



Regular Council Meeting Revised Agenda

Monday, October 2, 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.

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 - June 19, 2023

Special Council - June 19, 2023

Special Council - July 26, 2023

Special Council - September 11, 2023 (Confidential Minutes Under Separate Cover)

Special Council - September 27, 2023 (Confidential Minutes Under Separate Cover)

Recommendation:

That the Regular Council Minutes of June 19, 2023, and the Special Council Minutes of June 19, July 26, September 11, and September 27, 2023 be approved.

5. Presentations

- 5.1 Teresa Shaver, Business Advisory Centre of Durham (In-Person Attendance)
Re: My Main Street Whitby - A Final Report

6. Delegations

- *6.1 Ron Lalonde, Resident (In-Person Attendance)
Re: Noise at Oshawa Executive Airport

Refer to Item 11.1, Noise at Oshawa Executive Airport

- *6.2 Vasco Rebuli, Resident (In-Person Attendance)
Re: Noise at Oshawa Executive Airport

Refer to Item 11.1, Noise at Oshawa Executive Airport

7. Correspondence

- 7.1 Correspondence

That the following requests be endorsed:

- Child Care Worker & Early Childhood Educator Appreciation Day - October 17, 2023
- World Polio Day - Flag Raising - October 16 to 20, 2023
- World Polio Day - October 24, 2023
- National Children's Grief Awareness Day - November 16, 2023
- World Prematurity Day - November 17, 2023

Recommendation:

That the proclamations for Child Care Worker & Early Childhood Educator Appreciation Day, World Polio Day, National Children's Grief Awareness Day, and World Prematurity Day, and the flag raising for World Polio Day be endorsed.

8. Committee of the Whole Report - Planning and Development

Planning and Development - September 18 and 25, 2023

- 8.1 PDP 36-23, Planning and Development (Planning Services) Department Report
Re: Draft Plan of Condominium Application, Sixfive (VICDEV) Inc., 1450 Victoria
Street East, File Number: DEV-11-23 (CW-2023-04)

Recommendation:

1. That Council approve the Draft Plan of Condominium (File Number: CW-2023- 04) subject to the comments included in Planning Report PDP 36-23 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.

- 8.2 PDP 37-23, Planning and Development (Planning Services) Department Report
Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law
Amendment Applications, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440
Garden Street, File Number: DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Recommendation:

1. That Council approve Official Plan Amendment Number 132 to the Whitby Official Plan (OPA-2022-W/02), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 132 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 37-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 132 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File No. SW-2022-03), subject to the comments included in Planning Report PDP 37-23 and the conditions of draft plan approval included in Attachment #10;
4. That Staff be authorized to prepare a Subdivision Agreement;
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 1784, (File No. Z-13-22), as outlined in Planning Report No. PDP 37-23; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

- 8.3 PDP 38-23, Planning and Development (Planning Services) Department Report
Re: Town-Initiated Official Plan Review: Terms of Reference

Recommendation:

1. That staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and,
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

- 8.4 Correspondence #2023-438 from E. Baxter-Trahair, Chief Administrative Officer, Region of Durham, regarding 1635 Dundas – Shelter Resolution and proposed agreement for a shelter and other future housing uses
Note: The motion for an Interim Control By-law for new low barrier shelters and/or transitional housing at the Committee of the Whole Meeting on September 25, 2023 was deferred to Council on October 30, 2023 to allow additional time to negotiate an agreement with the Region of Durham relating to the use of 1635 Dundas Street East (the Dundas Street Shelter).

Recommendation:

That Correspondence #2023-438 from E. Baxter-Trahair, Chief Administrative Officer, Region of Durham, regarding 1635 Dundas – Shelter Resolution and proposed agreement for a shelter and other future housing uses, be received for information.

- 8.5 PDE 09-23, Planning and Development (Engineering Services) Department Report Re: Consolidated Linear Infrastructure – Environmental Compliance Approval Fees (CLI-ECA)

Recommendation:

1. That Council endorse the proposed Consolidated Linear Infrastructure-Environmental Compliance Approval Fees as outlined in Report PDE 09-23; and,
2. That staff be directed to update the Fees and Charges By-law (By-law 7220-17) to include proposed CLI-ECA, substantially as outlined in Report PDE 09-23.

9. Committee of the Whole Report - General Government

General Government - September 18 and 25, 2023

- 9.1 LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report
Re: Review of Animal Sheltering Options for the Town of Whitby

Recommendation:

1. That Report LS 04-23 be received for information;
2. That staff be directed to proceed with the detailed design for Option 1B for the new Animal Services Centre and Enforcement Services Facility at McKinney Road and Broadleaf Avenue;
3. That a new capital project, in the amount of \$1,300,000, be established for the Design, Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve;
4. That staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project;
5. That staff be directed to report to Council for capital budget approval, following finalization of design, prior to tendering the work;
6. That staff investigate the sale of 4680 Thickson Road North to offset the cost of a new Animal Services Centre in accordance with Confidential Memorandum LS 04-23; and,
7. That staff will continue to make improvements to the operations of the Animal Services section to improve efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

9.2 CAO 25-23, Office of the Chief Administrative Officer Report
Re: Canadian Tire Whitby Naming Rights Sponsorship of Arena 1 at McKinney Centre

Recommendation:

That Council approve entering into a three (3) year sponsorship agreement effective November 1, 2023, with Canadian Tire for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 1 to “Canadian Tire Whitby Arena 1”, based on the sponsorship package and other terms and conditions identified in Report CAO 25-23.

9.3 Members of Council - Attendance at Business Openings

Recommendation:

That the Clerk be directed to report back with a draft policy that would create a process to have the Mayor and Councillors’ Office invite all Members of Council to every business opening where the presence of Members of Council is requested.

9.4 Council Education and Training Program

Recommendation:

Whereas the Council Education and Training Program should become a permanent program for all Members of Council wishing to avail themselves to such services, advice, and training;

Now Therefore be it Resolved:

1. That Staff be authorized to draw up-to \$40,000 from the Town's contingency reserve fund, if required, to fund the program for fiscal year 2023;
2. That \$40,000 be incorporated in the Town's base 2024 operating budget as a "prior year [Council] decision" item for ongoing funding of the Council Education and Training Program;
3. That Members of Council may access resources as part of this program provided the vendor's services are made available to all Members of Council, Staff have completed the administrative processes to retain their services, and there is remaining budget in the program; and,
4. That the costs incurred by individual Members be reported on Mayor and Councillor expenses.

9.5 CAO 22-23, Confidential Office of the Chief Administrative Officer Report
Re: 580 Water Street Update

Recommendation:

That Report CAO 22-23 be received for information.

9.6 Confidential Memorandum to Council from C. Harris, Town Clerk, dated September 5, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

Recommendation:

That Swathilakshmi Miriyala and Dario Pranckevicius be appointed as Members of the Active Transportation and Safe Roads Advisory Committee for the remainder of the 2022-2026 term.

9.7 CLK 05-23, Office of the Town Clerk Report
Re: 2024 Council, Committee, and Public Meeting Schedule

Recommendation:

That Council approve the 2024 Council, Committee, and Public Meetings Schedule appended as Attachment 1 to this Report.

9.8 FS 21-23, Financial Services Department Report
Re: Proposed Name Change of the Pioneer Baptist Cemetery to the Dryden Cemetery

Recommendation:

1. That the Groveside Cemetery Board's recommendation to change the name of the Pioneer Baptist Cemetery to the Dryden Cemetery be received and approved;
2. That Staff provide public notice of the proposed cemetery name change and how written objections may be provided to the Town by way of signage posted at the, current, Pioneer Baptist Cemetery site and other advertisements as noted in Report FS 21-23; and,
3. That, subject to no objection being received in connection with the proposed cemetery name change, staff be authorized initiate the name change with the Bereavement Authority of Ontario and execute all documents to implement the cemetery name change.

- 9.9 FS 25-23, Financial Services Department Report
Re: Q2, 2023 Procurement Awards \$250,000 and Above

Recommendation:

That Report FS 25-23, which outlines procurement awards of \$250,000.00 and above for second quarter of 2023, be received as information.

- 9.10 CAO 21-23, Office of the Chief Administrative Officer Report
Re: Downtown Whitby Action Plan September 2023 Update

Recommendation:

That Report CAO 21-23 – Downtown Whitby Action Plan September 2023 Update, be received as information.

- 9.11 CAO 24-23, Organizational Effectiveness Report
Re: 2023 Workforce Plan Review

Recommendation:

That Council receive report CAO-24-23 2023 Workforce Plan Review for information.

- 9.12 CMS 08-23, Community Services Department Report
Re: Winter Maintenance Contract Extension

Recommendation:

1. That Council approve a sole source two-year contract extension of Contract No T-582-2015 issued to Melrose Paving Co. Ltd for front-end loaders with operators through the 2024/2025 winter maintenance season as outlined in Report CMS 08-23;
2. That Council approve the sole source award to add three (3) snowplow/salter combination trucks with operators from Melrose Paving Co. Ltd. under the same terms of Contract No T-581-2018 through the 2024/2025 winter maintenance seasons as outlined in Report CMS 08-23;
3. That staff be authorized to draw \$101,011 from the winter maintenance reserve fund, if required at the end of 2023, related to the sole source award of three additional snowplow/salter combination trucks with operators, under Contract No T-581-2018; and,
4. That the 2024 base operating budget be increased by \$231,983 (plus a Consumer Price Index adjustment) related to the sole source award of the three additional snowplow/salter combination trucks with operators under contract No. T-581-2018.

***10. For information only - Committee of the Whole Minutes of September 18 and September 25, 2023**

11. Notice of Motion

11.1 Noise at Oshawa Executive Airport

Recommendation:

Moved by Councillor Shahid

Seconded by Mayor Roy

Whereas noise complaints from Whitby residents relating to aircraft traffic activity at the Oshawa Executive Airport are frequently received by the Mayor and Members of Council; and,

Whereas noise complaints received by the City of Oshawa relating the Oshawa Executive Airport has grown from a 10-year average (for the period 2006-2015) of approximately 50 complaints a year to 509 in 2021 and 344 in 2022; and,

Whereas on March 28, 2022 Oshawa Council authorized the Airport Manager to submit Proposed Noise Abatement Procedures and Restrictions to Transport Canada in accordance with Transportation Canada's Advisory Circular 302-002; and,

Whereas on May 16, 2022 Whitby Council requested through Resolution #122-22 that Transport Canada approve the Proposed Noise Abatement Procedures and Restrictions for the Oshawa Executive Airport as submitted by the Airport Manager on behalf of the City of Oshawa;

Whereas recent local media reports of a potential hanger expansion to be located at the Oshawa Executive Airport in support of additional flight school activity does not align with the 2021-2022 Oshawa Executive Airport Action Plan endorsed by City of Oshawa Council which addresses the impact of flight school training traffic on the surrounding neighbourhoods;

Now Therefore be it Resolved:

1. That the Council of the Town of Whitby requests that the Proposed Noise Abatement Procedures and Restrictions adopted by the City of Oshawa's Council be implemented by Transport Canada; and,
2. That the Council of the Town of Whitby endorses Mayor Dan Carter's statement dated September 1, 2023 in support of not expanding flight school training at the Oshawa Executive Airport; and;
3. That as the requests from the City of Oshawa regarding noise abatement are federally regulated, that the Council of the Town of Whitby hereby requests an in-person Council update from Whitby M.P. Ryan Turnbull regarding Oshawa Executive Airport Noise Abatement issues, involvement, and solutions; and,
4. That a copy of this motion be sent to the Honourable Pablo Rodriguez, Minister of Transport, all Durham Region Members of Parliament, and the City of Oshawa.

12. New and Unfinished Business

- 12.1 LS 11-23, Legal and Enforcement Services Department Report
Re: Stop Up and Close Part of the Public Highway Known as Rowe Street Being Part 14, Plan 40R-10885

Recommendation:

1. That Stop Up and Close By-law # 8021-23 be passed to stop up and close Part 14, Plan 40R-10885 as a public highway in accordance with Section 34 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended which provides that the Council of every municipality may pass by-laws for closing any highway or part of a highway.
2. That Council waive the requirement for giving public notice of its intention to stop up and close a public highway pursuant to Public Notice Policy CA 150.
3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the By-law on title to the subject property.

13. By-laws

Recommendation:

That leave be granted to introduce By-laws # 8017-23 to # 8024-23 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 # 8017-23

Being a By-law to dedicate Part 4 on Plan 40R-32085, as a Public Highway (Coronation Road).

13.2 By-law # 8018-23

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

13.3 By-law # 8019-23

Being a By-law to amend Property and Boulevard Maintenance By-law # 6937-15, as amended.

See also Memorandum from A. Gratton, Manager of Enforcement Services, dated October 2, 2023 regarding Proposed Administrative Amendments to the Property and Boulevard Maintenance By-law # 6937-15

13.4 By-law # 8020-23

Being a By-law to amend by-law # 6339-10, being a by-law to regulate the sale and discharge of fireworks.

See also Memorandum from M. Hickey, Fire Chief, dated September 25, 2023 regarding Fireworks By-law Update

13.5 By-law # 8021-23

Being a By-law to stop up and close part of the Public Highway known as Rowe Street.

Refer to LS 11-23, Stop Up and Close Part of the Public Highway Known as Rowe Street Being Part 14, Plan 40R-31932

13.6 By-law # 8022-23

Being a By-law to dedicate Parts 1, 2 and 3 on Plan 40R-31932, as a Public Highway (Ashburn Road).

13.7 By-law # 8023-23

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

Refer to PDE 09-23, Consolidated Linear Infrastructure – Environmental Compliance Approval Fees (CLI-ECA)

13.8 By-law # 8024-23

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

Refer to PL 21-21, Draft Plan of Subdivision and Zoning By-law Amendment Applications – East Valley and Brooklin Development General Partner Limited – 6605 Cochrane Street, File No. DEV-05-20 (SW-2020-02, Z04-20)

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 October 2, 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

June 19, 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 (arrived at 8:16 p.m., left at 1:12 a.m.)
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
R. Saunders, Commissioner of Planning and Development
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
M. Hickey, Fire Chief

-
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 - May 15, 2023

Special Council - May 29, 2023

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

Resolution # 142-23

Moved by Councillor Lee

Seconded by Councillor Lundquist

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

Carried

5. Presentations

5.1 Whitby Wildcats U10 AAA Hockey Team

Recognition: Provincial Championship Winners

Mayor Roy attended the dais and was joined by Councillor Cardwell. Members of the Whitby Wildcats U10 AAA Hockey Team were welcomed onto the dais and recognized for their win at the Provincial Championships in March 2023.

5.2 Durham Rebels 14G Blockade Volleyball Team

Recognition: Volleyball Canada Youth Nationals Gold Medalists

Mayor Roy attended the dais and was joined by Councillor Lundquist. Members of the Durham Rebels 14G Blockade Volleyball Team were welcomed onto the dais and recognized for winning a gold medal at the Volleyball Canada Youth Nationals in May 2023.

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

Mayor Roy attended the dais and was joined by Deputy Mayor Shahid. Members of the 2 Whitby VandenBos Royal Canadian Air Cadets Squadron were welcomed onto the dais and recognized for their marksmanship accolades earned at the 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

Cynthia Davis, President and CEO, Lakeridge Health, appeared before Council and provided a PowerPoint presentation regarding a Community Update from Lakeridge Health. Highlights of the presentation included the following:

- an overview of the service area for Lakeridge Health;
- highlights of the services provided at the existing Whitby Hospital including specialized kidney care;
- the number of families and clients served at the Whitby Hospital;
- details about the recently constructed long-term care home at the Ajax-Pickering Hospital;
- expanding long-term care home sites and the potential for a site in Whitby;
- the unanimous recommendation of the independent panel to locate a future full service hospital in Whitby and acceptance of the recommendation by the Lakeridge Health Board;
- details about the proposed site for a future full service hospital including good road connections, site readiness, the central location within the Region, and proximity to identified growth areas in the Region;
- information about the Jerry Coughlan Health and Wellness Centre in north Pickering which will serve as a state-of-the-art surgical centre when it opens later in 2023;
- Lakeridge Health's mental health strategic plan which serves as a roadmap to providing integrated services for mental health and substance use care; and,
- information about the Queen's-Lakeridge Health MD Family Medicine Program which will help build primary care capacity in the Region.

A question and answer period ensued between Members of Council and Ms. Davis regarding:

- providing supportive partnerships to assist those facing mental health challenges;
- discussions that have taken place between Lakeridge Health and the Ministry of Health regarding advancing the future full service hospital despite the absence of a planning grant in the recent provincial budget;
- approximate timelines to construct a full service hospital;
- providing outpatient services to seniors living in senior's residences and information about programming provided by Lakeridge Health for seniors;
- supporting access to primary care;
- the potential long-term care home location in Whitby; and,
- estimates about the number of residents who do not have access to a primary care provider and the focus of Lakeridge Health and the Ministry of Health to improve access to primary care.

5.5 Inspector Mitch Martin, Durham Regional Police Service (DRPS) (In-Person Attendance)

Re: Central West Division – Strategic Operational Plan

Inspector Mitch Martin, Durham Regional Police Service, appeared before Council and provided a PowerPoint presentation regarding the Strategic Operational Plan for Central West Division. Highlights of the presentation included the following:

- a year-to-date update regarding the 2023 Strategic Operational Plan for Central West Division;
- the area served by Central West Division including Whitby and a portion of Oshawa;
- information about crime and disorder calls and violent incidents around Ontario Tech University/Durham College;
- an increase in the number of bail evaluation checks compared to the 5-year average;
- growth in the number of motor vehicle collisions;

- enforcement statistics related to aggressive driving, distracted driving, driving without a seatbelt, and speeding;
- the top intersections in the Town for collisions;
- information about impaired driving arrests compared to 2022;
- calls for service in Downtown Whitby and the number of patrols hours completed in the downtown; and,
- statistics about human trafficking, firearms, and narcotics violations around the motels on Consumers Drive.

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

- the effectiveness of red light cameras at reducing collisions at intersections;
- the effectiveness of speed cameras in community safety zones;
- the impact of road design improvements at reducing collisions at intersections;
- information about the number of calls for service related to mental health challenges;
- staffing challenges facing the division noting that growth in the number of officers has not kept pace with population growth;
- training provided to officers to address and respond to persons experiencing mental health challenges; and,
- the difficulty providing foot or bicycle patrols in downtown areas due to staffing challenges.

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

Don Mitchell, Resident, appeared before Council and indicated that he was interested in finding solutions regarding the Highway 7/12 Alternative Route that would protect the Oak Ridges Moraine, protect current and future residents of Brooklin, and maintain confidence of residents in Council and Council commitments of the past. He stated that completing the EA and then having Council recommend a route outside of the Moraine was the best way to protect the Moraine. He advised that Council should adopt a resolution to identify their commitment to a route outside of the Moraine. He noted that the alternative route would only be constructed if and when Council provided funding for the project. Mr. Mitchell indicated that completing the EA would allow for a full discussion about the impacts of the alternative routes, including the option of not constructing an alternative route. He noted that growth will need to be accommodated and that there will be significant costs associated with any option. He stated that the social and environmental impacts will not be fully understood without completing the EA. Mr. Mitchell advised that any alternative route will be objected to by affected residents, and he noted that the option of doing nothing will also receive objections.

Moved by Councillor Mulcahy
Seconded by Councillor Lee

That the rules of procedure be suspended to allow the delegation to exceed the five minute speaking limit.

Carried

Mr. Mitchell continued his delegation noting that widening of Myrtle Road was a potential outcome if Council does not identify an alternative route. He indicated that public consultation about the alternative route has not occurred since November 2021 and that notice of the potential termination of the EA was not provided. Mr. Mitchell noted that in November 2021 Council unanimously endorsed the need for an alternative route and for Town control of Baldwin Street in Brooklin to streamline development approvals and for the safety of Brooklin residents. He recommended that consideration of the matter be deferred until the fall to allow for public engagement and to receive information from Staff about the implications of terminating the EA. He further suggested that discussions with the Ministry of Transportation (MTO) begin about gaining local care and control of Baldwin Street.

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

- past attempts by the Town to gain care and control of Baldwin Street;
- potential risks to on-street parking on Baldwin Street should the MTO decide they need to increase the traffic lanes on the highway;
- the impacts to the hamlet of Ashburn if Myrtle Road were to be widened;
- developers agreeing to development charges for the alternative route due to the importance of the route to Brooklin residents;
- the impact of truck traffic on Downtown Brooklin;
- challenges encountered when working with the MTO;
- clarification that Mr. Mitchell does not own land identified along the proposed alternative routes; and,
- previous conversations that have taken place between the former Mayor and provincial government representatives.

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

Ronald Stevens, Resident, appeared before Council and indicated that constructing an alternative route through the Moraine may have an adverse impact on the wells used for drinking water in the area. Mr. Stevens advised that he understands the need for local control of Baldwin Street through Downtown Brooklin. He indicated that he made recommendations to the consultant responsible for the alternative route EA but that the recommendations have not been considered. Mr. Stevens indicated that correspondence had been sent to Council about the MTO's Connecting Links Program and that he felt that program should be explored in more detail. He suggested that the consultant and the Town should not be considering constructing a highway that would fall under provincial ownership. He noted that the parking spaces on Baldwin Street could be removed and vehicle parking could be routed to nearby municipal parking lots. Mr. Stevens suggested that Staff meet with the MTO and

request that the MTO prohibit trucks on Baldwin Street and that trucks be routed to Thickson Road and Lake Ridge Road. He indicated that the long-term solution should be to extend Highway 412 to Lake Ridge Road. He suggested that the Development Charges allocated for the alternative route should be used to offset revenue shortfalls or to extend Highway 412 to Lake Ridge Road.

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

- the importance of gaining local care and control over Baldwin Street and protecting the residents of Downtown Brooklin;
- identifying alternative route F as an interim solution and considering the extension of Highway 412 to Lake Ridge Road as a long-term solution; and,
- whether the delegate could provide example use cases for the MTO's Connecting Links Program.

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

Kyle Douglas, Resident, appeared before Council and suggested that the EA is achieving diminishing returns, noting that the EA has exceeded its planned duration and initial scope. He advised that the EA has caused frustration in the community and recommended that Council refocus their efforts on matters that are more beneficial to the community.

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

- the number of times the delegate has been engaged by the consultant as part of the EA process;
- concerns about feedback provided to the consultant not being meaningfully considered;
- concerns about recommendations stemming from the EA appearing firm and inflexible; and,

- clarification that there has been a significant amount of public consultation, noting that those who are engaged are aware of the status of the EA.

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

Tom Newman, Resident, appeared before Council and indicated that the technically preferred alternative route travels across a portion of his property. He indicated that if the route were to proceed that it would have an impact on his family and business, however he understood the need for the alternative route considering the growth in Whitby and the province's focus on building homes. He advised that a route in the Moraine was not ideal. Mr. Newman stated that the economic impact of development is important and that he supports growth.

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

- whether the delegate supports completion of the EA;
- improving commute times for residents living in Brooklin; and,
- solutions that work in other municipalities that contain provincial highways.

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

Andrea Ferguson Jones appeared before Council and indicated that she is in support of terminating the EA. She indicated that the scoring methodology to evaluate the alternative routes has not been shared with stakeholders. She stated that she felt that consultation has been

inadequate, noting that many residents who are directly affected by the alternative routes found information through social media instead of direct notices. Ms. Ferguson Jones questioned the effectiveness of a past survey, which only presented alternative route options through the Moraine. She noted that there has not been engagement about the EA since 2021. She raised concerns about objections from the Township of Scugog and the Central Lake Ontario Conservation Authority and the lack of support for a route through the Moraine or any portion of Scugog. She stated that it was unclear if the technically preferred route was viable.

A question and answer period ensued between Members of Council and Ms. Ferguson Jones regarding:

- the challenges with Council recommending a route outside of the Moraine if the EA identifies a preferred route in the Moraine;
- conducting a better scoped EA in the future and clarifying from the outset that a route in the Moraine is not acceptable;
- whether or not the delegate has reviewed EAs in the past where a preferred route is recommended and a different route endorsed by a decision making body;
- concerns that the study team had a preferred route in mind and was not receptive to feedback from residents; and,
- opportunities for the Region to become involved in evaluating a bypass for Downtown Brooklin in consideration of growth in the Region, shifting priorities, and overall Regional development.

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

Nellika Richardson, Resident, appeared before Council and stated that she supports the decision to terminate the EA. She noted concerns about escalating costs associated with the project and the availability of existing roads that could function as a bypass. She indicated that the preferred route identified by the consultant appears inflexible.

A brief question and answer period ensued between Members of Council and Ms. Richardson regarding consideration of other solutions that are not included in the scope of the EA.

