of personal property or personal injury. Fireworks should be limited to experts.
Residents using fireworks in neighbourhoods with little to no awareness of safety issues.
Fireworks affect wildlife, many household pets are terrified
Fire, personal injury, property damage, pet trauma
People setting them off too close to homes or roads, or too close to where wildlife lives
Fire risk, ingestion of waste by animals
Potential for fire
access to hose to put out potential fires isn't available. Both also send debris into backyards of neighbouring properties and could also light up dry brush or cause fire damage to outdoor furniture.
Lack of access to hoses
Being done by people that have been drinking - risk of personal injury to self or others.
Local residents on Brooklin had hosted and set off fireworks at a local park on Canada day. We decided to take our kids to see as it seemed like a fun event. We sat around a soccer field not knowing how close they would be setting up. During the event some of their fireworks fell over while lit and shot horizontally along the ground on a couple occasions. One of those times a fireworks flew by me (with my 6 year old daughter on my lap) by about 20 feet, and exploded about 40 feet away.
This was EXTREMELY dangerous and uncontrolled. These are so fast there would be no way to avoid them... And it passed by only 20feet! Another degree it 2 and we probably would have been hit. Had it hit us and exploded on us I am sure the injuries would have been severe if not fatal. And who is held responsible in this instance?
This event has traumatized my daughter to not want to be anywhere near fireworks, and has panic attacks when she hears fireworks.
So my stance is that fireworks should only be run by licensed and insured technicians (preferably hired by the town), at a venue that allows everyone to be at a safe distance.
Very unsafe in residential areas with houses and vegetation that can easily catch fire
The amount of days fireworks are allowed by the Town, needs to be greatly reduced. Whitby currently allows fireworks on New Years' Eve and New Years' Day (pick one day). Victoria Day and Canada Day (pick one). Many major places around the globe have banned fireworks due to air pollution and impact on the ecosystem. I appreciate we do not want to take all of the celebrations away, but we need to greatly reduce what is allowed due to the harm fireworks have, and ensure when they are being used it is in a controlled environment. Residential Safety was a concern as well. We had several homes in our area set off fireworks in their backyards or on the front street, for all 3 days on long weekends. The greatest concern was fireworks near roofs, backyard trees and the stress to pets, wildlife and some residents.

weekends and holidays.

In terms of safety, I've seen people light fireworks from their backyard in a residential area and this is unsafe to other residents who live on the street. I am concerned about property damage and fire.

Some fireworks are too strong for the area they get used and they get into other people's yards, which can be a fire hazard.

Non sanction / non TOW events careless discharges from property as example backyard deck in middle of a residential area or front lawn.

For non town events - parks should be authorize for use by application/ permit with a safety action plan and provide applicant with 'no go zones' and safe zone to set them off

I am concerned at the ecological impact. Animals are very easily frightened and stunned, from domestic to wildlife.

Noise scares children and pets

I have seen them set off in small backyards, too close to houses.

1.too close to residences, audience/people

2. People setting off are either careless or ignorant of safety methods

We live on conversation and last year theee we're people in the conversation area lighting them off as well as people directing them toward the conversation area. In other cases they are very close to homes. A few years ago a stray firework landed beside our pool heater!

Not being used properly, too close to houses, trees

Teens using without regard to safety. Psychological impact on people from areas of the world where fireworks could trigger traumatic memories of violence/threat to safety.

Fireworks pollute the air, water, and land. Fireworks have injured and killed people. I think all Fireworks should be banned in Canada. Fireworks were used by the extremists, racists, and misogynists, to torture the residents of Ottawa during the February 2022 insurrection of Canada. If the Town of Whitby do not ban all Fireworks in Whitby, then the Town of Whitby stands with the terrorists. If I hear any Fireworks in Whitby from this day forward, I will petition the governments of Ontario, and Canada to immediately seize the Town of Whitby's bank accounts and assests, just like they have done to supporters of the Freedom Convoy 2022.

Shells falling on homes.

Lighting in tiny backyards. Not safe enough space.

I have seen people set them off in areas where they clearly don't have the space or clearance between houses to do so safely. Perhaps a permit like a fire one can be done that has certain requirements for distance to homes etc, and that permit is good for the year

I feel that allowing anyone to use fireworks on any given days pose safety risks and noise pollution issues.

There are no regulations for a homeowner to set off firecrackers. Inexperience and partying(alcohol) in holidays esp can cause lack of judgement causing safety concerns for

If the firework angle changes towards a residence (or similar) there is possibility of fire.

Many animals are very stressed at the noise, some get out and run away.

Persons suffering from PTSD can be re-traumatized by the noise.

There is evidence that fireworks are harmful to both wildlife and domesticated animals. Effects range from disorientation to physical/chemical damage and possibly death, especially young animals. I have included an article complete with references: https://www.animal-ethics.org/how-fireworks-harm-nonhuman-animals/
I also have a neighbour who sets off fireworks on random non-holiday dates on our street late at night, which wakes up small children who are sleeping (not my own). Bylaw officers did not care when my other neighbour reported it.
Many people are using them on multiple non eligible nights, often several nights in a row and well past midnight. This is very stressful for family pets including dogs and cats as well as small children trying to sleep or adults trying to sleep who have to get up and go to work the next morning. Teenagers walking down my street between midnight and 3 in the morning shooting off fireworks and firecrackers has occurred. Also, many people are using them at parks, on baseball diamonds and soccer fields and then leave the garbage including used and unlit fireworks, used metal sparkler wands which are dangerous to the kids using the parks and diamonds. This garbage is usually not cleaned up by the Town prior to a scheduled youth league game or practice the following day or two.
In residential areas, fireworks can cause a fire or injury. Especially when houses are so close together.
Some fireworks sound like gun fire, not used properly, fire hazard.
Often shot off after 11 pm curfew, disturbing children's sleep
Fireworks used by untrained individuals and groups in unauthorized, unmonitored spaces are safety hazards, can damage hearing and mental health and well-being and impact domestic animals and wildlife.
Dangerous for starting fires during hot dry weather!
The loud noise can be very disturbing to sensitive hearing people
People setting off fireworks do not clean up after.
Unknown people seen at paths with a convoy of cars during these times
There is more smoke than beauty in most fireworks.
People not respecting them and the damage they can do to one's self. Setting fireworks off in residential areas could lead to destruction of property or even serious bodily harm
Safety of people living in houses, neighbor bringing fireworks can come to the next door also the smoke and the noise it creates is not pleasing.
When I find leftover fireworks in areas that they should be set off in, as in the waterfront beach. It's disgusting what gets left behind
on our roof or damaging our pool cover. Last year neighbours set of fireworks around midnight in the middle of the road (a quiet crescent) and the garbage from the fireworks was left in the road.
Fireworks must be allowed in open space , small firework can be allowed in drive way
Drunken people and fireworks
Setting off in yards too close to home.
Danger to spectators if not set up pr
The injury to children or property from irresponsible individuals setting off fireworks
Improper use, not prepared with water or a proper launch area

Experienced someone nearly being hit by a firework, have also witnessed someone having a seizure due to the lights
Residents in tight subdivisions are using them at the end of their driveways. This is really unsafe due to a lack of general knowledge about firework safety and handling procedures. Also property damage is a concern.
The noise sounds like gunshots in residential areas causing frustration anxiety and unsafe
A person two doors down from our home let off a firework in their backyard that came down in our backyard almost injuring 2 people.
people set off fireworks in park behind us. this summer had to go out and watch for embers/ash hitting our gazebo.
also, fireworks set off at 1:30 am new years eve. a large display
The noise from fireworks frightens family pets as well as the local wildlife, I personally have found the spent casings of rockets on the roof of my house and in my backyard from neighbours that were setting them off, one street over. The one that landed on my roof was of special concern as it could have been a fire hazard. What if one of these landed in someone's garbage or recycling box and started a fire.
What is there to elaborate on? Safety concerns: fire safety, personal injury, property damage, etc. I have witnessed young people lighting/ setting small fireworks out the passenger window of their moving vehicle. I have seen firework packaging not disposed of appropriately. Instead of in the garbage, left on the beach front, community parks, etc. Homes are so close together and I worry about fire and property damage. Sure we have insurance, but that's not the point!
I have anxiety of fireworks in subdivisions Please Dont allow
I am a home owner I have the right to feel safe in my home.
Fire works should only be handled by the fire dept. not individual people
Usually people are reckless or intoxicated
After permitted use holidays, for several days after people will use up leftover fireworks, this is often done in an unsafe way.
compounds such as barium or aluminium that can have negative impacts on animal and human health.
Additionally, to produce the oxygen needed for an explosion, many fireworks contain oxidisers known as perchlorates. These can dissolve in water, contaminating rivers, lakes and drinking water. https://www.sciencefocus.com/planet-earth/are-fireworks-bad-for-the-environment/
and more over the last decade people have been letting off fireworks in their back yard. HUGE SAFETY issue. All it would take is a spark to land on a neighbour's house and lead to a fire. Not to mention the rain of ash that lands on neighbouring hoses, backyards, patios and decks and all over.
Not to mention safety for kids and pets (a neighbour set of bottle rockets against the wooden fence - with sparks hitting our dog who was in the yard).
dry, parched rooftop! As well, cats/dogs are terrified at the noise. These should only be allowed under the Towns supervision in specific parks or waterfronts and should also not be sold for public use.

We worry about fire on our property and neighbours. People who do not have any regard for safety, set these things off. Its amazing we haven't had at least brush fires here but we also worry about fire landing on our roof.
People getting hurt or homes being damaged
Risk of fire and damage.
Scares animals and people
There are always risks with fireworks but with good education and some monitoring or easing of restrictions I believe you could inform people how to use them safely.
Personal injury and property
Children sometimes throw fireworks
<p>people trespassing in Lupin Park after hours, setting off fireworks for HOURS directly behind my house. The group arrived in cars and parked in the school parking lot so I presume they did not live in the neighbourhood. They accessed Lupin Park by walking down the adjoining hill with their "supplies" - supplies that did NOT include water for fire safety, but did include a case of beer. One can only assume that they were untrained and unlicensed (?) because they were also drunk - that is if the beer, foul language, cigarette smoke and loud idiotic laughter was any indicator. A spreading fire could have broken out in the dry grass at any moment. They themselves could have been seriously hurt by a delayed explosive - and then what - go to Emerg in a Pandemic for self-inflicted burns. yeah that.</p> <p>Full disclosure: they left for about 15 minutes around 11:00pm but returned and remained in party mode until after midnight at which point they staggered their way up the hill to the parking lot and started setting off fireworks over the school. FYI: I called the police - a waste of time. To make matters worse, in various private home locations near and around me there were hours of what sounded like machine guns and the elongated whistling explosions of bomb/grenades going off until well after midnight.</p> <p>It was horrible.</p> <p>The stench of sulphur hung in what had previously been sweet summer night air. I was literally surrounded by the sounds and smells of explosives for hours. No where to go; no where to hide.</p> <p>And it happened again the next night, and the next - think about that. 3 days of torture</p> <p>They did it because they could.</p> <p>I cannot possibly be the only one who was adversely affected.</p> <p>IMO the selling and the purchase of fireworks for private displays set off by individuals with no pyrotechnic training, no fire safety training or equipment standing by, in random backyards and parks at random times should be illegal.</p> <p>In a neighbourhood setting like mine there is literally no escape from the burning, acrid smell hanging in the air and the blasts of intense light and unbearable, yes unbearable, violent</p>
Kids are now putting them off all over every weekend in the summer.
Ban from neighborhoods- safety concerns; fires,misuse,extended hours, setting off on Non Holiday events etc
<p>Generally when people set them off, there is alcohol invovled and very poor decisions are made. Combine that with young children running around its an accident waiting to happen. So the safety concerns are : fires, personal injury due to careless handling of fireworks, improperly aimed fireworks, and hearing and vision loss due to being to close of proximity to the person or people setting the fireworks.</p>

We are adamantly opposed to allowing fireworks in residential areas due to safety concerns. I've had firework debris land very near my roof in past years - terribly dangerous.
People's pets/dogs who are terrified of them and the damage and stress it causes to wildlife
People light off fireworks any time they want all throughout the year. Nothing is enforced. Canada Day/Victoria Day becomes 4-5 straight days of fireworks, not a single day. It's disruptive and exhausting for those of us who get up early for work/school. People light them off in their backyards of subdivisions - it's incredibly loud when people are trying to sleep and dangerous that they are lighting them all so close to other's homes. It seems like people feel they can disrupt other people's lives any time they want, with no enforcement of the by-laws. Very frustrating! I'm also a parent of young kids who go to bed early and get woken up...
Too close to houses, if they aren't too close to homes I wouldn't mind.
fire hazard
obviously backyard fireworks could cause all kinds of unsafe situations and should be banned..
Lack of training on use Indifference to potential hazards Idiocy of people
People in my neighbourhood set fireworks off on the street or in a local park. I'm concerned that they are doing it too close to houses. When they are set off, they are so loud, so they sound really close
Home fireworks seem to be set off for any reason now, doesn't have to be a major holiday. Children get woken up from their sleep, scared. Most dogs are extremely scared of fireworks. My dog gets severe anxiety, it is not a fun time in our house when fireworks are set off. Not fair to children and our furry friends.
People use fireworks on our street and in our neighborhood it's dangerous and they are going until 2 am in the morning. Also not necessarily the day of. They purchase and set off fireworks for a week surrounding the date fireworks should be set off.
They should be handled by professionals
Home fireworks are extremely dangerous. Safety concerns of property damage or harm to individuals is not taken into consideration when home fireworks take place
Generally, there is a lot of garbage left by people who come to see fireworks. The noises are loud and terrify pets. Lately there have been accidents and even deaths associated with
We have a dog that is extremely terrified of fireworks. This New Year's Eve a neighbor a few houses down set off fireworks till one in the morning. As well, we did not like the idea of fireworks going off near our house as it could be a potential fire hazard.
Fireworks are set off on my street/court and afraid of roofs catching fire
They should only be handled by professionals
Setting off fireworks in residential areas too close to houses
sparks may lead to fires affecting property and living things; many pets are traumatized by the noise; humans suffering from PTSD may be triggered by the sight and sound of fireworks
some people are setting off fireworks in very small backyards that are very close to neighbors. This past year was particularly bad with fireworks almost every weekend and some displays that were professional displays in a community neighborhood.
People are NOT adhering to the allowed dates for fireworks. We have a very large dog that has significant anxiety with fireworks and we will plan to be away on the stated allowed weekends but it goes on all summer every weekend in the neighborhood at Rossland and Anderson. It has gotten out of hand. We can't even enjoy our own home

They need to be conducted by professionals in this and be in a controlled setting.
If a burning piece from firework drops on the dry bushes, people's houses, people who are walking in the streets can cause fire to properties and burn or hurt people
All firework shows Professional, should be monitored and controlled by otherized personal
Fireworks being set up incorrectly, flying over homes and even hitting windows etc.
Some go off so close to our house and I don't feel most ppl are fully realizing the potential
Using the then in enclosed areas and too close to things like hydro lines
I have witnessed reckless use of fireworks a few times over the years and have concerns of personal injury or fire.
fireworks.
I'm also concerned about the effects of fireworks on wildlife, water and air quality. Fireworks can kill thousands of birds. I posted an article below to look at with lots of suggestions. The heavy metals and gases from the fireworks are hazardous to all living creatures. I enjoy fireworks very much. I do honestly think it might be time to re-evaluate and see if there is a non-lethal alternative (like a light show?).
Inexperienced people set them off too close to other peoples homes - fire hazard. Loud noise scares animals.
Noise concern for pets.
Fireworks should be banned. Animals (domestic and wild) have experienced heart attacks and died! Yes - DOGS too - which have recently been in the news - again! ...and dogs have taken off out of their leash and become lost because the noise scared them SO much. People AND animals with PTSD (yes...animals experience PTSD too)...cannot endure fireworks. It is a CRUELTY to animals to make them endure fireworks!!! The elderly have an extremely difficult time enduring fireworks, and particularly CIVILIANS AND VETERANS WHO HAVE SURVIVED THE WARS experience horrific PTSD during fireworks. Don't make them endure that AGAIN and AGAIN! Young children and BABIES have an extremely difficult and upsetting time enduring fireworks. BAN FIREWORKS which create noise in WHITBY. Mental health is at all time high and rising as a result of the pandemic and now with the state of the world and the noise of fireworks affects mental health and PTSD. There are noiseless fireworks but these need to be properly and carefully investigated first. BANFF banned noise fireworks.
As a dog owner, I don't appreciate people setting off fireworks on any given day at random hours. Even if I wasn't a dog owner, I would not appreciate it, especially during early morning
Late at night - loud
Fireworks are dangerous and residents shouldn't be allowed to freely set them off where they chose. If the Town organized a firework celebration at the waterfront or at Pringle Creek like in the past and as suggested below, I think this would limit personal/individual celebrations. Fines should be set for fireworks and police should be patrolling on New Years Eve, Victoria Day, Canada Day, etc.
Children have been injured by rogue fireworks.
Harmful to animals and environment.
Fireworks set off close to trees
I am concerned about garbage and animals
People have been regularly setting off fireworks in their backyards throughout the summer. Restrictions on sales of fireworks would ensure a safer environment as I imagine that the most regular fireworks users are also drinking while setting them off.

With fireworks there is always possibility of injury costing health care money and could permanently disfigure a child.
Uncontrolled use on local streets can pose a fire hazard
This is very triggering for pets and people with mental health issues. It's also annoying to those with young children or who's sleep is disturbed. There seems to be no effort by police or bylaw enforcement to shut this down.
Small lots - vinyl sided homes, many with fabric awnings in backyard.
Inexperience in lighting fireworks - all contribute to safety issues
I have animals who get very distressed even when inside people set them off at stupid times waking my children
Have a fire truck on call
Fireworks are often used much too closely to homes and are oblivious to the hazards
Fire, injury, property damage
Damage to my home, damage to park grounds, fires, debris or forgotten unused paraphernalia found by children in parks
Concerns for wild life if over used
concerned about injuries, as well as upsetting to dogs
People shooting them at eachother and strays finding their ways in to people's properties. Also not having proper safety appliances(fire extinguishers) near by.
People are going to set fireworks off whenever or wherever they want, bylaw or not. Last July 1st, fireworks were going for 6 straight days lasting until 1 am a few nights and nothing was done about it after many complaining.
Having them on residential streets near trees is a concern
I'm also concerned about the negative impact that fireworks can have on pets and wildlife.
Fireworks that go on every night before and after July 1. Fireworks that go on past 11 pm. Fireworks that are multi day celebrations like Diwali much too long and always exceed time permitted
many residents who use fireworks on their property do not know how to properly handle fireworks and should not be allowed to use them - presents a danger to the public - many houses are too close to each other to allow fireworks to be used safely
air pollution, scared dogs

trying to sleep or enjoy their evening peacefully when people set off fireworks all night long for days on end. People come from everywhere else, go down to the Ontario Shores waterfront and Yacht Club beach, and set off endless fireworks, one group after another after another - from before dusk often to 3 or 4am, any day they feel like it. They do NOT respect the days and times fireworks are permitted, and no one enforces the bylaws. When these people do clean up (rare), they leave the fireworks garbage, food garbage and liquor bottles and cans by the garbage bins along the Waterfront Trail for others to pick up, and until it is, those of us trying to enjoy the Waterfront Trail have to see these piles of garbage. Cars are parked in the yacht club parking lot at the bottom of Gordon St. and revelers yell, rev their engines and race along Gordon Street when they're done assaulting the neighbourhood's ears. Fireworks are just a loud, rude, obnoxious excuse to party along waterfront neighbourhoods. Some people, like me, work for a living. I get NO sleep for nights on end because of the fireworks, and have to go into work sleep-deprived. My own pets and the animals along the waterfront are frightened out of their minds with the nightly barrage of noise amplified by the water. People have no respect or consideration for their community or neighbours, and don't care about the neighbourhoods who have to hear explosions in their homes as loud as bombs and gunshots at 3am. And they know they won't get caught because no one enforces the bylaws. When I contacted the town, I was told that bylaw enforcement "doesn't work those hours". DRPS likewise has no interest in enforcing the bylaws or policing the waterfront for people who use fireworks all night long, night after night. Thanks for letting me rant!

The private use of fireworks in residential areas should be banned at all times in back yards, front yards or on the street. Careless use, accidental failure and just plain non-compliance and ignorance of safety precautions will cause property damage or injury to themselves or others.

I personally feel only people that are experienced with fireworks should be allowed to set them off. I don't think it's safe for just anybody to handle them, much less be setting them in

I have witnessed fireworks that have gone astray in a group in the field on Bassett Blvd

My house backs onto a park. Residents are using this park to set off fire works. They leave behind their garbage, (Even though the Town provides 2 Garbage cans in the park) They are set off with no concern for safety and at times outside of the Bylaw. (esp at New Years)

There is no regard for numerous residents who are shift workers.

Youth are careless and could be injured, or injure others, and damage property. Noise is VERY upsetting to pets, and many people.

People use fireworks during summer droughts when the grass is dry, risking fires in residential areas.

Some people have no safety concerns for the environment or other people.

People let off fireworks on residential streets in close proximity to houses and in parks. Danger of fire and injury from improper use.

I've witnessed "private" fireworks landing on residential roofs (fireworks being mishandled and way to close to houses/trees), and frankly being set-off at all hours/days.

I live across from a park. People drive here use the park to set off fireworks sometimes dangerously/in the direction of homes and often until 12-1am or later. Most often leaving their used fireworks and garbage everywhere.

I worry about fireworks being set off in back yards. They often fall onto the roofs of others.

Fireworks are set off not only in the park by us, but also in backyards and go on till past midnight. Some people have young kids/pets and the fireworks keep them up at night and scare them. They're so close and so loud. Not to mention the danger of them being set off close to trees. It's an infringement on OUR rights as well.
When used in backyards potential for fire. Young people having Roman candle wars firing at one another
They might be dangerous if done by inexperienced people
People let off fireworks in their backyard without regard to pieces landing on neighboring
People set off fireworks behind Anderson Collegiate and in our little park on Bradley at the bridge. There is no organized group just random people. Last July 2021 someone let off a massive amount fireworks for an over an hour behind Anderson Collegiate. It was extremely noisy and long. I doubt the school board gave permission to do so on their property.
they have been fired off in backyards or streets, and no safe use training is provided that I am aware of.
Also a concern of late night usage, as some residents in our Whitby neighbourhood fire off fireworks up to midnight.
Being let off in street too close to houses..worry about setting place on fire.
I think people who use fireworks outside of holidays (May 24, July 1, Dec. 31, other religious holidays that require fireworks) should be able to apply for a simple permit, outlining safety and community concerns, with a nominal fee.
Family pets are traumatized. Homeowners starting them by 4 pm -- not even dark outside!
Noise pollution - some of the fireworks do not have a visual component, they are just very noisy explosions that remind one of being in a warzone. And there's the potential for injury to persons who don't really know what they're doing. At spring events, there are many animals that have had or are having their young, and it's dangerous for them.
Large fireworks should only be done by someone qualified not just anyone that buys them from a trailer in a parking lot
People buy fireworks all summer, and let them off every weekend, sometimes pointing them at things.
Sometimes they are loud, and sound like gunshots.
Have seen fireworks in the streets near large trees without it being secured properly and without sand and water precautions

Q14 (Please elaborate on your safety concerns:)
Anyone can purchase them now almost anywhere and set them off without safety precautions.
Can cause fire and I have seen it happen in the past
Personal fireworks in neighbourhoods with neighbours/nearby houses and trees and children and pet are a safety/fire hazard and nuisance.
noise pollution is a problem and fireworks also cause air pollution
Same as above
As long as the Town of Whitby is safe and isn't too excessive, fireworks can be greatly enjoyed by the community. As long as the crowds of people aren't impeding/damaging local property.
People don't follow any safety procedures.
Noise pollution
Unsupervised, unregulated use by residents is an invitation for disaster.
Could result in burns if not properly used
Pollution
There is no safe way to set off fireworks, if we want to ensure we are not directly causing harm how can you even propose to allow fireworks to be set off within residential communities? Do you not care about disabled people, are they lesser beings who are somehow less deserving of the ability to exist comfortably within the homes they pay for? What about the homeless that have to hide in dark, scary conditions to avoid charges? Are they not allowed to sleep without the trigger of excessively loud noises that mimic gun shots? When theres a long weekend i have had to spend hours consoling my animals & other human beings & myself. I have had to use my minimal resources to purchase accommodations to avoid having actual heart palpitations. What about human beings with heart conditions and trauma? Do you feel comfortable causing higher numbers of heart attacks and eventually, deaths?
fire and environment
fire
Noise and fire hazard
While the town doing them should eliminate other people being stupid with them and control the time better, I still have deep concerns about the impacts to the environment from the waste and discharge from the especially to waterways, and noise and waste impacts to wildlife.
Mental health disruption; sleep disturbance for shift workers, children, ect. Terrorizes local wildlife and pets.
fire

Local residents on Brooklin had hosted and set off fireworks at a local park on Canada day. We decided to take our kids to see as it seemed like a fun event. We sat around a soccer field not knowing how close they would be setting up. During the event some of their fireworks fell over while lit and shot horizontally along the ground on a couple occasions. One of those times a fireworks flew by me (with my 6 year old daughter on my lap) by about 20 feet, and exploded about 40 feet away.

This was EXTREMELY dangerous and uncontrolled. These are so fast there would be no way to avoid them... And it passed by only 20 feet! Another degree it 2 and we probably would have been hit. Had it hit us and exploded on us I am sure the injuries would have been severe if not fatal. And who is held responsible in this instance?

This event has traumatized my daughter to not want to be anywhere near fireworks, and has panic attacks when she hears fireworks.