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

Derrick Gleed, Resident, appeared before Council and indicating that other bypass routes, including Brawley Road were considered in the past, however the cost of infrastructure works associated with these routes made them unrealistic. He stated that the Memorandum of Understanding (MoU) between the Town and the MTO supporting a bypass around Brooklin was a political commitment that is not necessarily supported by senior Staff at the MTO. He stated that re-establishing a dialogue with the MTO was important, noting that conversations should take place between senior Staff and involve Staff from the Region of Durham. He advised that the scope of the project has evolved since it started, indicating that new development areas and a potential hospital have made the alternative route a Regional issue. Mr. Gleed noted that there has been significant development along Baldwin Street in Brooklin, despite the need for consultation with the MTO. He requested that Council terminate the EA and that Staff be directed to work with the MTO to find solutions for truck traffic on Baldwin Street and for an element of care and control over the highway.

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

- an early potential route for the bypass which bisected lands slated for development;
- working with the MTO to continue to develop Downtown Brooklin;
- deferring consideration of the matter to the fall to receive a report from Staff about the impacts of cancelling the EA;
- the importance for the Town to send clear messaging to the Region to identify the need for a bypass as a growing Regional concern;

- potential impacts of the Town identifying a technically viable alternative route and then requesting assistance from the Region;
- interim solutions including constructing the mid-block arterial road in advance of development and improving the intersection of Baldwin Street and Thickson Road;
- benefits of using existing infrastructure to serve as a bypass around Brooklin; and,
- establishing a walkable community in Downtown Brooklin, noting that every healthy downtown relies on a level of vehicle traffic.

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

Neil McPherson, Resident, appeared before Council and stated that the provincial highway in Downtown Brooklin limits what the Town can do to make the road safer for pedestrians and motorists. He indicated that there is a traffic problem in Brooklin and is concerned that terminating the EA will abandon some of the most constructive work to date to improve Downtown Brooklin. He advised that local control of the highway would allow the Town to undertake traffic calming and divert truck traffic. Mr. McPherson stated that the decision to terminate the EA was not broadly communicated to the residents of Brooklin and that many residents will not be aware of Council's decision.

A brief question and answer period ensued between Members of Council and Mr. McPherson whether the delegate was supportive of gaining more information about the impacts of terminating the EA prior to Council making a decision and if the delegate would support a property tax increase to construct the alternative route.

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

Stephen Jones, Resident, appeared before Council and advised that the proposed bypass will adversely affect businesses in Downtown Brooklin. He indicated that the preferred alternative route travels through the Moraine and may not comply with applicable legislation and statutory requirements. He noted that the Township of Scugog remains opposed to a route through the Moraine. Mr. Jones stated that the EA has been delayed, noting that Community Open House 4 is nearly two years behind schedule. He indicated that the scope of the project has changed with the construction of Highway 412 and that he was in favour of terminating the EA.

Moved by Councillor Cardwell
Seconded by Councillor Bozinovski

That Council take a short recess.

Carried

Council recessed at 10:33 p.m. and reconvened at 10:41 p.m.

- 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

Matthew Cory, representing the Brooklin North Landowners group, appeared before Council and indicated that the landowners that he represents have an interest in where a potential alternative route is located in Whitby. He noted that currently the MTO is working with landowners regarding setback requirements from Baldwin Street as they are aware of the potential for a future alternative route. He stated that if Baldwin Street remains a provincial highway, the required MTO setback from the highway will be problematic for development. He noted that identified growth areas in Brooklin may not be achievable due to MTO spacing requirements between intersections on their highways. He

advised that the landowners are partners with the Town, they supported the Town obtaining the MoU, and they are interested in knowing Council's direction as soon as possible. Mr. Cory noted that realigning a bypass in the northeast portion of the community will be problematic as it would require replanning, which would need to be completed immediately.

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

- confirmation that the landowners are willing to partner with the Town to identify a solution and path forward as soon as possible;
- the need to develop a bypass in some form in consideration of MTO setback and intersection spacing requirements;
- clarification about the impact of terminating the EA for the development industry;
- maintaining the integrity of the Brooklin Secondary Plan by quickly identifying a solution; and,
- impacts to density targets and the overall yield of housing units if the current MTO setbacks are required on Baldwin Street.

Moved by Councillor Shahid
Seconded by Councillor Lee

That in accordance with the Town's Procedure By-law, the Council meeting continue to go past 11:00 p.m.

Carried

The question and answer period between Members of Council and Mr. Cory continued regarding:

- the provincial government's focus on building housing and engaging with the province to find solutions to allow development in closer proximity to Baldwin Street;
- the mandate of the MTO to maintain infrastructure for future growth;
- entering into a dialogue between the landowners groups and the MTO to look at solutions that support growth and development; and,

- the need for a secondary plan around the future hospital site, evaluating the Regional road network, and engaging with the Region on broader transportation discussions.

It was the consensus of Council to hear Item 6.13, delegation by Matthew Cory, representing the Brooklin North Landowners Group regarding CMS 06-23, Community Services Department Report re: Bill 23 Parkland Dedication Framework, at this time.

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

Len Butticci, Resident, appeared before Council and stated that the EA is growing in scope and that it is becoming a poor financial decision. He recommended that development charges associated with the project be moved to other projects. He stated that the EA should be terminated immediately, without receiving information from Staff on the potential impacts of the termination.

A brief question and answer period ensued between Members of Council and Mr. Butticci regarding the perception that feedback provided to the consultant had not been meaningfully considered.

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

Mike Pettigrew, representing the Brooklin South Landowners Group appeared before Council and indicated that the owners in the area who participate in the Brooklin South Landowners Group are willing to provide parkland dedication to meet the requirements of the Brooklin Secondary Plan. Mr. Pettigrew noted that he would recommend that Council direct Staff to work with the landowners to develop a master parks agreement and to further discuss park needs.

A brief question and answer period ensued between Members of Council and Mr. Pettigrew clarifying that the parkland dedication proposed by the participating landowners exceeds the requirements of Bill 23 and the Town's Official Plan, and that the landowners would work with Staff to locate parks adjacent to open space where possible to maximize available recreational lands.

Moved by Councillor Shahid
Seconded by Councillor Cardwell

That in accordance with the Town's Procedure By-law, the Council meeting continue to go past 11:30 p.m.

Carried on a Two Thirds Vote

Moved by Councillor Shahid
Seconded by Councillor Yamada

That Council suspend the rules of procedure in order to hear delegations from Bill Rourke, Whitby Minor Baseball Association, and Abhi Singh and Prannay Singh, Whitby Cricket Association regarding CMS 06-23, Community Services Department Report re: Bill 23 Parkland Dedication Framework and to hear the delegation from Vera Felgemacher, Resident, regarding FES 04-23, Fire and Emergency Services Department Report re: Report and Recommendation of Changes to the By-law to Regulate the Sales and Discharge of Fireworks.

Carried on a Two Thirds Vote

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

Matthew Cory, representing the Brooklin North Landowners Group, appeared before Council and indicated that the landowners he represents are willing to continue to provide parkland dedication to meet the requirements of the Brooklin Secondary Plan. Mr. Cory noted that he would recommend that Council provide direction to Staff to develop a

simplified master parks agreement, noting that the landowners are willing to provide parks generally in the areas contemplated.

A brief question and answer period ensued between Members of Council and Mr. Cory clarifying that the parkland dedication proposed by the landowners exceeds the requirements of Bill 23 and the Town's Official Plan.

It was the consensus of Council to hear Item 6.11, delegation by Len Butticci, Resident, at this time.

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

Bill Rourke, Whitby Minor Baseball Association, appeared before Council and indicated that he is supportive of the development of Sports Field Parks in Whitby. He noted that more baseball diamonds are needed in the community, including larger sized diamonds that can support teenagers and young adults playing baseball. He indicated that a Sports Field Park would be beneficial as it would allow for tournament play with parking and facilities to support visiting teams from outside of Whitby. Mr. Rourke noted that maintenance, including grooming of infields is simplified when a central location with multiple diamonds is available.

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

- enrollment in the Whitby Minor Baseball Association;
- confirmation that a lack of diamonds in Whitby presents a larger challenge with each passing season;
- the mandate of the Association to support as many children and youth playing baseball as possible;
- attempts to reduce travel distances for participants through careful scheduling of games;
- ensuring that children and youth are not excluded from participating due to large travel distances to games and practices; and,

- confirmation that there are limited diamonds in Whitby to support adult baseball.

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

Abhi Singh and Prannay Singla, Whitby Cricket Association, appeared before Council and noted that cricket is growing rapidly in the Town. Mr. Singh and Mr. Singla noted that there is a lack of cricket facilities in Whitby and that their organization was seeking a permanent cricket facility. The delegates highlighted growing enrollment in the Whitby Cricket Association and noted that demand is year round, with indoor play occurring in the winter in the soccer domes on Rossland Road.

A brief question and answer period ensued between Members of Council, Mr. Singh, and Mr. Singla regarding the amount of land needed for a permanent cricket pitch, challenges associated with the field quality of temporary cricket pitches, and the importance of high-quality pitching surfaces.

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

Vera Felgemacher, Resident, appeared before Council and indicated that she is in support of a ban on consumer fireworks. She advised that there are alternatives to traditional fireworks including noiseless fireworks and drone displays. Ms. Felgemacher noted that dogs may perceive the noise from fireworks as a threat, activating their fight or flight response, which can lead to post-traumatic stress disorder and injuries. She noted that the overarching goal of animal welfare legislation is to protect animals and permitting consumer fireworks in the Town is contrary to the goals of that legislation. Ms. Felgemacher concluded her delegation highlighting the types of injuries that animals may suffer as a result of fear responses to fireworks.

7. Correspondence

There was no 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

Resolution # 143-23

Moved by Councillor Lee

Seconded by Councillor Leahy

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

8.2 PDP 29-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Brooklin Meadows Limited, Baldwin Street North and Carnwith Drive East, File Number: DEV-06-23 (CW-2023-03)

Resolution # 144-23

Moved by Councillor Lee

Seconded by Councillor Leahy

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

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)

Resolution # 145-23

Moved by Councillor Lee

Seconded by Councillor Leahy

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

8.4 PDE 10-23, Planning and Development (Engineering Services) Department Report

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

Resolution # 146-23

Moved by Councillor Lee
Seconded by Councillor Leahy

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

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

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

- obtaining more information from the MTO about options to gain care and control over Baldwin Street in Downtown Brooklin;
- receiving additional information from Staff about the impacts of terminating the EA;
- notifying those on the interested parties list to engage them about the potential termination of the EA;
- clarification that development charges allocated for the alternative route can not be used to cover a shortfall in revenue or for other projects;
- impacts to the Brooklin Secondary Plan related to MTO required setbacks from Highway 7/12; and,

- confirmation that the current EA has been funded through development charges and that terminating the EA will not impact property taxes.

Moved by Councillor Leahy

Seconded by Councillor Mulcahy

1. That Staff terminate the Highway 7/12 Alternative 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 Alternative Route Environmental Assessment be notified.

Carried later in the meeting (See following motions)

Moved by Councillor Leahy

Seconded by Councillor Yamada

That the motion on the future of the Highway 7/12 Alternative Route EA be deferred until Staff:

1. Engage in discussions with the MTO on any alternate means (outside of impacting the Oak Ridges Moraine) of obtaining permanent care and control of the Baldwin Street corridor; and,
2. Prepare a report summarizing discussions with the MTO and outlining the implications of continuing or terminating the EA.

Motion lost later in the meeting (See following motions)

Moved by Councillor Lundquist

Seconded by Councillor Mulcahy

That the question related to the deferral motion noted above be called.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell		X	

Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada		X	
Results	6	3	0

Carried on a Recorded Vote (6 to 3)

Moved by Councillor Yamada
Seconded by Councillor Leahy

That the motion on the future of the Highway 7/12 Alternative Route EA be deferred until staff:

1. Engages in discussions with the MTO on any alternate means (outside of impacting the Oak Ridges Moraine) of obtaining permanent care and control of the Baldwin Street corridor; and,
2. Prepares a report summarizing discussions with the MTO and outlining the implications of continuing or terminating the EA.

	For	Against	Conflict
Mayor Roy		X	
Councillor Bozinovski	X		
Councillor Cardwell		X	
Councillor Leahy	X		
Councillor Lee		X	
Councillor Lundquist		X	
Councillor Mulcahy		X	
Councillor Shahid		X	

Councillor Yamada

X

Results

3

6

0

Motion Lost on a Recorded Vote (3 to 6)

The question and answer period between Members of Council and Staff continued regarding:

- confirmation that Council can reject the preferred alternative route at the conclusion of the EA;
- delegating to the province at the conference for the Association of Municipalities of Ontario regarding transportation needs in Whitby and the future hospital;
- the ability to begin a new EA which would not include evaluating lands on the Moraine;
- the impact to the development community if Baldwin Street remained under provincial control;
- clarification from Staff that alternative routes examined in the Moraine were scored equally to routes outside of the Moraine; and,
- the unknown impacts on parking in Downtown Brooklin should an alternative route not be constructed.

Discussion between Members of Council ensued regarding:

- the changing scope of the EA, noting that the initial scope was to gain local care and control of Baldwin Street and reduce truck traffic;
- unacceptable costs, social, and environmental impacts associated with constructing an alternative route on the Moraine;
- opportunities to work with the development industry to engage the province in a discussion about possible solutions that could result in local care and control of Baldwin Street;
- the overall value of building a lengthy provincial highway to gain control of a short segment of Baldwin Street; and,

- hosting a meeting with MTO Staff and the Member of Provincial Parliament to discuss alternative solutions to a bypass.

Resolution # 147-23

Moved by Councillor Leahy

Seconded by Councillor Mulcahy

The main motion was then carried on a recorded vote as follows:

1. That Staff terminate the Highway 7/12 Alternative 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 Alternative Route Environmental Assessment be notified.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell	X		
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada		X	
Results	6	3	0

Carried on a Recorded Vote (6 to 3)

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)

Resolution # 148-23

Moved by Councillor Lee

Seconded by Councillor Leahy

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

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)

Resolution # 149-23

Moved by Councillor Lee

Seconded by Councillor Leahy

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

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

Resolution # 150-23

Moved by Councillor Yamada

Seconded 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

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

Resolution # 151-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

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

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

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

- the amount of land required for baseball diamonds and cricket fields;
- accommodating future demand for sports fields and recreational spaces;

- opportunities to locate parks adjacent to open space areas to maximize lands available for recreational purposes;
- reducing the size of district parks and receiving cash-in-lieu payments to offset the cost of land for Sports Field Parks;
- working with the Brooklin Landowners Groups to develop a master parks agreement in consideration of the report recommendations; and,
- potential locations for a Sports Field Park.

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

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.

Carried later in the meeting (See following motion)

Moved by Councillor Lee

Seconded by Councillor Shahid

That Item 5 be added to the main motion, as follows:

5. That Staff be directed to report to Council in September 2023 on the status of the parks master plan agreement.

Carried

The main motion, as amended, was then carried as follows:

Resolution # 152-23

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

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;
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; and,
5. That Staff be directed to report to Council in September 2023 on the status of the parks master plan agreement.

Carried

9.4 CMS 07-23, Community Services (Operational Services) Department Report

Re: Urban Forestry Update - Spring 2023

Resolution # 153-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report CMS 07-23 be received as information.

Carried

9.5 FS 13-23, Financial Services Department Report

Re: Annual Insured Claims Report

Resolution # 154-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

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

Carried

9.6 FS 17-23, Financial Services Department Report

Re: Building Permit Fees Annual Financial Report 2022

Resolution # 155-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

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

Carried

9.7 FS 18-23, Financial Services Department Report

Re: 2022 Year End Operating Budget Variances and Reserve Funds

Resolution # 156-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

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

Carried

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

Resolution # 157-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

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

9.9 FES 03-23, Fire and Emergency Services Department Report

Re: Whitby Firefighters – Fallen Firefighters Memorial

Resolution # 158-23

Moved by Councillor Yamada

Seconded by Councillor Shahid

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

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

Resolution # 159-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That report FES 04-23 be received for information.

Carried

- 9.11 CAO 15-23, Organization Effectiveness and Community Services
Department Report

Re: The IDEA Project, Journey to Inclusivity Status Update

Resolution # 160-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Council receive Report CAO 15-23, The IDEA Project, Journey to
Inclusivity Status Update for information.

Carried

- 9.12 CAO 16-23, Office of the Chief Administrative Officer Report

Re: Town of Whitby Official Tree Campaign

Resolution # 161-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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

- 9.13 CAO 17-23, Office of the Chief Administrative Officer Report

Re: Family Physician Recruitment Update

Resolution # 162-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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

9.14 CAO 19-23, Office of the Chief Administrative Officer Report

Re: Canada Mortgage and Housing Corporation – Housing Accelerator Fund

A brief question and answer period ensued between Members of Council and Staff regarding inclusionary zoning in the major transit station area near the Whitby GO Station and clarification that inclusionary zoning is being studied at this point in time.

Resolution # 163-23

Moved by Councillor Leahy

Seconded 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

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

A brief question and answer period ensued between Members of Council and Staff regarding removal of the 12-hour waiting period prior to a tow being authorized and clarification from Staff about the notification process between property owners and the Town's Enforcement Services Division that takes place prior to a vehicle being towed.

Resolution # 164-23

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

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,

1. 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.

Carried

9.16 Forest Heights Park Basketball Court

Moved by Councillor Bozinovski

Seconded by Councillor Yamada

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

Carried later in the meeting (See following motion)

Moved by Councillor Bozinovski

Seconded by Councillor Yamada

That the main motion be amended by striking Darren Park.

Carried

The main motion, as amended, was then carried as follows:

Resolution # 165-23

Moved by Councillor Bozinovski

Seconded by Councillor Yamada

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

Carried

10. For information only - Committee of the Whole Minutes of June 5 and June 12, 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 # 166-23

Moved by Councillor Bozinovski

Seconded by Councillor Cardwell

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.

Carried

- 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

Resolution # 167-23

Moved by Councillor Lundquist
Seconded by Councillor Leahy

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.

Carried

15. Adjournment

Moved by Councillor Shahid
Seconded by Councillor Cardwell

That the meeting adjourn.

Carried

The meeting adjourned at 1:40 a.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

June 19, 2023, 5:30 p.m.
Council Chambers
Whitby Town Hall

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

Regrets: Councillor Mulcahy

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Long, Head of Organizational Effectiveness
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
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. Presentations

4.1 S. Klein, Director of Strategic Initiatives and K. Wianecki, Planning Solutions Inc.

Re: Community Strategic Plan

Refer to Item 6.1, CAO 18-23

1. Klein, Director of Strategic Initiatives and K. Wianecki, Planning Solutions Inc. provided a presentation regarding the Community Strategic Plan. Highlights of the presentation included:
 - the importance of a Community Strategic Plan;
 - an overview of tasks completed in phase one and two of the Community Strategic Plan;
 - the mission and core values;
 - an overview of the engagement strategy and a summary of participation rates and demographics;
 - key themes identified by community engagement participants that informed the vision statement;
 - feedback regarding Pillar 1, which focusses on the safety, health, and inclusivity of Whitby's neighbourhoods;
 - feedback regarding Pillar 2, which focusses on a connected and resilient natural and built environment;
 - feedback regarding Pillar 3, which focusses on an innovative and competitive economy;
 - feedback regarding Pillar 4, which focusses on an accountable and responsive municipal government;
 - an overview of the proposed Community Strategic Plan;
 - proposed annual reporting on the progress of the Strategic Pillars and Actions to ensure transparency and accountability;
 - an overview of the 62 action items identified in the Community Strategic Plan, including budgetary considerations and the impact on work plans; and,

- next steps in the Community Strategic Plan, including public launch in June 2023 and continued reporting on progress.

Discussion ensued between Members of Council regarding the efforts of the project steering committee, the effective community engagement strategy, and achievements to date.

A question and answer period ensued between Members of Council, Staff, and K. Wiancki regarding:

- addressing concerns regarding community safety;
- strategies for measuring the progress and success of Action Items relating to economic development;
- justification for attracting a new hotel and convention centre;
- metrics that inform proposed government outreach programs and engagement strategies focused on marginalized communities;
- the effective engagement strategy;
- whether ensuring that commercial vacancy rates remain below 5% is an achievable measure of progress;
- clarification regarding the goal of implementing 20% of the action items identified in the Parks and Recreation Master Plan as part of the Community Strategic Plan;
- addressing concerns regarding homelessness; and,
- effective consultation with the community, Members of Council, staff, and other stakeholders.

5. Delegations

There were no delegations.

6. Items for Consideration

6.1 CAO 18-23, Office of the Chief Administrative Officer Report

Re: Community Strategic Plan

Resolution # 140-23

Moved by Councillor Leahy

Seconded by Councillor Cardwell

1. That Council endorse the 2023-2026 Community Strategic Plan;
2. That staff be directed to report annually on the progress of the Community Strategic Plan; and,
3. That staff be directed to implement the Actions identified in the Community Strategic Plan by presenting the required budget annually and developing work plans accordingly.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	0	0

Carried (8 to 0)

7. Confirmatory By-law

Resolution # 141-23

Moved by Councillor Yamada
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 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.

Carried

8. Adjournment

Motion to Adjourn

Moved by Councillor Cardwell

Seconded by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 6:22 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

July 26, 2023, 9:30 a.m.
Council Chambers
Whitby Town Hall

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

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
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
M. Dodge, Executive Advisor to the Mayor
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

Councillor Leahy declared a conflict of interest regarding Item 6.1, Staff Report CAO 20-23, advising his wife is a partner in the Oshawa Clinic Group. Councillor Leahy did not take part in the discussion or vote on this matter.

4. Presentations

There were no presentations.

5. Delegations

5.1 Keith White, Chief Executive Officer, Oshawa Clinic Group (In-Person Attendance)

Re: Family Physician Recruitment Incentive Partnership Pilot Program

Refer to Item 6.1, CAO 20-23

Keith White, Chief Executive Officer of Oshawa Clinic Group, appeared before Council to express his support for Staff Report CAO 20-23 and answer questions.

It was the consensus of Council to hear Item 6.1, CAO 20-23, at this time.

5.2 Vanessa Hicks, Garrard Investments Inc. (Virtual Attendance)

Re: 5515 Garrard Road - Notice of Intent to Demolish under Ontario Heritage Act, Section 27(9)

Refer to Item 6.2, PDP 33-23

Vanessa Hicks, Garrard Investments Inc., provided an overview of the Notice of Intent to Demolish the structure located on 5515 Garrard Road under the Ontario Heritage Act, Section 27(9) and expressed her support for Staff Report PDP 33-23.

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

- the potential adaptive reuse of the historic buildings on the property;
- the intended use of the subject property following the demolition of the existing structures; and,
- the size of the property.

6. Items for Consideration

6.1 CAO 20-23, Office of the Chief Administrative Officer Report

Re: Family Physician Recruitment Incentive Partnership Pilot Program

Having previously declared a conflict of interest, Councillor Leahy did not take part in the discussion or voting on this matter.

P. Pirri, Senior Manager of Economic Development, provided a brief overview of the Family Physician Recruitment Incentive Partnership Pilot Program.

A question and answer period ensued between Members of Council, Staff, and Keith White, Chief Executive Officer of Oshawa Clinic Group regarding:

- the role of an Economic Development Officer in supporting the program;
- similar programs other municipalities have engaged in and the success of these programs;
- strategies to retain family physicians that participate in the program;
- collaborating with the College of Physicians and Surgeons of Ontario (CPSO) and Federal government to attract qualified physicians that are licensed outside of Ontario;
- strategies to attract internationally trained and licensed physicians to Whitby;
- the success of previous physician recruitment programs that Whitby has participated in; and,
- expansion of the partnership pilot program to include other clinics in the future.

Resolution # 168-23

Moved by Councillor Shahid

Seconded by Councillor Yamada

1. That Report CAO 20-23 be received for information;
2. That a new 2023 capital project for the Family Physician Recruitment Incentive Partnership Pilot Program, in the amount of \$300,000, be approved with funding from the Long Term Finance Reserve;
3. That to the extent necessary, the Pilot Program be considered a grant in the interests of the municipality under Section 107 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended; and,
4. That Council authorize staff to enter into a partnership agreement with the Oshawa Clinic Group to attract family physicians to the

Whitby Health Centre upon terms satisfactory to the Director, Strategic Initiatives, and the Commissioners of Financial Services/Treasurer and Legal and Enforcement Services/Town Solicitor.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy			X
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	0	1

Carried (8 to 0)

It was the consensus of Council to hear Item 5.2, a delegation from Vanessa Hicks, at this time.