So my stance is that fireworks should only be run by licensed and insured technicians, at a venue that allows everyone to be at a safe distance.

Fireworks pollute the air, water, and land. Fireworks have injured and killed people. I think all Fireworks should be banned in Canada. Fireworks were used by the extremists, racists, and misogynists, to torture the residents of Ottawa during the February 2022 insurrection of Canada. If the Town of Whitby do not ban all Fireworks in Whitby, then the Town of Whitby stands with the terrorists. If I hear any Fireworks in Whitby from this day forward, I will petition the governments of Ontario, and Canada to immediately seize the Town of Whitby's bank accounts and assets, just like they have done to supporters of the Freedom Convoy 2022.

Fire caused by fireworks in dry weather

Safety is a huge concern...I recall 1985 Fireworks at Wonderland going into crowd ..imagine what could happen if anyone sets fireworks off. Trained professionals have less accidents Most cases

<https://www.sciencefocus.com/planet-earth/are-fireworks-bad-for-the-environment/>

No concerns if held by the Town in supervised and specific areas - not public use. Fireworks are unsafe and a huge fire factor and property damage when in the hands of reckless residents who just want to show their children and have no consideration of their neighbours, especially seniors!

People's pets/dogs who are terrified of them and the damage and stress it causes to wildlife animals

Fireworks should be banned. Animals (domestic and wild) have experienced heart attacks and died! Yes - DOGS too - which have recently been in the news - again! ...and dogs have taken off out of their leash and become lost because the noise scared them SO much. People AND animals with PTSD (yes...animals experience PTSD too)...cannot endure fireworks. It is a CRUELTY to animals to make them endure fireworks!!! The elderly have an extremely difficult time enduring fireworks, and particularly CIVILIANS AND VETERANS WHO HAVE SURVIVED THE WARS experience horrific PTSD during fireworks. Don't make them endure that AGAIN and AGAIN! Young children and BABIES have an extremely difficult and upsetting time enduring fireworks. BAN FIREWORKS which create noise in WHITBY. Mental health is at all time high and rising as a result of the pandemic and now with the state of the world and the noise of fireworks affects mental health and PTSD. There are noiseless fireworks but these need to be properly and carefully investigated first. BANFF banned noise fireworks.

Fireworks are dangerous period.

Fire truck on call

Q16 (Which days/celebrations?)
Labour Day, May 24 Weekend
Any other cultural days not mentioned (i.e. Lunar New Year).
Chinese New Years/ Lunar year
Days/celebrations other cultural groups have on which they would like to use fireworks.
labor day
August holiday
Wedding event
Eid holidays (Muslim celebration)
Friyays Saturyay and Sunday funday.
New Years!
There should be no exlusions to when fireworks are permitted.
Weekends
If there are other multi cultural/ethnic holidays where fireworks are appropriate they should be
5th of November
Long weekends
Diwali (6 days), Dassehra. Ganesh Chaturthi
Diwali should be yearly, skip New Year's Day the party is New Year's Eve,
Christmas or Labour Day. It would be a nice celebration for end of summer and before
children go back to school
Any celebration, who are you (or we) to decide what determines a celebration. Fireworks
contribute to happiness, happiness heals.
Any religious festivals
Labour Day and Civic Holiday
I would say year round, but that might be a bit much. A compromise might be any long
weekend with exemptions for community groups to celebrate a special occasion.
Please continue Diwali Fireworks bylaws. Thank you
Last day of school/first weekend of "summer" to celebrate graduation/etc.
Civic holiday. Start of March Break.
Any summer long weekend.
Deepavali/Diwali
Up to the resident
Weekend following diwali because mostly people get together during the weekend following
Chinese New Year, others as requested
Family day would be fun
Labour Day week-end
Memorial Day to honor our veterans
Family day would be fun
Memorial Day to go our veterans
Any day that is meant to celebrate a person, community that is being done in memory of
Labour Day week-end
Diwali
Dusshera
Diwali
Summer

Any day; people shall be free to choose when they want to do fireworks. People shall clean up after, is all I ask.
Fireworks to be allowed on Diwali day
Diwali all day
Birthdays, weddings, other celebrations
Any other days that other ethnic groups celebrate , fair to all or have none.
Diwali
Chinese New Year
Easter, Christmas and all public holidays
Diwali
Diwali
When a permit is procured and there is a reasonably large celebration occurring. This applies to personally acquired fireworks and not professionally detonated. Large scale professional fireworks should be advertised well in advance when planned for days other than those listed in the Bylaw.
I don't have specific dates but I do feel the above permitted dates are not reflective of the cultural diversity in our committees. I would suggest looking at other celebration and if fireworks are traditionally apart of the experience. The fact that the town made an exception for Diwali tells me that the town may have white washed the initial list of dates and it should be updated with an anti racism lens.
Diwali
Any long weekend.
Diwali
Diwali
Diwali
I am a Captain for Whitby Fire, and have attended Diwali celebrations. The individuals who celebrate Diwali should be allowed to celebrate just as any other resident would
Diwali is celebrated for 3 days so It should be allowed for 3 days of Diwali. Atleast bare minimum like small ones at homes for 3 days.
Cultural celebration based on the population demographics, eg diwali, eid, Christmas
Diwali
Labour Day
New Year celebration
Chinese Spring Festival evening till midnight
Diwali
Special celebrations for unforeseen events. This may require an application to the town.
Durga puja.It is now recognized at UNESCO
All stat holidays and all religious days that are applicable
Any day
Diwali
If groups have legitimate and specific requests then they should be considered.
Similar to 2021 fireworks should be allowed on Diwali in future to promote inclusiveness.
Chinese New Year
All of them. We have other laws to deal with excessive noise, if it ever came to that. But people set them off, and they're done 20 minutes later. Let's let people celebrate things.
Divali

Last day of school, any holiday, my birthday (ha ha)
Any celebration, any day. Weddings, graduations, birthdays, etc.
On Christmas day
Diwali and weddings
Any other holidays
There should be a limited permission to use fireworks on any day only at large open public places and for very limited hours. This ensures safety of people and limits noise pollution. Even without permission you can hear fireworks when there are games etc.
Labour's Day, Family Day
Birthday party
Retirement party
Lottery wins
To protest government
if its going to be opened for beyond Canada Day, New Years, and Victoria Day, it should be open for anyone anytime. trying to compile a list will always fail. you'll always miss something
Lunar New Years
Family day Diwali any other religious events celebrations concerts
Lunar new year
Diwali
Lunar new year
Neighbours seem to set them off whenever, in fact I heard them not too long ago! Why bother to have a bylaw, people are going to set them off whenever they feel like?
Diwali - Hindu festival of lights
Allow them any weekend, as long as they're used safely and not late at night. Put heavy fines on their misuse and actually lay fines on offenders. If Whitby is trying to encourage it's multicultural residents, then you can't just pick celebrations. Every culture has multiple days on their calendar that are important to them.
Eid
Any other cultural celebrations where fireworks are traditionally included.
Any cultural holiday such as Chinese New Year
People should be able to apply for a firework permit on other days for special celebrations like a wedding etc
Labour day
.labour day weekend
Wedding/birthday
Labour Day weekend
Any stat holiday
Christmas
Diwali celebration
Fireworks is rooted in Hindu culture and is part of Diwali celebrations, allowing during Diwali will create great enthusiasm amongst Indians and children will be able to relate to their culture.
Lunar New Year
Diwali- Indian festival
Eid el Fitr
Civic Holiday and Labour Day
Lunar new year and any other cultural celebration that traditionally uses fireworks

Civic Monday, Labor Day, Family Day
I think it should be expanded to all long weekends and allow it on each day of that weekend. Limiting the fireworks 1 one day isn't always enjoyable if there is work the next morning.
Labour day weekend
Civic holiday weekend
Diwali Every year
Lunar New Year at a minimum. It appreciates and recognizes our multicultural community but is held in January so participation will always be too low for retailers to bother opening. The Lunar New Year will have fewer participants than New Years Eve which sees very little action already. Personally I'd also like to see Halloween, St Patricks Day, the list goes on and on. Restrictions only make people buy fireworks online or bring them illegally from the United States which are much bigger than fireworks here.
Lunar New Year
Anytime
Lunar New Year or other religious celebration.
All long weekends
Diwali
Lunar New Year
Muslim EID days.
I don't know specific days bit other cultures should be allowed to celebrate their special days should they choose to.
Special occasions
Any day
National Aboriginal Day, st Patrick's day
Labour day, Diwali. Lunar New year.
Lunar New Years!
Lunar New Year + should also consider any other culturally significant holidays
Labour Day weekend before the kids go back to school
not have a holiday for Diwali . we gather in the weekend with friends and family and would like to have the opportunity to light fireworks during thay weekend. Thank you for valuing our feedback
Lunar new year
Eid day for muslims
Random Tuesdays. The odd Thursday.
Maybe include labour day

Q17 (Any other suggestions or feedback that you would like the Town to consider related to fireworks in Whitby?)

I think time and place should be enforced. Four or five consecutive nights of fireworks starting anytime and going on til after midnight is a bit much since I live close to Baycliffe Park.

Enforce the rules ... there are fireworks throughout the spring and summer months on any given day...annoying noise and no reason for them.

Please do not expand fireworks use. It is already disruptive enough. It is dangerous, especially to children.

Further, it produces excess waste and garbage. This seems counterproductive to our Canadian and Global efforts of protecting the environment.

Dogs and young kids might be afraid of fireworks.

Prohibit the use of noise making fireworks, limit the hours, increase enforcement after hours in local parks, etc. Consider a permitting system to purchase fireworks to increase accountability.

Make Whitby a progressive town with singularly rigid firework policy. Ban the use of consumer fireworks.

need to be more flexible and understanding.

I have a small child and a dog and we are okay with fireworks. We are also close to the waterfront where they have been set off and have no issue with it.

They will be very hard to regulate. As a parent with young children, it's a little frustrating to have loud bangs outside well into the night, and to have to watch out for the debris left behind in the park, but at the same time, people will still obtain them, set them off, and be gone before any enforcement can take place.

I wish the city cared, we have complained so much between the loud vehicles and fireworks. They don't get away with this in Toronto.

Let the people celebrate, if you want to celebrate a birthday, shoot some fireworks. Gender reveal party, shoot some fireworks. Grandma just died... shoot some fireworks. Ban on fireworks, you guessed it, shoot some fireworks. Honestly I think most people are responsible and wouldn't be silly enough to be setting off fireworks on a weekday (outside of holidays) but fireworks are fun. But I don't have a dog or ptsd. So yeah. 🐕👊

Put simply fireworks use/sale/purchase, of any kind, should be banned within city limits, for everyone, regardless of the date/holiday, with exception of professional displays put on by the city or organizations, scheduled and by permit only, supported by trained professionals, Whitby fire services, and organizers.

The existing laws should be enforced when broken. That isn't happening. Fireworks are going off many nights before and after actual permitted day. We all know it's going to happen, so why aren't there officers stationed near parks to enforce the laws?

Apart from Public holidays like New Years' Eve, New Years' Day, Victoria Day, Canada Day, lets not include other days like Diwali or any other religious days to allow use of fireworks. The 4 days of use allowed are national holidays and should be maintained. Additional days are not required.

I really feel that the only ones who should be settling off fireworks on holidays is the Town of Whitby staff. That way it is done safely, by experienced individuals, in the proper location for all to enjoy. I have attended the fireworks on July 1st down at the waterfront and they are terrific! When people set them off in neighbourhoods and community parks they are just noisy and disruptive, not to mention unsafe.
Offer fireworks run by the town or organizations in multiple venues throughout the town.
I'm not sure if people are aware that they are only allowed certain days of the year. Perhaps more signage, public education, and enforcement would help.
I suggest that Diwali be removed from the bylaw. Or open it up to every religion and cultural celebration. Do it for all or do it for none. Don't discriminate.
I'm ok with their use on statutory holidays.
You may wish to review Victoria Day due to impacts on spring migratory birds.
Would the town consider drone shows as an alternative 🤖
Fireworks set off on New Year's Eve are always done after midnight. When done in residential areas, this wakes children and scares animals.
Designated park/area in each neighbourhood, with a specific area for setting off fireworks.. maybe a special disposal bin available on the designated holidays? I know people complain about finding used fireworks lying around the playgrounds.
They are loud and a mess. They scare the birds and very little respect for neighbours. Get rid of them.
I greatly enjoy fireworks shows and have no objections to the general public using them in safe locations. I do have an issue with people setting them off in backyards of residential neighbourhoods. I would like to see enforcement of the fireworks rules, and stricter regulations on allowable locations.
Reduce de days they are authorized
If fireworks are to be permitted for use by anyone, bylaw should not permit use in streets, only in parks with safe distance from property.
Let people be. This world has taken so much from us all already, it needs to stop. Being concerned about Fireworks is ridiculous. There are plenty more important worthwhile items that can be addressed- like why every street I drive down bottoms my car out because of all the potholes and that's just one small issue, there are bigger ones.
People already do not follow the rules around fireworks. Enforcement should be considered in this strategy. Fireworks have many negative effects for pets, children, the elderly, veterans or people with PTSD. Having strong policies and controlled firework activities can help those they affect in a negative way to prepare themselves accordingly. When neighbours set off fireworks during non-designated times, people can't properly prepare themselves and it can cause stress, anxiety, trauma or worse.
<p>We loved the Canada day celebration down at the marina!</p> <p>It would also be acceptable if the town hosted a celebration in the field behind Vipond arena in Brooklin. This would eliminate a lot of Brooklin residents setting off their own fireworks. Last summer I would say almost every park in Brooklin had fireworks going off one night. While it was lovely to watch, I couldn't help but think how much more incredible it would be if it were just one large fireworks display, held between a specific time, and free for all residents.</p>

Allow fireworks. There is nothing wrong.
Stop regulating everything so much of the petty stuff. Maybe concentrate on things like parking on one side of the street and actually plowing snow
There has been an incredibly large increase in the times of year that people are using fireworks. While I generally don't have an issue with some use, it's becoming far too often during the warmer months, as any weekend with some sort of holiday there are multiple nights of usage. It's well above the 4 days you lost above. Last summer alone I could safely say there were 10 different nights between Victoria Day and Labor Day I also have animals that are incredibly sensitive to the very loud noises they create.
Prohibit personal fireworks
We came to Whitby from Brampton. People let off fireworks all night for most celebrations without considering other people's vehicles and property. The mess on our property was terrible.
Please restrict fireworks to city use only. Fireworks by the general public are loud, polluting and dangerous. Many places are banning them. There's no good reason explosives should be set off by the average person. There's a multitude of reasons they should be done just by the city, in a controlled, safe fashion for the public to enjoy.
Fireworks safety class either virtual or in person by town to help residents make safer use
I think fireworks should be allowed on the days you have specified, but not any other and charges should be laid for people to put them on almost every weekend
If neighbourhood displays are to be allowed at all these different occasions, could they at least be restricted to one particular night and within a two-three hour time span. Fireworks going off unexpectedly after 11pm mean a very disrupted night's sleep for the dog, and as a result, me.
COVID has caused a great deal of mental health concerns for children, special events including fireworks are needed to lift our youths spirits this calendar year.
Please keep it as planned days so we can sedate our pets
I don't think that anyone should be able to set fireworks off at any time. As a pet owner it is frustrating sometimes just to deal with firework happening on holidays (but since we know about it in advance it is easy to prepare). Not to mention people with babies and small children who will also be disturbed by the noise, and potentially afraid.
Let's bring them back as they have been cancelled for COVID. Let's residents use them but communicate Tempe safety precautions and where they can use them. A park is safer than close to homes
Noise scares pets - planned days make it easier to plan sedating pets
Always allow on diwali.
If they are not going away please consider silent fireworks as used in Europe countries.
No fireworks
Fireworks should not be allowed to be fired off from people's backyards, no matter what the size of fireworks or event. And enforcement should be readily available to ensure safety of all residencies of Whitby.
You have the laws, you need to actually enforce them
Pets are scared
Thank you for considering everyone's beliefs
Absolutely do not regulate this activity. The municipality should create a By-Law to ensure safety but hold those accountable should they create any of the hinderances noted above.

Not sure how it gets enforced. Fireworks were lit many times on random evenings late at night which was extremely frustrating, but of course nothing happens to the kids being inconsiderate. I don't know how it can be enforced at night when there are no town officials working to report it to.
Please do not stifle what has always been a fun family neighborhood enjoyable time. We have enough problems and controls and negative things happening please let's enjoy and be safe.
Stop fireworks, they are traumatic to our pets and local wildlife, they are a vocal nuisance and a waste of money. Let's have local gatherings and promote local purchases instead of wasting money on terror for our animals
Enforce the bylaws. Currently, fireworks are set off on most long weekends, and well past the 11:00 curfew. Safety regulations are not being followed. I've seen fireworks pointed at homes.
Fireworks should not be allowed in residential areas after 9pm.
Fireworks private sales should be banned in Whitby and Durham Region. They are being used in careless manner. Scaring pets and wildlife. Further they cause PTSD to some folks who have recently settled in our neighborhoods from war torn countries.
Ole allow fireworks during the Weekend following diwali because mostly people get together during the weekend following Diwali
laser fireworks put to music, no banging
Please stop firecrackers on Diwali as there's a lot of people misusing it and bursting crackers in the middle of the night.
Just let people have fun
My greatest issue isn't a planned firework display, but rather the setting off of random rogue fireworks for a week prior and a week after a holiday. The pandemic seems to have increased the spread of days. It is difficult to sleep, pets are terrified, wildlife is disturbed. I'd rather see them only happen on select days and then we can prepare for it.
Do not allow fireworks on any other except designated canadian holidays such as Canada Day, Victoria Day.
I think that people should not be allowed to set fireworks in residential areas as space is limited. I believe going to local parks is acceptable. Also people don't just set off fireworks on the specific days of long weekends - it's all weekend and at all hours with no concern to others.
Fireworks days should be kept as it is. Kids enjoy a lot.
Residents should only be allowed to set off fireworks at local parks
Diwali need to be permanently added
Clear messages sent ahead of time to residents about time frames for permissible and safe use of fireworks including minimum distance permitted from structures and trees.
Should be restricted to specific locations
Please allow the fireworks on Deepavali
There's always Fireworks being set off on the days around these events, not just on those events. The noise terrifies my dogs. Sure, allow fireworks but only up until say, 10pm, then cease. There's often fireworks being set off in the early hours of the morning, especially on Canada Day.
Please consider silent fireworks.
Please ensure that they cannot be set off in subdivisions by the general public

Fireworks are an anachronism in today's world. They represent martial displays of gunfire and explosives and they burn carbon and trace metals. There is NO PLACE for fireworks EVER in today's world.
Setting up sage firework spaces in park with garbage collection
This survey is a waste of time and money. They are more pressing things to address than fireworks a few times a year. There will always be those for and those against. You wont make everyone happy.
Fireworks are amazing! Citizens should be allowed to set them off on the days the town has permitted! They bring such awe and joy to children and adults! I have a dog that is scared of the noise they create so he goes to the basement or bathroom and we comfort him in between so he if fine after. We usually leave the tv or radio on and it helps. I don't think any changes need to be made. Thank You.
Please consider people with PTSD, especially those who have served our country. They do not deserve to be triggered by 'celebratory explosions' in the sky, unless they choose to go and watch them. Young families suffer as well when fireworks wake children up at midnight or later and ruin their nights. Please consider these.
Have transit to venues, set times and dates for use,
I understand people enjoy fireworks, but the town needs to be stricter and regulate/enforce the days that people are allowed to set them off so that I can prepare. As an example, in my neighbourhood they are set off the days before and after the designated events.
The issue with fireworks are those set off after 11pm. If youth are caught participating their parents/guardians should be liable in extreme or repetitive infractions with disturbing the peace or other criminal code violation that fits.
Too much at the waterfront...it's getting crazy. Last year there were big pop-up fireworks down here with no police. Fallout fire damage was noted in several locations around the waterfront. Bad enough for residents...horrible for wildlife and pets.
A cut-off time. When there are fireworks permitted, there is no need to be setting them off after 10pm or 11pm. Personally I don't mind 11pm but I can understand some preferring 10pm.
Allocate space in each park for local residents to do fireworks
The noise could be mitigated by including drones in the display and if there was a set time and date, pet owners and farmers would know when to expect the noise and maybe do something to keep their animals calm. I don't think they should allowed to be set off at all hours by private citizens.
Bylaws to regulate when the retail stores sell fireworks. We have had fireworks going off in our parks/empty parking lots/neighbourhood regularly throughout the year until 2amin the morning
All fireworks should be of the silent type and the times/locations they are permitted to be set off should be strictly regulated.
At the site of fireworks, safety aids like water buckets, first aid should be provided
We have really enjoyed watching the show from our boat docked at Whitby yatch club on Canada Day

Please think of people who do not hold the same privileges that you do when making decisions for them.
Let people enjoy without interference. No more rules!
Grammar mistake on question 5
be understanding that some of these fireworks happen on a school night. It keeps us awake, some scared and alert for the entire night, needs to respect the restriction to 11pm or earlier. Thank you.
I do not think fireworks should be permitted. There are other ways to celebrate that do not involve such noise and create anxiety in individuals and animals. With the diverse population, fireworks are a frequent occurrence and they cause unnecessary stress for many. They are too noisy, dangerous and make a lot of garbage to permit residents to use them
purchase silent fireworks
they are available
Vote to keep fireworks!
People should have to fill in a form that conveys safety information and location of fireworks being set off
Too many fireworks days... Often with no reason
Fireworks bring communities together, I love the fireworks at the lake but it's often hard to get to. I love the fireworks in our neighborhood parks. I think if you limit fireworks to the specific days listed above it doesn't get out of hand. There will always be people who complain but it's only available several days per year and brings community together!!! We need that more than ever!
You can put all the bylaws in place. I will still have fireworks on my property.
Start enforcing the people and kids who are setting them off for no specific reason. Lots of times going off when it's still light out.
For question No 8 I also want to be allowed on the water front
I think this is a great initiative and really appreciate the town asking for it's residents opinion.
Yes, it would really be nice if you mandate silent fireworks. Dog owner would be very happy, and people could still enjoy the display. Noise is totally unnecessary. And the 11:00 pm bylaw is a complete joke. We had fireworks going off until 2:00 am. Guess bylaw officers were tucked in bed.
Please continue allowing fireworks on Diwali.
Fireworks should only occur during special occasions, hosted by the city and in specific areas farther away from residential areas. There are people who are seriously affected by the noise from fireworks (whether it's people on the ASD spectrum, people with PTSD or people with noise sensitivity). It also has an impact on nature and people's pets. I'm also very concerned about the people who can buy them from a trailer in a parking lot and set them off in their backyard as they please; this is very dangerous and creates a noise disturbance in neighborhoods.

I truly believe that the use of fireworks should be better regulated. Perhaps those seeking to use fireworks for private events could apply for permits to ensure the safe and ethical use of fireworks. As a Registered Nurse, I have seen the serious health risks that they can pose. They are dangerous and have the potential to cause both grave environmental and physical harm, and should be treated with respect and caution.
I miss when the fireworks used to be held at Cullen Central Park.
I think watching fireworks is a great family activity. However, setting off fireworks should be limited to a number of special days throughout the year.
We need to be inclusive so allow them for other festivals however they should only be allowed in designated area and citizens need to be educated about where and when they can light fireworks and until what time.
Fireworks are really bad for the environment and are often set off week into the evening past the bylaw time, it's hard to enforce rules and people often do them whenever they want
I love love love fireworks! We need more!
I live on Bassett Blvd. Many people have been abusing the law by doing the firework beyond the allowed time. I woke by the noise many times. Really annoying
for the LOVE OF GOD, have the cut-off time by 10pm so folks that need to sleep can do so. ENFORCE the rules for time ... some kids in my area would set off fireworks on random days, for hours with zero repercussions. Williamsburg Facebook Group is on the ball with the regulations, but no one in the area ever does anything about it. No one is allowed to have a fire pit in their backyard because it is "too dangerous", but any punk ass kid can go out and get fireworks and set them off, (apparently) whenever they like at all hours. Most of us adults are trying to sleep because we work the next day, and parents with small children, pets and veterans' have no say and can't stop it, nor regulate the hours.
Fireworks are such an environmental hazard. The pollution from smoke, ashes, packaging and garbage is a concern. Wildlife suffer ill effects. Forward thinking communities have banned fireworks altogether.
Fire worms should not be permitted on Victoria Day
Whitby should continue with the fireworks, it brings life to Whitby.
I enjoy the fireworks.
Please don't take away people ability to celebrate. As long as it's done in a safe way there should be no issue. If the town has concerns perhaps have more by law people around during these celebration times .
Safety for kids
Allow only Professional Event Organizers .

I wish there was more done about the illegal use of fireworks and more control on time of day. In the last couple of years the summers have been exceptionally difficult with people setting them off whenever and where they want resulting in many sleepless nights (especially in a row) and very angry neighborhoods. Many babies/children are woken up and many pets have anxiety filled nights and there are residents who have sensitivities to noise (like some with ASD). Its one thing to mentally prepare for the nights that are scheduled but its another to never know when and where its going to happen. Residents will lose faith in leadership when nothing is done to curb it. Its sad that a few delinquent people are allowed to completely terrorize neighbourhoods for their own pleasure all summer and leave the majority of voters sleepless, damage to property, Whitby littered with trash and endanger wildlife and wild spaces and impact those around us with sensitivities. I would happy if fireworks just went away -they are a complete waste of money. Way more problems than they are worth.

I don't mind them during holidays but in Williamsburg they seem to be ongoing most of the summer. It sucks trying to keep babies and toddlers asleep when it happens every night

Do not restrict fireworks, add more city fireworks to support community

I think people should be less worried about fireworks unless there is a direct issue to their property ie parking garbage etc. Fireworks are loud but not being done every day.