6.2 PDP 33-23, Planning and Development (Planning Services) Department Report

Re: 5515 Garrard Road - Notice of Intent to Demolish under Ontario Heritage Act, Section 27(9)

Discussion ensued between Members of Council and Staff regarding:

- discussion amongst the Heritage Whitby Advisory Committee members regarding removal of 5515 Garrard Road from the Heritage Register and the adaptive reuse of the structures;
- concerns regarding the removal properties from the Heritage Register;

- the evaluation process for determining whether properties are added to the Heritage Register;
- reporting on requests to add or remove properties from the Heritage Register;
- recommendations made by the Heritage Whitby Advisory Committee regarding the subject property;
- whether residential houses exist within a two acre radius of the subject property and whether these properties may be zoned for industrial use; and,
- whether residential structures located on other Town properties constructed around the same time period have been protected under the Ontario Heritage Act.

Resolution # 169-23

Moved by Councillor Leahy

Seconded by Councillor Mulcahy

1. That Council receive the Notice of Intention to Demolish a non-designated property listed on the Municipal Heritage Register municipally know as 5515 Garrard Road;
2. That Council approve the removal of 5515 Garrard Road from the Heritage Register and consent to the demolition of the existing structures, pursuant to Section 27 (9) of the Ontario Heritage Act; and,
3. That a documentation and salvage report be prepared and any identified salvage items of cultural heritage value be utilized as a commemorative feature.

Carried

6.3 FS 24-23, Financial Services Department and Community Services Department Joint Report

Re: Whitby Sports Complex – Construction Tender Results (T-1-2023) and Project Budget Approval

F. Wong, Commissioner of Financial Services/Treasurer, provided an overview of the Whitby Sports Complex (WSC) construction tender and project budget approval. Highlights of the overview included:

- the cost estimate of approximately \$154.9 million and funding sources for the construction of the WSC Community Centre Building and WSC Park Development;
- a \$43.4 budget shortfall to be funded by Development Charge Reserves; and,
- deferring all planned 2024 (and future) new Parks and Recreation growth-related design/construction capital projects by one year to fund the budget shortfall from development charge reserves and mitigate debt financing.

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

- the impact of deferring all planned 2024 capital projects involving the design and construction of parks and trails;
- the cost estimate of the Victoria Fields Urban Park design, included in the proposed list of 2024 deferred capital projects;
- the original WSC Community Centre Building and WSC Park Development project proposal and cost estimate compared to the current project scope;
- the multi-purpose use of the MUGA board structure around the multi-purpose court;
- clarification regarding the location of the West Whitby park included in the proposed list of 2024 deferred capital projects;
- benefits of the WSC Community Centre Building and WSC Park Development to the community;
- clarification regarding the debt servicing costs;
- the number of capital projects that have historically met their proposed budget;
- collaboration with the Federal government regarding grant funding applications submitted by the Town;
- weighing the implications of deferring the project due to estimated project costs against the benefits of proceeding with construction, including benefits to the community, economic growth, and tourism;

- clarification regarding the nature of the deferred 2024 capital projects;
- whether the Green and Inclusive Community Buildings (GICB) Program grant funding will help advance the deferred 2024 capital projects, in addition to servicing debt;
- support for the construction of the WSC Community Centre Building and WSC Park Development; and,
- the anticipated timeline for re-opening parks and facilities that have been closed for construction, including the Civic Recreation Centre, Des Newman WhitBEE Park, and Lynde Creek Park.

Resolution # 170-23

Moved by Councillor Shahid

Seconded by Councillor Leahy

1. That the Town proceed with an award to the low bid as received from Ledcor Construction Limited for the construction of the Whitby Sports Complex (WSC) Community Centre Building and WSC Park Development (Provisional) as specified, in the amount of \$125,655,001.00 (including Provisional and recommended Separate Prices plus applicable taxes) funded from capital projects as outlined in Table 3 and 4 of Report FS 24-23;
2. That the revised cost estimate for the construction of the WSC Community Centre Building and WSC Park Development in the amount of \$154,853,886 (inclusive of the construction tender award), as outlined in Table 3 of Report FS 24-23, be approved;
3. That the approved capital budgets be updated to reflect the Revised Cost Estimate, totaling \$154,853,886, as outlined in Table 4 and 5 of Report FS 24-23 (inclusive of the creation of a new 2023 capital project for WSC Park Development in the amount of \$11,818,870);
4. That the budget shortfall in the amount of \$43,397,500 for the Whitby Sports Complex (WSC) Community Centre Building and WSC Park Development Capital Project, as outlined in Table 4 of Report FS 24-23, be funded from Parks and Recreation Development Charge Reserve Fund;

5. That the Town defer all planned 2024 (and future) new Parks and Recreation growth-related design/construction capital projects by one year in order to fund the \$43,397,500 budget shortfall from development charge reserves and mitigate debt financing;
6. That Council award the fee adjustment for architectural design services to Perkins + Will Architecture in the amount of \$2,700,000.00 (inclusive of taxes) based on the new project value; and,
7. That the Mayor and Clerk be authorized to execute the contract documents.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist		X	
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	1	0

Carried (8 to 1)

6.4 LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report

Re: Review of Animal Sheltering Options for the Town of Whitby

Note: This item was withdrawn.

7. Closed Session

7.1 LS 10-23, Confidential Legal and Enforcement Services Department, Financial Services Department, and Planning and Development (Engineering Services) Department Joint Report

Re: Expropriation of Land to Construct, Use, and Maintain the Mid-Block Arterial Roadway (MBAR)

It was the consensus of Council to consider Staff Report LS 10-23 regarding the Expropriation of Land to Construct, Use, and Maintain the Mid-Block Arterial Roadway (MBAR) in open session.

Resolution # 171-23

Moved by Councillor Leahy

Seconded by Councillor Yamada

1. That Council authorize the Commissioner of Legal and Enforcement Services/Town Solicitor, or their designate, to negotiate to acquire the Property, as outlined below, and authorize that expropriation proceedings be initiated and the Application for Approval to Expropriate Land be made for the Mid-Block Arterial Roadway project for:
 - a. the property municipally known as 5345 THICKSON ROAD NORTH, WHITBY, ONTARIO and legally described as PART LOT 20, CONCESSION 5, TOWNSHIP OF WHITBY, PART ROAD ALLOWANCE BETWEEN LOTS 20 AND 21, CONCESSION 5, TOWNSHIP OF WHITBY AS IN D76143, SAVE AND EXCEPT PARTS 3 & 4 ON PLAN 40R26759, S/T INTERESTS OF THE TOWNSHIP OF WHITBY; TOWN OF WHITBY, REGIONAL MUNICIPALITY OF DURHAM (hereinafter referred to as the "Property");
2. That the Mayor and Town Clerk be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and that staff be authorized to serve and publish the Notice, as required under the *Expropriations Act* (the "Act");
3. That any valid request from the owner for an inquiry that is received be forwarded to the Ontario Land Tribunal, and that the Town be represented at any Hearing of Necessity, as necessary under the Act;

4. That in the event that there are inquiries (Hearing of Necessity) conducted at the request of the owner, the recommendation(s) of the Ontario Land Tribunal be reported to Town Council for its consideration and decision as the approving authority under the Act;
5. That staff be authorized to engage such appraisal, business valuation, survey or other professional services in connection with the expropriation as are necessary and advisable; and,
6. That staff be directed to retain the services of external counsel (Scargall Owen-King LLP) to represent the Town in the negotiation to acquire the Property and the expropriation process.

Carried

8. By-laws

Resolution # 172-23

Moved by Councillor Shahid

Seconded by Councillor Lundquist

That leave be granted to introduce By-laws # 8011-23 to # 8015-23 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

8.1 By-law # 8011-23

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

8.2 By-law # 8012-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (S-168-88) as not being subject of Part Lot Control.

8.3 By-law # 8013-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (S-212-90) as not being subject of Part Lot Control.

8.4 By-law # 8014-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2018-02) as not being subject of Part Lot Control.

8.5 By-law # 8015-23

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2021-01) as not being subject of Part Lot Control.

9. Confirmatory By-law

Resolution # 173-23

Moved by Councillor Yamada

Seconded by Councillor Mulcahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on July 26, 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

10. Adjournment

Moved by Councillor Shahid

Seconded by Councillor Mulcahy

That the meeting adjourn.

Carried

The meeting adjourned at 10:39 a.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

September 11, 2023, 5:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy (Virtual Attendance, arrived at 5:33 p.m.)
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
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 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)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, and (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

Carried

4.1 A proposed or pending disposition of land by the municipality

5. Rising and Reporting

Motion to Rise

Moved by Councillor Leahy
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 a proposed disposition of land by the municipality, and commercial and financial information supplied in confidence to the municipality.

6. Adjournment

Motion to Adjourn

Moved by Councillor Leahy
Seconded by Councillor Lundquist

That the meeting adjourn.

Carried

The meeting adjourned at 7:05 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

September 27, 2023, 6:30 p.m.
Council Chambers
Whitby Town Hall

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

Also Present: M. Gaskell, Chief Administrative Officer
S. Klein, Director of Strategic Initiatives
J. Long, Head of Organizational Effectiveness
J. Romano, Commissioner of Community Services
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk (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 Yamada
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)(d) labour relations or employee negotiations.

Carried

4.1 Confidential Verbal Update from M. Gaskell, Chief Administrative Officer, and J. Long, Head of Organizational Effectiveness

Re: Collective Bargaining Update

5. Rising and Reporting

Motion to Rise

Moved by Councillor Yamada
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 received a verbal update from Staff regarding collective bargaining.

6. Adjournment

Moved by Councillor Bozinovski
Seconded by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 9:05 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

**Report Title: DEV-11-23: Draft Plan of Condominium Application
CW-2023-04, Sixfive (VICDEV) Inc., 1450 Victoria Street East**

Report to: Committee of the Whole

Date of meeting: September 18, 2023

Report Number: PDP 36-23

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 the Draft Plan of Condominium (File No. CW-2023-04) subject to the comments included in Planning Report PDP 36-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

2. Highlights:

- A Site Plan (SP-22-19) phase 2 was approved for the development on April 13, 2021.
- The intent of the Draft Plan of Condominium application (CW-2023-04) is to facilitate the transfer of title from the Subdivider (Sixfive (VICDEV) Inc.) to the future condominium purchasers and to have the future condominium corporation assume responsibility of administering the conditions of site plan approval.

3. Background:

3.1 Site and Area

The subject land is municipally known as 1450 Victoria Street East (refer to Attachments #1 and #2). The subject land is approximately 4.3 hectares (10.6 acres) in size.

Surrounding land uses include:

- vacant land to the west;
- commercial uses to the north;
- vacant land and storage facilities to the east; and,
- industrial uses to the west (refer to Attachment #2)

3.2 Application and Development Proposal

A Site Plan Application (SP-22-19) phase 2 for the development of two multi-tenant industrial buildings was approved by the Commissioner of Planning and Development on April 13, 2021. The intent of the Draft Plan of Condominium application (CW-2023-04) is to facilitate the transfer of title from the Subdivider (Sixfive (Vicdev) Inc.) to the future condominium purchasers and to have the future condominium corporation assume responsibility of administering the conditions of site plan approval (refer to attachment #3).

4. Discussion:

4.1 Planning Conformity

The subject land has previously been considered through a number of planning applications, specifically a Site Plan Application (SP-22-19) phase 2 and Minor Variance Applications (A-29-20 & A-10-22). These applications have been circulated to the appropriate departments and agencies and all comments and concerns have since been addressed.

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

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

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Durham Region Planning

The proposed industrial condominium supports efficient use of vacant employment lands and promotes employment opportunities to support a strong and diversified economy. The proposed application conforms with the Growth Plan.

We have reviewed the application for delegated Provincial Plan Review responsibilities and acknowledge the subject site is currently under construction in accordance with an approved site plan and building permit. However, soil and groundwater assessment would need to be addressed for the site. Soil and Groundwater Assessment will require the applicant to address potential site contamination concerns at the subject site.

A Qualified Person (QP) must complete the Region's "Site-Screening Questionnaire" for the subject site to assess if the property contains any potentially contaminating activity. Alternatively, the applicant can submit a Record of Site Condition Compliant "Phase One Environmental Site" of the subject site for our review. The QP who prepares the ESA Report(s) must complete the Region's "Reliance Letter" and "Certificate of Insurance" forms.

The Region had previously approved the proposed condominium development through the applicant's related Site Plan Application SP-22-19 phase 2.

The proposed condominium application supports employment opportunities and diversifies the Region's economic base. The proposed development generally conforms with the current ROP and the newly adopted ROP.

The Region has no objection to the draft approval of this condominium application subject to the inclusion of our request conditions of approval.

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 of industrial buildings contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 3.1.2 under the third Pillar: Whitby's Economy.

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

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

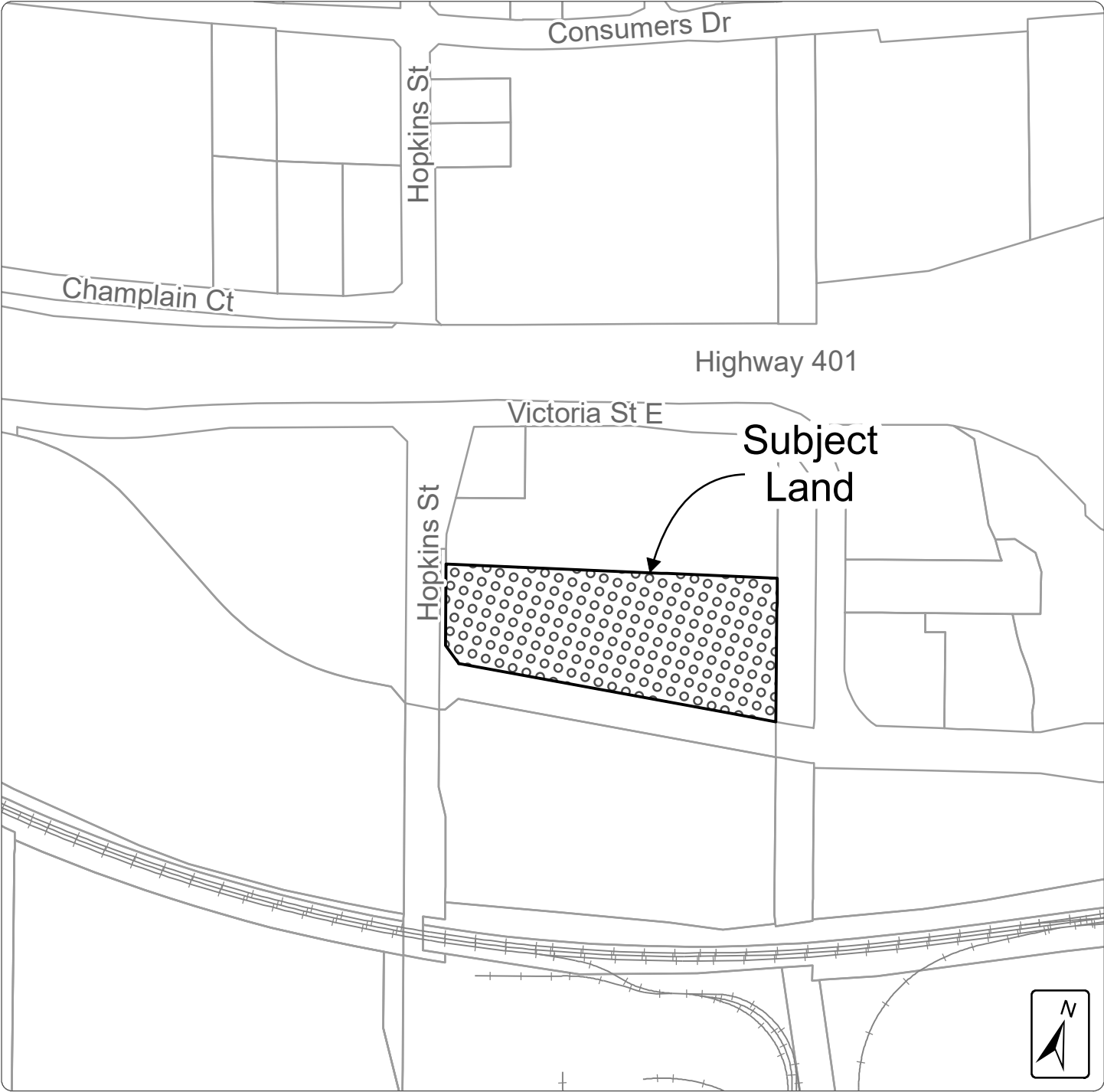
Attachment #3: Proponent's Proposed Standard Condominium Plan


Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency & Stakeholder Detailed Comments

Attachment #1
Location Sketch

PDP 36-23



 Town of Whitby Planning and Development Department		
Proponent: SIXFIVE (VICDEV) INC.	File Number: DEV-11-23 (CW-2023-04)	Date: September 2023
<small>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.</small>		
<small>The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.</small>		

Attachment #2 Aerial Context Map

PDP 36-23



Town of Whitby Planning and Development Department

Proponent:
SIXFIVE (VICDEV) INC.

File Number:
DEV-11-23 (CW-2023-04)

Date:
September 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.

The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.

Digital cartography by The Corporation of the Town of Whitby, Planning Department. Copyright 2023 Town of Whitby. All rights reserved. May not be reproduced without permission.

[illegible]

PDP 36-23

Attachment #4
Draft Plan of Condominium Conditions
File CW-2023-04

1. The Proponent shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by Schaeffer Dzaldov Purcell Ltd., identified as Job No.:22-062-05, date plotted May 10, 2023, which illustrates two blocks for 15 industrial condominium units.
2. The Proponent shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Region of Durham's Soil and Groundwater Assessment Protocol.
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-22-19) phase 2 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-22-19) phase 2 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;
 - 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 36-23

Attachment #5
Agency & Stakeholder Detailed Comments
File CW-2023-04

External Agencies

Region of Durham

We have completed our review of the above-noted 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 site is located on the east side of Hopkins Street, south of Victoria Street East and Highway 401. The site is approximately 4.3 hectares and is currently vacant.

The proposed Standard Plan of Condominium would permit 2 blocks for the development of 15 industrial condominium units. Access to the site is proposed from the Victoria Street East realignment.

The intent of the Standard Condominium Application is to enable the transfer of title to the future industrial unit owners and create a Condominium Corporation for the Standard Condominium and to require the Condominium Corporation to adhere to the conditions of site plan approval (SP-22-19) phase 2.

Regional Official Plan Conformity

The subject site is designated as "Employment Areas" in the Regional Official Plan (ROP). The permitted uses within the Employment Areas designation may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

Victoria Street East is designated as a "Regional Corridor" in the ROP. Development proposals along Regional Corridors should be transit-supportive and promote compact built form.

This section of Victoria Street is proposed to be realigned, as shown on Schedule 'C'-Map 'C2' - Road Network in the ROP. Access to the site is proposed from the Victoria Street realignment which is targeted to be tendered for construction next year. The alignment in the proposed condominium plan appears to reflect the right-of-way established through the Class Environmental Assessment Study.

Region of Durham Adopted Official Plan

On May 17, 2023, Regional Council adopted the new Region of Durham Official Plan. The newly adopted ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

We have reviewed the proposed development for conformity with the newly adopted ROP.

The subject site is designated as “Employment Areas” in the newly adopted ROP. Plan Employment Areas are locations for primary employment generating uses such as manufacturing, assembly, processing, generation, freight and transportation, warehousing, storage, major facilities, and similar uses that require access to highway, rail, shipping facilities and/ or separation from sensitive land uses.

Victoria Street East is designated as a “Regional Corridor” in the newly adopted ROP. We encourage developments that support compact built form, intensification, and are transit-supportive to be located along Regional Corridors.

Conclusion

The proposed industrial condominium supports employment opportunities and diversifies the Region’s economic base. The proposal supports employment development of underutilized vacant employment lands and increases job opportunities in Durham Region. The proposal supports employment growth, and generally conforms with the policies of current ROP and the newly adopted ROP.

Provincial Policy Statement

The Provincial Policy Statement (PPS) supports an appropriate mix of employment uses to meet current and future needs of the residents of Durham Region. The PPS also supports protecting employment lands for employment uses and to ensure that the necessary infrastructure is provided. The proposed industrial condominium supports economic growth within Durham Region and efficiently uses available infrastructure. The proposed application is consistent with the PPS.

Growth Plan

The Growth Plan promotes employment development by making more efficient use of existing employment areas and vacant and underutilized employment lands. The proposed industrial condominium supports efficient use of vacant employment lands and promotes employment opportunities to support a strong and diversified economy. The proposed application conforms with the Growth Plan.

Provincial Plan Review Responsibilities

We have reviewed the application for delegated Provincial Plan Review responsibilities and acknowledge the subject site is currently under construction in accordance with an approved site plan and building permit. However, soil and groundwater assessment would need to be addressed for the site.

Soil and Groundwater Assessment

We will require the applicant to address potential site contamination concerns at the subject site.

A Qualified Person (QP) must complete the Region’s “Site-Screening Questionnaire” for the subject site to assess if the property contains any potentially contaminating activity. Alternatively, the applicant can submit a Record of Site Condition Compliant “Phase One Environmental Site” of the subject site for our review.

The QP who prepares the ESA Report(s) must complete the Region's "Reliance Letter" and "Certificate of Insurance" forms.

Regional Servicing

The Region had previously approved the proposed condominium development through the applicant's related Site Plan Application SP-22-19 phase 2.

Conclusion

The proposed condominium application supports employment opportunities and diversifies the Region's economic base. The proposed development generally conforms with the current ROP and the newly adopted ROP.

Based on the foregoing, the Region has no objection to the draft approval of this condominium application subject to the inclusion of our request conditions of approval. 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.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: DEV-17-22: Official Plan Amendment Application OPA-2022-W/02, Draft Plan of Subdivision Application SW-2022-03, Zoning By-law Amendment Application Z-13-22, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street

Report to: Committee of the Whole

Date of meeting: September 18, 2023

Report Number: PDP 37-23

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:

D. Coore, Planner I, x. 1946

L. Taylor, Planner II, x. 2902

1. Recommendation:

1. That Council approve Official Plan Amendment Number 132 to the Whitby Official Plan (OPA-2022-W/02), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 132 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 37-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 132 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File No. SW-2022-03), subject to the comments included in Planning Report PDP 37-23 and the conditions of draft plan approval included in Attachment #10;
4. That Staff be authorized to prepare a Subdivision Agreement;

5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 1784, (File No. Z-13-22), as outlined in Planning Report No. PDP 37-23; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

2. Highlights:

- Applications for Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by Bousfields Inc. on behalf of 1351637 Ontario Limited (Mansouri Group) for lands municipally known as 4400 & 4440 Garden Street.
- The proposal is to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density Residential and adjust the boundary of the Environmental Protection/Conservation Lands designation, to facilitate the proposed development of 155 residential units, consisting of 18 single detached units fronting on Robert Attersley Drive East and 65 townhouse units that are two-storeys in height and 72 back-to-back townhouse units that are three-storeys in height on an internal private (condominium) road.
- Existing buildings at 4440 Garden Street are proposed to be removed.
- The proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.
- The proponent will be required to consolidate the property ownership into one parcel.

3. Background:

3.1. Site and Area Description

The subject land is located on the west side of Garden Street, north of Robert Attersley Drive East, on properties municipally known as 4400 & 4440 Garden Street (refer to Attachment #1). There is an existing dwelling and associated accessory buildings on 4440 Garden Street, which are proposed to be removed. The subject land is approximately 7.08 hectares (17.5 acres) in size.

Surrounding land uses include:

- Town-owned open space woodlot to the west;
- privately owned forested land with single detached dwellings to the north and north-east;
- townhouse dwellings under construction to the east, and,

- single detached and linked dwellings to the south (refer to Attachment #2).

3.2. Applications and Proposed Development

An Official Plan Amendment Application has been submitted to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density Residential and to adjust the boundary of the Environmental Protection/Conservation Lands designation.

A Draft Plan of Subdivision Application has been submitted for 155 residential units, consisting of 18 single detached units fronting on Robert Attersley Drive East and 65 2-storey townhouse units and 72 3-storey back-to-back townhouse units on an internal private (condominium) road, as well as an open space block containing a Provincially Significant Wetland.

A Zoning By-law Amendment Application has been submitted to change the zoning to permit the proposed development.

A Site Plan Application and Draft Plan of Condominium Application will be required at a later date.