Other alternatives, light shows, air shows other ways to celebrate would be nice.

Allowing Diwali fireworks is not necessary. This is a ridiculous exemption.

There should be a strict fine which should be enforced for non compliance.

I strongly encourage the town to consider banning fireworks altogether. They are highly traumatic for many pets as well as folks suffering from some forms of PTSD or sensory sensitivities. In addition to that, I find many fireworks users are inconsiderate and leave the remnants behind on the ground after the fireworks are set off or do not adhere to your time limitations. We have heard them being set off well after 11pm many times, not to mention the fact that they don't just get set off on the holiday but the ENTIRE long weekend of a holiday, which I'm sure you can imagine is extra stressful for those who have a hard time with the noise. They relive that trauma all weekend long.

But it's highly unlikely you're going to ban them entirely, let's be honest with ourselves. At the very least, stricter guidelines and more vigorous enforcement could help to at least minimize the effects.

Banning fireworks would be the most ethical thing to do for mental and physical wellbeing of both people and animals

Mind your own business

As with any other noise, adherence to the bylaw limiting how late they can go would be okay but I understand how difficult that is to enforce

Would appreciate if bylaws were strictly enforced. Fireworks have been going off for several nights in a row around the specified holidays not to mention at all hours of the night.

1. Ban fireworks from anyone other than the town.
2. Only town events on Victoria Day and Canada Day.
3. Set stronger bylaws and ticketing to those who don't comply.
4. Increase fire protection which discussion of the dangers of fireworks at schools.
Allow for paper lanterns to used as well in safe zones.
Only allow fireworks on NewYear, Canada Day and Victoria Day.
It is 2022. Time to abolish fireworks given all of the cons. The singular pro is momentary joy and awe. We must consider our fellow citizens and nature, given the delicate state of our planet.
In general people should not be allowed to purchase for back yard use which happens in my neighbourhood. They are let off at late hours. Noise disrupts sleep and dogs are scared.
Low noise fireworks.
Don't listen to Karens.
It would be interesting to see the number of emergency services calls that are related to fireworks and the added burden there.
please don't limit the firework even more in this town.
Diwali goes on for multiple nights - one dedicated night in a central location would be preferred.
Bans don't work so implementing a ban on fireworks won't work.
It would be helpful if on Diwali, there could be an organized fireworks display for all to enjoy rather than individual households adding to the negative effects. Would love to see a Diwali Mela (fair) hosted giving chance to local businesses to showcase their stuff (food, decor, clothing and much more).
Also, it will be nice if the Town can look into other options such as light show with music for all to enjoy, rather than the usual fireworks.
IF the town of Whitby could invest in silent fireworks, I'd be far more interested in supporting fireworks throughout the year.
Require the retailers to be certified so they are trained on safety and proper use
The use of fireworks in residential neighbourhoods days before and after the allowed holiday exemption...and late into the evening and early morning.
Individual Residents should not be permitted to set off fireworks in a residential area, especially surrounded by trees. Fireworks should be done in an open area by professionals.

Possible suggestions: Citizens buying fireworks (explosives) need a permit to ensure they follow safety rules and set off times or could be charged for not doing so. When purchase, buyers must give location to be set off and time with address and contact info so if complaints and sign that they would abide by that.. eg. had to put out a fire in one of my trees as neighbors set them off too close to trees.... Not everyone is a fan of fireworks and maybe By-Law enforcement before , during and after dates of fireworks dates if to continue. Most people locally dont follow safety rules. A one event would be better then individual days. Canada Day would be the best one day a year event in a more new central location. Sellers of fireworks also need to be more accountable and educate purchaser. Thanks for your time.

See above.

I would like residents to stop setting off fireworks year round. It is very stressful and harmful to the domestic and wild animals. Plus they are setting them off very late at night.

They bylaw should widely advertised so people are informed as to when and where they are allowed to use fireworks and should be strictly enforced.

More bylaw enforcement is needed. Fireworks are set off the day before and after the allowed days and to all hours of the night.

Whitby countrylane and Taunton neighborhood shoots off fireworks every single weekend in the summer needs to stop

Silent fireworks are a reasonable compromise. People with some kinds of PTSD, and some pet owners will benefit.

Resume canada day fireworks

Government is too intrusive. Unless something bothers a majority of residents, let it be. You focus too much on the vocal minority of whiners. You can't please everyone so stop trying to please the few.

Police patrols please to shut down the rowdy parties that go on well past midnight with the fireworks. A response when you call about fireworks going off on not authorized days. And an environmental assessment of the impact of these being released

Diwali should be included in the list permanently. With the increasing south asian community in Whitby, it was a decision that welcomes all of us with open arms. We would love it if Diwali gets a permanent spot.

Let's think globally while we act locally. Most fireworks are manufactured in developing nations by people who make meagre wages, often children. Safety regulations in these fireworks companies rarely exist. Let's have some fun once a year with fireworks set off in a controlled environment by skilled handlers. This minimizes environmental impact as well as exploitation of those who risk their lives in unregulated factories. I would much rather see one (or a few) big community fireworks shows rather than extend permission to more people and groups to use them at more celebrations.

Apparently silent fireworks exist so it would be great if town events could shift to those.

Reduce the dates and times they can be used. It's not uncommon to hear them well after 11pm. It's totally out of control.

Not allow fireworks to be set off in residential neighbourhoods - specifically backyards. Require permits for fireworks to be set off in parks or other areas.

Anyone should be allowed to apply for permission to use fireworks at an event example a business grand opening or a gender reveal party, but the event / reason has to fit within guidelines such as enough space to do the fireworks, before 11 pm etc

They should not be allowed everywhere. People do their own fireworks. I would rather they didn't happen but if they do in a contained, controlled environment
Only the town should conduct fireworks displays. None should be set off locally in subdivisions. Country estate properties, maybe. Organizations at parks maybe.
A permit should be required for all fireworks. Even neighbourhood displays. Should have to display it. If they can't then the public should be able to call police or fire (non emergency) for them to address it. These need to be shutdown. So many drunk people setting off fireworks after they've been drinking all night. Start at 11pm and then set off randomly into the early morning hours.
No use of public school parking lots or parks. No fireworks in backyards or on streets.
During the last 2 years there seem to be more people who have decided they can set off fireworks wherever and whenever they want, including residential areas where this becomes a nuisance with the amount of noise it creates at odd hours when many people or children are trying to sleep.
I am far less concerned about the noise from fireworks a few times a year than other noise violations. Getting assistance about outside dogs constant barking or loud music at all hours is next to impossible and I would like to see that improved more.
Ensure fireworks are only set off on one day of each long weekend and finished by 10pm. My kids and pets are negatively affected by firework noise and end up suffering 4 nights of EVERY long weekend. Some fireworks are still going at 130am at Guthrie park!! And because it's dark the garbage is just left in the park often on soccer fields where kids have to train/play the next day.
Diwali should no longer be an exemption. It should be equivalent to new year's
You asked if we wanted more fireworks, but conveniently did not allow us to ask for less. To recap, less fireworks, more controlled environment.
Perhaps there should be safety regulations.
Please consider mandating the use of silent fireworks instead of loud ones.
I think it should be limited to city run and permits. They are loud, disruptive, terrifying for most pets and babies and impossible to opt out of because of the noise. Not to mention wildlife.
Though I have enjoyed city run fireworks in the past I honestly feel that they are an outdated way to celebrate. If you open it up to other holidays, as one should in this day and age, then there would be fireworks all the time.
I have no use for fireworks. Noisy and dangerous
Safety is paramount. There are too many instances of people using these in and around houses
Already there are too many firework celebrations. The amount of noise generated by these is consistently disturbing, and I'm not even old!! :)
Fireworks is such an important past time after losing so much. It would be a shame to change the policies.
Glad this is being examined.

Given recent events in our nation's Capitol City of Ottawa, and at our border crossings to the USA, Fireworks must be banned for the safety and security of all Canadians. Firework displays are a symbol of White Supremacy. The Town of Whitby, and the Government of Canada must show leadership and ban all Fireworks to disavow White Supremacy in Canada. Anyone found to have purchased, used, or attended, a Fireworks display must be held accountable, retroactively, and punished severely with sanctions and jail time. I call upon the Town of Whitby, and the Government of Canada to apologize, compensate, and begin reconciliation with the citizens, (and their families), that have been tortured by Fireworks for centuries.

Less firework days.

Fireworks only on Canada Day

Limit the days surrounding the holidays permitted - currently seems like a week earlier & after they go off

I would hope that if the Town of Whitby exclusively organized fireworks, it would implement safety measures to protect wildlife and domesticated pets.

Time limits needs to be set and addressed. Fireworks should not be going off in residential neighborhoods well past midnight multiple days in a row. I am talking past 1:00 and 2:00 a.m. There needs to be some limitations and by-law communication and enforcement of this if possible. Perhaps a portal to file complaints for violations. I realize this is a challenge for the Town, but the situation the last few years has gotten out of hand by numerous residents.

Ensure compliance of fireworks by-laws with mandatory signage where fireworks are sold. Advertise fireworks by-law around the time when fireworks are typically bought e.x. Victoria Day, Canada Day.

The fireworks set off by private groups/people have gone on recently without any enforcement of the existing permissions/bylaw. Neighbours have had pets spooked away from home (lost) and distressed (physically affected for longer duration than the fireworks) as a result. Many people consider pets as family members and find fireworks upsetting. If the fireworks are predictable and relegated away from homes, this allows the pet owners to either leave for the duration of the event with their pets or provide comforts needed for the pets to get through the noise. The enjoyment of small groups of people should not unduly impact the many residents that are impacted by the event.

Limit fireworks to Town displays on Canada Day and Diwali only. Prohibit use of fireworks on streets and in backyards and on any public land, especially parks and green spaces.

You guys are doing a fabulous job. Keep it up.

Purchase fireworks that are quiet. The noise kills many animals or confuses the wildlife.

Even for Diwalis firework should not be done on the streets or on the driveway of the people. Please give them some dedicated space to fire it so that it is safe for pets and kids. Most of the people don't even clean the road after the firework, its a disaster to see this mess in the community.

Let's go back the time when it wasn't a free for all, meaning I will set fireworks off anytime I feel like it.

Think about the Town's drive towards sustainability and climate change, etc. Fireworks do not align with the Town's values now and in the future.

There is not enough bylaw on holidays and outside the workday hours to allow for enforcement. Fireworks are set off on days when not permitted, especially in parks, and nothing is ever done to prevent it. I don't mind if it was 1 or 2 days a year, but fireworks will be set off 2 days before and 2 days following the days allowed.
It is fine with any citizen to use fireworks. If you set bylaws restricting celebrations, you are overstepping
The use of fireworks should be limited to permitted use only, and only on the aforementioned civic holidays. Keep them out of residential neighbourhoods, via by-law with appropriate enforcement follow-up. This would include the local small parks that are in residential areas.
Fireworks are entertaining and fun
Fireworks should only be allowed on the specific holiday ex. only on July 1. They should not be allowed on the day before or the day after the holiday. And they should not be allowed to be set off later than 11 pm and not on residential streets at all.
please do not cancel the fun of fireworks!
Do to noise and safety reasons I think only the Town of Whitby should be allowed to use Fireworks. All citizens of Whitby should be banned from their use.
Should anyone besides the town or government choose to organize or set-off a fireworks display, they should need to be issued a permit and have a certified business that they hire be responsible for the firework presentation or at least in compliance with the permit be sure to follow strict rules on location, distance from properties, etc.
Consider harsher enforcement for use of fireworks on non-permitted days. Or at minimum prominently advertise fireworks are not permitted except on those specific days.
Consider an alternative such as a laser show. http://lasershowcanada.com/
Please REMOVE the bylaw allowing residents to let off fireworks within the township, in communities and subdivisions. As Whitby rapidly grows, if this is not addressed, we fear the consequences of numerous people taking fireworks into their own hands.
Keep it strictly to Canada Day, Victoria Day and New Years Eve - only by the township.
Again, only in supervised parks/waterfront by the Town of Whitby and not reckless residents backyards! The radius of the sparks descending can cover 5+ home rooftops and it only takes one spark to start a fire. Fireworks should not be sold to the general public as most people are unaware or not concerned of the dangers of fireworks.
Thank you for allowing us to voice our opinion. I hope that someone listens.
More promotions for events
Seems like through covid people have been lighting fireworks for every single occasion and it's been horrible.

Please stop all fireworks displays. Or barring that, at least dedicate a response team for complaints, or strike a committee to create new guidelines and penalties, whatever. Please at least address the problem of extended, multiple days of backyard fireworks displays and do something to stop them or better yet, prevent the perpetrators from easy access to the explosives in the first place. Sure, fireworks used to be fun back in the day. But in 2022 they are an outdated, unnecessary, dangerous and highly invasive practice.

It is one thing to stage an official celebratory town of Whitby event on a designated day, at a designated time, in safe surroundings far from populated areas, manned by experienced pyrotechnic specialists with professional fire safety support standing by. It's another thing altogether when multiple random backyard Fireworks displays pop up on random days at random times polluting and terrifying. Frankly, these entitled fireworks displays belong in history. IMO in 2022, fireworks represent a past era of obliviousness to noise and sound pollution, and one of climate change ignorance. Fireworks help no one and harm everyone, yes, even those who still enjoy them.

If the majority feels differently, so be it. I have had my say.

Please, at least bear in mind that Fireworks should ONLY be allowed in the hands of Pyrotechnic professionals, at pre-warned/informed designated times to be set off as far from woodland, wetland, and populated neighbourhoods as possible.

FYI: apparently it is may be possible to use compressed air instead of gun powder

In closing, it is my opinion that no private citizen should be permitted to set off Fireworks from a backyard, or private boat, or a public park. Not ever.

Thank-you for asking. Thank-you for listening. Be well.

Many dogs are very afraid if them. Last summer my dog spent whole evenings in the cupboard shaking

Point of sale and distribution;by law enforcement /fines on non- holiday dates.

Education and public announcements to the general public about the safety issues that surround the use of fireworks. Inevitably when the property damage and personal injury happens the liability will in the hands of the lawyers and insurance companies. I'm not against people having fun and enjoying the show, but it takes the one person who uses poor judgement to ruin it for everyone.

Addressing the use of fireworks by residents in the summer months specifically on non-holiday weekends.

People's pets/dogs who are terrified of them and the damage and stress it causes to wildlife animals

While I personally love fireworks, I do have concerns for wildlife that are disturbed, and family pets that are affected.

Designated area only. We have them going off at our local park for every holiday.

Garbage left behind and the noise, not for us but for all the dogs that are scared by them.

perhaps only that wildlife sensitive areas are not used

It should be clear If residents can do fireworks on driveway and backyard.

If fireworks have a set day to be done, then stick to that one day. Having a 3-5 night occurrence for Victoria Day, for instance, is disruptive in a residential area. If fireworks continue to be allowed in residential areas, I would truly appreciate a limit on the day that they can be done as well as the time. It is not uncommon for fireworks to be done after 11 pm in my area.

Less fireworks is better. Have no problem with Town Fireworks but home fireworks have gotten out of control.
Fireworks should only be done on days listed above. People should not be allowed to do fireworks in any other days. In order for this to happen I feel the trailers selling fireworks should not be allowed as these are the places where people are purchasing fireworks and setting them off for several days and very late into the night.
Home fire works happen all the time, even the 4th of July. Home fireworks should be banned and only organized Town event or those with a permit from the Town conducted in a safe location should be permitted
Prefer to not allow fireworks at all but would accept limiting the use to the waterfront. Ban any residential use.
Stop having fireworks
Last summer fireworks were going off any night - very noisy and annoying
Italy has managed to produce fireworks that do not produce any noise . Has the city not done the research regarding the effects on pets and wildlife. The animal deaths and abandonment caused by fireworks .
I recognize that fireworks do present a business opportunity, however due to existing limits on the use of the product, the benefits of that business are likely narrow. Considering the earth's failing health, it seems reasonable to sacrifice the fleeting enjoyment fireworks may provide. If we in the developed world are unwilling to give up an activity that provides nothing but casual amusement, what hope do we have of saving the life of the planet and ourselves.
Need to enforce that fireworks are only allowed on Years' Eve, New Years' Day, Victoria Day, Canada Day and Diwali. There are fireworks every weekend behind my house and year over year it is just getting worse.
The effect on animals is deplorable.
I like the town provide a field or a place far from dwellings that people who want firework can go there and play year round. Otherwise it is better the fireworks be banned any other day unless by the town in event days.
No fireworks on Diwali. This is Canada
Please look into the cost of insuring parks. We all know that residents use the parks contrary to the bylaw but that is because it is the safest open space for larger safer gatherings to take place where spectators can sit appropriate distances away from the explosives and far away from residential homes and other property.
As nice as fireworks are to see unnecessary noise that upsets animals who dont understand.
Fireworks need to be used in an area far away enough from residential areas.
Aside from the noise and safety concerns, they also have a huge impact on pets. I have to medicate mine because they are terrified of fireworks
Would love to have it only allowed on the actual holiday. Canada Day, for example, should only be allowed on canada day...not the couple days before and after the holiday. Seems to be getting worse each year. I would also love to see an earlier time on the end time. 11pm end time...usually means 12 or 1. Earlier time would be better.
None

It's been a very hard couple years. Fireworks is a socially distanced activity that everyone of every age can enjoy. Virtual fireworks are terrible and I don't know why anyone would ever watch them. Let people have fireworks, if safety is a concern have fire departments run them and ill gladly donate to the men and woman running it. It's such a simple joy to watch. Please do not rely on facebook comments for this decision. Facebook is basically a complaint board. Go ask the elderly, and go ask the teens and kids.

More bylaw enforcement as some people set them off at various times throughout the year for no particular reason. My main concerns are unnecessary anxiety for many dogs and the environmental concerns around fireworks, although minimal compared to fossil fuels.

Educate and make people aware of safety precautions, then lets people enjoy the celebration.

Read this article please. Good suggestions are made.

<https://www.google.ca/amp/s/www.forbes.com/sites/grrlscientist/2017/12/30/how-do-fireworks-harm-wild-birds/amp/>

People don't clean up afterwards at Carnwith Park.

Please ban all fireworks in Whitby

Fireworks should be banned. Animals (domestic and wild) have experienced heart attacks and died! Yes - DOGS too - which have recently been in the news - again! ...and dogs have taken off out of their leash and become lost because the noise scared them SO much. People AND animals with PTSD (yes...animals experience PTSD too)...cannot endure fireworks. It is a CRUELTY to animals to make them endure fireworks!!! The elderly have an extremely difficult time enduring fireworks, and particularly CIVILIANS AND VETERANS WHO HAVE SURVIVED THE WARS experience horrific PTSD during fireworks. Don't make them endure that AGAIN and AGAIN! Young children and BABIES have an extremely difficult and upsetting time enduring fireworks. BAN FIREWORKS which create noise in WHITBY. Mental health is at all time high and rising as a result of the pandemic and now with the state of the world and the noise of fireworks affects mental health and PTSD. There are noiseless fireworks but these need to be properly and carefully investigated first. BANFF banned noise fireworks.

There should be no exemptions. There should be a complete ban on fireworks. They are not necessary and they are costly (approx \$1000/minute for pyromusical and a 1/2 hour show would cost approx \$30,000. Taxpayers money can be put to better use.

Is Canada Day and New Years' Eve not enough? Fines should be imposed for people setting off fireworks in backyards on any given day at any given hour.

Have a light display without noise

I visited Pringle Creek for fireworks celebration when I was younger and it was a big community affair, which brought hundreds of Whitby residents together. This needs to be brought back!

Refugees, war vets, small children and animals are terrified of the noise. People often set off the fireworks days before and after the main event in our local parkettes.

Use drone visual displays

Police patrol and enforce ticketing

Fireworks should be a thing of the past like girdles.

Any cultural celebration/holiday

Limiting location to waterfront would be nice.

Please enforce when fireworks are set off on unapproved days.
Some people don't even follow the by-laws. They use fireworks beyond 11pm until 3-4am in the local parks. This noise is disrupting elderly and children's sleep.
Enforcement for current bylaws should be implemented. So many times over the last few years fireworks have gone off on random nights, this not only affects people with PTSD but also pets. There is currently no respect for when fireworks are viable
Fireworks are often used on days surrounding these holidays not just on the day itself, so it is difficult for families to prepare when they have members with PTSD, or animals etc that require special care. The enforcement is non-existent. Fireworks should not be allowed in residential communities. As a nurse, or other first responders, police etc that work night shifts it can be very hard to be rested for a shift when these are let off close to our homes, sometimes next door. And it's never just for one night.
People are going to light fireworks whenever it seems. How will this be monitored?
There is no need for fireworks on New Year's Eve or Day. I also think there should be a limit on how late they can be used. Fireworks in residential neighborhoods cause disruption for sleeping children, shift workers, etc. and often people set them off late into the night.
Fireworks in neighbourhood homes for no reason or celebration sounds like gunfire
Please do not ban the only fun we have had since the pandemic started.
People who set off fireworks for days on end, all night long, because they feel entitled to do whatever they want whenever they want and know they won't get caught, need to STOP. The privilege of resident use of fireworks is abused and bylaw enforcement of use during certain hours and on certain days is non-existent. Sadly, when it comes to fireworks use, we can't rely on people's common sense, respect for others and community consideration any more. These days, those things don't exist.
Your survey seems to be driving at events of large public gatherings where there is structure or organization for the event. I have no issues with that type of controlled setting. I think there is a huge problem with families or individuals setting off fireworks where ever and when ever they want. This is a problem and it's getting bigger every year!
Use of noiseless fireworks
Limit the purchase of fireworks to community groups and authorized town staff.
Fireworks in my neighbourhood are going off ONE WEEK for each special occasion. They start early (before dark) & continue late into the night. They should be more controlled in one gigantic area like the lake/old Cullen gardens/town property ONLY!!! MY DOG IS TERRIFIED OF FIREWORKS!!!!
People let off fireworks well past 11 pm which is very inconsiderate and also it means I cannot walk my dog or let her out as she is terrified.
Don't allow the sale of or setting-off of "private" fireworks within the town and enforce it.
It would be good if Diwali firework exception can be given for the weekend of Diwali. As we do not have a holiday for Diwali, we gather in the weekend with friends and family and would like to have the opportunity to light fireworks during that weekend. Thank you for valuing our feedback
People often use fireworks outside the permitted days. For simplicity and control designate the town as the only group that can set off fireworks. Ban the sale of fireworks in the town.
Bylaw enforcement or reminders to residents on appropriate locations, or time restraints for usage (ie; not past 10pm, etc)
Need a permit

Only allow fireworks on the days you mentioned. The problem for me is how often fireworks are used. I don't want to hear them all the time. 4-5 times a year is enough.
Stop wasting your time policing fireworks.
Too many fireworks set off by residents. Starting before dark. Family pets and animals are miserable.
My poor dog hates loud noises (ie Fireworks) and I know I'm not the only person with this issue. During covid neighbours would get fireworks during availability, keep them and set them off weekend after weekend. I don't have a problem twice a year, I can medicate my pup. But weekend after weekend is unreasonable. The local government of Collecchio (Italy) has made a law that fireworks in their town must be silent, and have created such silent fireworks. Fines for excessive noise and litter could easily be handed out for such individuals.
Fireworks are being let off at least a week before the approved date, and up to a week afterwards! And some of them aren't pretty at all, they are just horrid, horrid sounds. They, frankly, sound like bombs. Stores should not be permitted to sell them at anytime, only on the days they are permitted.
Fireworks should not be sold to the general public without a permit from the town, a permit for an event on one of the 5 specified days; these permits should be available only to adults, and the sale of fireworks should only be permitted during a limited time period leading up to the event (e.g. two weeks).
I hear fireworks going off literally every weekend all summer, and sometimes during the week. This is a fairly recent phenomenon that began about two summers ago. Setting off fireworks on any day other than one of the 5 allowed celebrations should be subject to some sort of law enforcement measures, such as for a noise law violation.
The shows by the waterfront we have always enjoyed, I know in the condos next to it people watch it from the roof. It is a great way for everyone to celebrate The way the police had conducted the traffic was perfect in my opinion We enjoy driving down and watching it as a family

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: The IDEA Project, Journey to Inclusivity Status Update

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: CAO-15-23

Department(s) Responsible:

Organizational Effectiveness
Community Services Department

Submitted by:

Jacqueline Long, Head of Organizational Effectiveness, and,
John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Jacqueline Long, longj@whitby.ca

John Romano, romanoj@whitby.ca

Recommendation:

1. That Council receive Report CAO-15-23 The IDEA Project, Journey to Inclusivity Status Update for information.

Highlights:

- The Town embarked on the IDEA Project as an opportunity to understand the current state of diversity and inclusion at the Town of Whitby, both as an employer and a public service organization.
- The IDEA Project, Journey to Inclusivity, Final Report recommended a report back to Council within 9 months of hiring the first dedicated IDEA staff resource.
- This report provides a status update on the implementation of the recommendations outlined in The IDEA Project, Journey to Inclusivity, Final Report.
- The Corporate IDEA Specialist started with the Town in October 2022. This status update focuses on the work undertaken internally to respond to the recommendations in the IDEA Report.

Background:

- *CAO-01-22 The IDEA Project, Whitby's Journey to Inclusivity, Final Report* was presented to Council in January 2022 and recommended forty-one (41) actions, across five (5) priority categories, to be implemented over a five-year period.
- *The IDEA Project, Whitby's Journey to Inclusivity, Final Report* also recommended two (2) new dedicated staff resources to lead and support the recommended IDEA actions.
- Included in the 2022 budget was the creation of a Corporate IDEA Specialist. The intent of this role is to provide support to the Town as employer as it creates structural change across the full range of services as identified in the action items. This may include training, mentoring, research on best practices, and guidance on matters related to IDEA.
- The Corporate IDEA Specialist started with the Town in October 2022.
- *CAO-01-22 The IDEA Project, Journey to Inclusivity, Final Report* recommended a report back to Council within 9 months of hiring the first dedicated IDEA staff resource.

Discussion:

Report CAO-01-22 The IDEA Report, Journey to Inclusivity, Final Report included a recommendation to establish two (2) staff resources that would steward and lead the work required to respond to the forty-one (41) recommendations in the report as well as advance and support all IDEA efforts at the Town.

Approved by Council in the 2022 budget was the creation of a Corporate IDEA Specialist. The intent of this role is to provide support to the employer as it creates structural change across the full range of services as identified by the recommendations. This may include training, mentoring, research on best practices, and guidance on matters related to IDEA.

Attached is Appendix A: Status Update on the IDEA Project, Journey to Inclusivity Recommendations detailing the status of each action item. In summary, of the forty-one (41) recommendations in the IDEA Report, eleven (11) are internally focused and designated to be led by the Corporate IDEA Specialist, nineteen (19) are externally focused, ten (10) are shared, that is, require the support and leadership of both an internally and externally focused specialist, and one (1) is not applicable.

Status on the internally facing recommendations from the IDEA Project, Journey to Inclusivity is on-going and is supported by staff across the organization. Work completed to date includes, but is not limited to:

- Adopting the AMO Resolution recognizing September 30 as National Day for Truth and Reconciliation. Council did not adopt the recommended AMO

resolution, however, did recognize September 30 as National Day for Truth and Reconciliation in 2022 and 2023. **Recommendation J2I:4.**

- The development and release of a corporate policy that encourages the use of an Indigenous land acknowledgement. Policy 400-072 Land Acknowledgement was released in April 2023. **Recommendation J2I:6.**
- Creating the permanent ability to choose virtual or in-person delegations to Council and Committee meetings. This option was approved at a Regular Council Meeting on November 29, 2021 (Resolution #313-21). **Recommendation J2I:9.**
- Establishing a government to nation relationship with First Nations who have traditional and legal rights pertaining to shared territory using United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission recommendations and identify specific actions for reconciliation. An initial list of contacts was developed as part of the IDEA project. Since then, corporate lists have been maintained by Strategic Initiatives and Community Services. Recent requests for consultation include naming of the mid-block arterial road, Whitby sports complex public art, and federal grant applications submitted by Strategic Initiatives. **Recommendation J2I:10.**
- Ensure consequences for conduct not supportive of IDEA are clearly defined and enforced through the Respect in the Workplace Policy, including increased opportunities for transparency of the complaint and investigation process while protecting the confidentiality of the parties. Policy 400-060 Respect in the Workplace provides definitions of harassment, bullying, discrimination, and violence in the workplace, and highlights the investigation process. **Recommendation J2I:14.**
- Ongoing review of technology business application requirements that ensure IDEA principles are incorporated in choices and development of technology, including the ability to accommodate names, genders, etc. A recent example of ensuring application requirements for new technology included functionality for gender expression, pronouns, and preferred names, which was deemed as a must have, for the Enterprise Resources Planning (ERP). **Recommendation J2I:37.**

In addition to advancing the recommendations outlined in the IDEA Report, Journey to Inclusivity, the Corporate IDEA Specialist also has and will continue to:

- Partner with Communications and Creative Services to reinforce the value of IDEA through media campaigns on appropriate channels.
- Developed a policy review tool to support the development of new policies through an inclusion lens.
- Developed a cultural calendar and worked with Communications and Creative Services to recognize and showcase significant days both internally (the Wire, Messages without Barriers) and externally to potential applicants/candidates (LinkedIn, Town website).

- Provide support and expert advice to Employee Resource Groups (ERGS) both existing and new. Currently the Town supports four (4) ERGS: WOW (Women of Whitby), GLOW (Gays, Lesbians of Whitby), TOWN (Transitions of Whitby Now), and NewBees (recently hired employees).
- Provide support and expert advice to the Staff Led Diversity and Inclusion Taskforce. There are approximately seventeen (17) staff from across the organization participating in this taskforce. They are committed to advancing IDEA at the Town.
- Participate on the Corporate Policy Review Committee.
- Annual planning, administration, and actioning of the Corporate Diversity and Inclusion training plan. This includes the research and update of existing IDEA eLearning modules on the Town's Learning Management System (LMS).
- Provide expert advice to various stakeholders regarding IDEA as it pertains to staff programs.

Included in the 2023 budget for consideration was the Community IDEA Specialist. The intent of this role is to help the Town of Whitby build relationships and trust with diverse communities that will support continuous improvement of services and achieve the benefits from having a successful and thriving welcoming community. This resource would bring significant experience in community development with diverse communities, and inclusivity, diversity, equity, and anti-racism work in large, complex organizations, preferably municipal government. At the Special Council meeting to approve the annual budget on February 16, 2023, Council approved a motion to remove the Community IDEA Specialist and defer or suspend the work associated with this position. Consequently, at this time, there is limited progress to report on externally facing recommendations made in the IDEA Report, Journey to Inclusivity.

Financial Considerations:

Not applicable

Communication and Public Engagement:

Not applicable

Input from Departments/Sources:

Not applicable

Strategic Priorities:

Advancing IDEA at the Town of Whitby directly responds to the Corporate Strategic Plan's Objectives of People (We will foster an inclusive environment where employees can experience job satisfaction and rewarding careers), Organization (We will be a high performing, innovative, effective, and efficient organization), and Customer (We will provide a consistent, optimized, and positive customer service experience).

Attachments:

CAO-15-23 The IDEA Project, Journey to Inclusivity Status Update

Appendix A: Status Update on the IDEA Project, Journey to Inclusivity Recommendations

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
Corporate Leadership Action Items					
J2I:1	Create a project plan to implement the actions in this Inclusivity Report and fulfill the obligations of membership in the Canadian Coalition of Inclusive Municipalities. The project should be phased to include hiring of new dedicated resources, address current staff capacity to address IDEA, and development of actionable key performance indicators by the end of five years.	Community Survey	Jan 2023 to June 2023	Internal and External	Complete Project plan for all internally focused recommendations has been completed.
J2I:2	Adopt and promote the IDEA definitions created by the IDEA Project and connect them to other policies, practices, and strategies that discuss DEI.	SLT Interviews	On-going	Internal	In Progress
J2I:3	Include IDEA championship, change management, and outcomes in Senior Leadership and People Leader performance	Multiple	On-going	Internal	In Progress

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	evaluations, budget, workforce planning strategy and corporate strategic plan priorities.				
J2I:4	Adopt AMO Resolution recognizing September 30 as National Day for Truth and Reconciliation.	KJI	September 2022	External	Partially complete Council proclaimed Truth and Reconciliation Day in 2022 and 2023.
J2I:5	Adopt the IDEA-based service lens developed for Whitby's IDEA Project and use it for the continuous improvement and review of service delivery planning, policy, and practice.	KJI	On-going	Internal & External	In Progress
J2I:6	Encourage the use of an Indigenous land acknowledgement that affirms reconciliation is all our responsibility for formal internal meetings and events (for example all staff meetings, staff town hall meetings), public meetings hosted by Town staff and in physical acknowledgements in the community.	Service Review	April 2023	Internal	Completed Policy 400-072-Indigenous Land Acknowledgement released April 2023
Council Representation Action Items					
J2I:7	Expand outreach in advance of the 2022 elections to support a broad diversity of candidates to consider running for office or	Service Review	To Be Determined (TBD)	External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	applying to sit on committees of Council. Taking care to ensure that municipal staff are not influencing the election, this work will include outreach to diverse communities in Whitby to provide information and resources for accessing the election campaign and understanding the committee application and membership process. The Town should add a commitment to the IDEA principles in the application for membership on Town committees.				
J2I:8	Maintain a corporate list of Indigenous groups who are to be informed of Whitby projects (Environmental Assessments, Planning projects etc.) with up-to-date contact names and information. Ensure responsibility for currency is assigned appropriately.	Service Review	On-going	External	Initial list developed as part of the IDEA project. Corporate Lists maintained by Strategic Initiatives (SI) and Community Services (CS). Current requests for consultation include naming of the mid-block arterial road, Whitby sports complex public art, federal grant applications submitted by SI.
J2I:9	Create the permanent ability to choose virtual or in-person delegations to Council and Committee meetings.	Service Review	2021	External	Completed This option was approved at a Regular Council Meeting on November 29, 2021 (Resolution #313-21).

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
Cultural Services Action Items					
J2I:10	Build a government to nation relationship with First Nations who have traditional and legal rights pertaining to shared territory using United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission recommendations and identify specific actions for reconciliation.	Service Review	TBD	Internal & External	On Hold
J2I:11	Create a program to expand expressions of cultural identity in the community including art, events, projects, or programs in accordance with the implementation of the Culture Plan.	Service Review	On-going	External	<p>In Progress</p> <p>New in 2022 & 2023:</p> <ul style="list-style-type: none"> ▪ National Indigenous People’s Day Celebration at Celebration Square. ▪ Welcome signage at events with “Welcome” in ten (10) languages representing the top ten languages spoken in Whitby. ▪ LGBTQ2S+ flag and signs provided at Town’s Signature Events and various programming. ▪ Roebuck Street Placemaking Road mural includes artists that identify as a person with a disability, Indigenous artist, and member of the LGBTQ2S+ community.

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
					<ul style="list-style-type: none"> Digital Food Guide featuring sections on cultural cuisines, Black Owned restaurants and culinary businesses, including a three-page spread on “Meet the Owners and Chefs” showcasing the diversity of Whitby’s business community. LGBTQ2S+ Pride hearts painted on entrances to four (4) municipal buildings for June 2023 (IPSC, Town Hall, BCCL, CRC).
Human Resources Action Items					
J2I:12	Create two dedicated staff positions with expertise and leadership in IDEA principles and practice to provide support to the corporation and to staff for the implementation of the action plan and the ongoing change management. One resource would be for internal supports and one for external supports.	People Leader Focus Group	Corporate IDEA Specialist hired October 2022	Not applicable	Partially Complete Community IDEA Specialist position on hold.
J2I:13	Develop a recruitment and retention strategy that increases the interest of people from diverse backgrounds to apply for and remain in employment with Whitby that includes outreach to communities, onboarding, mentoring, IDEA compliant job descriptions, internal policies that	Community Survey	2024-2025	Internal	In progress

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	remove bias, barriers and practices, succession planning and evaluation, and physical spaces that are welcoming. This item will include J2I:36.				
J2I:14	Ensure consequences for conduct not supportive of IDEA are clearly defined and enforced through the Respectful Workplace Policy. Consider opportunities to increase the transparency of the complaints and investigation process while protecting the confidentiality of the parties with a view to improving the sense of trust and safety in the process.	Internal Survey	On-going	Internal	Complete
J2I:15	Build on existing mentorship, personal stories, safe person, safe space, and allyship to build a leadership program on IDEA.	SLT Interviews	On-going	Internal	In Progress IDEA concepts and principles are being incorporated into formal and informal leadership development and mentoring programs, for example, Speed Mentoring and Employee Resource Groups (ERGs). In development is an Inclusive Leadership course for launch later this year.
J2I:16	As a follow up to the comprehensive DEI awareness training for Staff delivered in 2021-22, provide training and support for having IDEA-	Multiple	TBD	External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	based conversations and developing personal IDEA practices with Council and Committees, colleagues, and members of the community. Tactics can include stories of success related to IDEA, benefits of IDEA, modelling good practices in leadership, resources, tools, and communities of practice across the Town.				
J2I:17	Develop a diversity indicator data collection and analysis strategy through which the Town can review data on diversity over time, comparing those numbers appropriately with the general population, other municipalities, and organizations, and sharing them with the Senior Leadership Team, People Leaders, and the community to inform decisions that address gaps in the workplace.	Service Review	Beginning in mid 2024	Internal	Not Started Dependent upon implementation of HRMS
J2I:18	Review, develop, and implement stronger mental health and wellness programs, policies and resources that support all staff, with a focus on unique challenges facing minority and equity seeking groups.	Service Review	Jan 2024	Internal	In Progress Planning began May 2023 to leverage existing offerings and supports and identify enhancements for consideration beginning 2024.

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
Roads Action Item					
J2I:19	Provide support for more choice in uniforms for diverse staff.	Service Review	Ongoing	External	Completed Gender friendly choices now available.
Communication Action Item					
J2I:20	Develop an IDEA-based public engagement strategy for services which removes barriers to participation, encourages timely, genuine, and authentic desire for input and transparently communicates information, results, and outcomes. The strategy may include multiple methods, tactics, and approaches, and should consider the experience of consultation fatigue of community members and groups. This project will require the hiring of a dedicated external IDEA staff resource.	Both Surveys	TBD	External	On Hold
Land Use Planning Action Items					
J2I:21	Review Land Use plans (e.g., Official Plan, secondary plans, zoning bylaw, etc.) for systemic barriers or unconscious bias in the understanding of household types, built forms, neighborhood	KJI	Nov 2022 to Ongoing	External	In Progress Current review of Comprehensive Zoning By-laws underway.

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	design, employment choices and access, growth patterns and transportation referring to best practices from the Canadian Institute of Planners.				Later this year, initiate a review of the Official Plan, including the expansion of the Brooklin Community Secondary Plan. Best practices are employed for all review exercises.
J2I:22	Utilize IDEA compliant transportation system planning practices that consider complete streets, accessibility, community connection, neighbourhood boundaries, and income inequality when the Road, Sidewalk, Path, or Trail system is being developed, constructed, or changed or when there are opportunities to improve regional transit access in Whitby.	Community Survey	On-going	External	In Progress These considerations are a best practice and part of the normal course of business for the Active Transportation group.
J2I:23	Review the Town of Whitby's current street names and street naming policy with reference to emerging best practices at the City of Toronto following their review of ceremonial practices.	Steering Committee	TBD	External	Not Started See Memo to Council dated April 14, 2023.
Asset Management Action Item					
J2I:24	Review asset management policies including asset service levels with an IDEA lens for barriers or bias in the identification of service levels and prioritization of life cycle management that may	KJI	TBD	Internal & External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	result in lower asset quality in some parts of the community.				
Business Attraction and Retention Action Item					
J2I:25	Strengthen pathways to employment in the community for equity seeking groups by committing to the recommendation in the Economic Development Strategy to create a one-year post-graduate (master's and above). Paid Internship program for BIPOC youth working on the development of a policy position for the municipality with the goal of increasing diverse talent pipelines for the Town of Whitby and the larger community.	Service Review	TBD	Internal	Not Started
Grants Action Item					
J2I:26	Review corporate and community grant policy for IDEA principles and unconscious bias in granting criteria. Create outreach, workshops, and education sessions to help people understand	Service Review	TBD	External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	the process and be successful at obtaining grants.				
Customer Service Action Items					
J2I:27	Provide training for front line Town staff on the application of the Public Code of Conduct and develop a review process for disciplinary action with respect to members of the public that protects against unconscious bias in application or overt discrimination (noting that actions such as facility bans are a form of discipline). Develop a practice of keeping records of code breaches and incidents and conduct a regular analysis for continuous improvement.	KJI	TBD	Internal & External	On Hold
J2I:28	Implement the recently adopted Customer Service Strategy in alignment with the IDEA Project: Whitby's Journey to Inclusivity.	Service Review	TBD	Internal & External	In Progress
J2I:29	Provide more visibility and better education for Town staff and community members on the availability of Language Line and 211 and provide information on Town services in	Service Review	TBD	Internal & External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	newcomer languages. This should also align to the Customer Service Strategy.				
Recreation Facility Access / Rental Action Item					
J2I:30	Include IDEA-based design standards for indoor and outdoor Town of Whitby physical space and include them in new facility build design criteria. On an ongoing basis, when practical, audit existing facilities using these standards acknowledging that this may take several years.	Community Survey	On-going	Internal & External	Best practices applied to all new and renovated space. Review of corporate space undertaken to identify space for quiet rooms (April 2023).
Recreation Programming Action Items					
J2I:31	Identify opportunities to expand recreation offerings by Town staff and partners that expose participants to non-traditional sports, emerging sports, arts, and recreation activities.	Service Review	TBD	External	On Hold
J2I:32	Create opportunities or processes for people to recommend or request new forms of recreation.	Service Review	TBD	External	On Hold
Financial Management Action Item					
J2I:33	Develop and obtain Council endorsement of a municipal user fee policy that balances cost	Community Survey	TBD	External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	recovery from the benefiting party and burden on all taxpayers while addressing the issue of fairness. This should be built into existing user fee review projects (e.g., Recreation Master Planning project) and rolled out across other user fee-based services such as licensing, sponsorships, and promotions, etc. Each type of user fee will have unique IDEA considerations.				
Fire Inspection and Enforcement Action Item					
J2I:34	Acknowledge the role of Whitby By-law, Building and Fire Inspection and Enforcement Staff as a form of policing and review best practices in IDEA informedpolicing including appropriate data collection methods that are compliant with Ontario standards.	Community Survey	TBD	External	On Hold
J2I:35	Develop an IDEA-based emergency management planning tool to be used when planning and evaluating emergency responses. This project will be phased to start with improving communications to diverse communities and expand to reviewing differential impacts of	KJI	TBD	Internal & External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	emergencies on geographical locations, individuals, and diverse groups.				
J2I:36	Grow the interest in the community for people to become fire fighters and create opportunities for people to access training to prevent the cost of education from making the profession inaccessible. This item will be managed in conjunction with J2I:13.	Service Review	TBD	External	Not Started
Information Management Action Item					
J2I:37	Review technology business application requirements to ensure that IDEA principles are incorporated in choices and development of technology (infrastructure, devices, applications / solutions), including ability to accommodate names, genders, etc.	KJI	On-going	Internal	In progress
Library Action Item					
J2I:38	Develop an IDEA protocol for the collection of information and management of records that documents the history and experience of diverse populations in Whitby and adopt the Ontario Data Standards for the Identification and Monitoring of	KJI	TBD	External	On Hold

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
	Systemic Racism. This project would be done in partnership with archives and library.				
Procurement Action Item					
J2I:39	Create processes in procurement that enable purchasers in the Town to incorporate IDEA principles in the definition of product or service specifications, the choice of supplier (and supplier base), and/or the requirement for suppliers to have similar expectations regarding health and safety, insurance, or WSIB.	Service Review	TBD	External	Not started
Professional Advisory Action Item					
J2I:40	Follow up on the consultant review from the IDEA project and adopt a process of continuous improvement reviewing policies and practices for compliance with the IDEA principles regularly in a phased process.	Internal Survey	Ongoing	Internal	In Progress

No.	Action Item Description	Source	Forecasted Timeline	Focus	Status
Risk Management Action Item					
J2I:41	Review Risk Management practices and policies with an IDEA lens for potential unconscious bias in determining risk levels, impacts and mitigation strategies that reinforce stereotypes or create barriers to participation in Townactivities.	KJI	TBD	Internal & External	On Hold

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Town of Whitby Official Tree Campaign

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: CAO 16-23

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:

Sarah Shields, Project Manager,
Sustainability and Climate Change

T: 905.391.4439

1. Recommendation:

1. That Report CAO 16-23 be received for information; and,
2. That Council endorse the Town of Whitby Official Tree Campaign and adopt the tree species to be selected by the community as an official symbol of the Town.

2. Highlights:

- In celebration of National Forest Week 2023 (September 17 to 23), staff are proposing to launch the Town of Whitby Official Tree Campaign, through which the community will be able to vote for the tree species they believe best represents Whitby.
- Through this report, Staff are recommending that the tree species selected by the community be adopted by Council as an official symbol of the Town.

3. Background:

The Town recognizes the essential role that trees and the urban forest play in providing a healthy and sustainable quality of life for all residents. As one of 169 Tree Cities of the World, the protection, preservation, growth, and enhancement of the urban forest is a

priority for the Town of Whitby. To achieve the status as a Tree City of the World, the Town is committed to the following:

1. Establishing responsibility for the care and protection of trees
2. Setting rules for managing trees
3. Having an updated inventory of local tree resources
4. Allocating resources for tree management
5. Celebrating trees and forests within our community

To celebrate trees and forests within our community, each year, the Town formally proclaims the third week of September as **National Forest Week**. The objective of National Forest Week is to raise awareness about one of the most valuable and renewable resources – forests. This year marks the 12th National Forest Week, and this year's theme will focus on Canada's Forests: Supporting Biological Diversity.

4. Discussion:

In 2023, to celebrate National Forest Week and the Town's ongoing commitments to the urban forest, the Sustainability Division is planning to launch a community campaign to select the Official Tree of Whitby. Residents will be encouraged through the Town's social media channels and Whitby.ca to visit Connect Whitby between September 18 and October 16, 2023, to cast their vote for the Town's Official Tree. Residents will be able to vote for one of the following eight native tree species:

1. Butternut (*Juglans cinerea*)
2. Bur Oak (*Quercus macrocarpa*)
3. White Birch (*Betula papyrifera*)
4. Trembling Aspen (*Populus tremuloides*)
5. Northern Catalpa (*Catalpa speciosa*)
6. Eastern White Cedar (*Thuja occidentalis*)
7. Black Willow (*Salix nigra*)
8. Tamarack (*Larix laricina*)

The tree species above were selected for their abundance and significance in Whitby, while also considering species that are not already recognized as official trees nationally, provincially, or near neighbouring communities.

Photos and a brief description of each tree will be available on Connect Whitby to help our residents understand why the tree may be the best representative of our Town.

Staff are recommending that the tree species selected by the community be adopted by Council as an official symbol of the Town. Once adopted by Council, the Official Tree of Whitby will be used in communication materials to support the Sustainability Division's initiatives. Staff also recommend planting a tree of the species selected for the Official Tree of Whitby at Town Hall to recognize its significance to the Town.

5. Financial Considerations:

There are no immediate financial impacts associated with this campaign as the tree that may be planted at Town Hall to recognize the Official Tree of Whitby would be provided by LEAF through the Town's existing programs and partnership.

6. Communication and Public Engagement:

As a public campaign, the community will be engaged to select the Town's Official Tree. The campaign will be promoted through the Town's social media channels, Whitby.ca, and Connect Whitby. Residents will visit Connect Whitby to complete a survey to select the tree species they believe best represents the Town.

7. Input from Departments/Sources:

The Sustainability Division generated the list of eight native tree species that residents can vote on with input from the Parks Planning Division and Operational Services Division.

8. Strategic Priorities:

The recognition of a tree as an official symbol of the Town aligns with corporate goals by recognizing the role that the urban forest plays in being an economically, socially, and environmentally responsible municipality. The Town of Whitby Official Tree Campaign will educate residents on the role that trees play in reducing the impacts of climate change.

9. Attachments:

Not Applicable.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Family Physician Recruitment Update

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: CAO 17-23

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:

Sarah Klein, x.4338

1. Recommendation:

1. That Report CAO 17-23 be received for information; and,
2. That Council approve an initial expense of \$20,000 to support the Regional 2023 Family Physician Recruitment Program, funded from Strategic Initiatives operating budget account 799SIN-PS-3990.

2. Highlights:

- As identified in the feedback from the Community Strategic Plan, the attraction and retention of family physicians is a top priority for residents of the Town of Whitby.
- The Town of Whitby is looking to partner with the Region of Durham, Lakeridge Health, and Durham Region municipalities on a Durham Family Physician Program. This would include two focuses:
 - A welcome and settlement program for the students in the Queen's–Lakeridge Health MD Family Physician training program
- The creation of a plan to establish a Family Physician Retention, Recruitment, and Incentive Program
- The cost of these programs is approximately \$215,000 and would be shared by the Region and local municipalities. Whitby's portion would be \$20,000.

3. Background:

The shortage of family physicians is a challenge across Canada, Ontario, Durham Region, and Whitby. The Canada Medical Forum reports that 4.6 million Canadians are without a family physician, and the Ontario College of Family Physicians reports that nearly 15% of Ontarians are without access to a regular family physician. Preliminary data for Durham indicates that there are approximately 366 family physicians in the Region who deliver primary care services, and the average patient roster for a family physician is 1,380. With a regional population of 738,710, it is estimated that there are 230,000 Durham residents without a family doctor practicing in Durham. Some of these individuals may have a family physician outside of Durham. Furthermore, each year over 1,500 babies born in Durham Region are discharged without a primary care physician.

With the recent and anticipated growth in Durham, the supply of family physicians is unable to keep up with current and future demand. The shortage of family physicians impacts the health and well-being of residents and creates capacity issues for emergency and urgent care resulting in overloads and long wait times.

As a part of the development of the Community Strategic Plan, 50% of respondents to the survey identified access to family physicians as a top priority. A focus on family physician attraction is not new to Whitby or Durham, and there have been physician recruitment plans and strategies in the past. However, since this is a nationwide crisis, the approach needs to focus on addressing the root of the problem in the long term and not simply attracting existing family physicians away from other communities. Furthermore, since residents will travel across the Region to access their family physician, a regional approach is recommended.

The Queen's Lakeridge Family Medicine Program has been in place in Durham since 2013. These residents are based in Durham for their 2-year training program with 9 graduates each year. A novel program looking to address the root of the problem is the new Queen's-Lakeridge MD Family Medicine training program which is beginning this Fall. This program will select 20 trainees annually who will complete four years of medical school and then two years of family medicine residency. They will be based at Queen's Regional Medical Campus in Durham Region and trainees will complete their six years of training in our communities.

Other types of attraction programs include marketing, outreach, promotion, direct recruitment, settlement services, local industry support, succession planning support, data analysis and research, and financial incentives and inducements.