3.3. Documents Submitted in Support

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

- A Draft Plan of Subdivision prepared by Bousfields Inc., dated April 4, 2023 (refer to Attachment #3);
- A Concept Plan prepared by Urbanscape Architects. (refer to Attachment #4);
- An Active Transportation Plan prepared by R.J. Burnside & Associates Limited, dated March 2022 (refer to Attachment #5 Excerpt);
- An Arborist Report prepared by Beacon Environmental Limited, dated April 2023, identifies the health of existing trees on the subject land and adjacent to the subject land and provides recommendations for preservation and/or removal, including compensation planting on-site and/or off-site, as well as possible cash contribution to the Town's Tree Reserve;

- An Environmental Impact Study prepared by Beacon Environmental Limited, dated May 2023, provides an assessment of significant natural heritage features on the subject land and an impact assessment of the proposed development. The Study also recommends mitigation measures including natural feature compensation and buffers, and water balance and infiltration measures;
- An Environmental Noise Feasibility Assessment prepared by R.J. Burnside & Associates Limited, dated March 2023, recommends ducting to accommodate central air conditioning and a noise warning clause for Lots 1-18 along Robert Attersley Drive East and an acoustic barrier for Lot 1 at Garden Street to mitigate transportation noise;
- A Functional Servicing and Stormwater Management Report prepared by R.J. Burnside & Associates Limited, dated April 2023, provides a review of existing and proposed water, sanitary and stormwater servicing for the site, including erosion and sediment control during construction. The Report concludes that the site can be sufficiently serviced;
- A Geotechnical Investigation Report prepared by HLV2K Engineering Limited, dated December 20, 2021, provides an assessment of the subsurface conditions including soil and groundwater conditions. The Report provides recommendations for footing options including one option with no basement and two options with basements;
- A Hydrogeological Investigation prepared by HLV2K Engineering Limited, dated March 23, 2023, summarizes the results of the subsurface investigation, hydrogeological assessment and analysis of hydraulic conductivity testing and groundwater level monitoring data. A water balance study is recommended (the study has been provided and is summarized below). Long term foundation and underfloor drainage systems are recommended for each unit to reduce hydrostatic pressure and remove seeped water;
- A Phase One Environmental Site Assessment (ESA) prepared by Terraprobe Inc., dated March 12, 2021 which concludes that a Phase Two ESA is required;
- A Phase Two Environmental Site Assessment (ESA) prepared by HLV2K Engineering Limited, dated December 23, 2021, summarizes existing geologic, hydrogeological, soil and groundwater conditions. The Assessment concludes that site condition standards are acceptable for residential use;

- A Planning & Urban Design Rationale prepared by Bousfields Inc., dated April 2022, and Addendum dated April 27, 2023, provides a summary of the site and surrounding conditions as well as an analysis of provincial, regional, and local policies. The Rationale concludes that the proposed development represents good planning and is compatible with the existing and planned residential neighbourhoods;
- A Stage 1 Archaeological Assessment prepared by Archaeological Services Inc., dated March 8, 2022, concludes that there is potential for the presence of both Indigenous and Euro-Canadian archaeological resources, therefore a Stage 2 Archaeological Assessment is recommended;
- A Sustainability Rationale and Whitby Green Standard Draft Plan Application Checklist prepared by GHD, dated April 2023, states that the proposed single detached dwellings are committed to Tier 1 Performance category;
- A Transportation Study prepared by R.J. Burnside & Associates Limited, dated March 2022, provides a summary of access and parking for the proposed development, noting two full-movement accesses are proposed on Garden Street and one full-movement access on Robert Attersley Drive East, aligned with Seven Oaks Street. The Study notes that 2 parking spaces will be provided per unit, plus 15 visitor parking spaces within the condominium area. The Study concludes that the site is designed to accommodate all modes of travel and will include internal sidewalk connections to existing sidewalks on Robert Attersley Drive East and a future sidewalk on Garden Street; and,
- A Water Balance Analysis prepared by HLV2K Engineering Limited, dated March 14, 2023, provides a pre-construction water balance and a post-construction water balance, with and without Low Impact Development (LID) measures. The Analysis notes that impervious area is expected to increase to approximately 30% for the development area, which will decrease overall infiltration and evapotranspiration and will increase overland flow runoff, which can be managed using either conventional stormwater management techniques or LID.

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 as “Living Areas” on Schedule ‘A’ Map ‘A4” of the Regional Official Plan. Living Areas are to be planned and developed for a variety of housing types, sizes, and tenure.

4.2. Whitby Official Plan

The south portion of the subject land is designated as Low Density Residential 1, and the north portion is designated as Environmental Protection/Conservation Lands on Schedule 'P' – Taunton North Community Secondary Plan (refer to Attachment #6).

The Low Density Residential 1 designation permits single detached, semi-detached, and duplex dwellings to a maximum of 30 dwelling units per net hectare (4.4.3.4). The exact form and density of development that will be permitted may be determined through the EIS process and may be lower than the maximum density permitted by the Official Plan policies in order to properly address environmental conditions identified (11.10.8.9.1).

The Environmental Protection/Conservation Lands designation is intended to protect and enhance the natural features, functions, and linkages of these lands (11.10.6.1).

An Official Plan Amendment is required to adjust the boundary of the Environmental Protection/Conservation Lands area and to change a portion of the Low Density Residential 1 area to Medium Density Residential to permit the use of townhouses. The south portion of the subject land is proposed to remain Low Density Residential 1 to accommodate 18 single detached dwellings.

The submitted Environmental Impact Study and other environmental reports have been reviewed by the Town, Region and CLOCA, and the proposed density has been determined to be acceptable from an environmental perspective.

The proposed development will contribute to the density and mix of housing supply, while contributing to the efficient use of infrastructure and intensification in a built up area while serving as a transition point.

It is recommended that Council approve the Official Plan Amendment to change the land use designation and adjust the environmental boundary to accommodate the proposed development.

The draft proposed Official Plan Amendment 132 is available at Attachment #7.

4.3. Zoning By-law

The property at 4400 Garden Street is zoned Development (Residential) (D(R)) under By-law 1784 (refer to Attachment #8). The D(R) Zone is a Holding zone intended for future residential development, subject to a Zoning By-law Amendment Application.

The property at 4440 Garden Street is zoned Agricultural (A) under By-law 1784 (refer to Attachment #8). The Agricultural Zone permits a single detached dwelling and farming uses.

A Zoning By-law Amendment is required to change the zoning to appropriate residential zone categories to permit the proposed development and to implement the Taunton North Secondary Plan policies.

4.4. Whitby Green Standards

The submitted Sustainability Rationale and Whitby Green Standard Draft Plan Application Checklist was reviewed by Sustainability staff. The Rationale states that the proposed single detached dwellings are committed to Tier 1 Performance category. A further Sustainability Rationale and Site Plan Checklist will be required for the condominium development and must achieve a minimum of Tier 1 of the Whitby Green Standards. The Sustainability Rationale will be included in the Subdivision Agreement and future Site Plan Agreement.

4.5. Conclusion

The majority of the subject land is designated for Low Density Residential uses and a portion is identified as Environmental Protection / Conservation Lands. Residential areas are intended to support a variety of residential uses.

The proposed development will serve to increase the range of dwelling types available within the community. The proposed development represents an urban form that is efficient and cost effective for servicing, storm water, transportation, and public transit systems.

The proposed building design and articulation of the condominium dwellings will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context. In addition, the single detached dwellings fronting Robert Attersley Drive East will be reviewed through architectural control for compatibility with the existing neighbourhood.

The proposed development represents an intensification opportunity within the built-up area of the Town of Whitby located within the 'Built Boundary', as defined by the Province. It provides an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Development of the subject land for single detached, townhouse dwellings and back-to-back townhouse dwellings is appropriate as it is situated within the built-up area, along a collector road with access to transit facilities.

The proposed development of single detached dwellings along Robert Attersley Drive East provides transition to the existing low density residential neighbourhood.

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

Based on the detailed review of the applications and consideration of public and agency comments and requirements (refer to Section 6), it is concluded that the proposed development is 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 Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on September 12, 2022 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 Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #9a. No members of the public spoke at the public meeting.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the September 18, 2023 Committee of the Whole Meeting.

Written public correspondence was received from nearby residents. A summary is included in Attachment #9b. The written correspondence raised various concerns including:

- the protection of the Environmental Protection / Conservation Lands;
- pedestrian safety at the intersection of Garden Street and Robert Attersley;
- lack of sidewalks on Garden Street; and,
- installation of speed bumps on Garden Street similar to those on Robert Attersley.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Applications. As previously noted, the proposed development conforms to the Official Plan policies of the Region's OP and generally meets the intent of the Town's OP. The following concerns raised above have been considered as follows:

- the plan has been revised to protect the greenspace. The hazard lands, wetlands, associated features, and their development setbacks shall be

designated Environmental Protection/Conservation Lands and be zoned Greenbelt (G) and conveyed to the Town of Whitby as Open Space.

- Garden Street transportation components such as sidewalks are subject to a Garden Street Extension Environmental Assessment.

7. Input from Departments/Sources:

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

- Town of Whitby Financial Services – Development Charges;
- Bell Canada;
- Durham Catholic District School Board ;
- Durham District School Board;
- Enbridge Gas Inc.; and,
- Hydro One Networks Inc.

Refer to Attachment #10 for additional detailed comments.

Internal Departments

Community Services – Parks

Comments provided by Parks staff state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval (refer to Attachment #11). The conditions include the payment of cash-in-lieu of parkland, the conveyance of Block 20 to the Town of Whitby as Open Space and the installation of fencing.

Refer to Attachment #10 for additional detailed comments.

Engineering Services

Comments provided by Engineering Services state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval (refer to Attachment #11)

Refer to Attachment #10 for additional detailed comments.

Financial Services

Comments provided by Financial Services – Tax staff state that there are outstanding taxes owing on both 4400 & 4440 Garden Street.

Refer to Attachment #10 for additional detailed comments.

Fire and Emergency Services

Comments provided by Fire staff include that a firebreak plan is required, and that fire route signs and hydrants shall be shown on the plan.

Refer to Attachment #10 for additional detailed comments.

Strategic Initiatives

Comments provided by Strategic Initiatives staff state that the Whitby Green Standards Subdivision checklist requires revisions. The proponent is encouraged to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4.

Refer to Attachment #10 for additional detailed comments.

External Agencies

Central Lake Ontario Conservation Authority (CLOCA)

Comments provided by CLOCA state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval (refer to Attachment #11). CLOCA recommends that all lands containing hazard lands, wetlands, associated features, and their development setbacks be designated Environmental Protection/Conservation Lands and be zoned Greenbelt (G).

Refer to Attachment #10 for additional detailed comments.

Region of Durham

Comments provided by Regional staff include:

- A Stage 2 Archaeological Assessment is required;
- A revised Noise Feasibility Assessment is required to include the updated traffic volumes;
- Additional pedestrian crossings on the private streets are recommended;
- Sidewalks are required on Garden Street and Robert Attersley Drive; and,
- Two new bus stops are required to be located on Garden Street and Robert Attersley Drive.

Refer to Attachment #10 for additional detailed comments.

8. Strategic Priorities:

The development of a residential subdivision contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

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

The proposed 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 Subdivision Plan

Attachment #4: Proponent's Proposed Concept Plan

Attachment #5: Active Transportation Plan – Excerpt from Transportation Study

Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'P'

Attachment #7: Draft Proposed Official Plan Amendment 132

Attachment #8: Excerpt from Zoning By-law 1784

Attachment #9a: Public Meeting Minutes

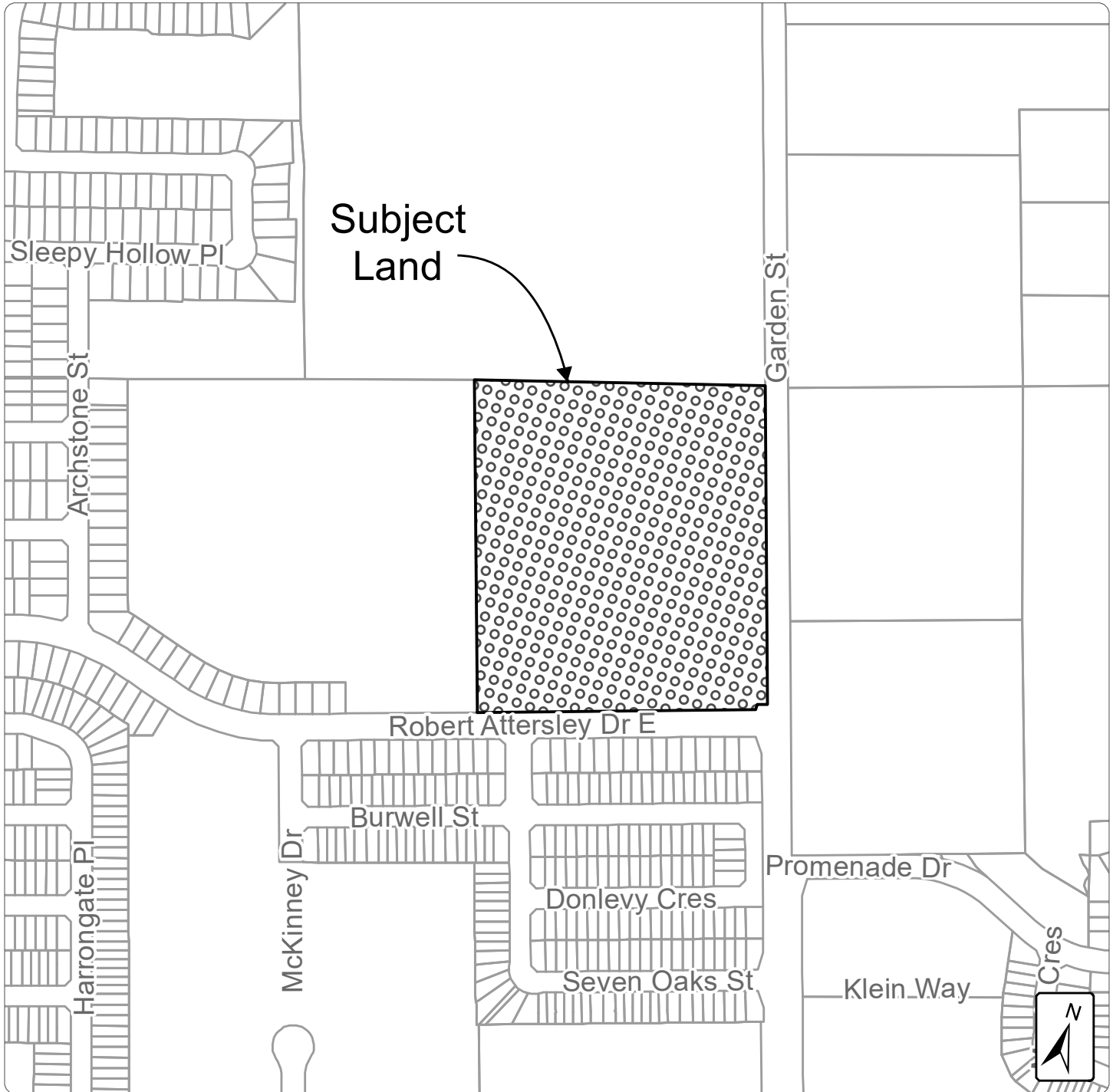
Attachment #9b: Summary of Written Public Comments

Attachment #10: Agency & Stakeholder Detailed Comments

Attachment #11: Conditions of Draft Plan of Subdivision Approval

Attachment #1 Location Sketch

PDP-37-23



Town of Whitby Planning and Development Department

Proponent:
1351637 Ontario Limited

File Number:
DEV-17-22 (OPA-2022-W/02,
SW-2022-03, Z-13-22)

Date:
September 2023

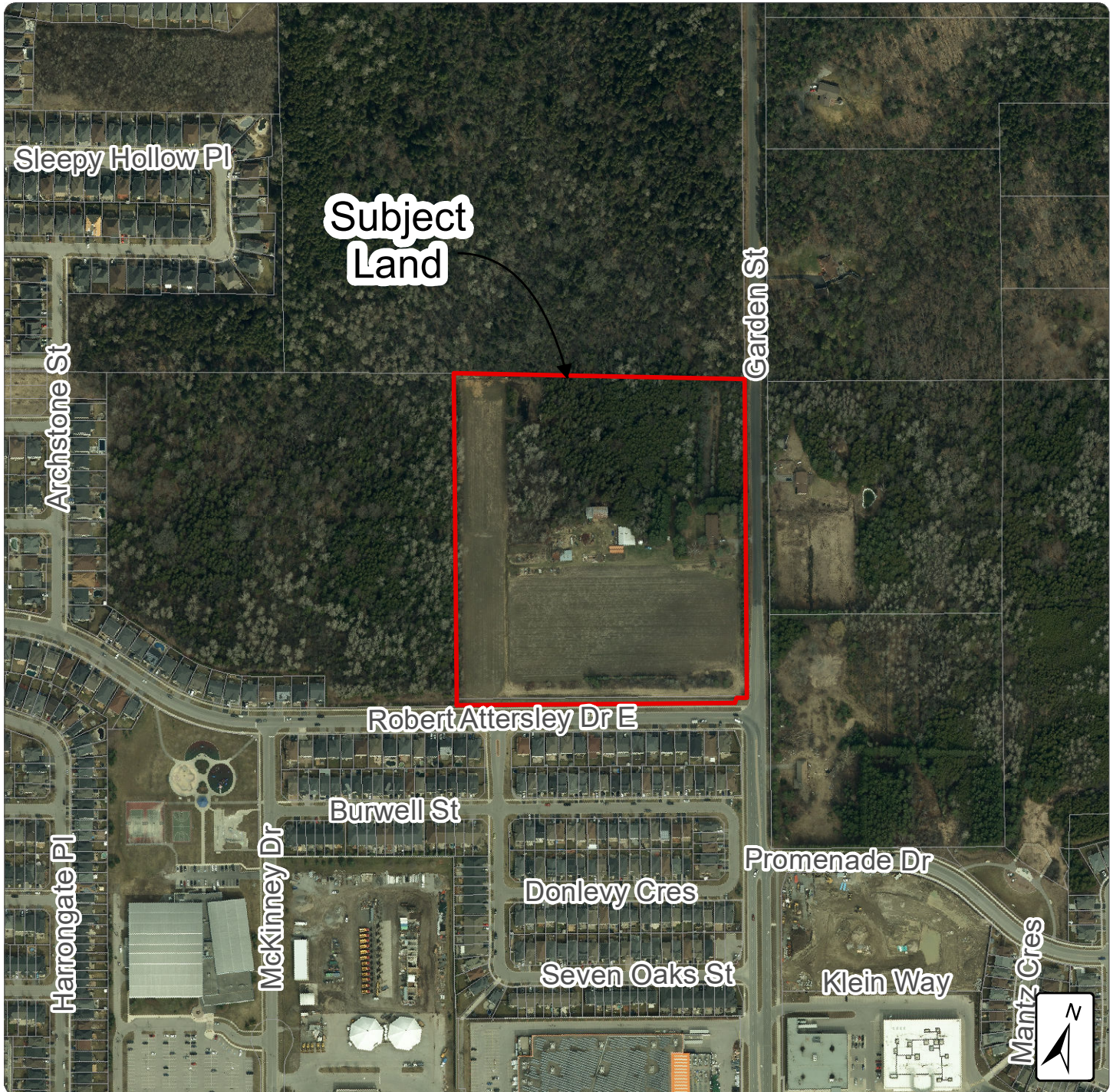
External Data Sources:
2021 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.

Digital cartography by The Corporation of the Town of Whitby, Planning Department. Copyright 2022 Town of Whitby. All rights reserved. May not be reproduced without permission.

Attachment #2 Aerial Context Map

PDP-37-23



Town of Whitby Planning and Development Department

Proponent:
1351637 Ontario Limited

File Number:
DEV-17-22 (OPA-2022-W/02,
SW-2022-03, Z-13-22)

Date:
September 2023

External Data Sources:
2021 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

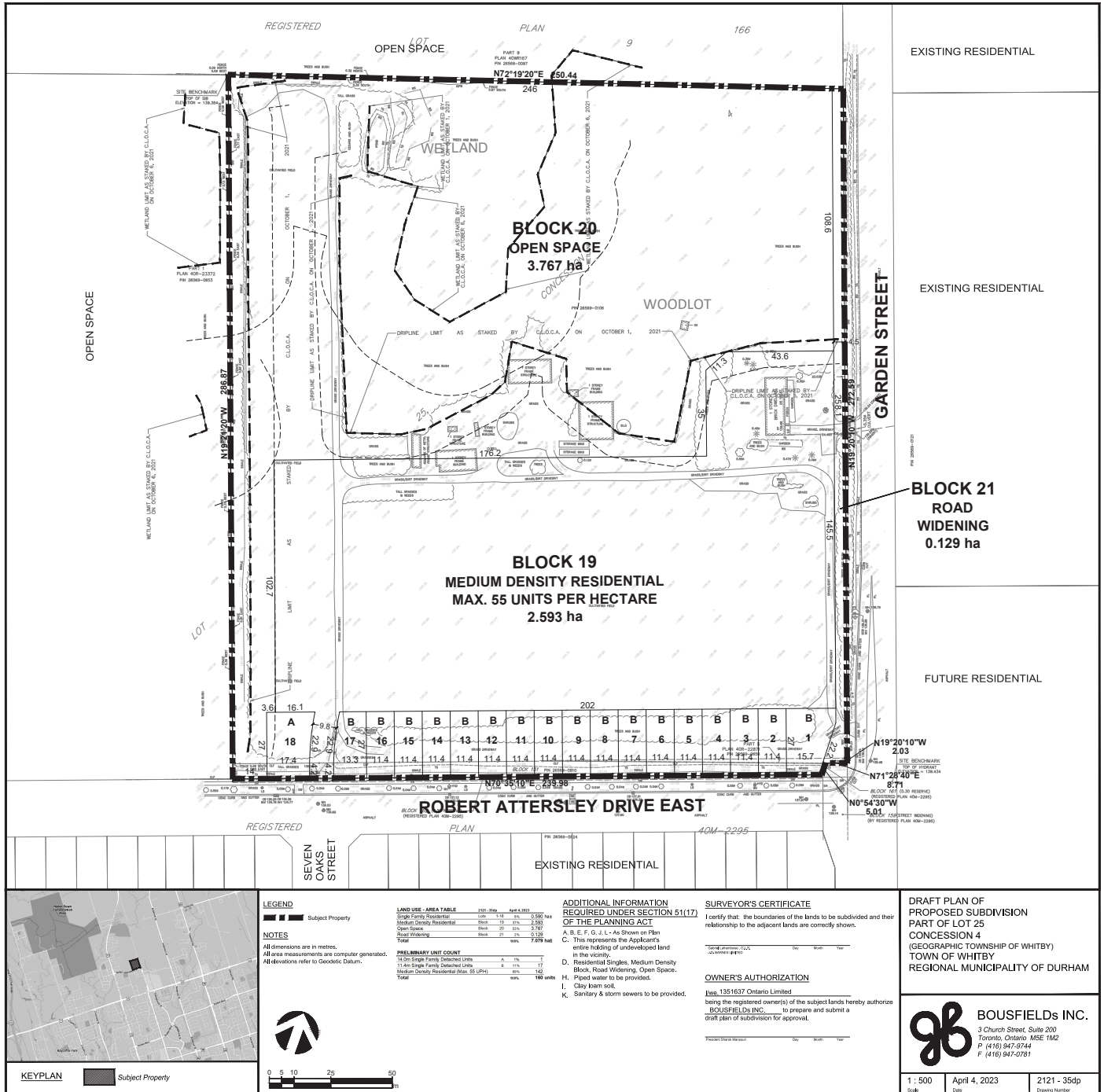
The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.

Digital cartography by The Corporation of the Town of Whitby, Planning Department. Copyright 2022 Town of Whitby. All rights reserved. May not be reproduced without permission.

Attachment #3

Proponent's Proposed Subdivision Plan

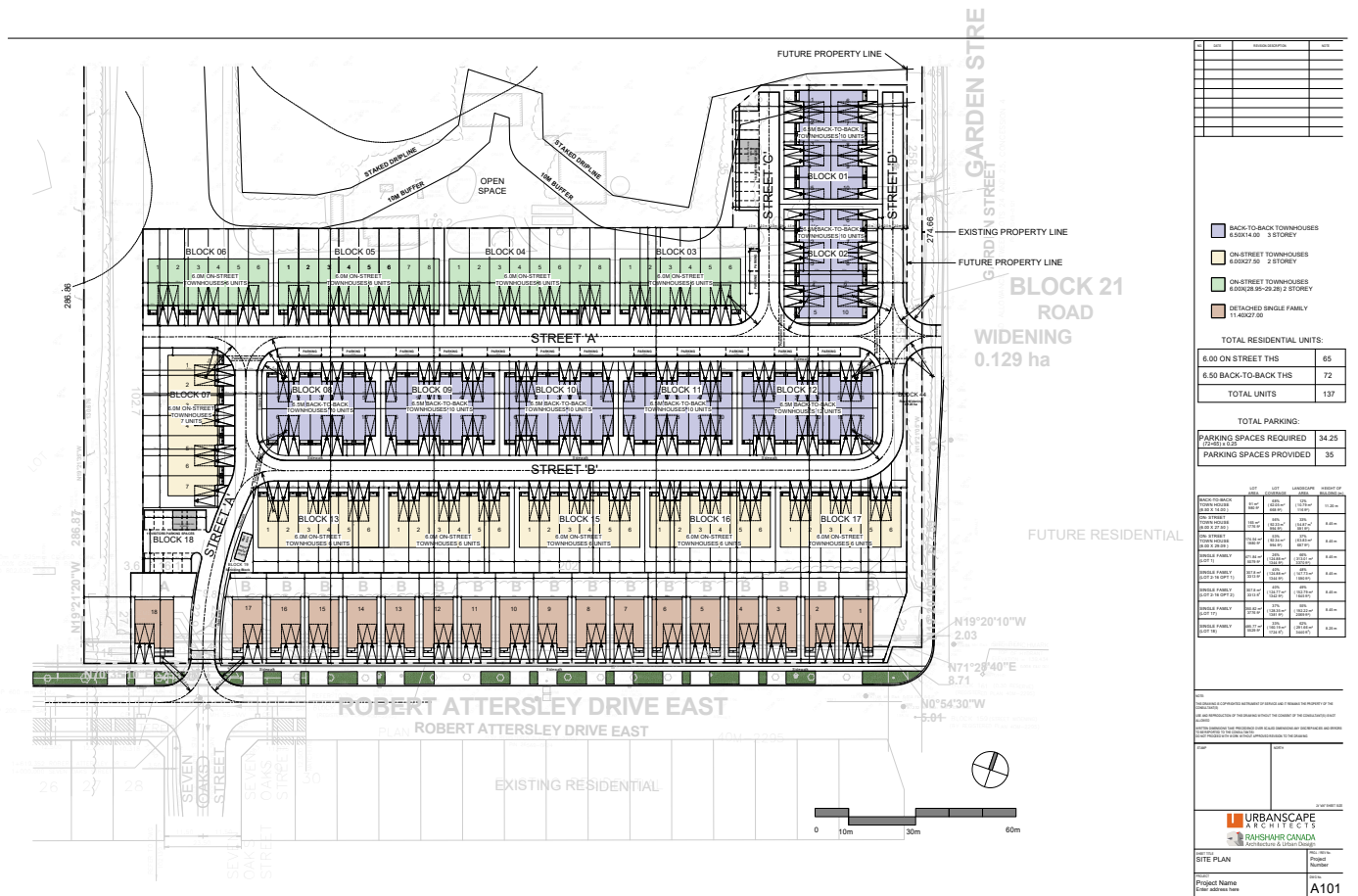
PDP-37-23



Attachment #4

Proponent's Proposed Concept Plan

PDP-37-23



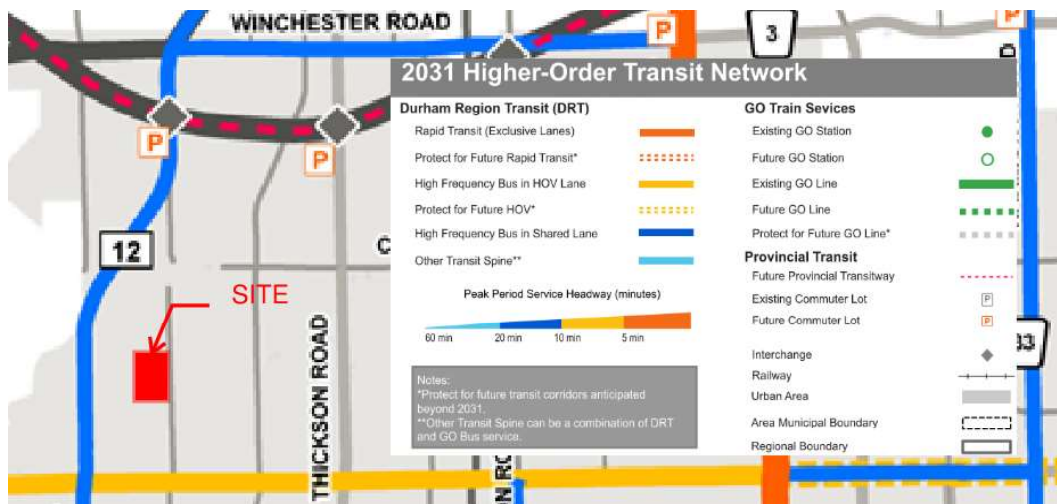
Active Transportation Plan – Excerpt from Transportation Study

1351637 Ontario Limited

10

4440 Garden Street Transportation Study
March 2022

Figure 7: Future Transit Network

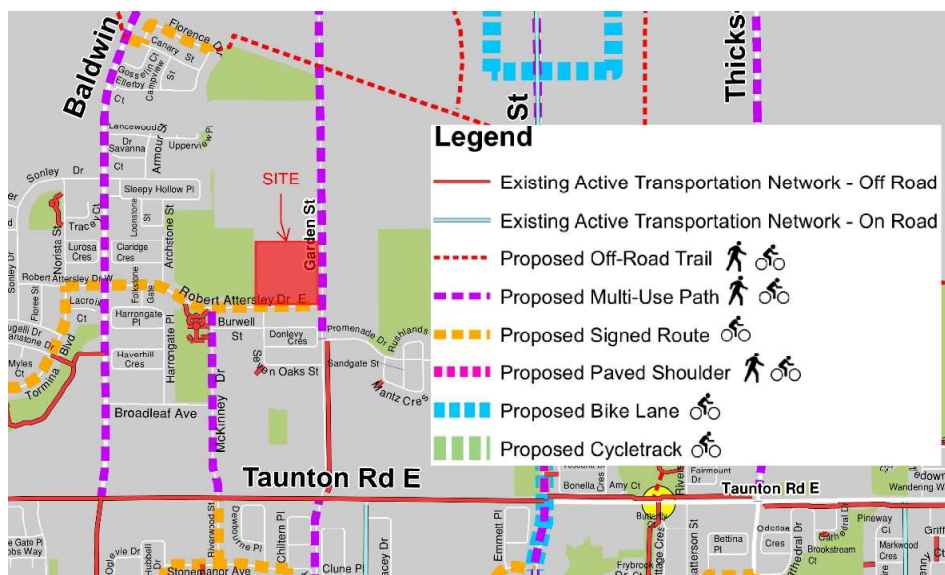


Reference: Region TMP Map 1B excerpt, dated December 2017

3.3 Future Active Transportation

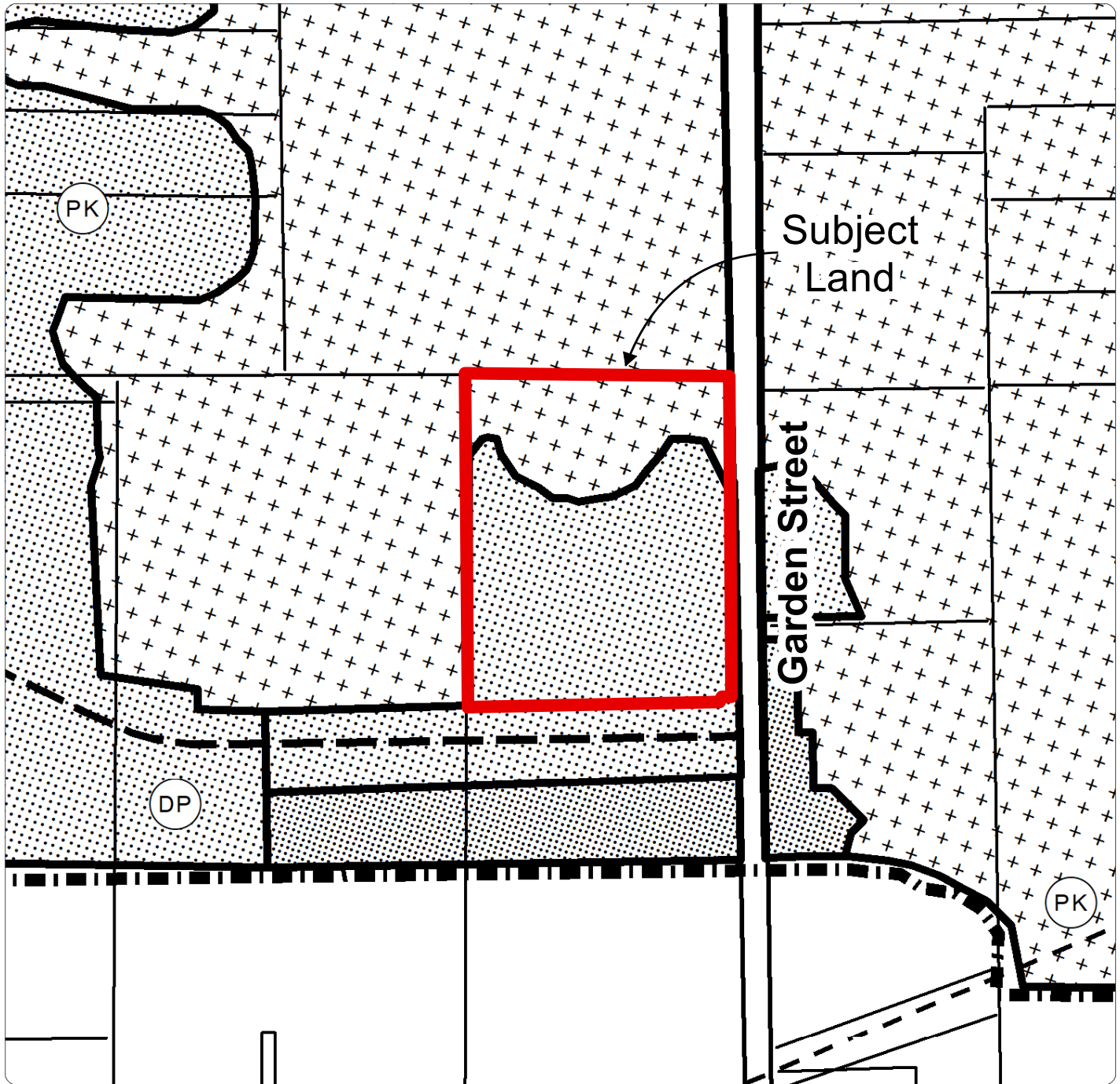
The Town's *Active Transportation Plan* (AT Plan), dated October 19, 2020, proposes active transportation (AT) routes within the study area. The following AT routes are proposed, which are also illustrated in Figure 8 (from Appendix A, Map 2 of the AT Plan): A signed bicycle route along Robert Attersley Drive; and multi-use paths along Garden Street, Baldwin Street and McKinney Drive. However, there is no indication of timeline.

Figure 8: Future Active Transportation Network



Reference: AT Plan Map 2 excerpt, dated October 19, 2020

Excerpt from the Town of Whitby Secondary Plan Schedule 'P'



Legend

	Low Density Residential (LDR)		Environmental Protection/Conservation Lands (EPCL)		Secondary Plan Boundary
	Medium Density Residential (MDR)		Special Policy Area (SPA)		20 Year Urban Boundary
	High Density Residential		Public Elementary School		Utility Corridors
	Prestige Industrial		Seperate Elementary School		Proposed Collector Road
	General Industrial		District Park		Proposed Arterial Road
	Special Purpose Commercial (SPC)		Local Park		
	Major Open Space (MOS)		Parkette		
	Hazard Land (HL)		Convenience Commercial		

Excerpt from:
Taunton North
Community
Secondary Plan
Town of Whitby

Schedule

P



0 30 60
Metres

Attachment # 7

Draft Proposed Amendment # 132 to the Town of Whitby Official Plan

- Purpose:** The purpose of this Amendment to the Town of Whitby Official Plan and the Taunton North Community Secondary Plan is to change the land use designation on a portion of the subject lands from “Low Density Residential 1” to “Medium Density Residential” and to adjust the boundary of the “Major Open Space” and “Environmental Protection/Conservation Lands” designations on the subject lands.
- Location:** The lands subject to the Amendment are generally located west side of Garden Street, north of Robert Attersley Drive East, municipally known currently as 4400 & 4440 Garden Street.
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV-17-22 (OPA-2022-W/02)), as submitted by the Bousfields Inc. on behalf of 1351637 Ontario Limited. The Amendment would change the land use designation on a portion of the subject lands within the Taunton North Community Secondary Plan, from “Low Density Residential 1” to “Medium Density Residential” and adjust the boundary of the “Major Open Space” and the “Environmental Protection/Conservation Lands” designations to permit the proposed development of a plan of subdivision containing 155 residential units consisting of 18 single detached dwellings fronting on Robert Attersley Drive East and a medium density block containing 65 two-storey block townhouse dwellings and 72 three-storey back-to-back townhouse dwellings on a private (condominium) road, as well as an open space block containing a Provincially Significant Wetland.
- The proposed development is consistent with the policies of the Provincial Policy Statement, in that it contributes to the efficient use of infrastructure, and provides increased residential densities, and range and mix of housing options that will contribute to the housing supply through a variety of household types that is acceptable from an environmental perspective.
- The proposed development conforms to the Growth Plan and Regional Official Plan regarding the contribution to

complete communities and optimizing infrastructure, intensification, and range and mix of housing options.

The application and proposed development meets the overall intent of the Whitby Official Plan in that it contributes to the range and mix of housing options, and provides an appropriate form of development and transition to existing residential areas. The adjustment of the boundaries of environmental areas is minor in nature, has no negative impacts, and is supported by an Environmental Impact Study and Arborist Report which recommend additional plantings as compensation for the adjustment.

Development of the subject lands would be subject to future Draft Plan of Condominium Application, and the provisions in the implementing Zoning By-law.

Actual Amendment:

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

- 1) By adjusting the Major Open Space” boundary on Schedule ‘A’ – Land Use of the Town of Whitby Official Plan“, as indicated on the attached Exhibit ‘A’; and
- 2) By changing the land use designation on a portion of the subject lands from “Low Density Residential 1” to Medium Density Residential” and by adjusting the “Environmental Protection/Conservation Lands” boundary on Schedule ‘P’ – Taunton North Community Secondary Plan of the Town of Whitby Official Plan, as indicated on the attached Exhibit ‘B’.

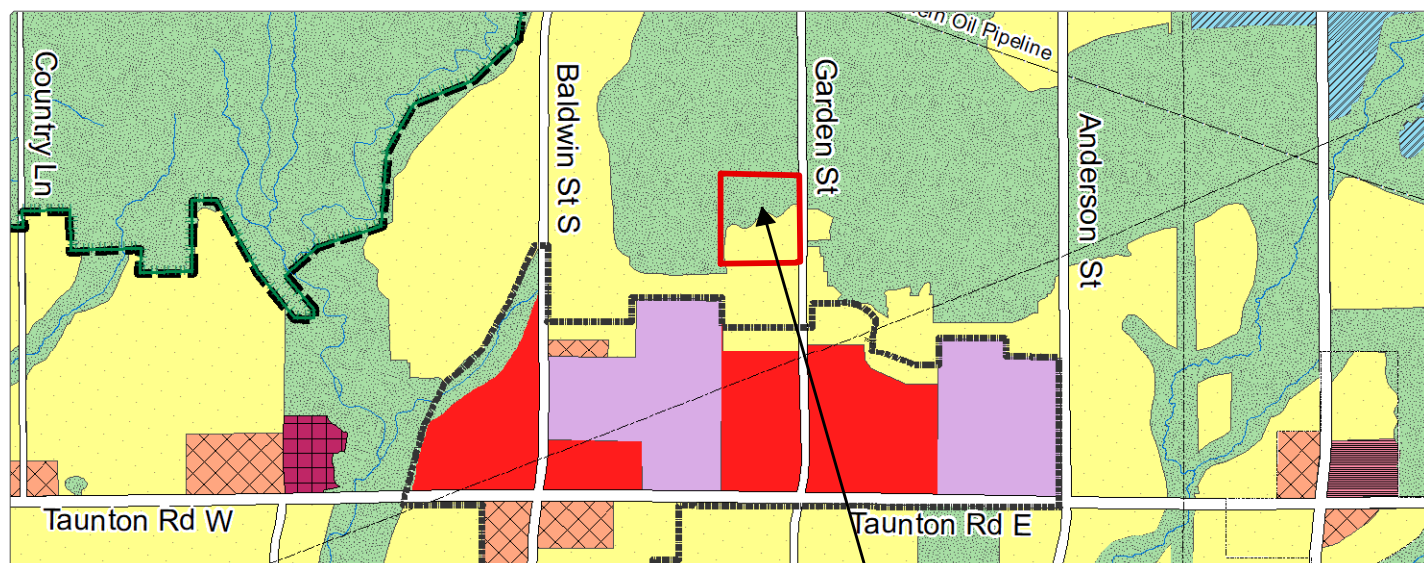
Implementation:

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

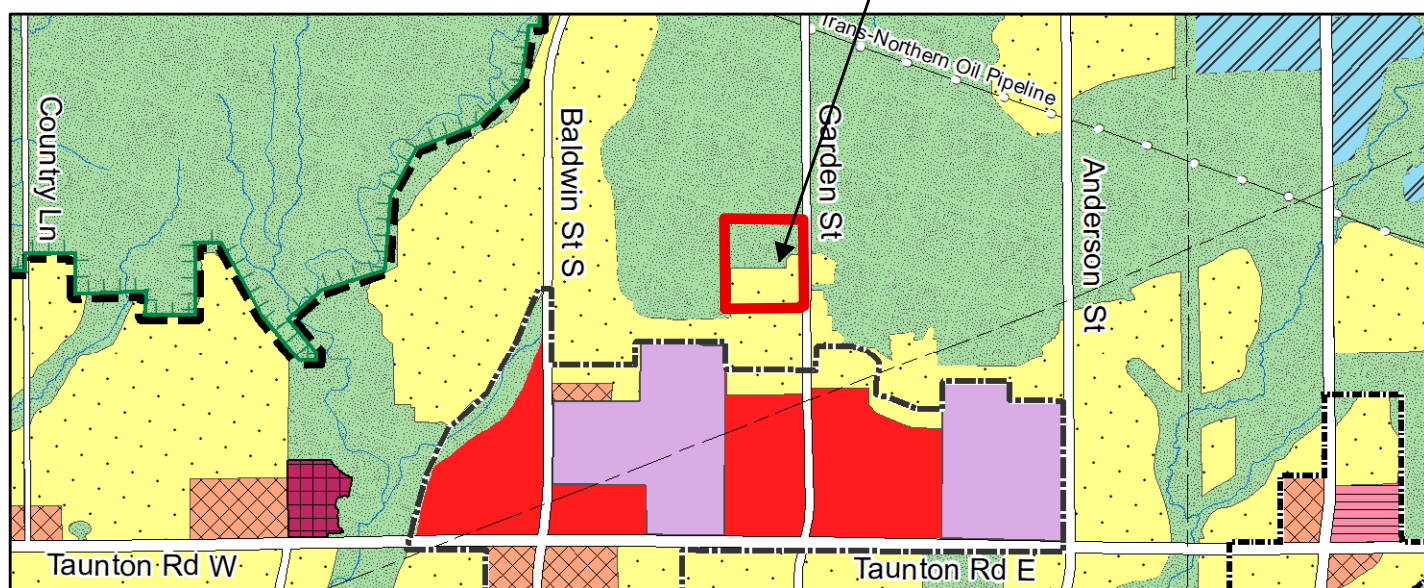
Interpretation:

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

Exhibit 'A' to Official Plan Amendment #132 the Town of Whitby Official Plan



Adjust "Major Open Space" Boundary



Legend

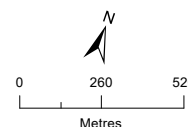
- | | | |
|---|---|-----------------------------------|
| Residential | Lands Subject to Durham Regional Official Plan Policy 14.13.7 | D3 (Deferred by Region of Durham) |
| Major Commercial | D Deferred by the Region of Durham | |
| Community Commercial | LC Local Central Area | |
| Special Purpose Commercial | Resource Extraction Area (See Section 4.12) | |
| Mixed Use | U 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 | |
| <p>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.</p> | | |

Official Plan - Town of Whitby

Schedule

Excerpt from Schedule 'A' Land Use

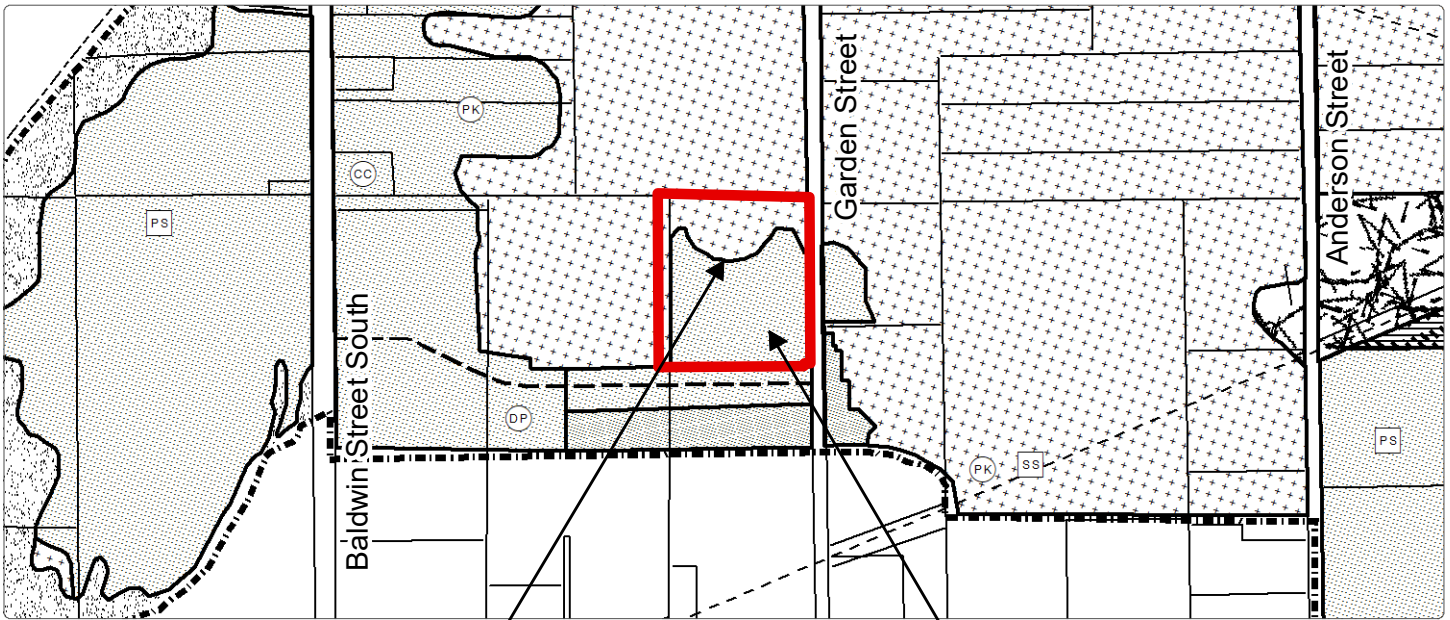
A



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.