4. Discussion:

A regional approach to family physician recruitment is being recommended to look at the immediate and long-term solutions to attract and retain family physicians. This strategy would be in partnership with the Region and all eight lower-tier municipalities and would focus on two scopes of work; one focusing on the immediate opportunity with the Queen's-Lakeridge Health Program and the second on a long-term plan to create a Physician Retention, Recruitment, and Incentive Program. Once financial commitments are received from area municipalities, Regional staff will recommend the project and seek internal approvals to proceed.

Queen's-Lakeridge Health Family Medicine Program

To respond to the immediate opportunity of 20 medical students arriving in Durham this Fall, a support and retention program would be implemented. This program will also include the 18 family medicine residents currently based in Durham. The Queen's-Lakeridge Health Family Medicine Program would include the provision of the following services for one year, beginning this summer:

- Assistance in finding housing and linking with settlement services
- Working with partners to assist spouses in finding jobs locally
- Organizing and hosting a welcome dinner with partners and subsequent individual follow-ups to reinforce that Durham is a welcoming community
- One-on-one meeting to identify individual support requirements and provide an overview and education of the Region
- Assignment of a point-person to assist with navigating Durham as their new home, with quarterly check-ins
- Undertake activities to create connections in the community, including negotiation with local tourism industries for gift certificates or discounts to local attractions

Creating a Plan for a Physician Retention, Recruitment, and Incentive Program

To address the shortage of family physicians through a long-term and sustainable approach, a multi-faceted plan is required. The creation of a plan would be done in partnership with the Region of Durham, local municipalities, Lakeridge Health, local family physicians, businesses, the Association of Realtors, Chambers of Commerce, School Boards, and local post-secondary institutions. The creation of the plan would begin with research, engagement and evaluation of best practices and the unique needs of the Durham Region. A report would be created that would include the following:

- Estimate of the actual number of additional family doctors needed in Durham
- Scan of physician attraction and retention practices across Ontario
- Regulatory impacts
- An evaluation of possible objectives of a program and recommendations related to the delivery of services to medical trainees to retain them post-graduation, retention of practicing family physicians and attraction of family physicians from outside the Durham Region
- An evaluation of services and programs that could be delivered and recommendations related to marketing, outreach and promotion, direct recruitment, settlement services, local industry support, succession planning support, data analysis and research, and financial incentives and inducements
- Resourcing requirements, including staffing, annual operating funding, and capital funding
- An evaluation of governance and structure options, funding sources, and composition of a board or advisory committee

- Program success metrics and outcomes

The Region of Durham would engage a consultant to develop this report which would be completed by Fall 2023.

5. Financial Considerations:

The total estimated cost of the two scopes of work outlined above is \$215,000:

- 1) The Queen's-Lakeridge Health Family Medicine Program is estimated to cost \$175,000, which includes a part-time staff for 12 months and the associated expenses with delivering the program; and
- 2) The estimated cost to develop the Family Physician Retention, Recruitment, and Incentive Program is \$40,000.

These costs would be shared, with the Region covering 50% and the balance being shared amongst the lower-tier municipalities. The Town of Whitby's share would be \$20,000.

It is recommended that the Town's \$20,000 contribution to one-time costs of developing a Physician Retention, Recruitment, and Incentive Program Plan and the Town's 2023 participation in the Queen's-Lakeridge Health Family Medicine Program be funded from the Strategic Initiatives operating budget account 799SIN-PS-3990. The \$20,000 is unbudgeted and will result in a pressure in this operating budget account which will be offset from other 2023 operating surpluses in the department and across the Town. Any ongoing costs from the Physician Retention, Recruitment, and Incentive Program Plan will be included for Council consideration as part of the 2024 and future budgets.

6. Communication and Public Engagement:

As part of the Phase 1 engagement on the Community Strategic Plan, 50% of the 2,200 respondents identified access to family physicians as one of their top five priorities under the Neighbourhoods pillar. As such, family physician recruitment is included in the Community Strategic Plan, and the recommendations within this report outline actions to address this priority.

7. Input from Departments/Sources:

The recommendations within this report have been developed in partnership with the Region of Durham and other partners identified in this report.

8. Strategic Priorities:

Working with partners to increase access to family physicians is one of the Strategic Actions that is being recommended to Council to include in the Community Strategic Plan. This Strategic Action is listed under the Neighbourhoods pillar under the objective of improving community safety, health, and well-being.

9. Attachments:

n/a

Town of Whitby

Staff Report

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Report Title: Canada Mortgage and Housing Corporation – Housing Accelerator Fund

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: CAO-19-23

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:

M. Gaskell, Chief Administrative Officer

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

M. Gaskell, Chief Administrative Officer

1. Recommendation:

1. That Council approve in principle the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23 for the purpose of submitting an application for Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
2. That Council authorize the Chief Administrative Officer to submit the application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
3. That Council authorize the Chief Administrative Officer to approve any changes to the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23, prior to submission of the Town's application for Canada Mortgage and Housing Corporation's Housing Accelerator Fund; and,
4. That Council authorize the Mayor and Clerk to execute any necessary agreements regarding the application.

2. Highlights:

- Canada Mortgage and Housing Corporation (CMHC) has announced the Housing Accelerator Fund (HAF) making available \$4 billion for transformational change for the creation of 100,000 more housing units across Canada.
- All applications for the HAF must include an Action Plan with housing supply growth targets and a minimum of seven (7) initiatives intended to grow housing supply and speed up housing approvals.
- The HAF funding can be used for a variety of housing related purposes which fall into 4 categories: (i) investments in HAF Action Plans; (ii) affordable housing projects; (iii) housing-related infrastructure; and, (iv) community-related infrastructure that supports housing. The program is subject to mandatory reporting.
- The HAF application portal is expected to open in summer 2023 with a 45-day window for submission of applications; with funding being awarded to successful applicants in fall 2023.
- Further details required to be included in the Town's Action Plan and the necessary supporting documentation will be prepared and finalized by staff prior to submission of the HAF application through the CMHC HAF online portal.

3. Background:

The Federal government recently announced \$4 billion in funding, available beginning in 2023 until 2026/27, to launch a new Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF) which will provide incentive funding to local governments.

Housing Accelerator Fund (HAF)

According to CMHC, the \$4 billion HAF program is intended to make transformational change within the control of local governments regarding land use planning and development. The Fund's objective is to accelerate the supply of housing across Canada, resulting in at least 100,000 more housing units permitted than would have otherwise occurred without the program, and enhancing certainty regarding the development approval process.

The HAF is intended to: make systemic changes to reduce barriers to housing supply; streamline development approvals; support the development of complete, low-carbon, and climate-resilient communities, that are affordable, inclusive, equitable, and diverse; and, speed up housing development and increase supply.

HAF Eligibility

The HAF program provides two application streams:

- **Large/Urban communities** with a population (based on 2021 census data) greater than 10,000, excluding those within a territory or an Indigenous community; and

- **Small/Rural/North/Indigenous communities** with a population less than 10,000 or within one of the territories or an Indigenous community.

Eligible communities must have delegated approval authority over land use planning and development approvals.

According to CMHC, eligibility for the incentive funding requires:

- submission of an online application, including an action plan that outlines supply growth targets and specific action plan initiatives to grow housing supply and speed up housing approvals;
- a minimum of 7 initiatives in an action plan (for large/urban communities);
- commitment to a housing supply growth target within the action plan that increases the average annual rate of growth;
- completion or updating of a housing needs assessment report; and
- mandatory progress and data reporting requirements.

Action Plan

HAF applicants must provide an action plan, outlining appropriate initiatives as part of their application, which will assist CMHC in selecting successful applicants and awarding funding accordingly. Part of developing an action plan for HAF applications includes an assessment of housing needs, challenges, and opportunities.

The required action plan must include housing supply growth targets that includes two projections: one for an annual projected growth rate without the HAF funding, and another with a growth rate if HAF funding were awarded.

The action plan must commit to increasing the average annual housing supply growth by at least 10% and the overall housing stock growth rate must also exceed 1.1%. Growth targets and action plan initiatives can also be based on targets for additional types of housing supply that are projected to be permitted if funding was made available through the HAF program. Such additional targets and initiatives would increase the amount of funding available.

Action Plans can include initiatives that are context-appropriate for each municipality, such as:

- pre-zoning for high-density development within proximity to rapid transit stations (to reduce car dependency);
- introducing policies for additional dwelling units (ADU's);
- promoting infill developments;
- making systemic changes for increased supply and diversified dwelling unit types;
- revised/reduced parking requirements for new developments;
- aligning development charges with the costs of infrastructure and servicing;

- implementing incentives, costing or fee structures to encourage such things as affordable housing;
- implementing measures to address or prevent flood plain or climate change risk;
- incorporating a climate adaptability plan into Official Plan;
- promoting housing that serves vulnerable populations;
- implementing inclusionary zoning which would require a certain percentage of new units to be affordable;
- disposing of publicly-owned surplus lands for the development of affordable housing;
- e-permitting;
- delegating development approval authority;
- partnering with non-profit housing providers for affordable housing; and
- updating infrastructure planning.

Refer to section 4 and Attachment #1 for more information on a Draft Proposed Action Plan for the Town's application for HAF incentive funding.

Application Submission Requirements

An application for CMHC's HAF funding must include the following minimum documentation:

- Completed application form, including an action plan and growth targets;
- Signed integrity declaration;
- Most recent audited financial statements (if not available publicly);
- Current housing needs assessment report (if available at time of application); and
- Attestation letter signed by the applicant's Chief Financial Officer (or equivalent) using the prescribed form on the viability of the action plan.

Evaluation Criteria

Evaluation of HAF applications is based on the following criteria:

- The **commitment to increase housing supply** – exceeding minimum growth expectations;
- The **relevance of the initiative** outcome(s) to one or more of the objectives of the HAF – including creating more supply; complete communities; affordable housing; and, low-carbon, climate-resilient communities;
- The **effectiveness of the initiative** on increasing the supply of housing – including implementation/timeliness of the initiative; supply impact; and, system impact; and

- The **need for increased housing supply** – based on available housing needs assessment; higher score if already available.

(Note: the Region of Durham has completed a Housing Needs Assessment as a component of the Envision Durham Municipal Comprehensive Review which can be used in part for the Town's application for HAF.)

Funding

Eligible applicants can receive funding based on overall growth commitments and projected units that align with the HAF's program priority areas, as follows:

- **Base Funding:**
 - designed to incent all types of supply across the housing spectrum; based on estimated number of units without HAF funding vs. estimated number with HAF funding.
- **Top-up Funding:**
 - designed to incent certain types of housing (single detached is not eligible; formula applied to other types such as higher densities in proximity to rapid transit, medium and higher density, 'missing middle').
- **Affordable Housing Bonus:**
 - designed to reward applicants who can increase share of affordable housing units (formula is applied relative to affordable units vs. the total projected units supported by the HAF. Targets must be included in the Action Plan).

The funding that is potentially available to Whitby is based on the methodology and formulae set by CMHC, and the growth targets set by the Town.

The incentive funding can be used in a variety of ways as investments to support housing, such as:

- Initiatives within an approved HAF Action Plan;
- Affordable Housing (e.g., construction, repair, or modernization, land or building acquisition)
- Housing-related infrastructure, that supports housing such as: municipal infrastructure; public transit; community energy systems; disaster mitigation; brownfield redevelopment; broadband and connectivity; and
- Community-related Infrastructure, that supports housing such as: local roads and bridges; sidewalks, lighting, bicycle lanes; firehalls; landscaping and green space.

Funding will be advanced to successful applicants in four (4) annual phases, with 25% of funding made available during each phase, including an up-front advance in year 1 to initiate action plan items. Advancement of funding requires mandatory reporting of data, and demonstration of progress on the initiatives in the action plan.

Reporting Requirements

Successful applicants will be required to provide periodic mandatory progress reports and details how funds were used.

There are three main reporting obligations under the HAF:

- **Progress** on the initiatives and commitments outlined in the action plan (e.g., start and completion dates; percentage complete; status; milestones; number of units; etc.) .
- **Data** for all housing units permitted during the reporting period (e.g., permit number; submission date; issue date; type of work; number of units; secondary suites; etc.)
- **How funding was used** during the reporting period (e.g. category incentive funding; dollar amount per category; details on capital projects; etc.)

4. Discussion:

It is recommended that Council endorse in principle the Draft Proposed Action Plan outlined in Attachment #1, for the purpose of submitting an application for the CMHC HAF. The Draft Proposed Action Plan consists of the following initiatives:

- Housing Assessment Report;
- OPA/ZBLA for Whitby GO Protected Major Transit Station Area (PMTSA);
- Inclusionary Zoning and Implementation Strategy for PMTSA;
- OPA/ZBLA for Brooklin Secondary Plan Expansion Area;
- Surplus Land Inventory and Disposition Strategy;
- E-permitting Application/Permit Portal; GIS Dashboard; and, Lean Process Review;
- OPA/ZBLA for Additional Dwelling Units (ADU's); and
- OPA/ZBLA for Provincial / Regional lands: 590 and 650 Rossland Road East.

The application will require the preparation of more detailed information to be submitted with the application through the HAF portal. Further input will be sought from Staff in relevant departments to outline the necessary details for each initiative in the action plan.

Next Steps

The CMHC HAF application portal is intended to open in summer 2023 (date is to be determined, but anticipated to be open in late June), with a 45-day window for submission of applications and documentation.

Successful applicants will be notified by fall 2023, followed by Phase 1 up-front funding advancements.

Should the Town be successful in its application, the Town would be required to enter into a contribution agreement with CMHC.

Staff are seeking Council's approval-in-principle of the Draft Proposed Action Plan, and that the CAO be delegated the authority to finalize the necessary action plan and documentation and allocate necessary staffing and resources required to submit the Town's application for CMHC HAF.

5. Financial Considerations:

The HAF funding would allow for advancement of projects that support increased housing supply, diversity, and affordability sooner than would have been anticipated without the funding.

Staff are working on refining the Proposed Action Plan and estimating the cost to implement. Projected implementation costs are required as part of the HAF application and it is anticipated that, subject to HAF grant approval, extensive staff resources will be required for successful implementation of the HAF Action Plan. This includes resources for matters such as: preparation/finalization of the action plan and necessary documentation for the application, project management of each action plan initiative, and the mandatory grant reporting.

6. Communication and Public Engagement:

Not applicable at this time.

Certain initiatives in the action plan will require public consultation at a later date (e.g., Surplus Land Inventory and Disposition; OPAs/ZBLAs; Inclusionary Zoning; etc.), which would be undertaken in accordance with relevant legislation as each initiative is advanced.

7. Input from Departments/Sources:

Input from the Legal, Finance, Strategic Initiatives, and Planning and Development Departments was provided in the preparation of this report.

8. Strategic Priorities:

The objectives of the Housing Accelerator Fund align with the priorities identified by the community in the development of the Community Strategic Plan. Programs that support affordability and help with access to housing options was identified as one of the top ten priorities in the Neighbourhoods Pillar in the Phase 1 engagement of the Community Strategic Plan. The proposed Plan includes an Action that focuses on collaboration with partners to support the implementation of Durham Region's Housing Plan regarding affordability and diversity of housing.

The Housing Accelerator Fund also aligns with the Town's priorities of accessibility and sustainability as the program focuses on accessible housing that supports the development of complete, low-carbon, and climate-resilient communities.

9. Attachments:

Attachment 1 – Draft Proposed Action Plan for CMHC HAF Application

Town of Whitby – Draft Proposed Action Plan for CMHC HAF Application

Initiatives	Actions	Comments
1. Housing Assessment Report	<ul style="list-style-type: none"> Update Region's Envision Durham Housing Needs Assessment (HNA) report. 	HNA is required by Planning Act for PMTSA Inclusionary Zoning. Region could be a potential partner.
2. Whitby GO Protected Major Transit Station Area (PMTSA)	<ul style="list-style-type: none"> Review OP policies and ZBL provisions for increased height and density within appropriate areas of the PMTSA. Initiate and approve OPA/ZBLA. 	Significant increase in units within the PMTSA based on revised PMTSA boundary through Envision Durham new ROP. Meets the HAF objective for increased units within proximity to rapid transit. Significant increase in potential units through increased height and density permissions within PMTSA. 0 affordable units listed here; rather, affordable units within PMTSA are tracked through PMTSA Inclusionary Zoning Project.
3. Inclusionary Zoning	<ul style="list-style-type: none"> Compile necessary HNA info. for PMTSA Initiate and approve ZBLA for PMTSA Inclusionary Zoning Prepare Implementation Strategy 	Planning Act enables implementation of Inclusionary Zoning in a PMTSA to require minimum of 5% of all new units to be affordable. Meets HAF objective of transformational change by allowing for increased affordable units. Region could be a potential partner.
4. OPA/ZBLA for Brooklin Secondary Plan Expansion Area	<ul style="list-style-type: none"> Undertake background work 	OPA/ZBLA will be included as component of (minor) OP Review for Envision Durham conformity.

Initiatives	Actions	Comments
	<ul style="list-style-type: none"> • Conduct public consultation for Brooklin Community Secondary Plan expansion areas • Initiate and approve OPA/ZBLA 	<p>Meets the HAF objectives regarding certainty and expediting of planning approvals.</p> <p>Project will facilitate development for growth to 2051, sooner than would have occurred without HAF funding.</p>
5. Surplus Land Inventory and Disposition Strategy	<ul style="list-style-type: none"> • Complete surplus land inventory and disposition strategy for publicly owned lands within Whitby. • Initiate discussions and potential partnerships with for-profit and non-profit developers for affordable housing on surplus lands. 	<p>Surplus lands can be developed for both new additional dwelling units, as well as affordable units.</p> <p>Potential to pre-zone surplus lands.</p> <p>Region could be a potential partner.</p>
6. E-permitting Portal; GIS Dashboard; and, Lean Process Review	<ul style="list-style-type: none"> • Implement online portal for Planning, Engineering and Building Permit applications. • Create GIS interface for development application tracking. • Undertake a Lean Process Review for applications with intake through portal. 	<p>Further implementation of SDAF project for online application/permitting portal.</p> <p>Lean process review will help meet requirements under Bill 109.</p> <p>Meets the HAF objectives for streamlining and expediting planning approvals to increase supply and provide greater certainty for development approvals.</p> <p>Prioritization would be given to development of portals for Planning, Engineering Review and Building Permit applications.</p> <p>May require dedicated Project Manager.</p>
7. Additional Dwelling Units (ADU's)	<ul style="list-style-type: none"> • Review Official Plan policies and Zoning provisions to allow 3 units per lot. • Initiate and approve OPA/ZBLA. 	<p>Meets the HAF objectives for increased supply and affordability of units within existing dwellings, through sensitive infill,</p>

Initiatives	Actions	Comments
		and as permitted by Bill 23; and increased flexibility for housing types and tenures.
8. Development Approvals for 590-650 Rossland Road East	<ul style="list-style-type: none"> Initiate partnership with Province and Region regarding development of Provincial / Regional lands at 590 / 605 Rossland Road East to permit High Density Residential, Mixed Use and affordable housing. Initiate and approve OPA/ZBLA/SP. 	<p>Potential for 800 to 900 units on publicly-owned lands.</p> <p>Potential for 25% or more of all units to be affordable.</p> <p>Meets the HAF objectives for both increased supply and affordable units.</p>

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14

Report to: Committee of the Whole

Date of meeting: June 12, 2023

Report Number: LS 07-23

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:

Alison Albrecht, Supervisor of Parking
Services;

Brent K. Harasym, Associate Solicitor

1. Recommendation:

1. That By-law # 6887-14, the Towing By-law, be amended substantially in accordance with Attachment 1 to Report LS 07-23, and that staff bring forward the amendment to a future Council meeting; and
2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.

2. Highlights:

- The current Towing By-law was enacted in 2014 and has not been amended since its inception.
- The Towing By-law as it currently exists is not in line with the manner in which other municipalities have dealt with the issue of towing and parking on private property.
- Town staff have received feedback from property owners and agents about the current challenges and restrictive provisions of the Town's Towing by law. Additionally, the current provisions create unnecessary geographical restrictions for private property owners within Durham Region.

- The current provisions restrict property owners from being able to effectively manage parking on private properties.
- Staff recommend the Towing by-law be amended to update towing rates, remove geographical restrictions, and improve regulations for private property owners.
- The above amendments are meant to improve the administration of the Towing By-law in the short term. It is staff's intent to report back to Council in the fall of 2023 with a more fulsome recommendation with respect to the current regime for towing vehicles parked on private property without the consent of the owner of the property.

3. Background:

The Town of Whitby enacted the Towing By-law # 6887-14 in 2014, and the by-law has not been amended since it was enacted. This by-law was enacted to provide consumer protection, set clear and consistent regulations/ practices for the removal of vehicles from private property, and to establish acceptable towing rates for vehicles being impounded within the Town of Whitby.

The current by-law makes the removal of vehicles from private property challenging for property owners and tow truck drivers. It also incentivizes parking on private property without the consent of the owner or occupant of the property in contravention of the Traffic By-Law. This has resulted in several complaints from private property owners relating to vehicles parking on their property without their consent.

4. Discussion:

Staff and property owners have since encountered challenges with the provisions of the current by-law. The concerns noted are the following:

- Acceptable towing practices.
- Towing rates which are outdated.
- Restrictive geographical boundaries.
- Challenges due to signage requirements.

Staff recommend that Sections 3.5 to 3.6 and 3.8 to 3.11 of the Towing By-law be repealed in their entirety and that Sections 3.5 and 3.6 of the By-law be replaced with the following:

- 3.5 Where a vehicle is parked or left on private property without the express consent of the owner or occupant of such property, an officer, upon the written complaint of the owner or occupant of the property, may cause the vehicle to be towed or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be paid by the registered owner of the vehicle and such costs and charges shall be a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Lien Act*, R.S.O. 1990, c. 25 as amended.

- 3.6 If signs are erected on private property specifying conditions on which a vehicle may be parked or left on private property or regulating or prohibiting the parking or leaving of a vehicle on private property, a vehicle parked or left on private property contrary to the conditions or prohibition shall be deemed to have been parked or left without the consent of the owner or occupant of the private property.

In addition to the above, staff have received feedback regarding challenges with the current restrictions for tow company signage. Currently the name of the towing company on contract for the property must be posted. Private property owners have indicated that some towing companies prefer not to have their information on posted signs, and also if there is a change in approved tow companies it requires new signage. To address these concerns, staff recommend the Towing by-law # 6887-14, Section 3.7 (4), is amended to permit property owners to post a sign with the contact information such as an agent rather than a towing company. The Towing by-law would continue to require contact information be posted to allow for easier retrieval of a vehicle if it has been towed.

The proposed changes to By-law # 6887-14 are outlined in “Track Changes” in Attachment 1 to this report.

The provisions of this by-law do not apply to the tow or storage of a vehicle where the tow is at the direction of the registered owner of the vehicle.

These proposed amendments are intended to be interim changes to address the more pressing enforcement issues that the Town has encountered. These amendments will help address concerns received from property owners and agents while maintaining consumer protection within the Town of Whitby in the interim and in advance of a more fulsome update.

5. Financial Consideration:

There are no financial implications to this report.

6. Communication and Public Engagement:

Enforcement Services will send written correspondence to all registered private properties, private property management and security companies, which will be affected by these changes.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

The recommendations contained in Report LS 07-23 including the appended amendments to the Town’s Towing By-law 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:

Amendments to Tow By-law 6887-14 with track changes

Private Property Towing

~~3.5 Towing or impounding of vehicles from private property without the consent of the registered owner or agent of the vehicle may only be undertaken if vehicles are towed to a location within the Town of Whitby.~~

3.5 Where a vehicle is parked or left on private property without the express consent of the owner or occupant of such property, an officer, upon the written complaint of the owner or occupant of the property, may cause the vehicle to be towed or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, shall be paid by the registered owner for the vehicle and such costs and charges shall be a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Lien Act*, R.S.O. 1990, c. 25 as amended.

~~3.6 No person shall tow or impound or authorize the towing or impounding of a vehicle from private property unless the tow or impound is caused or authorized by a municipal law enforcement officer and is conducted in accordance with Section 3.5 and Section 3.7 of this by-law, unless the tow or impound is requested and authorized by the registered owner or agent of the vehicle.~~

3.6 If signs are erected on private property specifying conditions on which a vehicle may be parked or left on private property or regulating or prohibiting the parking or leaving of a vehicle on private property, a vehicle parked or left on private property contrary to the conditions or prohibition shall be deemed to have been parked or left without the consent of the owner or occupant of the private property.