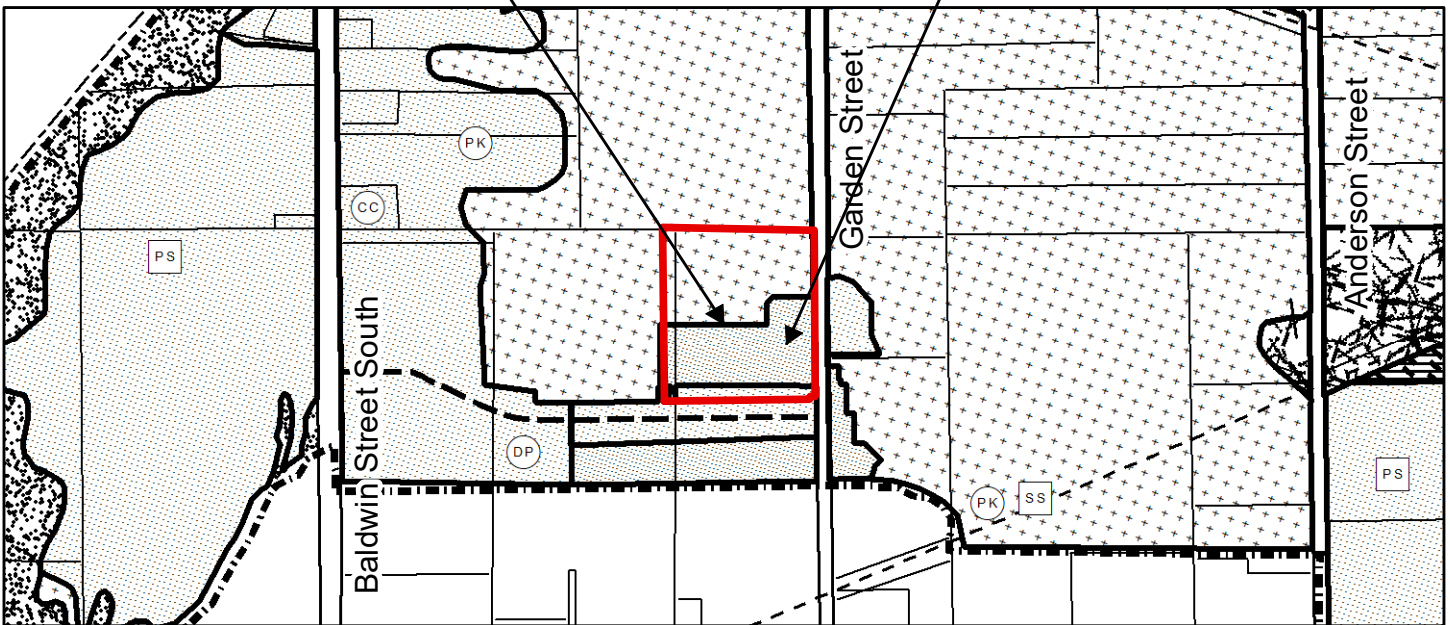
Exhibit 'B' to Official Plan Amendment #132 the Town of Whitby Official Plan

PDP 37-23



Adjust "Environmental Protection/ Conservation Land" Boundary

Change from: "Low Density Residential 1" to: "Medium Density Residential"



Legend

	Low Density Residential (LDR)		Environmental Protection/Conservation Lands (EPCL)		Secondary Plan Boundary
	Medium Density Residential (MDR)		Special Policy Area (SPA)		20 Year Urban Boundary
	High Density Residential		Public Elementary School		Utility Corridors
	Prestige Industrial		Seperate Elementary School		Proposed Collector Road
	General Industrial		District Park		Proposed Arterial Road
	Special Purpose Commercial (SPC)		Local Park		
	Major Open Space (MOS)		Parkette		
	Hazard Land (HL)		Convenience Commercial		

Excerpt from:
**Taunton North
Community
Secondary Plan**
Town of Whitby

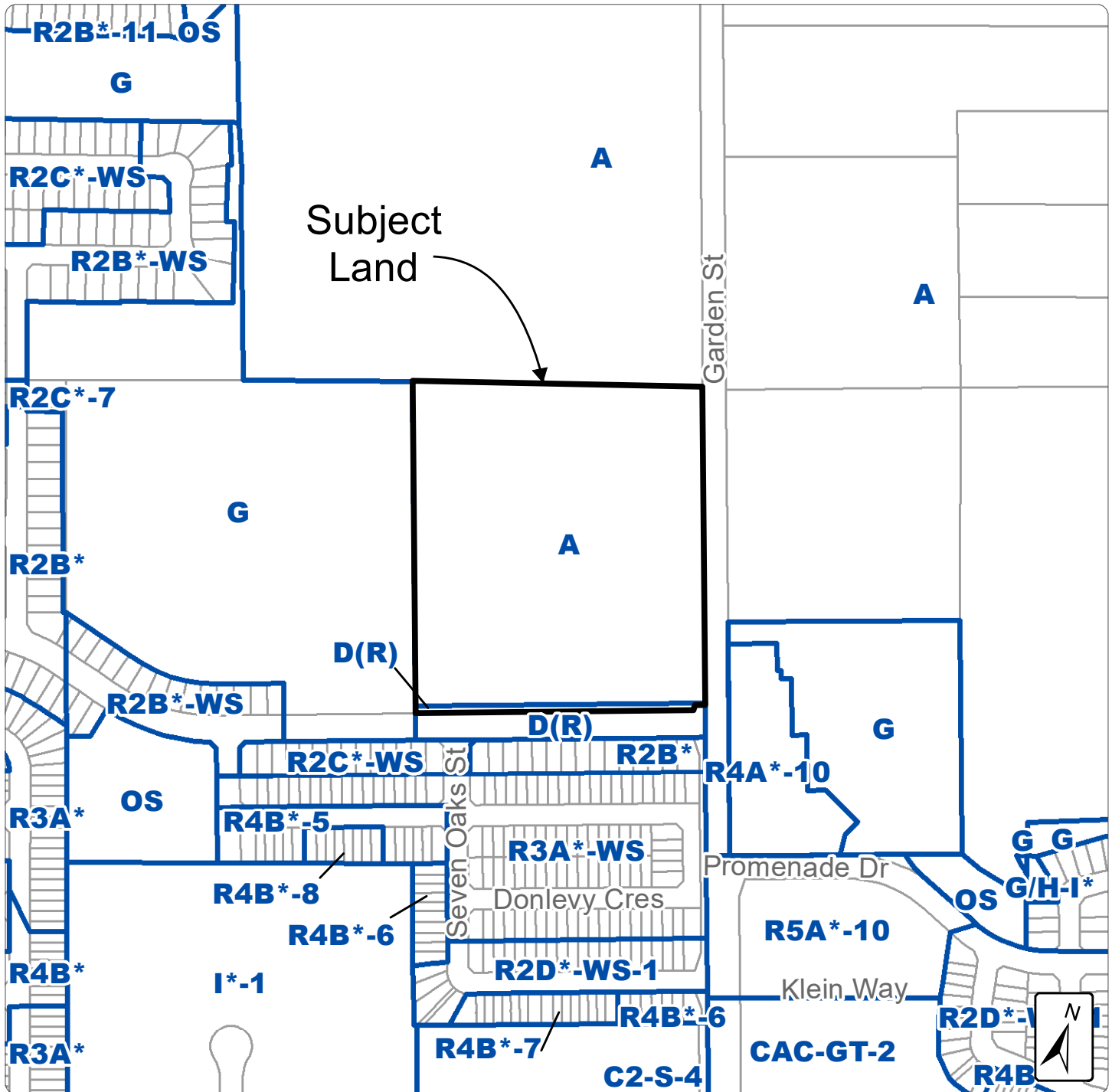
Schedule
P



0 90 180
Metres

Attachment #8 Excerpt from Zoning By-Law 1784

PDP-37-23



Town of Whitby Planning and Development Department

Proponent:
1351637 Ontario Limited

File Number:
DEV-17-22 (OPA-2022-W/02,
SW-2022-03, Z-13-22)

Date:
September 2023

External Data Sources:
2021 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.

Digital cartography by The Corporation of the Town of Whitby, Planning Department. Copyright 2022 Town of Whitby. All rights reserved. May not be reproduced without permission.

Public Meeting Minutes from September 12, 2022
File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Lauren Taylor, Planner II, provided a PowerPoint presentation which included an overview of the applications.

Lindsay Dale-Harris, David Milano, Maryam Mansouri Hurst, and Colin Mclachlan, representing 1351637 Ontario Limited (Mansouri Group), provided a PowerPoint presentation which included a detailed overview of the applications.

There were no submissions from the public.

K. Narraway, Manager of Legislative Services/Deputy Clerk, indicated how members of the public could submit comments and be placed on the Interested Party List regarding this matter.

Summary of Written Public Comments
File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Robert Montoni, resident, provided written correspondence raising concerns about:

- the protection of the Environmental Protection / Conservation Lands;
- pedestrian safety at the intersection of Garden Street and Robert Attersley;
- lack of sidewalks on Garden Street; and,
- installation of speed bumps on Garden Street similar to those on Robert Attersley.

Judy Corupe, resident, provided written correspondence objecting to the proposed plan of subdivision. The correspondence notes concerns about the importance of protecting greenspace.

Sharon Gilbert, resident, provided written correspondence which raised concerns about additional traffic.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Internal Departments

Community Services – Parks

Official Plan Park Size

The Town of Whitby Official Plan, as amended, does not identify the need for a park in the location of the proposed development. As such, and as noted through the Town's pre-consultation process, the Parks department will be seeking Cash-in-Lieu of parkland conveyance, discussed below.

Cash in Lieu of Parkland

The Town of Whitby will be seeking Cash-in-Lieu of Parkland for the proposed development, in accordance with the Planning Act, as amended. Conditions have been added in this regard.

Parkland

- The Community Services Department recommends incorporating indoor and outdoor private amenity space for the future residents of this development.
- Folkstone park is within 500 meters walking distance from most of the proposed development, and Folkstone park would satisfy majority of the future residents' park needs.

Open Space

- Block 20 of the proposed development shall be dedicated to the Town as Open Space, free and clear of any encumbrances, conditions have been added in this regard. Block 20 will not contribute towards the applicant's parkland dedication requirement.

Conditions of Draft Plan Approval

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

Cash-in-lieu of parkland

1. The Community Services Department, Parks Division will require cash-in-lieu of parkland dedication in accordance with the Planning Act, as amended.

Open Space

2. Block 20 be dedicated to the Town as Open Space free and clear of any encumbrances.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

3. Enhancement and restoration planting shall be installed, in the forested gaps within Block 20 Open Space Block, to the Towns satisfaction.

Fencing

4. The Town's standard 1.8 metre solid panel wood privacy fencing is required to be installed where open space abuts the development.
5. The department will require the installation of Town standard 1.2m high black vinyl chain link fence along the north property line of Open Space Block 20.

Engineering Services

A. Conditional Comments

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

To address Whitby Council Goals and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has prepared a Composite Transportation Component Plan (CTCP) 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.

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

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

- a. Block 20 for open space lands; and
- b. Block 21 for road widening on Garden Street.

1.2. The Subdivider shall provide an Environmental Constraints Plan (ECP) showing development limits along Natural Heritage System (NHS) areas. The development limits shall be based on environmental features/constraints, including a floodline and shall be established using all applicable environmental buffers/setbacks. The ECP shall include a Town's 6.0m wide access corridor which must be located outside of all environmental features, including the floodline. The corridor shall not contain any new plantings and shall be accessible for Towns' service vehicles.

Any change to the lot lines adjacent to the NHS (i.e., development limit) must be reflected in the Draft Plan prior to final approval.

1.3. 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

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

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.

1.4. The Subdivider shall be responsible for full restoration along the development frontage of existing Robert Attersley Drive. This includes, but is not limited to, reconstruction of sidewalks and curbs, full restoration of pavement (curb-to-curb) and relocation of any existing road catchbasins outside of any proposed new driveways.

1.5. 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.

1.6. 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.

1.7. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment Report and revise the plan as required to accommodate recommended noise control measures prior to registration.

1.8. 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.

1.9. 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.

1.10. 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.

1.11. 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.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

1.12. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

1.13. 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. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

1.14. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

1.15. 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 (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.

1.16. 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, if applicable.

1.17. 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 existing lighting levels shall be maintained and consistent with the existing Robert Attersley Drive streetlighting design.

1.18. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID (low impact development) measures (proposed infiltration trenches), 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

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

1.19. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The Report must include details for the protection, enhancement, and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.

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

1.21. 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.

1.22. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.

1.23. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

1.24. 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

2. The following items can be addressed through the Detailed Engineering Submission for the Subdivision Agreement process:

General

2.1. An initial deposit for the Engineering Review Fee in the amount of \$9,450.00 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater, shall be paid to the Town prior initiating processing of the engineering drawings. Any balance

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

owing of the final Engineering Review Fee shall be paid at the earlier of, third engineering submission or prior to final approval of the engineering drawings by the Town.

2.2. 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.

2.3. 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.

2.4. 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.

2.5. 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.

2.6. 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.

2.7. 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 re-lamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

2.8. 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.

2.9. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Water Resources dated June 6, 2023 (Attachment 2) prior to or with the submission of detailed engineering drawings.

2.10. Include Town file number SW-2022-03 on all subdivision related drawings and reports.

2.11. Provide a Town approval block on Engineering Plans.

2.12. Show and label a new 1.8m concrete sidewalk along the full frontage of Robert Attersley Drive. Show full extents of proposed sidewalk removal and replacement along Robert Attersley Drive and include reference to Town standard 208. Coordinate with all applicable plans.

2.13. Show and label curb replacement required along the full frontage of Robert Attersley Drive and provide reference to standard. Please note that full width pavement restoration will be required along Robert Attersley Drive due to the extent of curb and service connection work required as a result of the proposed development. Pavement and trench restoration to be in accordance with Town standard 404.40. Coordinate with all applicable plans

2.14. Provide detailed Removals and Restoration Plan(s) coordinated with the Construction Management Report.

2.15. Remove proposed trees from the visibility triangle.

2.16. Further review and comment shall be provided at the Detailed Engineering Submission stage.

General Servicing Plan, C101

2.17. Ensure catchbasins are not located within proposed driveways. Relocate existing catchbasins as necessary.

2.18. Ensure references to standards match with what is listed in the Civil Cost Estimate. The Cost Estimate shall be reviewed in detail at the Engineering Submission stage.

Grading Plan, C201

2.19. Driveway aprons to be in accordance with Section C6.00 of the Town's Design Criteria and Engineering Standards. Permeable pavers will not be permitted within the public right-of-way.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

2.20. Show and label all proposed privacy and acoustic fencing in accordance with Landscape Plans.

2.21. Confirm which interceptor swales are to remain as permanent once the private block has been developed. Label any temporary swales as such for greater clarity.

Plan and Profile (Robert Attersley Drive), C401

2.22. Label sidewalk width and material type.

2.23. Include all relevant road restoration notes and details.

Erosion and Sediment Control Plan, C901

2.24. Indicate existing grades to be maintained along all subject property limits.

2.25. Provide a mud mat detail which includes a culvert crossing. Clearly label the existing culvert below the proposed mud mat and include inverts, length, size, and material type.

2.26. Include spot elevations and slopes for the proposed swale along the north limits of the subject property as shown on the Grading Plan.

2.27. Confirm any required topsoil stockpile areas. Please note that maximum height to be 5m with 3:1 side slopes.

2.28. Include construction signage in accordance with Ontario Traffic Manual (OTM) Book 7 requirements.

3. Detailed comments regarding the proposed Site Plan will be provided upon receipt of Site Plan Application circulation.

Please note the following items relevant to the anticipated future Site Plan Application for the development:

3.1. The Subdivider shall provide an updated Traffic Impact Study (TIS) to address the comments provided in a separate memo from Transportation Services dated June 7, 2023 (Attachment 3) prior to or with the Site Plan Application submission.

3.2. Appropriate private walkway connections to a public sidewalk are required to serve the development.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

3.3. A sight line analysis may be required for the driveway locations on Robert Attersley Drive and Garden Street.

3.4. No construction access will be permitted from Robert Attersley Drive.

3.5. A revised Stormwater Management Brief will be required with the Site Plan Application addressing the preliminary engineering comments provided for this application submission.

3.6. Upon preliminary engineering review, the Applicant will be required to provide a cost estimate for all engineering works. Securities for 50% of on-site engineering work and 100% of approved off site construction costs shall be provided at execution of any development agreement.

3.7. A Site Plan Engineering Fee will be required at execution of any development agreement in accordance with Tier 3 of the Fees and Charges By-law, currently By-Law 7977-23.

Site Plan, A101 – Preliminary Comments

3.8. Provide signed and sealed plans.

3.9. Show the full rights-of-way for Garden Street and Robert Attersley Drive. Include any at surface features such as signs, trees, catchbasins, curbs, streetlights, transformers, property limits, etc.

3.10. Driveways shall be designed to Town of Whitby Standard Drawing No. 410.

3.11. Show the Fire Breaks as prescribed by the Fire Chief on the final Site Plan.

3.12. Show areas for snow storage. Snow is not permitted to be pushed onto the public right-of-way(s).

3.13. Label all existing and proposed sidewalks/walkways including width and material type. Provide tactile plates where required.

3.14. Revise proposed townhouse block labels as a text issue exists.

3.15. Clearly identify surface treatment types (i.e., pavement, sod, concrete, etc.).

3.16. Show and label all proposed at surface features (i.e., maintenance holes with identification numbers, streetlights, trees, fencing, mailbox, etc.) in accordance with Engineering and Landscaping Plans.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Should a Site Alteration Permit be required in advance of development agreement execution, please contact Cameron Harris, Development Services Technician 2 at harrisc@whitby.ca

Financial Services – Development Charges

The following pertains to the Town of Whitby development charges and parkland dedication / cash-in-lieu only. Additional information can also be found on the Town's [Development Charge website](#). Development charges will apply to the Region of Durham and the school boards (DDSB/DCDSB) as well, the applicant is encouraged to contact them directly with any questions.

Applicable fees will follow current Provincial Legislation and Town of Whitby By-Laws at the time of development; the following summarizes the current legislation / Town by-laws.

Development Charge Payable

- Development charges are due in full prior to the issuance of the first building permit for the development / dwelling unit.

Development Charge Calculation – for Development that **does not** require a Site Plan

- As per Section 26.2 of the Development Charges Act, 1997, s.o.1997, c.27, the base development charge rate will be the applicable DC rate in effect as of the date of Zoning By-Law Amendment application **submission**.
- Interest will accrue on the base development charge rate, from the date of Zoning By-Law Amendment application submission until the date of building permit issuance.
- The applicant has 2 years from the date of Zoning By-Law Amendment application **approval** to obtain a building permit, otherwise Section 26.2 no longer applies; in this case the applicant would instead pay development charges based on the current posted DC rate in effect as of the building permit issuance date.

Development Charge Calculation – for Development that **does** require a future Site Plan

- As per Section 26.2 of the Development Charges Act, 1997, s.o.1997, c.27, the base development charge rate will be the applicable DC rate in effect as of the date of Site Plan application **submission**.
- Interest will accrue on the base development charge rate, from the date of Site Plan application submission until the date of building permit issuance.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

- The applicant has 2 years from the date of Site Plan application **approval** to obtain a building permit, otherwise Section 26.2 no longer applies; in this case the applicant would instead pay development charges based on the current posted DC rate in effect as of the building permit issuance date.

Parkland Dedication / Parkland Cash-In-Lieu

- The Conveyance of Parkland and Cash-in-Lieu of Parkland By-Law #7733-21 applies to this development

Financial Services – Taxes

Taxes are overdue on both 4400 & 4440 Garden Street.

Fire and Emergency Services

- The firebreak layout shall be submitted to the fire department for review and approval prior to site plan application
- Fire access route sign locations shall be indicated on site plan as per TOW Bylaw 4084-97
- Subdivision emergency access policy
- The location of hydrants shall be indicated on the site plan

Planning and Development Department – Landscaping

Site Plan

- The perimeter black vinyl chain link fence will have the posts centered on the shared property line and the chain link fabric adjacent to the publicly owned property. Provide a detail of the fence section to illustrate the footings along the shared property line. Fencing shall reflect the requirements in the fencing appendix in the associated subdivision agreement.
- Setbacks proposed in the EIS should be illustrated/ labeled on the site plan.
- Clarification on whether trees will be transplanted (location noted on plan) or removed should be confirmed. Town trees to be removed will require an appraisal from the Town's Forestry Division; or by a certified tree appraiser, then reviewed by the Town.
- Propose an alternative maple tree to substitute the silver maple. Silver maples thrive in moist soils and require more space due to their widespread roots. Refer to the Town's Recommended Tree Species List. Trees that note (Rb*) require

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

additional approval from the Town's Forestry Division as they may not be a preferred specie.

- Update Detail 751 with the revised pdf attached. Additional details can be found here: <https://www.whitby.ca/en/work/landscape-plan-guidelines.aspx>

Restoration and Buffer Planting

- A detailed restoration plan will be prepared as part of the site plan application. The site plan should illustrate the proposed buffer plantings: *"trees, shrubs and herbaceous ground covers native to the ecoregion, well-adapted to site conditions, and complimentary to those present in the adjacent communities"* (Pg. 30, EIS).
- The requirement for edge management/restoration/buffer planting and a reforestation plan can either be included as part of the landscape plan submission (preferred) OR provided separately and prepared by an ecological consultant; the design of these areas shall reference the most recent EIS submission recommendations and comply with the Town's Landscape Plan Guideline requirements (section 4.7.1 and using the plant material expectations provided for plantings in section 4.6 and/or 4.7.2, as applicable)
- The reforestation and buffer/edge management/restoration planting plans are a part of the requirements associated with the subdivision (versus the site plan), and 100% of the estimated cost of these should be included in a cost estimate for the subdivision.

Comment Matrix

- One deficiency (item #7)-the consultant needs to incorporate the towns updated versions of the details and notes-see attached.
- There are 46-47 town owned trees in the town's right of way being removed. An appraisal of these trees should be completed by someone who is qualified. Once the appraisal is verified as acceptable to the Town, this shall be used to determine the Town's compensation requirement.
- For additional comments refer to the document attached.

Cost Estimate

- Tree Protection should be included in the cost estimate.
- Street Trees in the R.O.W will be secured for at 100%
- Provide a separate cost estimate for the buffer planting – as noted above.

Arborist Report

- Page 9: Replacement trees will be **60 mm** caliper minimum.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

- Page 10: Trees along the boulevard will be planted in accordance with the Town's Tree Pit Rooting Zone (Detail 514), and follow the Town's Standard Utility Clearances (Detail 751)

Strategic Initiatives

Sustainability Comments

Staff acknowledge and appreciate the proposed changes to the design. From our understanding based on our review of the Draft Plan of Subdivision, the proposed development has been moved to avoid significant wetlands and will result in the increase of the core woodlands area. The residential blocks have been pushed further south away from the wetland and an open space block containing a provincially significant wetland has been proposed. However, to ensure that Performance Measure # LUN1.2 has been satisfied Sustainability Staff will require CLOCA's comments on the proposed changes to the development.

Again, it is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

We would like to reiterate, that Staff would like to see a strong emphasis on sustainability within this development with a focus on:

- Natural Heritage Preservation:
 - Increasing natural cover through the use of evergreen or shrub material and green infrastructure technology like green roofs;
 - Plant for a 30% tree canopy will be achieved within 10 years of the development (demonstrate through modeling and tree planting plan);
 - Using at least 50% plant species native to southeast Ontario, restore predevelopment native ecological communities, water bodies, or wetlands on the project site in an area equal to or greater than 20% of the development footprint.
 - Providing an enhanced buffer-planting plan adjacent to identified key natural heritage features and/or key hydrologic features beyond the site-specific development requirements.
 - Ensure bird friendly design is integrated throughout the building with considerations for glazing, lighting;

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

- Energy Conservation:
 - Net Zero Carbon certified buildings or other high energy performing buildings;
 - Explore options to connect to existing on-site energy generation systems, such as district energy facilities, where feasible;
 - Integration of low carbon energy generation from renewable resources such as solar or geothermal heat pump technology;
 - Where supplied, for each unit, ENERGY STAR® or equivalent labeled refrigerators, ceiling fans, clothes washers, and dishwashers.
- Equity and Local Community:
 - Integrate affordable housing for where either the purchase price results in annual accommodation costs, which do not exceed 30% of gross annual household income for low and moderate-income households, or the purchase price is at least 10% below the average purchase price of a resale unit in the Region.
 - Ensure that multi-residential and affordable homes are situated with primary access to public green space.
- Local Food:
 - Space considerations made to support a community garden and a space for growing food.
- Water Conservation:
 - Innovative site design and landscaping that:
 - mitigates fluctuations in water levels and maintains or restores water balance;
 - incorporate on-site water retention,
 - integrates low impact development technology such as green roofs, permeable pavement, bioswales and raingardens to reduce water runoff;
 - The use of water saving technologies in building design; and
 - The use of low irrigation naturalized low maintenance landscaping, or other innovative water conservation techniques.
- Sustainable Transportation:
 - Equip 20% of parking spaces are with electric vehicle charging stations.
 - Design all remaining/ garages to enable future charging station installation.
 - Provide bicycle parking and resting furniture (bench) near any multi-user entrances to buildings and parks and ensure connectivity of urban mobility through the site.

WGS Draft Plan of Subdivision

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Staff appreciate the initial WGS Checklist that was submitted, however will require the following updates:

- **TT1.1** – Please ensure the entire comment is visible, so that Staff can determine if it meets the Tier 1 criteria listed for this development feature.
- **TT1.2** – Please provide a short overview or explanation of the Active Transportation Plan component of the Traffic Impact Study that shows how this proposed development meets the urban mobility requirements of the Town's Active Transportation Plan.
- **TT1.6** – Please provide a short overview or explanation of the Transportation Study for Active Mobility recommendations that shows how it meets the requirements of Whitby's Official Plan and considers access of Durham Region Transit Stops and ensures pedestrian connectivity to all transit facilities.
- **ECC1.1** – Please provide further details on the feasibility of connecting to existing on-site energy generation systems, such as district energy facilities.
- **ECC1.2** – Please provide an explanation as to why renewable energy resources are not applicable to this proposed development.
- **ECC1.3** – Please provide an explanation as to why 50% (or more) of development blocks have one axis within 15 degrees of the East-West plane are as long as the North-South lengths of blocks is not feasible.
- Please ensure all relevant plans and drawing numbers are included, where applicable.

Please note that only Town of Whitby staff can determine if criteria can be determined not applicable and this decision is made based on the explanations provided within the completed Green Standard Checklist. Therefore, a more detailed description is required for all criteria that the Applicant deems not applicable so an informed decision can be made in terms of its applicability.

External Agencies

Bell Canada

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada’s development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

Central Lake Ontario Conservation Authority (CLOCA)

Official Plan Amendment (OPA-2022-W/02)

The subject lands are currently designated Low Density Residential 1 and Environmental Protection/Conservation Lands. The purpose of the proposed Official Plan Amendment application is to change the land use designation on a portion of the Subject Land from Low Density Residential 1 to Medium Density and adjust the boundary of the Environmental Protection/Conservation Lands.