3.7 No municipal law enforcement officer shall cause or authorize the removal, towing or impounding of a vehicle from private property unless,

- (1) the vehicle is parked, stopped, standing or left as the case may be, in contravention of a Town by-law;
- (2) the boundaries of the property are clearly defined;
- (3) signs have been posted at all public entrances to the private property indicating the policies in effect and enforced on the private property;
- (4) a sign is posted in a conspicuous location on the private property indicating the name and telephone number of the ~~towing contractor used~~ person to be contacted in relation to a vehicle tow or impound from the property;

- (5) a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the Provincial Offences Act;
 - (6) ~~a minimum period of 12 (twelve) hours has elapsed from the time the parking infraction notice referenced in Subsection 3.7(5) of this by-law was issued and the time of the removal, towing or impounding of the vehicle, with the exception of vehicles located in signed fire routes, designated accessible parking spaces or vehicles blocking a laneway or loading docks; and~~
 - (7) the Durham Regional Police Service is notified of an impending tow or impound of a vehicle prior to the tow or impound occurring.
- 3.8 ~~No person shall request or require payment of an administrative fee or any other fee by the owner or driver of a vehicle parked, stopped or standing on private property.~~ Repealed
 - 3.9 ~~No person shall request or require payment of any fee exceeding an amount of \$120.00 (one hundred twenty) dollars, plus HST, for any charge in relation to the towing or impounding of a light vehicle from private property without the consent of the registered owner or agent of the vehicle.~~ Repealed
 - 3.10 ~~No person shall request or require payment of any fee exceeding an amount of \$250.00 (two hundred fifty) dollars, plus HST, for any charge in relation to the towing or impounding of a heavy vehicle from private property without the consent of the registered owner or agent of the vehicle.~~ Repealed
 - 3.11 ~~Any person who conducts a tow or impound in accordance with this by-law shall, upon demand from the owner or operator of a vehicle that has been towed or impounded, immediately provide a receipt detailing all charges and fees associated with the tow or impound.~~ Repealed
 - 3.12 Any person who has their vehicle towed or impounded in accordance with this by-law shall be required to pay the charge in relation to the tow or impound, ~~up to the maximum charges indicated in Section 3.9 or Section 3.10 of this by-law, as the context requires.~~
 - 3.13 The provisions of this by-law do not apply to any person who causes or authorizes the towing of a vehicle from a laneway on private residential property provided that the person causing or authorizing the tow does not demand any payment or any other fee for the owner or driver of the vehicle.
 - 3.14 The provisions of this by-law do not apply to any person demanding or obtaining parking fees from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in

| clear view of all drivers upon entering the private property and the property is
in compliance with all other municipal by-laws.

Memorandum to Council

Legal and Enforcement Services



To: Mayor and Members of Council
CC: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

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

From: Alison Albrecht, Supervisor of Parking
Services
Brent Harasym, Associate Solicitor

Date: June 14, 2023

File #: N/A

Subject: Proposed amendments to the Town of
Whitby Towing By-law No. 6887-14

Follow-up to report LS 07-23, as discussed at the Committee of the Whole meeting on June 12, 2023, staff are recommending updates to the Towing By-law # 6887-14. These changes are required to continue to assist private property owners who report concerns of illegal parking while maintaining consumer protection within the Town of Whitby.

The Town of Whitby enacted the Towing By-law # 6887-14 in 2014, and the by-law has not been amended since it was enacted. A more fulsome review of the Towing By-law # 6887-14 is planned for the fall, however, in the meantime, staff recommend updates to Section 3, which are outlined as Attachment 1 to this memorandum and shown in track changes.

In response to comments from Committee at its meeting on June 12, 2023, the Legal and Enforcement Services Department propose the following changes to the Towing By-law # 6887-14:

- Expanding the area to which a towed vehicle can be stored to include the Town of Whitby, Town of Ajax and City of Oshawa.
- Allowing property owners to post the number of the towing company and/or an agent of the owner on signs located on private property.

- Removal of the 12-hour minimum parking requirement before a vehicle can be towed.
- Increasing the maximum fee that can be charged to \$230.00 for a light vehicle, and \$450.00 for a heavy vehicle. These rates are reflective of the rates that the Town would pay for a similar tow.

If Council is agreeable to these changes, then the following resolution may be adopted at the Regular Council meeting on Monday, June 19, 2023:

1. That By-law # 6887-14, the Towing By-law, be amended substantially in accordance with Attachment 1 to the Memorandum from A. Albrecht, Supervisor of Parking Services and B. Harasym, Associate Solicitor, dated June 14, 2023; and,
2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.

The following identifies the proposed changes to By-law # 6887-14:

3. General

Private Property Towing

- 3.5 Towing or impounding of vehicles from private property without the consent of the registered owner or agent of the vehicle may only be undertaken if vehicles are towed to a location **within the municipal boundaries of the municipalities of the Town of Ajax, Town of Whitby, or City of Oshawa in 2022.**~~within the Town of Whitby.~~
- 3.6 No person shall tow or impound or authorize the towing or impounding of a vehicle from private property unless the tow or impound is caused or authorized by a municipal law enforcement officer and is conducted in accordance with Section 3.5 and Section 3.7 of this by-law, unless the tow or impound is requested and authorized by the registered owner or agent of the vehicle.
- 3.7 No municipal law enforcement officer shall cause or authorize the removal, towing or impounding of a vehicle from private property unless,
- (1) the vehicle is parked, stopped, standing or left as the case may be, in contravention of a Town by-law;
 - (2) the boundaries of the property are clearly defined;
 - (3) signs have been posted at all public entrances to the private property indicating the policies in effect and enforced on the private property;
 - (4) a sign is posted in a conspicuous location on the private property indicating the name and telephone number of the **towing contractor and/or an agent of the owner of the private property**~~towing contractor used~~ in relation to a vehicle tow or impound from the property;
 - (5) a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the Provincial Offences Act; **and,**
 - ~~(6) a minimum period of 12 (twelve) hours has elapsed from the time the parking infraction notice referenced in Subsection 3.7(5) of this by-law was issued and the time of the removal, towing or impounding of the vehicle, with the exception of vehicles located in signed fire routes, designated accessible parking spaces or vehicles blocking a laneway or loading docks; and~~

(6) the Town of Whitby Enforcement Services is consulted prior to the tow being ordered and the Durham Regional Police Service is ~~advised-notified~~ of an impending tow or impound of a vehicle prior to the tow or impound occurring.

- 3.8 No person shall request or require payment of an administrative fee or any other fee by the owner or driver of a vehicle parked, stopped or standing on private property.
- 3.9 No person shall request or require payment of any fee exceeding ~~an~~ the amount of \$230.00 (two hundred and thirty dollars) ~~\$120.00 (one hundred twenty) dollars~~, plus HST, for any charge in relation to the towing or impounding of a light vehicle from private property without the consent of the registered owner or agent of the vehicle.
- 3.10 No person shall request or require payment of any fee exceeding an amount of \$450.00 (four hundred fifty dollars) ~~\$250.00 (two hundred fifty)~~, plus HST, for any charge in relation to the towing or impounding of a heavy vehicle from private property without the consent of the registered owner or agent of the vehicle.
- 3.11 Any person who conducts a tow or impound in accordance with this by-law shall, upon demand from the owner or operator of a vehicle that has been towed or impounded, immediately provide a receipt detailing all charges and fees associated with the tow or impound.
- 3.12 Any person who has their vehicle towed or impounded in accordance with this by-law shall be required to pay the charge in relation to the tow or impound, up to the maximum charges indicated in Section 3.9 or Section 3.10 of this by-law, as the context requires.
- 3.13 The provisions of this by-law do not apply to any person who causes or authorizes the towing of a vehicle from a laneway on private residential property provided that the person causing or authorizing the tow does not demand any payment or any other fee for the owner or driver of the vehicle.
- 3.14 The provisions of this by-law do not apply to any person demanding or obtaining parking fees from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in clear view of all drivers upon entering the private property and the property is in compliance with all other municipal by-laws.



Committee of the Whole Minutes

June 5, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
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. 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
K. Douglas, Legislative Specialist
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
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
 4. Consent Agenda

5. Planning and Development

Councillor Lee assumed the Chair.

5.1 Presentations

There were no declarations of Conflict of Interest.

5.2 Delegations

5.2.1 Chidi Austin Ibeson representing Brooklin Meadow Limited (Virtual Attendance)

Re: PDP 29-23, Planning and Development (Planning Services)
Department Report

Draft Plan of Condominium Application, Brooklin Meadow Limited,
Baldwin Street North and Carnwith Drive East, File Number: DEV-
06-23 (CW-2023-03)

Refer to Item 5.4.2, PDP 29-23

Chidi Austin Ibeson representing Brooklin Meadow Limited stated that he was in support of the Staff recommendation and conditions as outlined in the Report PDP 29-23 and that he was available to answer questions.

5.2.2 David Murphy representing Conland Development Corporation (In-Person Attendance)

Re: PDP 30-23, Planning and Development (Planning Services)
Department Report

Draft Plan of Subdivision Application and Zoning By-law
Amendment Application, 5095, 5125, and 5245 Anderson Street,
Conland Development Corporation, File Number: DEV-13-21 (SW-
2021-03, Z-08-21)

Refer to Item 5.4.3, PDP 30-23

David Murphy, representing Conland Development Corporation, appeared before the Committee and stated that he was in support of the Staff recommendation and that he was available to answer questions.

A question and answer period ensued between Members of Committee and Mr. Murphy regarding:

- whether the proponent read the correspondence from Durham Region Cycling Coalition dated May 31, 2023;
- whether a cycling detour route and signs related to the Anderson Street reconstruction would be completed in advance of the development of the subdivision; and,
- the willingness of the developer to provide the existing parkland dedication as requested by the Town, and whether there was any intention of reducing the amount of parkland dedication due to Bill 23.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 28-23, Planning and Development (Planning Services) Department Report

Re: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Recommendation:

Moved by Councillor Lee

That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.

Carried

5.4.2 PDP 29-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Brooklin Meadow Limited, Baldwin Street North and Carnwith Drive East, File Number: DEV-06-23 (CW-2023-03)

Recommendation:

Moved by Councillor Lee

1. That Council approve a Draft Plan of Condominium (File No. CW-2023-03) subject to the comments included in Report PDP 29-23 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

5.4.3 PDP 30-23, Planning and Development (Planning Services)
Department Report

Re: Draft Plan of Subdivision Application and Zoning By-law Amendment Application, 5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File Number: DEV-13-21 (SW-2021-03, Z-08-21)

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

- confirmation that Town Staff received the correspondence from the Durham Region Cycling Coalition;
- whether the request for the pedestrian crossing at Conlin Road and Street F to be upgraded to a fully signaled bicycle/pedestrian crossing while the subdivision was being developed was attainable;
- the feasibility of ensuring the request to restrict vehicle parking along the path on Anderson Street during construction;
- whether dialogue would take place between Town Staff, the proponent, and the Durham Region Cycling Coalition to determine whether all of the recommendations were achievable, and the timeline for a response to the Durham Region Cycling Coalition; and,

- opportunities for further public input on the proposed development.

Recommendation:

Moved by Councillor Shahid

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

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.

6. General Government

Councillor Yamada assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

6.2.1 Jennifer Loach-Perry (Virtual Attendance)

Re: LS 06-23, Legal and Enforcement Services Department Report
Follow-up Report for Proposed Amendments to Property Standards
By-law # 6874-14, Hedge Heights

Refer to Item 6.4.2, LS 06-23

Jennifer Loach-Perry was not in attendance when called upon to provide a delegation.

6.2.2 Mike Pettigrew representing Brooklin South Landowners Group
(Virtual Attendance)

Re: CMS 06-23, Community Services Department Report
Bill 23 Parkland Dedication Framework

Refer to Item 6.4.3, CMS 06-23

Mike Pettigrew, representing Brooklin South Landowners Group, stated that he has been working with Town Staff for several years on parks planning, the Parks and Recreation Master Plan and the Master Parks Agreement for Brooklin South while the Brooklin Secondary Plan was being developed. Mr. Pettigrew advised that he wanted to continue to work with and support Staff to work towards achieving solutions that would best serve Whitby and the Brooklin community, his clients and all of the developers in Brooklin that would be building thousands of homes in the community. He noted that the development community was also working to deal with the impacts of Bill 23.

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

- whether the Brooklin South Landowners Group was willing to maintain the previous parkland dedication for development applications;
- obtaining feedback from the landowners in the group about their position on parkland dedication to assist Council in making a decision; and,
- the possibility of consulting with the landowners of the Brooklin South Landowners Group prior to the Council meeting on June 19, 2023.

6.2.3 Matthew Cory and Jack Wong representing Brooklin North Landowners Group (Virtual Attendance)

Re: CMS 06-23, Community Services Department Report
Bill 23 Parkland Dedication Framework

Refer to Item 6.4.3, CMS 06-23

Matthew Cory and Jack Wong, representing Brooklin North Landowners Group, stated that they were working together on behalf of the Brooklin North Landowners Group. Mr. Cory advised that they have been working with Town Staff for the past three years on the Master Parks Agreement in Brooklin to dictate how the parks would be delivered. He advised that they have reviewed Report CMS 06-23 and were working with Staff to find solutions. He stated that their intent was to provide the best park space that they could. He noted that Bill 23 was not a guideline, but that it was the law, and that it was what could be required of developers who have not already submitted development applications. Mr. Cory agreed that planning policy framework has changed and that there was a need to change how parks were planned and delivered in Whitby. He stated that there has been a disconnect between the policies for parkland dedication and what can be provided in terms of facilities. He advised that they were committed to work with Staff to find optimized solutions and the best way to deliver parks in Brooklin. Mr. Cory requested that, in addition to the recommendation in the Staff report, Staff be directed to work with the landowners to find solutions for Brooklin, noting that there maybe different solutions other than smaller parks in Brooklin. He stated that there may be options to consolidate some of the larger parks to provide the play and sports facilities that residents want and expect. Mr. Cory stated that they were committed to develop the best they could in terms of community building and were seeking ways to do so. Mr. Wong stated that they were seeking alternate solutions that were specific to Brooklin to deliver a community that included the recreational needs required for the community.

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

- the number of landowners in the Brooklin Landowners Groups willing to continue with five percent parkland

dedication versus the minimum requirement, and whether any of the landowners were willing to dedicate more than the minimum required under Bill 23;

- whether the Master Parks Agreement was signed by the landowners and whether it would need to be reviewed/revised due to Bill 23; and,
- the willingness of landowners to work with the proposal by Staff to provide cash-in-lieu of parkland in areas where the Town may be unable to construct a park to assist with offsetting the cost to acquire land for sports field parks.

It was the consensus of the Committee to hear Item 6.4.3, CMS 06-23, at this time.

6.3 Correspondence

6.4 Staff Reports

6.4.1 LS 05-23, Legal and Enforcement Services Department Report

Re: Review of Residential Construction Dust Permit Program

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

- confirmation that there would be more enforcement for construction dust, and clarification on the types of projects that warrant enforcement;
- the ability to provide same day enforcement in response to complaints;
- whether there has been previous communication through social media to the public about preventative dust control measures and whether there would be further communications in 2023; and,
- information about the total number of dust complaints.

Recommendation:

Moved by Councillor Shahid

1. That Report LS 05-23 be received for information;

2. That Enforcement Services not implement a permit system to regulate dust from private residential construction projects;
3. That Enforcement Services continues to actively promote dust control through an annual communication strategy; and,
4. That New and Unfinished Business – General Government Item No. GG-0013 be removed.

Carried

6.4.2 LS 06-23, Legal and Enforcement Services Department Report

Re: Follow-up Report for Proposed Amendments to Property Standards By-law # 6874-14, Hedge Heights

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

- details about the process for complaints about hedges that exceed three metres in height;
- clarification on the process about trimming or pruning a hedge exceeding three metres in height where an arborist's report indicates that the trimming or pruning to meet the required height would be detrimental to the health of the tree, and whether a plan would be put in place to gradually reduce the height of the hedge to conform with the by-law; and,
- how differing arborists reports about the resulting health of a hedge due to pruning or trimming a hedge that exceeds three metres would be addressed.

Recommendation:

Moved by Councillor Bozinovski

1. That Report LS 06-23 be received for information; and,
2. That Staff bring forward a by-law to amend Property Standards By-law # 6874-14, as amended, substantially in accordance with the draft bylaw in Attachment 1 to this Report LS 06-23.

Carried

6.4.3 CMS 06-23, Community Services Department Report

Re: Bill 23 Parkland Dedication Framework

Discussion ensued between Members of Committee regarding:

- having the knowledge about the position of the two landowner groups with respect to parkland dedication/cash-in-lieu of parkland dedication prior to making a decision;
- the interests of the landowners' groups not being aligned with the Town's interests;
- the position of Staff when negotiating with the development community without the authority to implement new guidelines;
- the ability of developers to provide more than what Bill 23 requires;
- the number of children in the community that would not be able to engage in sports due to the inaccessibility of the sports fields;
- good community partners recognizing the needs within a community; and,
- passive recreation for members of the public that may not have an interest in sports.

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

- whether there would be any changes to the plans of subdivision submitted and approved prior to Bill 23;
- whether there were any plans of subdivision applications in the stage-one or stage-two pre-consultation process, and the number of plans of subdivision that have revised parkland allotment;
- whether a location for the sports fields has been identified and whether it would be identified prior to the Council meeting on June 19, 2023;

- the amount of land required outside of Brooklin for the centralized sports fields, whether Staff were looking for a site larger than 25 hectares to be able to expand over time, whether Staff would be looking outside the urban boundary for land that was less expensive, and the timeline for locating a site;
- whether District Parks would be replaced by Local Parks;
- providing a map that depicts the proposed changes to the parks;
- the number of sports fields that would be lost due to Bill 23;
- the amount of land required for a permanent cricket field and whether the Town has space large enough to accommodate a cricket field, and whether an expansion to the centralized sports field would allow for a cricket pitch;
- whether there would be any open space or greenspace within the Brooklin community, and whether it would be possible to provide passive recreation within parkettes;
- details about the Staff recommendation and how approving this direction would be of assistance;
- whether purchasing lower cost non-developable greenbelt land would assist in offsetting the budget gap;
- confirmation that the smaller parks and amenities would be funded through development charges;
- how Bill 23 impacts the capital plan;
- consultation with the Brooklin Landowners Groups regarding the parkland dedication/payment of cash-in-lieu of parkland dedication;
- delaying consideration of the Staff report to the Council meeting on June 19, 2023, and inviting the representatives of the Brooklin North Landowners Group and the Brooklin South Landowners Group to provide a delegation at the meeting; and,
- whether Staff would work with the Region with respect to transit and/or other ways to accommodate accessibility.

Recommendation:

Moved by Mayor Roy

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

Note: The disposition of this matter, Item 6.4.3, CMS 06-23, was determined through the referral motion below.

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report, CMS 06-23, Bill 23 Parkland Dedication Framework, be referred to the Council meeting on June 19, 2023.

Carried

6.4.4 CMS 07-23, Community Services (Operational Services) Department Report

Re: Urban Forestry Update - Spring 2023

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

- the increase in cost to expand the LEAF program including the cost for increasing the inventory, maintenance, and staffing; and,
- whether the program would be continued through contracted services or in-house.

Recommendation:

Moved by Councillor Leahy

That Report CMS 07-23 be received as information.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

7.1 Motion to Adjourn

Recommendation:

Moved by Councillor Lee

That the meeting adjourn.

Carried

The meeting adjourned at 8:51 p.m.



Committee of the Whole Minutes

June 12, 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
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
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
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

There were no presentations.

5.2 Delegations

- 5.2.1 Samantha Chow representing Winash Developments Limited
(Virtual Attendance)

Re: PDP 31-23, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, Winash Developments
Limited, 5380 Baldwin Street South, File Number: DEV-09-23 (Z-
04-23)

Refer to Item 5.4.3, PDP 31-23

Samantha Chow representing Winash Developments Limited
stated that she was available to answer questions.

- 5.2.2 Brian Moss representing 2844542 Ontario Inc. (Virtual Attendance)

Re: PDP 32-23, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, 2844542 Ontario Inc., 918
Brock Street South, File Number: DEV-07-23 (Z-03-23)

Refer to Item 5.4.4, PDP 32-23

Brian Moss representing 2844542 Ontario Inc. stated that he was
available to answer questions.

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDE 10-23, Planning and Development (Engineering Services)
Department Report

Re: Update Traffic By-law # 1862-85, No Stopping on Kirkland
Place

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

- whether residents were notified about the implementation of the proposed no stopping restrictions on Kirkland Place;
- the rationale for the proposed no stopping restrictions; and,
- whether the Kiss and Ride program at Williamsburg Public School would be eliminated and where buses would be parking.

Recommendation:

Moved by Councillor Shahid

1. That Council approve the proposed amendment to Traffic By-law # 1862-85, to incorporate the changes to Schedule “A” of the By-law, as identified in Attachment 2;
2. That a by-law to amend By-law # 1862-85 be brought forward for the consideration of Council; and,
3. That Council direct the Clerk to provide a copy of Report PDE 10-23 to Durham Student Transportation Services (DSTS) and the Durham District School Board (DDSB).

Carried

5.4.2 PDE 11-23, Planning and Development (Engineering Services) Department Report

Re: Highway 7/12 Alternative Route EA – Addition of Columbus Road (Country Lane to Lake Ridge Road) EA to Scope of Work

Discussion ensued between Members of Committee regarding:

- the primary focus of the Highway 7/12 Alternative Route EA to reduce or eliminate truck traffic in Downtown Brooklin, to obtain care and control of Downtown Brooklin, and to protect the historic downtown;
- the identified technically preferred alternate route entails the construction of a six-lane highway on the Oak Ridges Moraine with the cost being borne by the Town;

- the proximity of the Technically Preferred Alternate (TPA) to environmentally sensitive land and the potential damage to the Oak Ridges Moraine;
- directing traffic around Brooklin that may not be advantageous for the businesses in Downtown Brooklin;
- the differences between a connecting link and obtaining care and control of a road from the MTO;
- considering a report without proper consultation or engagement with the residents, and delaying the consideration of the Staff report until the fall for public consultation;
- the extensive consultation that has taken place regarding the EA;
- finishing the EA process to show residents that the Town was seeking solutions to obtain care and control of Downtown Brooklin;
- consultation with the MTO to explore how the Town would have better control of Highway 7/12 through Downtown Brooklin;
- the impact of Bill 23 on development charges and funding of the EA; and,
- approving the Columbus Road EA would not give the Town care and control of Downtown Brooklin.

A detailed question and answer period between Members of Committee and Staff regarding:

- the rationale for residents not being notified about Staff report being presented at this meeting;
- the rationale for not engaging the City of Pickering for the Highway 7/12 Alternative Route EA for a shared cost given that the scope of work has expanded to include an alignment of Whitby and Pickering roads;
- confirmation that the estimated cost to complete the alternate route project was \$155,000,000 and that

\$87,000,000 was included until 2031 in the current the Development Charge rates;

- confirmation that the funding of the project to date has been through development charges;
- whether the reserve funds in the amount \$255,000 for the EA Study for Columbus Road were funded through development charges or the tax base;
- the initial projected cost of the 7/12 Alternate Route EA versus the budgeted amount not including the \$255,000 for the Columbus Road EA;
- whether a value was given to the 2.5 km of Baldwin Street that the Town was seeking to assume care and control for;
- including new growth related projects in the Development Charges Background Study should the project not continue;
- the potential impact on setbacks and the MTO requirements around a road should the 7/12 alternate route not be pursued;
- the status of the development located at Winchester Road and Baldwin Street and whether the Town having care and control of Baldwin Street would have had an impact on the status of that development;
- the impact on the EA should consideration of the Staff report be delayed until the fall;
- opportunities for the Town to assume care of control of Baldwin Street;
- whether the Alternative F, Mid-Block and Thickson Road was a viable preferred route option, and the rationale for Alternative F not being the TPA;
- confirmation that Alternative B-R (Lake Ridge Road and CPR rail corridor) was the TPA and whether this option would be presented for public consultation in the fall;
- the impact of Bill 23 on development charges;

- the lack of support for an alternate route through the Oak Ridges Moraine;
- the repercussions of terminating the project and the available options should the project be terminated; and,
- partnering with the Region to explore routes outside of Whitby's geographical boundaries, whether projects outside of Town boundaries would qualify for utilizing development charge funds, and the percentage of the TPA outside of Whitby's boundaries.

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve a change order incorporating the Columbus Road (Country Lane to Lake Ridge Road) Environmental Assessment Study into the current Highway 7/12 Alternative Route EA contract with BT Engineering, in accordance with the estimate of scope and cost outlined in Report PDE 11-23; and,
2. That a new 2023 capital project be created for the Columbus Road (Country Lane to Lake Ridge Road) Environmental Assessment Study, in the amount of \$255,000 to be funded from the reserves outlined in Table 1 of Report PDE 11-23.

Motion Lost

Recommendation:

Moved by Councillor Mulcahy

1. That Staff terminate the Highway 7/12 Alternate Route Environmental Assessment; and,
2. That any consulting obligations be terminated in accordance with the contractual provisions; and,
3. That the relevant stakeholders and interested parties to the Highway 7/12 Alternate Route Environmental Assessment be notified.

Carried later in the meeting (See following motions)

Recommendation:

Moved by Councillor Leahy

That the motion on the future of the Highway 7/12 Alternate Route EA be deferred until the Fall 2023 to allow time for Staff to bring forward a report outlining the implications of continuing or terminating the EA.

Motion Lost

Recommendation:

Moved by Councillor Mulcahy

1. That Staff terminate the Highway 7/12 Alternate Route Environmental Assessment; and,
2. That any consulting obligations be terminated in accordance with the contractual provisions; and,
3. That the relevant stakeholders and interested parties to the Highway 7/12 Alternate Route Environmental Assessment be notified.

Carried

5.4.3 PDP 31-23, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application, Winash Developments Limited, 5380 Baldwin Street South, File Number: DEV-09-23 (Z-04-23)

Recommendation:

Moved by Councillor Lee

1. That Council approve an amendment to Zoning By-law # 1784 (File No. Z-04-23) as outlined in Planning Report PDP 31-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

5.4.4 PDP 32-23, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application, 2844542 Ontario Inc.,
918 Brock Street South, File Number: DEV-07-23 (Z-03-23)

Recommendation:

Moved by Councillor Lee

1. That Council approve an amendment to Zoning By-law # 2585 (File Number: Z-03-23) as outlined in Planning Report PDP 32-23; and,
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

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 Leahy

That Committee take a five minute recess.

Carried

The Committee recessed at 9:06 p.m. and reconvened at 9:15 p.m.

6. General Government

Councillor Yamada assumed the Chair.

6.1 Presentations

There were no presentations.