CLOCA staff recommend that all lands containing hazard lands, wetlands, associated features, and their development setbacks be designated Environmental Protection/Conservation Lands. CLOCA staff have reviewed the draft Official Plan Schedule provided with this circulation and have no objection to its approval.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Zoning By-law Amendment (Z-13-22)

The subject lands are currently zoned Agricultural. The purpose of the Zoning By-Law Amendment application is to change the zoning to appropriate categories to implement the Draft Plan of Subdivision.

CLOCA staff recommend that all blocks containing hazard lands, wetlands, associated features, and their development setbacks be zoned Greenbelt (G) as per zoning by-law 1784 or the equivalent. No lot lines or associated development should occur within these lands. CLOCA staff have reviewed the draft Zoning By-law Schedule provided with this circulation and have no objection to its approval.

Draft Plan of Subdivision (SW-2022-03)

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, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
 - a. 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 Pringle Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
 - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (e.g., wetlands, watercourses) to the satisfaction of Central Lake Ontario Conservation Authority.
 - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. This includes the completion of in-situ infiltration testing and seasonal high groundwater monitoring in the location of the proposed facilities to ensure that they will function as designed.
 - 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.

Agency & Stakeholder Detailed Comments
File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

- e. The intended means to provide restoration and ecological enhancement within the Open Space Block 20 to the satisfaction of Central Lake Ontario Conservation Authority and Town of Whitby. A letter of credit for the value of implementation of this plan will be held by the Town of Whitby until the warranty period expires on the planted materials.
2. That the Subdivider agrees that prior to registration of the subdivision the approved Restoration and Ecological Enhancement Plans for Block 20 will be implemented to the satisfaction of Central Lake Ontario Conservation Authority and the Town of Whitby. Given access to this Block may be restricted once construction of the buildings occurs, it is recommended that implementation occur prior to construction commencing and access to this area be restricted thereafter.
3. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of Block 20 and any residential lands, to prevent any direct entry of landowners/occupants from private lands into this Block. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
4. That the Subdivider shall agree to dedicate Open Space Block 20 to an appropriate public body.
5. 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.
6. 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.
7. 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 and 2 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures 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.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

Hydrogeology Comments to be addressed at Detailed Design

A memo from our Environmental Engineering Division related to our water balance review has been provided. These comments must be addressed to our satisfaction as part of detailed design as outlined in our conditions of draft plan approval listed above.

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. The application process and fee collection required as part of this process will occur separately and directly with CLOCA.

Conseil Scolaire Viamonde

The Conseil scolaire Viamonde has no comment.

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 development of 151 residential units.

This development is located within the boundary of St. Matthew the Evangelist C.S. located at 60 Willowbrook Drive, Whitby.

Durham District School Board

Staff has reviewed the information provided for the above-noted application request and under the mandate of the Durham District School Board, has no comments at this time.

Enbridge Gas Inc.

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing AreaPlanning40@Enbridge.com to determine gas availability, service and

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Hydro One Networks Inc.

We are in receipt of your Draft Plan of Subdivision Application, SW-2022-03 received August 23, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

Region of Durham

Delegated Plan Review Responsibilities

Provincial Plan Review Responsibilities

Archaeology

A Stage 1 Archaeological Assessment prepared by ASI (March 2022) was submitted with the first submission. The assessment recommended that the entire site be subject to a Stage 2 Archaeological Assessment. It is noted in the comment matrix that a Stage 2 Archaeological Assessment is underway. This requirement can be addressed as a future condition of the subdivision application.

Potential Site Contamination

As requested in our November 2022 letter the Phase One Environmental Site Assessment (ESA) Report prepared by Terraprobe (March 2021) was submitted. This report identified three Potentially Contaminating Activities on-site.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

A Phase Two Environmental Site Assessment was prepared by HLV2K Engineering Ltd (December 2021) and submitted in support of the applications. The ESA report concluded that the site met the “Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition” (Table 2 Standards) Residential Parkland Institutional (RPI) site conditions standards for all parameters.

The Regional Reliance Letter and a Certificate of Insurance were included in the second submission. The Regional Reliance Letter is acceptable to the Region. The Certificate of Insurance will have to be resubmitted, as it is required on the Region’s form.

Moreover, in accordance with the Region’s Soil and Groundwater Assessment Protocol, all ESA work is valid for up to 18 months after MECF’s filing date. As such, as a condition of the draft plan, an update letter identifying if there were any changes to site conditions may be required. This requirement will be included as a future condition of draft approval for the subdivision application.

Noise

The Noise Feasibility Assessment prepared by RJ Burnside (March 2023) did not use Regional traffic forecast data for the AADT for Garden Street (a Type C Arterial Road). Based on the input study to the Mid-Block Arterial Class EA, and our own database, the AADT should be 16,000. While the volumes may be reasonable for a 2028 horizon year, they do not reflect the full impact of Brooklin or north Whitby related development for the extension of Garden Street and its connection to the mid-block arterial. The Assessment needs to be updated with traffic forecasts from the Region’s Planning Division.

The study recommends the use of a 2.0 meter high acoustic barrier for Lot 1 (the worst case scenario lot) abutting Garden Street in order to reduce the predicted sound levels to 55 dBA. The Region agrees with this recommendation, however, a higher barrier might be necessary should the AADT for Garden Street be increased to 16,000.

Sections 4.2 and 7.1 of the Noise Feasibility Assessment recommend the provision for adding air conditioning for the specified lots (Lots 1 – 18). Mandatory Central Air for Lot 1 may be a possibility if an AADT of 16,000 is used for Garden Street.

The Assessment recommends a “Detailed” Environmental Noise Assessment once the proposed building locations and grading plans are finalized. There should be a recommendation stating that the Noise Control measures, and the appropriate Warning Clause(s) be included in the Town of Whitby Subdivision Agreement.

Block 19 (Medium Density Residential) contains a recently submitted Site Plan showing the location of the proposed residential units. A further Assessment will be required using traffic forecasts from the Region’s Planning Division for this area.

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

A revised report should be submitted to address the Region's comments. This requirement can be addressed as a future condition of draft approval for the subdivision application.

Environmental Impact Study

The Environmental Impact Study (EIS) prepared by Beacon Environmental was updated to address comments from CLOCA. As noted in the comment matrix. The revised development plan has been updated to reflect the boundaries of the Natural Heritage System more closely and increase the area for protection. Additionally, a reforestation plan is proposed.

Municipal Servicing

Regional Works reviewed the second submission material and advised that they had no further comments on the applications.

Transportation

The applications were reviewed from a Transportation Planning perspective and the following comments were provided:

- It is recommended that the site plan identify where bicycle parking for visitors will be provided to support planned cycling connections. Identifying these connections helps encourage residents and visitors to use active modes, support Transportation Demand

Management (TDM) in the Region.

- Given the additional density and traffic this development will generate to the area, the site plan should consider identifying additional east/west pedestrian crossings on Street "A" between Block 18 and Block 19; add the pedestrian crossing label to the east/west crossing on Street "A" and Street "D", and add an additional north/south pedestrian crossing on Street "A" between Block 08 and Block 05, to facilitate safe pedestrian and cyclist movement within the site and to destinations adjacent to the site.

Durham Region Transit

Durham Region Transit has reviewed this application and provided the following comments:

- The subject property is located within a Local Area Transit Plan Area identified in DRT's Route Ahead plan. Please protect for transit stops at the following locations as per the attached S-12 standard design guidelines:
 - Garden Street southbound nearside at Robert Attersley Drive

Agency & Stakeholder Detailed Comments

File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

- Robert Attersley Drive westbound nearside at Street “A”
- Sidewalks are required to be constructed on the west side of Garden Street and the north side of Robert Attersley Drive in tandem with this development.
- Sidewalks are required to be constructed within the internal street network in tandem with this development.

Conclusion

Based on the forgoing, the Region has no objection to approval of the Official Plan Amendment or draft approval of the subdivision application. The following conditions of approval shall be complied with prior to clearance by the Region for registration of the subdivision plan.

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of S-W-2022-03, prepared by Bousfields Inc., identified as drawing number 2121-35dp, dated April 4, 2023, which illustrates 18 single-detached units, 1 block for medium density residential, 1 open space block and 1 road widening block.
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 for review and approval if this subdivision is to be developed by more than one registration.
4. 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.
5. 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.
6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.

Agency & Stakeholder Detailed Comments
File DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

7. 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.
8. The Subdivider shall carry out an archaeological assessment of the subject property 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.
9. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
10. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of S-W-2022-03, prepared by Bousfields Inc., identified as drawing number 2121-35dp, dated April 4, 2023, which illustrates 18 single-detached units, 1 block for medium density residential, 1 open space block and 1 road widening block.
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 for review and approval if this subdivision is to be developed by more than one registration.
4. 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.
5. 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.
6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
7. 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.
8. The Subdivider shall carry out an archaeological assessment of the subject property 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.

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

9. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
10. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
11. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
 - a. 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 Pringle Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
 - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (e.g., wetlands, watercourses) to the satisfaction of Central Lake Ontario Conservation Authority.
 - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. This includes the completion of in-situ infiltration testing and seasonal high groundwater monitoring in the location of the proposed facilities to ensure that they will function as designed.

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

- 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 provide restoration and ecological enhancement within the Open Space Block 20 to the satisfaction of Central Lake Ontario Conservation Authority and Town of Whitby. A letter of credit for the value of implementation of this plan will be held by the Town of Whitby until the warranty period expires on the planted materials.
12. That the Subdivider agrees that prior to registration of the subdivision the approved Restoration and Ecological Enhancement Plans for Block 20 will be implemented to the satisfaction of Central Lake Ontario Conservation Authority and the Town of Whitby. Given access to this Block may be restricted once construction of the buildings occurs, it is recommended that implementation occur prior to construction commencing and access to this area be restricted thereafter.
13. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of Block 20 and any residential lands, to prevent any direct entry of land Subdividers/occupants from private lands into this Block. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
14. That the Subdivider shall agree to dedicate Open Space Block 20 to an appropriate public body.
15. 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.
16. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
17. 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 11 and 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

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.

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

- a. Block 20 for Open Space; and
- b. Block 21 for Road Widening on Garden Street.

19. The Subdivider shall provide an Environmental Constraints Plan (ECP) showing development limits along Natural Heritage System (NHS) areas. The development limits shall be based on environmental features/constraints, including a floodline and shall be established using all applicable environmental buffers/setbacks. The ECP shall include a Town's 6.0m wide access corridor which must be located outside of all environmental features, including the floodline. The corridor shall not contain any new plantings and shall be accessible for Towns' service vehicles.

Any change to the lot lines adjacent to the NHS (i.e., development limit) must be reflected in the Draft Plan prior to final approval.

20. 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.

21. The Subdivider shall be responsible for full restoration along the development frontage of existing Robert Attersley Drive. This includes, but is not limited to, reconstruction of sidewalks and curbs, full restoration of pavement (curb-to-curb) and relocation of any existing road catchbasins outside of any proposed new driveways.

22. 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.

23. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

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.

24. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment Report and revise the plan as required to accommodate recommended noise control measures prior to registration.
25. 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 Subdividers.
26. 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.
27. 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.
28. 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.
29. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
30. 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. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.
31. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

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 (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.
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, if applicable.
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 existing lighting levels shall be maintained and consistent with the existing Robert Attersley Drive streetlighting design.
35. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID (low impact development) measures (proposed infiltration trenches), 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.
36. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The Report must include details for the protection, enhancement, and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.
37. 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

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

38. The Subdivider shall be responsible to enter into a separate agreement(s) with benefiting parties, to which the Town is not a party, to address cost sharing for external services and/or the oversizing of services if required.
39. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
40. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
41. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
42. The Community Services Department, Parks Division will require cash-in-lieu of parkland dedication in accordance with the Planning Act, as amended.
43. The Community Services Department, Parks Division will require cash-in-lieu for the installation of Town standard post and wire farm fence along the north property line of Open Space Block 20.
44. Block 20 be dedicated to the Town as Open Space free and clear of any encumbrances.
45. Enhancement and restoration planting shall be installed, in the forested gaps within Block 20 Open Space Block, to the Towns satisfaction.
46. The Community Services Department, Parks Division will require 1.2 metre black vinyl chain-link Town standard.
47. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes or Lock Box Assemblies (Mail Room). The Subdivider will indicate these locations on the appropriate servicing plans.
48. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
49. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
50. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

51. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Environmental Impact Study	Yes	Yes	Yes
Functional Servicing and Stormwater Management Report	Yes	Yes	-
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Stage 1 Archaeological Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-
Transportation Study	Yes	Yes	-

52. 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.
53. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a. The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 have been satisfied.
 - b. The Central Lake Ontario Conservation Authority, how conditions 11, 12, 13, 14, 15, 16 and 17 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 extension has been granted, draft approval will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the Subdivider 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

Conditions of Draft Plan of Subdivision Approval
File SW-2022-03

to the lapsing date. A processing fee in effect at the time of the request, shall apply.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Town-Initiated Official Plan Review: Terms of Reference

Report to: Committee of the Whole

Date of meeting: September 18, 2023

PDP 38-23

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:

Lori Tesolin, MCIP, RPP Principal
Planner, Policy and Heritage Planning:
905.444.2858

1. Recommendation:

1. That staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

2. Highlights:

- The purpose of this report is to seek authorization to initiate the process to retain a consulting team and undertake a review and update of the Whitby Official Plan.
- Municipalities are required to review and update their Official Plans every five years per Section 26 of the Planning Act.

- The Whitby Official Plan was last updated in 2018 with a planning horizon to 2031. The 2018 update involved significant changes to previous policies, resulting in a new long-term vision for the Municipality that directs where and how to manage increased growth and development pressure, now and into the future.
- This review and update will build upon the 2018 Official Plan, and other recent Secondary Plan updates, and focus on changes required to comply with the Planning Act, including:
 - Conforming to updated policies of the new [Envision Durham, Regional Official Plan](#), pending approval by the Province;
 - Updating the Brooklin Community Secondary Plan to reflect the expanded Urban Area Boundary to 2051 of approximately 500 hectares, per the new Regional Official Plan;
 - Conforming to changes in Provincial legislation and the new Provincial Planning Statement, pending approval by the Province; and,
 - Ensuring that the vision for the Town of Whitby continues to meet the community's needs, while planning for future growth in a sustainable manner.
- By 2051, Whitby is forecasted to grow a to 244,890 in population, and 95,210 jobs. It is important to update the Official Plan now for conformity and consistency with recent legislative and policy changes, as growth and development continues to place pressure on local housing supply, infrastructure and services.
- Updating the Official Plan is also a priority, as the Regional Municipality of Durham will no longer have Planning Authority to support lower-tier municipalities, once related Bill 23 amendments to the *Planning Act* take effect, pending Provincial proclamation.
- The Official Plan update is approved as part of the 2022-2026 budget and is a priority item in the Corporate Business Plan.

3. Background:

Town of Whitby Official Plan

The Town of Whitby's Official Plan policies address important community-building matters that affect everyone who lives and works here, such as:

- Where should housing, industry, offices, shops, and new roads be located;
- What parts of the Town will be the focus for population growth and what will it look like related to height and density (e.g., major transit station areas, along major roads, within our downtowns);

- Which services and community amenities are needed and where (e.g., hospitals, schools, parks and trails, community centers, active transportation routes);
- Where and how important features of both the natural and urban environment should be protected (e.g., ravines and woodlands, cultural heritage properties, waterfront lands); and,
- What must be considered for growth and development to occur in a sustainable manner and allow for safely designed neighbourhoods.

The Town of Whitby has had an Official Plan since 1974. The current version of the Official Plan adopted in 2018 was based on a significant update including new policy directions resulting in substantive changes to the former 1994 Official Plan.

In addition, Whitby Council adopted the West Whitby Secondary Plan in 2014, the Port Whitby Community Secondary Plan in 2016, the Brooklin Community Secondary Plan in 2017, and the recently updated Downtown Whitby Community Secondary Plan on March 20, 2023.

Given the broad scope and depth of policy changes undertaken for the 2018 Official Plan, as well as the addition of several Secondary Plan updates, the latest review and update will be limited to Provincial and Regional policy conformity and consistency updates, as well as technical updates only.

Region of Durham Official Plan

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan, Envision Durham. The Regional Official Plan was prepared as part of the 2019 Municipal Comprehensive Review undertaken by the Region. The new Regional Official Plan is still pending ministerial approval.

The Town of Whitby is forecasted to grow to 176,360 residents in population and 63,760 jobs to the year 2031. By 2051, the population is forecasted to grow further to 244,890 in population, and 95,210 jobs. These figures are in accordance with information provided through the Envision Durham process.

Key impacts on the Whitby Official Plan resulting from the new Regional Official Plan will include:

- An Expanded Urban Area Boundary to 2051, which includes approximately 500 hectares, generally in north Whitby, west of Brooklin (Refer to Attachment #1);
- A new delineated boundary for the Whitby GO Protected Major Transit Station Area and related policies (Refer to Attachment #1): and,
- Various policy updates. However, many policies either remain the same as those from the previous Regional Official Plan, and/or align with policy updates already implemented through the Whitby 2018 Official Plan.

Provincial Legislative and Policy Framework

Section 26 of the Ontario Planning Act requires Councils to review and update Official Plans no less frequently than 10 years after it comes into effect as a new official plan; and every five years thereafter, unless the plan has been replaced by another new official plan.

Section 26 also requires Official Plans to have regard for matters of Provincial Interest, and to be consistent with the Provincial Policy Statement.

Over the past five years, changes have been made to the Planning Act, the Development Charges Act, and the Ontario Heritage Act, among other pieces of legislation through the Bill 108, *the More Homes, More Choices Act, 2019* and Bill 109, *the More Homes for Everyone Act, 2022*.

Bill 23, *the More Homes Built Faster Act, 2022*, introduced further sweeping changes, such as:

- Removing Planning Approval authority from upper tier municipalities and limiting the role in planning review of Conservation Authorities;
- Allowing as of right zoning to permit up to three residential units per lot (e.g., three units in existing dwelling; two in the main building and one in an accessory building), with no minimum unit sizes; and,
- Changes to cultural heritage conservation processes and policies, parkland policies, and restrictions on the collection of development charges.

More recently, the Provincial government released for public comment in April 2023, changes to the Provincial Policy Statement and elimination of the Growth Plan for the Greater Golden Horseshoe that would result in a new, combined Provincial Planning Statement (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*).

4. Discussion:

Project Scope and Objectives

The project scope and objectives for the Official Plan (OP) Review will be limited to certain planning policy matters, given that a comprehensive review and update of the Whitby Official Plan was completed in 2018. Newly established Secondary Plans (e.g., Brooklin Community Secondary Plan), or updates to existing Secondary Plans have also been completed recently, as well as over the past five to ten years.

The OP Review will require an estimated 24 months to complete, starting in 2024, with adoption of the Final Recommended update OP targeted by the end of 2025 or early 2026.

The Official Plan Review will involve the following components and objectives:

1. Conformity with Envision Durham

- Part I Official Plan and Part II Secondary Plans:
 - Update the Whitby GO Protected Major Transit Station Area boundary and related policies. Include consideration of Inclusionary Zoning for affordable housing;
 - Update Employment Area Lands converted to Mixed Use and Residential land uses;
 - Review and update existing intensification strategies, policies and targets, where required;
 - Review and update residential, commercial, industrial, institutional, environmental, and transportation policies, where required; and,
 - Review and update existing map schedules and map appendices, where required.
- Brooklin Community Secondary Plan Expansion Area:
 - Update the Urban Area Boundary in Whitby and plan for approximately 500 hectares of new Community Area Lands and Employment Area Lands, generally in north Whitby and west of Brooklin, by updating the Brooklin Community Secondary Plan; and,
 - Review and update existing map schedules and policies.

2. Conformity with Provincial Legislation and Policy:

- Review and update relevant policy impacts resulting from Provincial Bill 108 - the *More Homes, More Choices Act, 2019* and Bill 109 - the *More Homes for Everyone Act, 2022*. OP Policies related to complete application requirements, study terms of reference, and pre-consultation processes will also be reviewed for changes implemented through Bill 109.
- Review and update relevant policy impacts resulting from Provincial Bill 23 – the *More Homes Built Faster Act – 2022*. Examples include, but are not limited to:
 - Removal of Upper-Tier Planning Approval Authority;
 - Modified scope of Conservation Authority role in planning review;
 - Updating policies and zoning for Protected Major Transit Station Areas;
 - Changes to parkland dedication and cash-in-lieu policy;
 - Changes to Cultural Heritage Conservation policy;
 - Changes to Site Plan and Urban Design policy;
 - Changes to accessory units and related parking policies; and,
 - Policy impacts related to exemptions from development charges.

- Review and update relevant policy impacts resulting from the new Provincial Planning Statement (formerly the Provincial Policy Statement), and the elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*), as well as any other relevant changes in Provincial Planning legislation and policy over the duration of the Official Plan Review.

3. Technical and Housekeeping Amendments

- Subsequent and related technical and housekeeping amendments will be required such as updates to section numbers and definitions.

Related Initiatives

Since the previous Official Plan update in 2018, the Town of Whitby has either completed or is undertaking various initiatives. These initiatives will be analyzed to inform the current the final updated Official Plan and include:

- Mature Neighbourhoods Policy (OPA 130);
- Downtown Whitby Community Secondary Plan (OPA 126);
- Secondary Plans Update (Technical changes);
- Comprehensive Zoning By-Law Review;
- Community Strategic Plan;
- Development Charges Background Study;
- Economic Development Strategy;
- Climate Change Master Plan;
- Parks and Recreation Master Plan;
- Waterfront Parks and Open Space Master Plan;
- Culture Plan;
- Active Transportation Plan;
- Parking Master Plan Study; and,
- Relevant Environmental Assessment Projects.

Project Phases

The Official Plan Review will be undertaken in four (4) project phases, in addition to the current pre-project Initiation phase.

Project Phase	Estimated Timing
Pre-Project Initiation: Consulting Team Retained, Technical Advisory Committee established.	Current Phase Q4 2023
Phase 1: Background Review and Analysis	Q1 2024 – Q3 2024
Phase 2: Proposed Policy Updates	Q4 2024 – Q1 2025
Phase 3: Draft Official Plan Amendment(s)	Q2 2025 – Q3 2025
Phase 4: Final Recommended Official Plan Amendment(s)	Q4 2025 – Q1 2026

Community Engagement

The retained Consulting team will be responsible for creating a comprehensive OP Review Community Engagement Plan. Key components will involve:

- Regular meetings with a Core Staff Team involving staff leads from Planning, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required.
- Regular meetings with the project Technical Advisory Committee, which will include the Core Staff Team as well as members from the Region of Durham public works/infrastructure, the Central Lake Ontario Conservation Authority, Ministry of Transportation, Elexicon and others to be identified.
- Regular updates to Committee of the Whole, Council and relevant Committees of Council during the key milestones of project phases.
- Landowner/Development Industry consultation.
- Indigenous engagement opportunities.
- Public/Stakeholder Community Open Houses.
- Statutory Public Meeting and Final Recommendation Meeting.

Engagement opportunities will be communicated through an Interested Parties list, Public Notices, information posted on the Town website, and announcements through the Town's social media channels. All project information will be made available and updated during each project phase on a dedicated Connect Whitby project webpage.

Both in-person and virtual engagement opportunities can be provided. In-person events would be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A comment-response matrix will be developed for written comment submissions.

Refer to Attachment #2 for the Official Plan Review Draft Terms of Reference to be included in the Request for Proposals (RFP).

Next Steps (Q4 2023 – Q1 2024):

- Planning staff to continue to work with Procurement staff on the RFP process;
- Publish RFP, followed by review and evaluation of submissions;
- Retain successful consulting team; and,
- Commence Phase 1.

Staff will report back to Council in 2024 on findings from the Phase 1 Background Review and Analysis, and a recommended approach for Phase 2, as well as the overall project Community Engagement Plan.

5. Financial Considerations:

Funding for the Official Plan Review is approved for a total of \$530,000, as part of the 2022-2026 budget.

6. Communication and Public Engagement:

A comprehensive engagement strategy will be developed to provide meaningful engagement opportunities during project phases for the public, as well as a range of stakeholders.

Engagement opportunities will be communicated through an Interested Parties list, Public Notices, information posted on the Town website, and announcements through the Town's social media channels. All project information will be made available and updated during each project phase on a dedicated Connect Whitby project webpage.

Both in-person and virtual engagement opportunities can be provided. In-person events would be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A comment-response matrix will be developed for written submissions.

All public and stakeholder feedback will be recorded, summarized, and considered through the OP Review process.

7. Input from Departments/Sources:

A Core Staff Team will be established for the project involving staff leads from Planning, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required. The Core Staff Team will meet during each project phase to provide input and feedback on policy updates and engagement planning.