6.2 Delegations

6.2.1 David Laturski, Resident (In-Person Attendance)

Re: Forest Heights Park Basketball Court

Refer to Item 6.5.2, Forest Heights Park Basketball Court

David Laturski, Resident, appeared before the Committee and stated that he has resided in Whitby for most of his life and lived approximately five minutes away from Forest Heights Park. Mr. Laturski advised that during his youth, he was able to take advantage of the amenities in the park, and that he spent a lot of quality time playing soccer and basketball at the park with friends and family. He stated that he was advocating for the same opportunities for the children in the area to take advantage of equipment and/or amenities that should be accessible to them. He stated that there was no reason for the removal of the basketball net and to deprive the children in the neighbourhood from participating in constructive recreation. Mr. Laturski stated that he would like to see the reinstalment of the basketball net as soon as possible.

A question and answer period ensued between Members of Committee and Mr. Laturski regarding whether the delegate had any previous concerns when the basketball net was in the court and where the delegate resides in relation to Forest Heights Park.

6.2.2 Bill Geraghty, Resident (In-Person Attendance)

Re: Forest Heights Park Basketball Court

Refer to Item 6.5.2, Forest Heights Park Basketball Court

Bill Geraghty, Resident, appeared before the Committee and stated that he has resided in Whitby for 16 years. He advised that, despite community consultation, the basketball net was removed due to complaints which resulted in an overwhelming response from the public for the basketball net to be reinstalled. He advised that, as an advocate for the physical, social, and emotional well-being of children, he was in favour of reinstalling the basketball net to allow the youth to enjoy the numerous benefits of outdoor play, team sports, social engagement, community building, and celebrating diversity and inclusivity. Mr. Geraghty stated that reinstalling the net would provide children the opportunity to engage in a physically demanding sport that promotes cardiovascular fitness, agility,

coordination, and overall physical well-being. He indicated that by participating in basketball, children would develop crucial motor skills, enhance their flexibility, and build strength necessary for a healthy lifestyle. Mr. Geraghty advised that playing basketball fosters the values of teamwork, cooperation, and communication, and that reinstalling the basketball net would create an environment where children learn to work together, trust their teammates, and understand the significance of collaboration. He noted that the bonds formed on the court extend beyond the game to build lifelong friendships, and valuable social skills. Mr. Geraghty stated that the sport of basketball embraces all who wish to participate regardless of race, gender, or socioeconomic background, and that reinstalling the net would also serve as a catalyst for community involvement and encourage community members to come together and support youth to create a safe and inclusive space for everyone.

A question and answer period ensued between Members of Committee and Mr. Geraghty regarding:

- where the delegate resides in relation to the location of the basketball court/net;
- whether the delegate's daughter previously had access to the basketball net; and,
- whether there were any negative events experienced by the delegate prior to the basketball net being removed.

It was the consensus of the Committee to hear Item 6.5.2, Forest Hill Park Basketball Court, at this time.

6.2.3 Aleem Kanji, Chief Advocacy Officer, Canadian National Fireworks Association (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Aleem Kanji, Chief Advocacy Officer, Canadian National Fireworks Association (CFNA), stated that the association was established in 2013, and that he advocates on behalf of 3000 members of the fireworks industry to promote fair access and safety in the sale and use of fireworks. He advised that he works with all levels of

government to create improvements within the fireworks industry through the association's Vendor Certification and Employee Training program which was used in municipalities across Canada. Mr. Kanji stated that both the industry and the government must accept responsibility to create education programs, vendor certification, and training advocacy for users. He noted that the Staff Report proposes prohibiting the possession, sale, and discharge of all consumer fireworks in Whitby. Mr. Kanji advised that there were extensive regulatory licensing and safety measures in place for all vendors who sell fireworks, noting that vendors who sell and display fireworks must be licensed by the Federal Government and must follow stringent rules. He stated that the measures protect residents, the public and vendors. Mr. Kanji stated that any municipality that bans fireworks was willingly removing themselves from the established federal regulations, the provincial fire code, municipal regulations, and the established framework that was meant to protect residents. He advised that consumers would continue to seek out ways to acquire fireworks given the significance that fireworks play in religious, cultural, and other significant events such as Canada Day and Diwali. Mr. Kanji requested that Staff work with the industry to prepare a fulsome report, and to bring forward a by-law that would have multi-stakeholder engagement including residents and the fireworks industry. He stated that he was willing to work with Staff to include the CNFA's education and training programs, at no cost to the municipality, into a revised by-law that would continue to protect the residents of Whitby. Mr. Kanji stated that in his experience a complete ban of consumer grade fireworks was unenforceable and would not be adhered to by the residents in Whitby.

A brief question and answer period ensued between Members of Committee and Mr. Kanji regarding how the CNFA works with other municipalities to address concerns about consumer grade fireworks.

6.2.4 Tom Jacobs representing Rocket Fireworks Inc. (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Tom Jacobs, representing Rocket Fireworks Inc., stated that had he not been part of fireworks industry he likely would not have known about this meeting. Mr. Jacobs noted that sometimes things like fireworks that people enjoy get quietly taken away due to a few vocal complainants. He advised that the complaints about fireworks were exacerbated during the COVID-19 pandemic because people were starved for entertainment, noting that the sale of consumer grade fireworks has since declined. He requested that fireworks not be banned because of a few irresponsible residents when there was a silent majority that use them responsibly. Mr. Jacobs advised that his clients were mostly families, and that there were only a few occasions per year when neighbouring families and streets gather together to celebrate as a community. He stated that a ban in Whitby would not stop the sale or use of fireworks and that fireworks would be obtained and used illegally from vendors without licences, online shopping or from merchants in neighbouring municipalities. Mr. Jacobs stated that there would not be any chance of safety, education, or responsible use. Mr. Jacobs noted that the permanent vendors were long-term stakeholders who educate customers on safe and responsible use. He requested that Staff work with the industry and the CFNA's policies and regulations that would curb unwanted behaviour, promote the "Be a Good Neighbour" program, and allow the CFNA to certify temporary retailers so they would be educated and informed about fireworks and pass on the knowledge to consumers.

6.2.5 Abhi Singh, Resident (In-Person Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Abhi Singh, Resident, appeared before the Committee and stated that he was advocating for the continuance of fireworks in Whitby. He advised that fireworks have been a cherished tradition and important part of celebrations for Diwali, New Years, Chinese New Year, and Canada Day. Mr. Singh stated that many cultures look

forward to celebrating with fireworks because they symbolize good over evil, but that more importantly fireworks celebrations were an opportunity to make memories with family and bring communities together. He stated that he understood the risks and challenges for the Town, but that he would still like to have a legal way for people to abide by the rules and be able to celebrate with fireworks. He advised that he did not support discharging fireworks in the middle of the night or creating a nuisance. Mr. Singh requested that the Town provide a mechanism for the community to be able to continue to use fireworks to celebrate, and to strengthen the rules and procedures to address the concerns raised about noise and safety.

A brief question and answer period ensued between Members of Committee and Mr. Singh regarding the importance/significance of celebrating using fireworks to the delegate's culture, and the preference of the delegate with respect to implementing a fee to register to discharge fireworks versus not implementing a fee.

6.2.6 Dave Hodgson, Resident (In-Person Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Dave Hodgson, Resident, appeared before the Committee and stated that he was a long-term resident in Whitby and that he operates the Rocket Fireworks trailer on Thickson Road in Whitby. He advised that a ban on consumer fireworks would directly affect his and many families in the community. Mr. Hodgson stated that fireworks have been used for a long time to celebrate special occasions including Diwali, Victoria Day, Canada Day, and New Years Eve. He further stated that to many people fireworks were beloved traditions and that banning them would take away a big part of their celebration and heritage. He noted that families unable to attend the Town's events were able to participate in important cultural celebrations and bring neighbours together through the use of consumer fireworks. He requested that instead of banning the private sale and display of fireworks that the Town keep the industry safe with continued regulation and increased safety

awareness.

A question and answer period ensued between Members of Committee and Mr. Hodgson regarding:

- the delegate's policy in educating the public when they purchase fireworks;
- willingness to work with the CFNA to ensure people purchasing fireworks received consistent information; and,
- whether the Town's regulations and policies were stricter than those in other municipalities.

6.2.7 George Xidos representing Skylight Fireworks Inc. (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Mr. Xidos was not in attendance when called upon to provide a delegation.

6.2.8 Shevonne Chin representing Flick Fireworks Inc. (In-Person Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Shevonne Chin, representing Flick Fireworks Inc., suggested an alternative to banning fireworks by designating a space for fireworks which would have the potential to transform the multi-cultural Region of Durham and to be adapted into every city across the province. The zone would be a space where individuals celebrate themselves, friends and loved ones and/or significant events every day of year without disturbing neighbours. Ms. Chin advised that the zone would demonstrate inclusiveness, equality, and diversity and would promote public safety with trained officials on site to ensure responsible use, provide demonstrations, and to assist as needed. Ms. Chin advised that by taking a proactive

approach and creating a controlled environment that celebrates the diversity of the community there would be a reduction in the risk of accidents, space would be provided for people who do not own private property, and the use of illegal fireworks throughout the Town would be alleviated. She stated that the economical potential of designated fireworks zones was undeniable. Ms. Chin advised that there was an opportunity to create a major tourist attraction in Durham Region drawing visitors seeking the joy and excitement of fireworks. Ms. Chin stated that this initiative would alleviate noise disturbance complaints and reduce the burden on By-law Enforcement Officers.

6.2.9 Tom Zacharias (In-Person Attendance) and Victor Chapnik (Virtual Attendance) representing Kaboom Fireworks Inc.

Re: FES 04-23, Fire and Emergency Services Department Report Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Tom Zacharias, representing Kaboom Fireworks Inc., stated that for over 10 years the company has been retailing low hazard consumer fireworks in Whitby during the weeks preceding Victoria Day and Canada Day. He advised that Kaboom Fireworks Inc. distributes and oversees consumer fireworks programs during those weeks in major big box retailers with stores in Whitby. He noted that sales permits were obtained each season which includes an on-site inspection as part of the process. Mr. Zacharias stated that sales were conducted in accordance with by-laws and the Federal Explosive Regulations which provide comprehensive guidelines governing the display and sale of consumer fireworks. He noted that among many requirements, the Federal guidelines mandate a comprehensive and approved set of safety instructions outlining the safe handling and discharge of fireworks which is provided to every customer. Mr. Zacharias stated that Kaboom Fireworks Inc. has hundreds of loyal customers in Whitby who look forward to purchasing their consumer fireworks locally and who operate safe fireworks displays with their families and communities. He advised that Kaboom Fireworks Inc. in Ontario have fireworks programs in over 130 municipalities which all continue to allow the sale of consumer fireworks. He stated that the Staff report provided

a brief summary of 10 other municipal fireworks by-laws, noting that almost all municipalities in Ontario permit the safe sale and use of consumer fireworks. He advised that the Town of Caledon and City of Brampton were the only municipalities that have recently prohibited family fireworks which has not yet shown to decrease fireworks related complaints. Mr. Zacharias stated that the City of Mississauga undertook a comprehensive review of its fireworks by-law including engagement with the public and the fireworks industry via surveys and meetings, noting that the recommended changes would generally be restricted to an increase in education and enforcement and that both sales and use would continue to be permitted. Further, the City of Toronto conducted a similar review, engagement process, and the outcome was similar to that of Mississauga. Mr. Zacharias noted that the Town of Whitby's public engagement included two surveys in 2022, noting that he did not believe that the surveys were reflective of the broader Town sentiment and that it did not appear that there was sufficient awareness about the fireworks surveys among fireworks users or the fireworks industry representatives. He noted that the COVID-19 pandemic provided a unique situation resulting in an increase in sales and use including discharge on dates and in public locations which were not permitted under the current by-law. Mr. Zacharias stated that much of the use occurred at times when sales were prohibited indicating a need for greater education and enforcement as opposed to a prohibition. Mr. Zacharias stated that there would be an increased need for police enforcement, a significant risk of sales to minors, and an absence of safety instructions and education provided to consumers should the Town not permit the safe and regulated sale and use of consumer fireworks. He indicated that a ban on consumer fireworks would not only be disappointing, but that it would lead to diminished safety and greater nuisance. Mr. Zacharias encouraged Members of Council to consider further engagement with the fireworks industry and the public with a focus on increasing education and enforcement of the current by-law as opposed to a ban on consumer fireworks.

6.2.10 Lovedeep Grewal representing Phatboy Fireworks (Virtual Attendance)

Re: FES 04-23, Fire and Emergency Services Department Report and Recommendations of Changes to the By-law to

Regulate the Sales and Discharge of Fireworks

Refer to Item 6.4.6, FES 04-23

Lovedeep Grewal was not in attendance when called upon to provide a delegation.

It was the consensus of the Committee to hear Item 6.4.6, FES 04-23, at this time.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 FS 13-23, Financial Services Department Report

Re: Annual Insured Claims Report

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

- whether the increase for the corporate insurance premium/levy and deductible costs would be higher than ten percent; and,
- the number of total claims for 2022 that were related to the May 21st derecho storm.

Recommendation:

Moved by Councillor Leahy

That Report FS 13-23 regarding Annual Insured Claims be received as information.

Carried

6.4.2 FS 17-23, Financial Services Department Report

Re: Building Permit Fees Annual Financial Report 2022

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

- whether the Building Permit Reserve Fund could be used for projects other than for building permit uses;

- opportunities during the fees study to lower the cost of the fees; and,
- whether the Building Permit Reserve Funds would continue to accrue until it would have funds available for a number of years of operating costs.

Recommendation:

Moved by Councillor Leahy

That Report FS 17-23 on Building Permit Fees Annual Financial Report 2022 be received as information.

Carried

6.4.3 FS 18-23, Financial Services Department Report

Re: 2022 Year End Operating Budget Variances and Reserve Funds

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

- whether supplemental revenue would be reflected in assessment growth;
- addressing concerns about the appearance of surplus funds in reserve funds; and,
- concerns about the amount of surplus funds for vacant positions and the potential for burnout of existing Staff.

Recommendation:

Moved by Councillor Leahy

That report FS 18-23 regarding 2022 Year End Operating Variances and Reserve Funds be received.

Carried

6.4.4 FS 19-23, Financial Services Department Report

Re: Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022

A brief question and answer period ensued between Members of Committee and Staff regarding the amount of Development Charge Reserve Funds required for the Town's 10-year capital budget forecast.

Recommendation:

Moved by Mayor Roy

That Report FS 19-23, the Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022 be received.

Carried

6.4.5 FES 03-23, Fire and Emergency Services Department Report

Re: Whitby Firefighters – Fallen Firefighters Memorial

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

- the timeline to complete the project;
- whether a memorial for fallen firefighters was previously presented to Council;
- ways that the Town may provide fundraising assistance;
- where donations from members of the public should be made and whether donation/tax receipts would be issued;
- methods of communication to the public; and,
- the timeline to raise the external funds in the amount of \$180,000.

Recommendation:

Moved by Councillor Leahy

1. That Council actively partners with the Whitby Professional Fire Fighters Association IAFF Local 2036 ("Local 2036") on the design and construction of a memorial to fallen fire fighters to be located at Whitby Civic Park adjacent to Town Hall;

2. That the Town of Whitby match Local 2036's contribution to a maximum of \$35,000, funded from Whitby Fire and Emergency Services Operating Budget account 12105-54030, for the design and construction of the memorial;
3. That a new capital project in the amount of \$250,000 be established for the Whitby Memorial to Fallen Fire Fighters, funded from Local 2036 (\$35,000), the Town of Whitby (\$35,000), and external fundraising (\$180,000);
4. That the Town of Whitby actively partners with Local 2036 to source additional public and/or private sources of funding and/or sponsorship opportunities towards the memorial;
5. That construction for the memorial only proceeds once the \$180,000 fund raising goal has been achieved; and,
6. That Staff follow the process outlined in report FES 03-23 for the issuance of Official Donation Receipts for income tax purposes related to the external fundraising efforts for this Town of Whitby project.

Carried

It was the consensus of the Committee to hear Item 6.2.3, Delegation by Mr. Kanji, at this time.

6.4.6 FES 04-23, Fire and Emergency Services Department Report

Re: Report and Recommendations of Changes to the By-law to Regulate the Sales and Discharge of Fireworks

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

- whether Staff have considered shortening the number of days that fireworks may be purchased;
- opportunities for by-law complaints via a hotline or online reporting;
- whether fireworks could be discharged on the day preceding Victoria Day versus on Victoria Day;
- opportunities for greater enforcement and education;
- the rationale for permitting backyard fireworks;

- the number of fires that were a direct result of consumer fireworks; and,
- the amount of property damage caused by consumer fireworks.

Recommendation:

Moved by Mayor Roy

That report FES 04-23 be received for information.

Carried

It was the consensus of the Committee to hear Item 6.4.1, FS 13-23, at this time.

6.4.7 CAO 15-23, Organization Effectiveness and Community Services Department Report

Re: The IDEA Project, Journey to Inclusivity Status Update

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

- the status of the Community IDEA Specialist position and the response from Staff about the impacts of not having the position; and,
- opportunities to investigate external resources to support the initiative without hiring further Staff.

Recommendation:

Moved by Councillor Shahid

That Council receive Report CAO 15-23, The IDEA Project, Journey to Inclusivity Status Update for information.

Carried

6.4.8 CAO 16-23, Office of the Chief Administrative Officer Report

Re: Town of Whitby Official Tree Campaign

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

- whether other municipalities have initiated the LEAF program and/or the Official Tree Campaign;
- whether the Official Tree Campaign would be promoted through social media; and,
- whether there was an abundance of the eight native tree species referenced in Report CAO 16-23 in Whitby.

Recommendation:

Moved by Councillor Leahy

That in accordance with the Town's Procedure By-law, the Committee of the Whole meeting continue to go past 11:00 p.m.

Carried

A question and answer period between Members of Committee and Staff continued regarding whether guidance would be provided about the species of tree selected such as where the tree should be planted, the required space for the tree, and how to maintain the tree.

Recommendation:

Moved by Councillor Leahy

1. That Report CAO 16-23 be received for information; and,
2. That Council endorse the Town of Whitby Official Tree Campaign and adopt the tree species to be selected by the community as an official symbol of the Town.

Carried

6.4.9 CAO 17-23, Office of the Chief Administrative Officer Report

Re: Family Physician Recruitment Update

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

- ensuring that the Regional 2023 Family Physician Recruitment Program would not negatively impact Whitby's future medical centre; and,

- the portion of the \$175,000 allocated to the Queen's-Lakeridge Health Family Medicine Program that would be used to hire staff.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 17-23 be received for information; and,
2. That Council approve an initial expense of \$20,000 to support the Regional 2023 Family Physician Recruitment Program, funded from Strategic Initiatives operating budget account 799SIN-PS-3990.

Carried

6.4.10 CAO 19-23, Office of the Chief Administrative Officer Report

Re: Canada Mortgage and Housing Corporation – Housing Accelerator Fund

Recommendation:

Moved by Councillor Shahid

1. That Council approve in principle the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23 for the purpose of submitting an application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
2. That Council authorize the Chief Administrative Officer to submit the application for the Canada Mortgage and Housing Corporation – Housing Accelerator Fund (2023);
3. That Council authorize the Chief Administrative Officer to approve any changes to the Draft Proposed Action Plan outlined in Attachment # 1 to Report CAO 19-23, prior to submission of the Town's application for the Canada Mortgage and Housing Corporation's Housing Accelerator Fund; and,
4. That Council authorize the Mayor and Clerk to execute any necessary agreements regarding the application.

Carried

6.4.11 LS 07-23, Legal and Enforcement Services Department Report

Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14

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

- the rationale for the removal of geographical restrictions to where a vehicle would be towed;
- the reason for removing the requirement of towing a vehicle from private property following a minimum period of 12 hours following the issuance the parking infraction notice;
- delaying consideration of the Report LS 07-23 until Staff report back with a fulsome report in the fall of 2023,
- the impact of deferring the Staff report until the fall;
- confirmation that Staff were unable to operate under the existing by-law due to the current fees and the lack of towing companies that would work with the Town under the 2014 towing fees;
- average towing rates for 2023;
- implementing interim measures until the fall including geographical restrictions for towing within Durham Region, a reasonable amount for the parking infraction notice, and providing options through a memorandum to Council at the Council meeting on June 19, 2023; and,
- confirmation that vehicles would not be towed until 24 hours following the issuance of a parking infraction notice.

Recommendation:

Moved by Councillor Shahid

1. That By-law # 6887-14, the Towing By-law, be amended substantially in accordance with Attachment 1 to Report LS 07-23, and that staff bring forward the amendment to a future Council meeting; and,

2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.

Note: The disposition of this matter, Item 6.4.11, was determined through the referral motion below.

Recommendation:

Moved by Councillor Bozinovski

That consideration of Staff Report LS 07-23 be referred to the Council meeting on June 19, 2023 to allow time for Staff to prepare a memorandum to address the questions raised at Committee.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

There was no discussion about the new and unfinished business list.

6.5.2 Forest Heights Park Basketball Court

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

- reinstalling the basketball net at Darren Park;
- whether there were budget implications associated with the reinstalment of the basketball nets; and,
- a proactive approach with respect to addressing any unwanted activity taking place at the park(s) that negatively impacted the surrounding community.

Recommendation:

Moved by Councillor Leahy

That the Forest Heights Park and Darren Park basketball court nets and poles be reinstalled as soon as possible.

Carried

It was the consensus of the Committee to hear Item 6.4.5, FES 03-23, at this time.

7. Adjournment

7.1 Motion to Adjourn

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 11:27 p.m.



Town of Whitby

By-law # 8000-23

Amendment to Property Standards By-law # 6874-14

Being a By-law to amend the Property Standards By-law # 6874-14, as amended.

Whereas the Council of The Corporation of the Town of Whitby deems it necessary to amend the Property Standard By-law to revise the definition of a hedge and the maximum hedge heights provisions.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1. That Subsection 1.27 of the Property Standards By-law # 6874-14, as amended, be repealed and replaced with the following:

“hedge” means a line of three (3) or more closely planted bushes or shrubs planted in a manner that creates a significant barrier to light without the existence of large gaps but shall not include living walls identified by the Town as acoustic barriers or trees which are closely planted and have not been sheared.

- 1.2. That Subsection 4.1.3. and 4.1.4. of the Property Standards By-law # 6874-14, as amended, be repealed and replaced with the following:

4.1.3. a hedge, located in a front yard in excess of one (1) metre in height, which is equivalent to three feet three inches (3'3"), except where a rear yard or an exterior side yard of a property abuts the front yard of another property the maximum hedge height shall be 3.0 metres, which is equivalent to nine feet nine inches (9'9") unless the property owner has provided a report from a Certified Arborist, to the Property Standards Officer's satisfaction, that identifies that affected hedge cannot survive the trimming or pruning necessary to bring it into conformity with this section;

4.1.4. a hedge, in a side yard or rear yard in excess of 3.0 metres in height, which is equivalent to nine feet nine inches (9'9"), unless the property owner has provided a report from a Certified Arborist, to the Property Standards Officer's satisfaction, that identifies that affected hedge cannot survive the trimming or pruning necessary to bring it into conformity with this section;

2. Effective Date

- 2.1. This by-law shall come into full force and effect on the day it is passed.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8001-23

Traffic By-law Amendment

Being a By-law to Amend By-law # 1862-85, being a By-law to Regulate Traffic on the Highways and on Certain Private Roadways in the Town of Whitby.

Whereas the Council of The Corporation of the Town of Whitby has passed By-law # 1862-85 to regulate traffic on highways in the Town of Whitby;

And whereas, the Council of The Corporation of the Town of Whitby considers it desirable to amend the provisions of By-law # 1862-85;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. That Schedule A, No Stopping, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

- 2.1. The provisions of this by-law shall come into force and take effect on the passing thereof and at such time as proper signage has been erected.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

Schedule A, No Stopping, to By-law 1862-85, as amended, is further amended by adding thereto the following:

Column 1 Highway	Column 2 Side	Column 3 Between	Column 4 Prohibited Times or Days
Kirkland Place	West	Williamsburg Public School Southerly Driveway and 15m South	Anytime

Table 1 - Schedule A, No Stopping, to By-law 1862-85, as amended, adding thereto.



Town of Whitby

By-law # 8002-23

Amendment to Fire Route By-law # 4084-97

Being a By-law to amend By-law # 4084-97, being a By-law to Designate Certain Private Roadways as Fire Routes and to Prohibit Parking thereon.

Whereas the Council of The Corporation of the Town of Whitby considered the Memorandum from A. Albrecht, Supervisor of Parking Services, dated June 19, 2023 regarding administrative amendments to By-law # 4084-97 at its meeting on June 19, 2023;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1. That Section 1(2), Definitions, of By-law # 4084-97 be repealed and replaced with the following:

- (a) "apartment building" means a building containing three or more dwelling units, each unit having access from an internal corridor system;
- (b) "assembly hall" means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall or private club;
- (c) "authorized sign" means a fire route sign placed or erected pursuant to the provisions of this by-law;
- (d) "Chief Building Official" means the Chief Building Official of the Town of Whitby or their designate;
- (e) "Chief of Police" means the Chief of Police of the Durham Regional Police Service or any police officer or any person acting under their command of supervision;
- (f) "child care centre" means an institution as defined in the Child and, Youth and Family Services Act, 2017, S.O. 2017. c. 14, Sched. 1, as amended from time to time;
- (g) "Fire Chief" means the Fire Chief of the Corporation of the Town of Whitby or their designate;
- (h) "fire route" means a private roadway or part hereof designated as a fire route under this by-law or any predecessor thereof;

- (i) "fire route sign" means a sign installed pursuant to Section 4 of this by-law;
- (j) "home for special care" means a home for special care as defined in the Homes for Special Care Act, R.S.O. 1990, c. H.12, as amended from time to time;
- (k) "municipal by-law enforcement officer" means a municipal by-law enforcement officer of the Corporation of the Town of Whitby and any other officer authorized by the Corporation of the Town of Whitby for the enforcement of by-laws in the Town of Whitby;
- (l) "municipal facilities" means a library, arena, school, swimming pool, community hall, skating rink, marina, pavilion, administration building or other buildings owned or controlled by the Corporation of the Town of Whitby, the Corporation of the Regional Municipality of Durham, the Central Lake Ontario Conservation Authority, Elexicon, the Durham Board of Education, or, the Durham Catholic District School Board;
- (m) "private roadway" means a road, lane, ramp, or other means of vehicular access to and egress from a public highway which is located on private property and includes any portion of a parking lot that is used as a means of vehicular access to or egress from any parking space provided in the parking lot;
- (n) "school" means a school as defined in the Education Act, R.S.O. 1990, c. E.2, as amended from time to time, or Private Career Colleges Act, 2005, S.O. 2005, c. 28, Sched. L, as amended from time to time, and private school as defined in the Education Act, R.S.O. 1990, c. E.2, as amended from time to time;
- (o) "Town" means the Corporation of the Town of Whitby;
- (p) "trailer" has the meaning ascribed thereto in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time;
- (q) "vehicle" has the meaning ascribed thereto in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time.

- 1.2. Nothing in this amending By-law shall be interpreted to de-designate or repeal any fire routes previously designated under By-law # 4084-97, as amended, or any predecessors thereto.

2. Effective Date

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council
CC: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor
Marc Bonin, Chief Fire Prevention Officer

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

From: Alison Albrecht, Supervisor of Parking
Services
Date: June 19, 2023
File #: N/A
Subject: Administrative Amendments to the Fire
Route By-law # 4084-97

Please be advised that Staff have identified that Fire Route By-law # 4084-97, being a by-law to designate certain private roadways as fire routes and to prohibit parking thereon, requires administrative amendments to remove outdated definitions and references. This change is required for prosecution, procedural and administrative purposes.

A more fulsome update of By-law # 4084-97 is expected in the future; however, in the meantime, staff recommend removing several outdated definitions. The definitions to be removed in Section 1(2) of the by-law are attached as Attachment 1 to this memorandum.

Attachment 1: Definitions to be removed from Section 1(2) of By-law # 4084- 97

- (d) "camp" means a summer camp as defined under the regulations made under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended from time to time, or a camp operated by a charitable corporation approved under the Charitable Institutions Act, R.S.O. 1990, c. C.9, as amended from time to time;
- (g) "children's residence" means an institution as defined in the Child, Youth and Family Services Act, 2017, S.O. 2017 c. 14, Sched. 1, as amended from time to time;
- (h) "commercial building" means a building or structure, or part thereof, used or intended to be used for the purpose of selling any product or service;
- (i) "day nursery" means a day nursery as defined in the Day Nurseries Act, R.S.O. 1990, c. D.2, as amended from time to time;
- (j) "designated building" means an apartment building, assembly hall, children's residence, commercial building, day nursery, elderly persons centre, group housing, home for the aged, home for retarded persons, home for special care, hospital, hotel, industrial building, licensed establishment, lodging house, motel, municipal facility, nursing home, rest home, retirement house, sanitarium, school, seminary, theatre, and any other structure which is used for the accommodation of the public or for the gathering or assembling of people;
- (k) "elderly persons centre" means a centre as defined in the Elderly Persons Centres Act, R.S.O. 1990, c. E.4, as amended from time to time;
- (o) "group housing" means a building or group of buildings consisting of six or more dwelling units, the access to which building or buildings is by means of a common private roadway;
- (p) "homes for the aged" means a home as defined in and regulated under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, as amended from time to time;
- (q) "home for retarded persons" means a home for retarded persons as defined in the Homes for Retarded Persons Act, R.S.O. 1990, c. H.11, as amended from time to time;
- (s) "hospital" means a private hospital as defined in the Private Hospitals Act, R.S.O. 1990, c. P.24, as amended from time to time, or a hospital as defined in the Public Hospitals Act, R.S.O. 1990, c. P.40, as amended from time to time;
- (t) "hotel" means a hotel as defined in the Hotel Fire Safety Act, R.S.O. 1990, c. H.16, as amended from time to time;

- (u) "industrial building" means a building or structure, or part thereof, used or intended to be used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, or adapting for sale any goods, substance, article or thing and shall include the storage of building and construction equipment or materials;
- (v) "licensed establishment" means any establishment required to be licensed under the regulations made under the Liquor Licence Act, R.S.O. 1990, c. L.19, as amended from time to time;
- (w) "lodging house" shall have the same meaning as an apartment building as defined in Clause 1(2)(a) of this by-law;
- (x) "motel" means a tourist establishment as defined in the Tourism Act, R.S.O. 1990, c. T.16, as amended from time to time;
- (z) "municipal facilities" means a library, arena, school, swimming pool, community hall, skating rink, marina, pavilion, administration building or other buildings owned or controlled by the Corporation of the Town of Whitby, the Corporation of the Regional Municipality of Durham, the Central Lake Ontario Conservation Authority, the Whitby Hydro-Electric Commission, the Durham Board of Education, or, the Durham Region Roman Catholic Separate School Board;
- (aa) "nursing home" means a nursing home as defined in the Nursing Homes Act, R.S.O. 1990, c. N.7, as amended from time to time;
- (bb) "occupant" has the meaning ascribed thereto in Clause 210(131)(g)(ii) of the Municipal Act, R.S.O. 1990, c. M.45, as amended from time to time;
- (cc) "owner" for the purpose of Section 3 hereof has the meaning ascribed thereto in Clause 210(131)(g)(i) of the Municipal Act, R.S.O. 1990, c. M.45, as amended from time to time;
- (ee) "rest home" means a home as defined and regulated under the Homes for the Aged and Rest Homes Act; R.S.O. 1990, c. H.13, as amended from time to time;
- (gg) "tourist establishment" means a tourist establishment as defined in the Tourism Act, R.S.O. 1990, c. T.16, as amended from time to time;



Town of Whitby

By-law # 8003-23

Amendment to Towing By-law # 6887-14

Being a By-law to Amend By-law # 6887-14, being a by-law to regulate the towing of vehicles from private property within the Town of Whitby.

Whereas the Council of The Corporation of the Town of Whitby considered Legal and Enforcement Services Department Report LS 07-23 regarding administrative amendments to By-law # 6887-14 at the Council meeting on June 19, 2023; and,

Whereas the Council of The Corporation of the Town of Whitby considered a memorandum from A. Albrecht, Supervisor of Parking Services and B. Harasym, Associate Solicitor, dated June 19, 2023.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. That Section 3.5 to 3.14, Private Property Towing, of By-law # 6887-14 be repealed and replaced with the following:

Private Property Towing

- 3.5 Towing or impounding of vehicles from private property without the consent of the registered owner or agent of the vehicle may only be undertaken if vehicles are towed to a location within the municipal boundaries of the municipalities of the Town of Ajax, Town of Whitby, or City of Oshawa in 2022.
- 3.6 No person shall tow or impound or authorize the towing or impounding of a vehicle from private property unless the tow or impound is caused or authorized by a municipal law enforcement officer and is conducted in accordance with Section 3.5 and Section 3.7 of this by-law, unless the tow or impound is requested and authorized by the registered owner or agent of the vehicle.
- 3.7 No municipal law enforcement officer shall cause or authorize the removal, towing or impounding of a vehicle from private property unless,
 - (1) the vehicle is parked, stopped, standing or left as the case may be, in contravention of a Town by-law;
 - (2) the boundaries of the property are clearly defined;
 - (3) signs have been posted at all public entrances to the private property indicating the policies in effect and enforced on the private property;
 - (4) a sign is posted in a conspicuous location on the private property indicating the name and telephone number of the towing contractor and/or an agent of the owner of the private property in

relation to a vehicle tow or impound from the property;

(5) a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the Provincial Offences Act; and,

(6) the Town of Whitby Enforcement Services is consulted prior to the tow being ordered and the Durham Regional Police Service is advised of an impending tow or impound of a vehicle prior to the tow or impound occurring.

3.8 No person shall request or require payment of an administrative fee or any other fee by the owner or driver of a vehicle parked, stopped or standing on private property.

3.9 No person shall request or require payment of any fee exceeding the amount of \$230.00 (two hundred and thirty dollars), plus HST, for any charge in relation to the towing or impounding of a light vehicle from private property without the consent of the registered owner or agent of the vehicle.

3.10 No person shall request or require payment of any fee exceeding the amount of \$450.00 (four hundred fifty dollars), plus HST, for any charge in relation to the towing or impounding of a heavy vehicle from private property without the consent of the registered owner or agent of the vehicle.

3.11 Any person who conducts a tow or impound in accordance with this by-law shall, upon demand from the owner or operator of a vehicle that has been towed or impounded, immediately provide a receipt detailing all charges and fees associated with the tow or impound.

3.12 Any person who has their vehicle towed or impounded in accordance with this by-law shall be required to pay the charge in relation to the tow or impound, up to the maximum charges indicated in Section 3.9 or Section 3.10 of this by-law, as the context requires.

3.13 The provisions of this by-law do not apply to any person who causes or authorizes the towing of a vehicle from a laneway on private residential property provided that the person causing or authorizing the tow does not demand any payment or any other fee for the owner or driver of the vehicle.

3.14 The provisions of this by-law do not apply to any person demanding or obtaining parking fees from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in clear view of all drivers upon entering the private property and the property is in compliance with all other municipal by-laws.

1.2. Effective Date

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8004-23

Amendment to Traffic By-law # 1862-85

Being a By-law to Amend Traffic By-law # 1862-85, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered the Memorandum from A. Albrecht, Supervisor of Parking Services, dated June 19, 2023 regarding administrative amendments to By-law # 1862-85 at its meeting on June 19, 2023.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. That Section 1.(2) 7. Definitions, of By-law # 1862-85, as amended, be repealed and replaced with the following, and that subsequent items in Section 1.(2) be renumbered accordingly:

“accessible parking permit” means an accessible parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act;

- 1.2. That Section 3, Disabled Person Parking Permit, of By-law # 1862-85, as amended, be repealed and replaced with the following:

Accessible Parking Permit

- 3.(1) It shall constitute an offence for any person to do any one or more of the following acts:

- a) park, stand or stop a vehicle in a designated parking space; or,
- b) be entitled to be the benefit of an exemption under this By-law relating to a vehicle displaying an accessible parking permit unless a current valid accessible parking permit has been issued to that person and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act and this By-law.

- 3.(2) Any vehicle on which or in which an accessible parking permit is displayed in accordance with the requirements of the Highway Traffic Act and this By-law is exempt from,

- a) Clause 4.(6) (j) and Subsection 6.(2) of this By-law with respect to parking limits and Subsections 9.(1) and 9.(3) of this By-law with respect to metered parking provided that,
 - i. No such vehicle shall be parked on any highway pursuant to this Section for a period exceeding 24 hours; and,

- ii. No such vehicle shall be parked on any highway designated by signs as being a snow route; and,
- b) Subsection 6.(1) of this By-law with respect to no parking zones, except between the hours of 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m., Monday to Friday, inclusive.

2. Effective Date

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

Tara Painchaud, Senior Manager,
Transportation Services

From: Alison Albrecht, Supervisor of Parking
Services

Date: June 19, 2023

File #: N/A

Subject: Proposed Administrative Amendments to
Traffic By-law # 1862-85

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

Staff have identified that the Town's Traffic By-law# 1862-85, as amended, requires administrative amendments to update outdated language. This change is required for prosecution, procedural and administrative purposes.

A more fulsome update of By-law # 1862-85 is expected in the future; however, in the meantime, staff would like to update outdated language. The changes are attached as Attachment 1 to this memorandum and shown in track changes.

Attachment 1: Track Changes of Amendments to Section 1 and 3 of By-law 1862-85

1. Definitions

1.(2)

7. ~~“disabled person~~ “accessible parking permit” means an ~~disabled person~~ accessible parking permit issued under the Highway Traffic Act or a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Highway Traffic Act;

3. Accessible Disabled Person Parking Permit

3.(1) It shall constitute an offence for any person to do any one or more of the following acts:

- a) park, stand or stop a vehicle in a designated parking space; or,
- b) be entitled to be the benefit of an exemption under this By-law relating to a vehicle displaying an accessible ~~a disabled person~~ parking permit unless a current valid accessible ~~disabled person~~ parking permit has been issued to that person and such permit is displayed on or in the vehicle in accordance with the requirements of the Highway Traffic Act and this By-law.

3.(2) Any vehicle on which or in which a n accessible ~~disabled person~~ parking permit is displayed in accordance with the requirements of the Highway Traffic Act and this By-law is exempt from,

- a) Clause 4(6) (j) and Subsection 6(2) of this By-law with respect to parking limits and Subsections 9(1) and 9(3) of this By-law with respect to metered parking provided that,

- (i) No such vehicle shall be parked on any highway pursuant to this Section for a period exceeding 24 hours; and,

- (ii) No such vehicle shall be parked on any highway designated by signs as being a snow route; and,

- b) Subsection 6.(1) of this By-law with respect to no parking zones, except between the hours of 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m., Monday to Friday, inclusive.



Town of Whitby

By-law # 8005-23

Zoning By-law Amendment

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

Whereas, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

- 1.1. Schedule "A" to By-law #2585 is hereby amended by changing the zoning from R3 to R3-5 for the Subject Land shown on Schedule "A-1" attached to and forming part of this By-law.
- 1.2. Subsection 10 (3) Residential Type 3 Zone (R3) – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

Exception 5: (R3-5) **918 Brock Street South**

1. Uses Permitted

Notwithstanding the uses permitted in the R3 Zone, any lot located within an R3-5 Zone may be used for all the uses permitted in the R3 Zone plus the following additional use:

- Office

Provided further and notwithstanding the foregoing, the additional use listed above shall only be permitted in the building existing on the site at the date of the passing of this By-law.

2. Zone Provisions

Notwithstanding any provisions of this By-law to the contrary, any non-residential use in an R3-5 Zone shall be established in accordance with the following provisions:

- (a) Number of Parking Spaces:

The minimum number of parking spaces required for the additional non-residential use permitted in an R3-5 Zone shall be calculated as follows:

- Office 1 parking space per 30m² of gross floor area on or below the first storey.

Provided further and notwithstanding the foregoing, the minimum number of parking spaces required shall be 7 parking spaces inclusive of one accessible parking space.

(b) Location of Parking Spaces

All parking spaces provided shall be located only in the rear yard.

(c) Driveway Width
Minimum 2.5m

(d) Gross Floor Area Restriction

The maximum gross floor area devoted to office use shall not exceed 90m².

By-law read and passed this 19th day of June, 2023.

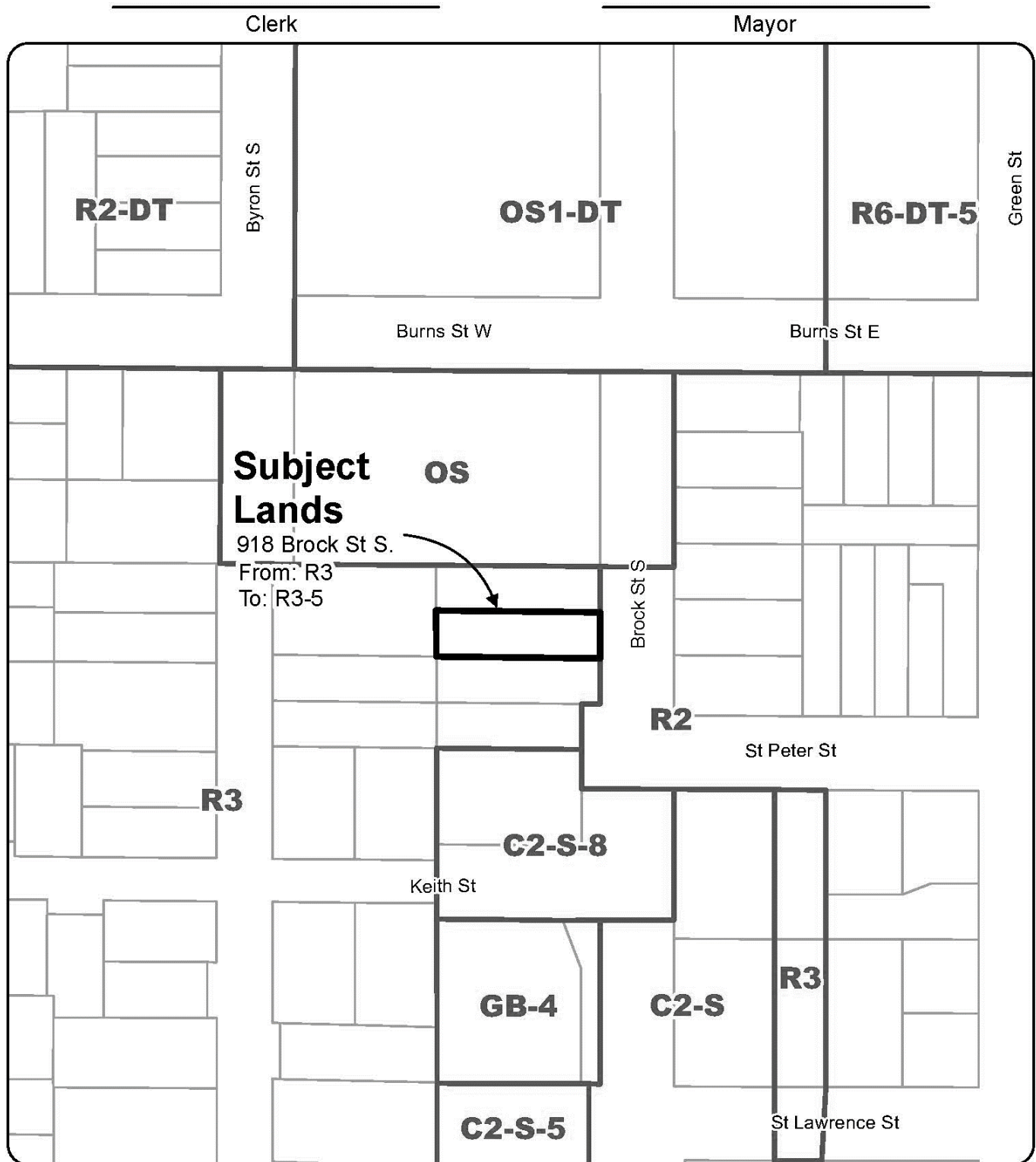
Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8005-23

This is Schedule A-1 to By-law # 8005-23 passed by the
Council of the Town of Whitby this 19th day of June, 2023.





Town of Whitby

By-law # 8006-23

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 GB-CW to M1A/HP and M1A/HP/GB-CW and from M1A/HP to M1A/HP/GB-CW of the lands marked M1A/HP and M1A/HP/GB-CW shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

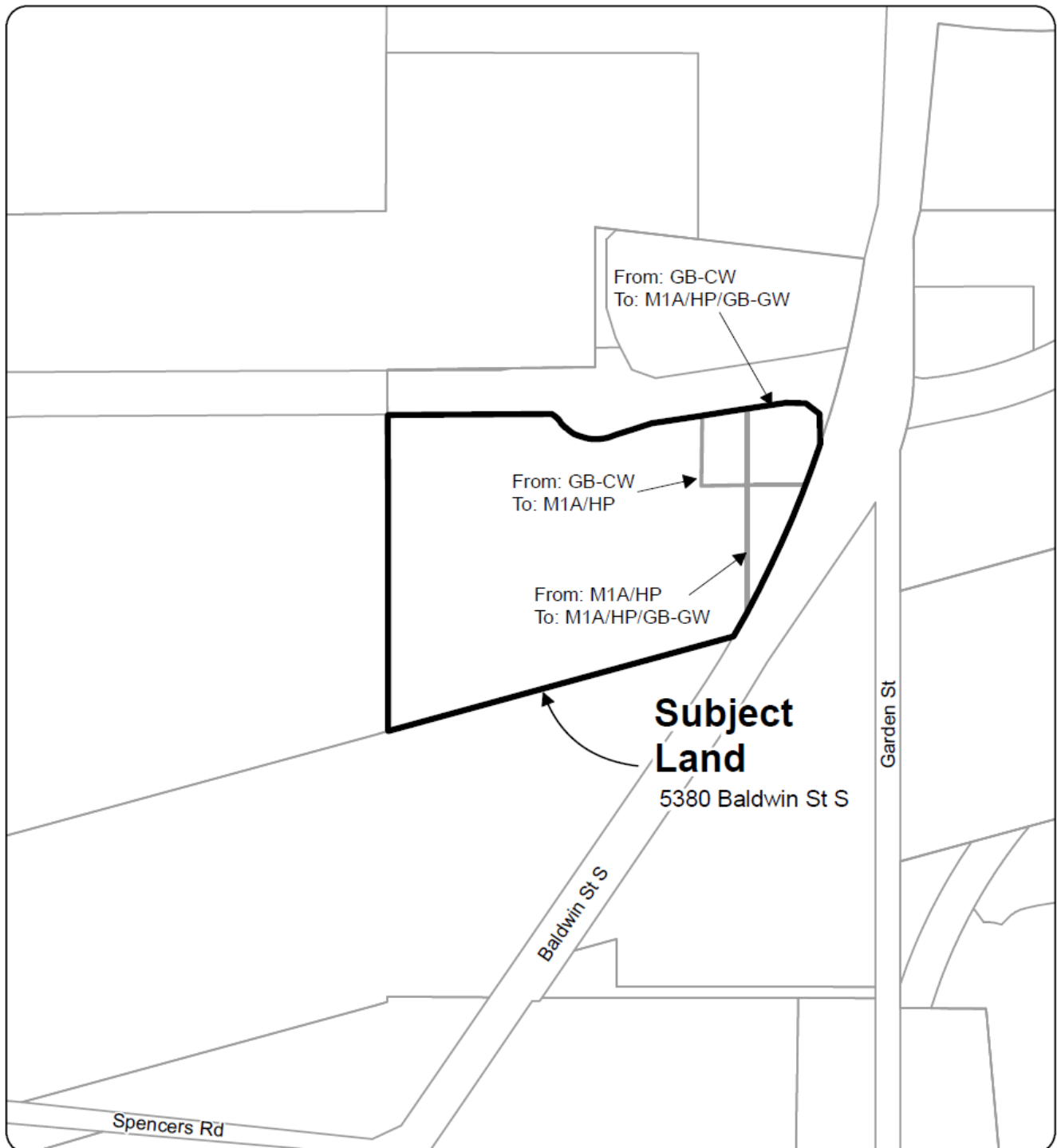
To By-law # 8006-23

This is Schedule A-1 to By-law # 8006-23 passed by the

Council of the Town of Whitby this 19th day of June, 2023.

Clerk

Mayor





Town of Whitby

By-law # 8007-23

Amendment to Property Standards By-law # 6874-14

Being a By-law to amend the Property Standards By-law # 6874-14, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered the Memorandum from A. Gratton, Manager of Enforcement Services dated June 19, 2023 regarding Administrative Amendments to the Vacant Buildings section of the Property Standards By-law # 6874-14 at its meeting on June 19, 2023.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. General

1.1. That section 3.12.5. of Property Standards By-law 6874-14, as amended, be repealed and replaced with the following:

3.12.5. if the building, accessory structure, or structure is vacant, unused, or unoccupied by legal residents, then the building, accessory structure, or structure shall either:

(a) be prepared for use and occupancy and be so occupied immediately; or,

(b) be removed from the property, in accordance with the Town's requirements for demolition, and the property shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.

2. Effective Date

2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

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

From: Andre Gratton, Manager of Enforcement
Services

Date: June 19, 2023

File #: N/A

Subject: Administrative amendments to the Vacant
Buildings section of Property Standards By-
law # 6874-14

Please be advised that Staff have identified that the Town's Property Standards By-law 6874-14, as amended, requires an administrative amendment to address unintended consequences arising from its current wording. This change is required for enforcement, prosecutorial and legal purposes. A highlight of the proposed changes has been appended as Attachment # 1.

The current wording has required enforcement staff to prove that a property has been vacant for a continuous period of at least 24 months prior to issuing an order to demolish a structure under this section. This requirement has been difficult to enforce and has unintentionally created opportunities for offending property owners to circumvent enforcement and allow properties to remain derelict for more than 24 months with little effort. There is no legal requirement for the 24 month period and other municipalities do not have such a requirement.

The proposed amendments will not affect the rights of appeal of any persons (owners or occupants) issued a Property Standards Order. The intent of this change is not to affect properties which may be seasonally vacant (e.g., properties whose residents travel abroad during winter). To ensure fairness and consistency in the enforcement of this section, staff propose to create a departmental Standard Operating Procedure regarding the investigation of derelict properties and orders to demolish derelict structures. The affected parties will maintain full rights of appeal to the Municipal Licensing and Standards Committee and Ontario Superior Court as outlined within the Town's Property Standards By-law and Section 15.3 of the *Ontario Building Code Act, 1992, S.O. 1992, C.23*.

Attachment # 1

Current language

3.12.5. if the building, accessory structure or structure is vacant, unused, or unoccupied by legal residents for a continuous period of at least 24 months, then the building, accessory structure or structure shall either:

- (a) be prepared for use and occupancy and be so occupied immediately; or,
- (b) be removed from the property, in accordance with the Town's requirements for demolition, and the property shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.

Proposed revised language

3.12.5. if the building, accessory structure or structure is vacant, unused, or unoccupied by legal residents for a continuous period of at least 24 months, then the building, accessory structure or structure shall either:

- (a) be prepared for use and occupancy and be so occupied immediately; or,
- (b) be removed from the property, in accordance with the Town's requirements for demolition, and the property shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.