A broader Technical Advisory Committee (TAC) including staff from external agencies will also be established. The TAC will provide technical expertise and review of draft materials, as well as feedback on community engagement planning.

The Draft Proposed Official Plan Amendment(s) and Final Recommended Official Plan Amendment(s) will be circulated for comment to all applicable staff and agencies as required. Comments will be recorded and considered through the OP Review process.

8. Strategic Priorities:

The Official Plan Review will support and advance the Town's strategic pillars of the Community Strategic Plan, by providing policy updates that manage growth and development of the Town in a sustainable manner, resulting in safely designed and inclusive neighbourhoods that support a range of housing options, as well as protecting space for important community amenities, such as parks, schools, healthcare services and more resilient built and natural environments.

The Official Plan Review will provide for increased access to Employment Area lands that will assist Whitby in being more economically innovative and competitive.

The Official Plan Review will involve community and stakeholder consultation to ensure Whitby's government is accountable and responsive to the community's needs as the Municipality grows over time. It will also support the Town's efforts to improve Accessibility and Sustainability and will ensure that all materials are provided in an accessible format.

9. Attachments:

Attachment #1 – Excerpt Map 1. Regional Structure – Urban & Rural Systems,
Envision Durham Regional Official Plan

Attachment #2 – Official Plan Review: Draft Terms of Reference



**Official Plan of the
Regional Municipality
of Durham**

Map 1.

Regional Structure – Urban & Rural Systems

- Urban System**

 - Urban Area Boundary
 - 2051 Urban Expansion Areas
 - Urban Growth Centres (UGC)
 - Protected Major Transit Station Area (PMTSA)
 - UGC / PMTSA Overlap
 - Regional Centres
 - Rapid Transit Corridor
 - Regional Corridor
 - Rural Regional Centres
 - Waterfront Place
 - Community Areas
 - Employment Areas
 - Rapid Transit Corridor - Employment
 - Delineated Built Boundary
 - Former Hamlet Areas

Rural System

 - Hamlets
 - Country Residential Subdivision
 - Rural Employment Areas
 - Shoreline Residential
 - Prime Agricultural Areas

Infrastructure

 - Existing GO Station
 - Proposed GO Station
 - Existing GO Rail
 - Proposed GO Rail
 - Rail
 - Existing Airport
 - Future Airport
 - NGS Nuclear Generating Station
 - Municipal Service

Greenlands System

 - Major Open Space Areas
 - Waterfront Areas
 - Oak Ridges Moraine
 - Greenbelt Boundary (excluding Urban River Valleys)

Special Areas

 - Special Study Areas
 - Specific Policy Areas

***Adopted by
Regional Council***



Adopted by
Regional Council,
as Amended

Attachment #2

Official Plan Review: Draft Terms of Reference

3.1 Project Scope and Objectives

The Town is seeking proposals from qualified consultants to complete a review and update of the Whitby Official Plan (Official Plan Review) in accordance with the requirements of the Ontario Planning Act.

Municipalities are required to update their Official Plans every five years per Section 26 of the Planning Act.

A comprehensive review and update of the Town's Official Plan was last completed in 2018. The next review and update will focus on conformity and consistency with recent changes to Provincial legislation and policy, as well as the new Region of Durham Official Plan, 'Envision Durham,' which provides for a new planning horizon to 2051.

The Official Plan Review will involve the following components and objectives:

1. Conformity with Envision Durham

A. Part I Official Plan and Part II Secondary Plans:

- Update the Whitby GO Protected Major Transit Station Area boundary and related policies. Include consideration of Inclusionary Zoning for affordable housing.
- Update Employment Area Lands converted to Mixed Use and Residential.
- Review and update existing Intensification Strategies, policies and targets, where required.
- Review and update residential, commercial, industrial, institutional, environmental, and transportation policies, where required.
- Review and update existing map schedules and map appendices, where required.

B. Brooklin Community Secondary Plan Expansion Area:

- Update the Urban Area Boundary in Whitby and plan for approximately 500 hectares of new Community Area Lands and Employment Area Lands, generally in north Whitby and west of Brooklin, by updating the Brooklin Community Secondary Plan.
- Review and update existing map schedules and policies.

2. Conformity with Provincial Planning and other Related Legislation and Policy:

- Review and update relevant policy impacts resulting from Provincial Bill 108 - the *More Homes, More Choices Act, 2019* and Bill 109 - the *More Homes for Everyone Act, 2022*. OP Policies related to complete application requirements, study terms of reference, and pre-consultation processes will also be reviewed for changes implemented through Bill 109.
- Review and update relevant policy impacts resulting from Provincial Bill 23 – the *More Homes Built Faster Act – 2022*. Examples include, but are not limited to:
 - Removal of Upper-Tier Planning Approval Authority;
 - Modified scope of Conservation Authority role in planning review;
 - Updating policies and zoning for Protected Major Transit Station Areas;
 - Changes to parkland dedication and cash-in-lieu policy;
 - Changes to Cultural Heritage Conservation policy;
 - Changes to Site Plan and Urban Design policy;
 - Changes to accessory units and related parking policies; and
 - Policy impacts related to exemptions from development charges.
- Review and update relevant policy impacts resulting from the new Provincial Planning Statement (formerly the Provincial Policy Statement), and the elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*), as well as any other relevant changes in Provincial Planning legislation and policy over the duration of the Official Plan Review.

3. Technical and Housekeeping Amendments

- Subsequent and related technical and housekeeping amendments will be required such as updates to section numbers and definitions.

4. Related Initiatives

- The Town of Whitby has either completed or is undertaking various studies and initiatives that will be analyzed to inform the Official Plan Review and include:
 - Mature Neighbourhoods Policy (OPA 130);
 - Downtown Whitby Community Secondary Plan (OPA 126);
 - Secondary Plans Update (Technical changes);
 - Comprehensive Zoning By-Law Review;
 - Community Strategic Plan;

- Development Charges Background Study;
- Economic Development Strategy;
- Climate Change Master Plan;
- Parks and Recreation Master Plan, and Waterfront Parks and Open Space Master Plan;
- Culture Plan;
- Transportation Master Plan, Active Transportation Master Plan, Parking Master Plan Study; and,
- Relevant Environmental Assessment Projects.

3.2 Background

The Town of Whitby is one of eight lower tier municipalities within the Region of Durham, situated in the eastern end of the GTA, approximately 40 kilometres east of downtown Toronto. The Town is about 125 km² in size and has a population of approximately 151,000 people with approximately 48,500 households.

The Town extends from the Lake Ontario shoreline in the south to the Oak Ridges Moraine in the north and has a recreational port, two historic downtowns, urban/suburban, industrial, and rural areas, with areas protected by the Greenbelt Plan and Oak Ridges Moraine Conservation Plan and an extensive Natural Heritage System.

Highways 401 and 407 traverse the Town with Highway 412 providing a north-south connection between the two Provincial highways. Also crossing through Whitby in the southern portion of the Town are the CNR and CPR main rail lines. The GO train rail line operates on the CNR with a GO Station situated at Highway 401 and Brock Street South. The GO Station area is recognized as a Protected Major Transit Station Area.

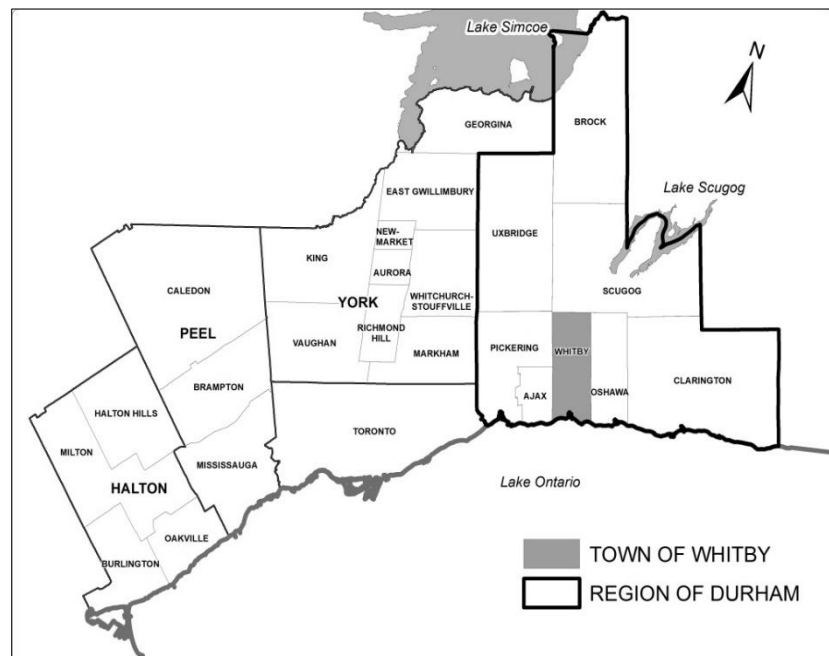


Figure 1: Map showing The Town of Whitby within the GTA and Durham Region

The Town of Whitby has had an Official Plan since 1974. The current version of the Official Plan, adopted in 2018, has a planning horizon to 2031, and involved substantial new policy directions and updates from the former 1994 Official Plan.

In addition, Whitby Council adopted the West Whitby Secondary Plan in 2014, the Port Whitby Community Secondary Plan in 2016, the Brooklin Community Secondary Plan in 2017, and the recently updated Downtown Whitby Community Secondary Plan on March 20, 2023.

Given the broad scope and depth of policy changes undertaken for the 2018 Official Plan, as well as the addition of several Secondary Plan updates, the latest review and update will be limited to Provincial and Regional policy conformity and consistency updates, as well as technical updates only.

3.2.1 Study Area

The Study Area for the Official Plan Review is the entirety of the Municipality. Map 1 of the Whitby Official Plan conceptually illustrates the Town's Municipal Structure and includes the following main elements:

- an Urban Area with an approximate serviced population capacity of 190,760 to the year 2031;
- a rural area which has a population forecast of 2,100 persons to the year 2031;
- an open space system consisting of natural features, the Oak Ridges Moraine, and the Greenbelt;
- the agricultural area;
- a community focal point on the Lake Ontario Waterfront;
- the intensification of land uses in identified central areas and along corridors;
- commercial centres distributed throughout the urban area;
- general industrial, prestige industrial, and business parks in strategic locations; and
- gateway features, at strategic entry points to the Municipality.

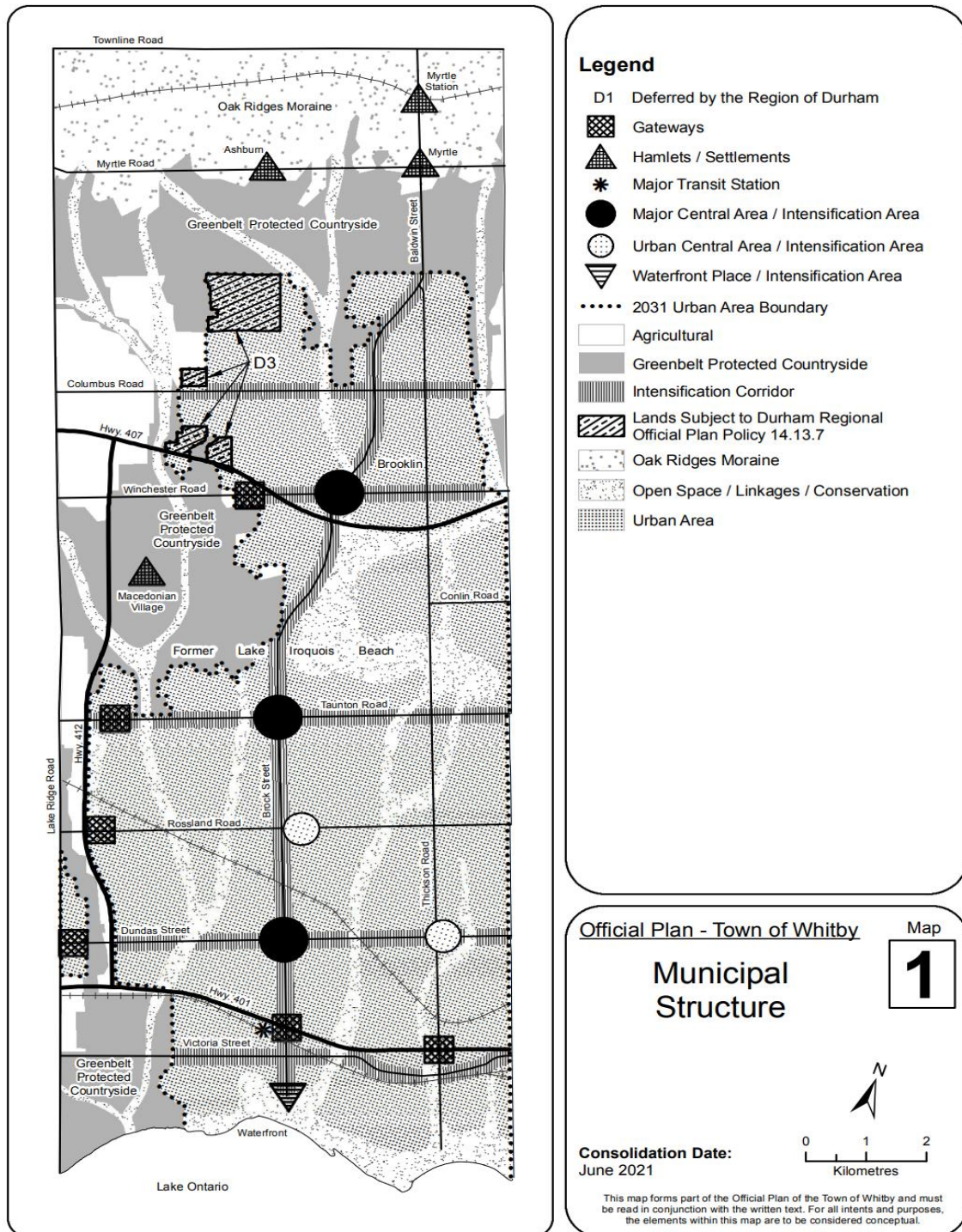


Figure 2: Excerpt Map 1 – Municipal Structure, Whitby Official Plan

The 2051 Urban Expansion Area identified in [Map 1 – Regional Structure – Urban and Rural Systems, Region of Durham Official Plan](#) will be a subset of the Study Area.

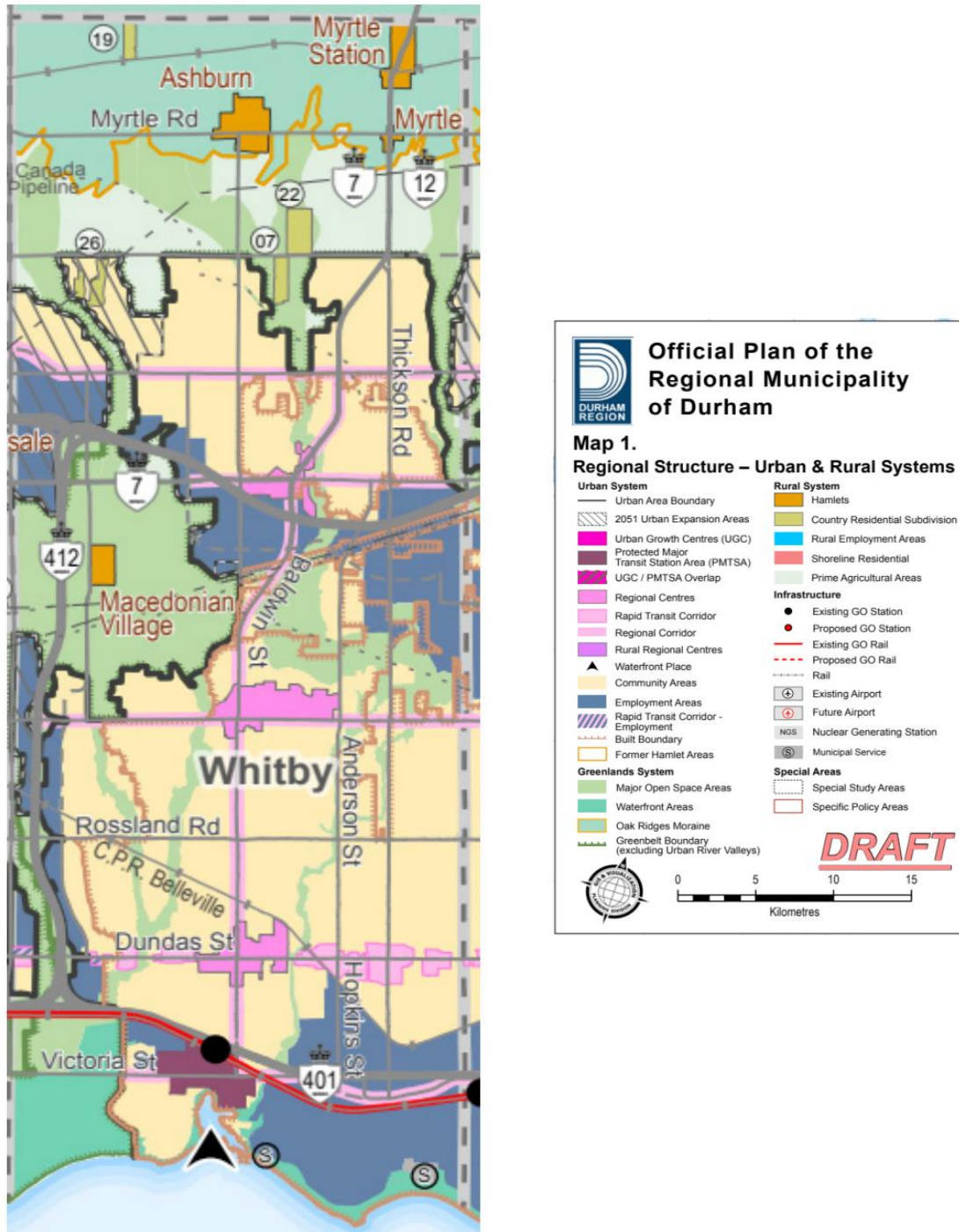


Figure 3: Excerpt Map 1 – Regional Structure – Urban and Rural Systems, Region of Durham Official Plan, Envision Durham

3.2.2. Recent Legislation and Policy Updates

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan completing the 'Envision Durham' exercise. The new Regional Official Plan extends the planning horizon to 2051.

Through Envision Durham, the Region has forecasted Whitby to grow further to 244,890 in population, and 95,210 jobs by 2051 for the Town of Whitby.

Key impacts on the Whitby Official Plan resulting from the new Regional Official Plan will include:

- an expanded Urban Area Boundary to 2051, including approximately 500 hectares of expanded Community and Employment Area lands, generally in north Whitby, west of Brooklin.
- a delineated boundary for the Whitby Go Protected Major Transit Station Area and related policies.
- Other map and policy updates, such as delineated boundaries and policy updates for Regional Centres.

It should be noted that some policies in the new (Envision Durham) Regional Official Plan remain unchanged from the previous Regional Official Plan, and/or already align with policy updates implemented through the Whitby 2018 Official Plan update.

Several changes to Provincial legislation and policy have also occurred since the adoption of the 2018 Official Plan. The Official Plan Review is required at this time to ensure policies have conformity and consistency with newly introduced and amended legislation such as:

- Bill 108 - the *More Homes, More Choices Act, 2019*;
- Bill 109 - the *More Homes for Everyone Act, 2022*;
- Bill 23 - the *More Homes Built Faster Act – 2022*;
- New Provincial Planning Statement and elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*); and,
- Any future changes released by the Province throughout the duration of the Official Plan Review.

3.3 Detailed Scope of Work

3.3.1 Project Phases

The Official Plan Review will be undertaken in four (4) project phases:

Project Phase	Estimated Timing
Phase 1: Background Review and Analysis	Q1 2024 – Q3 2024
Phase 2: Proposed Policy Updates	Q4 2024 – Q1 2025
Phase 3: Draft Official Plan Amendment(s)	Q2 2025 – Q3 2025
Phase 4: Final Recommended Official Plan Amendment(s)	Q4 2025 – Q1 2026

Phase 1: Background Review and Analysis

Phase 1 will consist of collecting and reviewing all relevant background information, including relevant provincial, regional, and local policies, plans, legislation, and regulations, and undertaking appropriate initial consultations with stakeholders, as outlined below.

- Undertake site visit(s), as required, to gain an understanding of the Brooklin Urban Expansion Area, the general distribution of land uses, location and distribution of public and private spaces, existing parking and transportation facilities, the character of mature neighbourhoods vs. Intensification Areas and Corridors, and the relationship between the two, as well as the Whitby GO Protected Major Transit Station Area.
- Compile and review existing applicable planning documents and studies.
- Land Use and Policy Analysis:
 - Review the Whitby Official Plan (Part I and Part II Plans) inventory of land uses and policies to identify updates required for consistency and conformity with Envision Durham, as well as changes to Provincial legislation and policy.
 - Identify infrastructure and other opportunities and constraints to development and redevelopment of lands within the Brooklin Expansion Area, as well as the overall Study Area;
 - Assess parkland policies, service levels and future needs; and,
 - Consider Cultural Heritage Resources and related matters.
- Transportation Analysis:
 - Review the existing and proposed transportation system within and leading to/from the Study Area, including infrastructure proposals and plans by the Town, MTO, Metrolinx and Region of Durham and identify constraints and

- opportunities for new and missing links for transit and other modes of transportation.
- Identify impacts on and suggested improvements to the existing road network within the Brooklin Expansion Area and the overall Study Area;
- Propose updates as required to active transportation, transportation demand management and transit initiatives and incentives.
- Servicing Analysis:
 - Consult with Town and Regional staff, assess and summarize existing servicing conditions, physical constraints and opportunities from a stormwater management and servicing perspective for the overall Study Area; and,
 - Identify and assess the future capacity of Regional water and sanitary sewer services, as well as Town stormwater management services and constraints within the Brooklin Expansion Area.
- Review Background Review and Analysis findings, and Phase 1 Community Open House materials, with the project Core Staff team and Technical Advisory Committee.
- Phase 1 Community Open House (COH) – design and host a Phase 1 COH, including summary materials/reports/poster boards/presentations to introduce the project and provide an overview of the background information and analysis compiled for Phase 1, as well as relevant engagement questions to gather community feedback.
- Provide a Phase 1 Engagement Summary.
- Provide Phase 1 findings (including highlights from the Phase 1 Engagement Summary) in the form of a Background Analysis Report.
- Presentation to Committee of the Whole on Phase 1 Background Analysis Report, as well as the overall Community Engagement Plan for the project (Refer to Section 3.3.3) and proposed next steps for Phase 2.

Phase 2: Proposed Policy Updates

- Review and analyze Phase 1 findings to inform Phase 2 deliverables.
- Prepare proposed policy and land use schedule updates to the Brooklin Community Secondary Plan for the existing Secondary Plan area and the future Expansion Area.
- Prepare proposed policy updates, including proposed updates to land use

schedules, for Part I of the Official Plan and other Part II Secondary Plans.

- Phase 2 Community Open House (COH) – design and host a Phase 2 COH, including summary materials/reports and/or presentations on findings from Phase 1 and how they have informed the proposed policy updates for Phase 2, as well as relevant engagement questions to gather further community feedback.
- Provide a Phase 2 Engagement Summary.
- Provide a Phase 2 findings summary report (including highlights from the Phase 2 Engagement Summary).
- Presentation to Committee of the Whole on Phase 2 findings (including engagement summary) and proposed next steps for Phase 3.

Phase 3: Draft Proposed Official Plan Amendment(s)

- Review and analyze Phase 2 findings to inform Phase 3 Draft Proposed Official Plan Amendment(s) (OPA). This should include:
 - Draft Proposed OPA for an updated Brooklin Community Secondary Plan to reflect the Urban Expansion Area;
 - Draft OPA for updates to the Part I Official Plan and any other Secondary Plan updates to reflect conformity and consistency with the new Regional Official Plan, as well provincial legislation and policy changes; and
 - Draft OPA(s) to include related technical and housekeeping amendments.
- Provide direction on potential implementation, such as Zoning By-law amendment(s).
- Present and review the preliminary Draft Proposed Official Plan Amendment(s) to the Technical Advisory Committee.
- Undertake public and stakeholder consultation on the Draft Official Plan Amendment through the Statutory Public meeting, and any other requested engagement meetings.
- Present at, and record comments from, the Statutory Public Meeting.
- Provide a draft Comment-Response Matrix based on formal written comment submissions.

Phase 4: Final Recommended Official Plan Amendment(s)

- Document, review, analyze, and respond to public and agency input received through Phase 3 and make any further revisions to the Official Plan Amendment(s), as needed.
- Based on the review and feedback from the public, agencies, TAC and stakeholders, Town staff will finalize the Official Plan Amendment as needed to be included in a staff report to be received at a Committee of the Whole meeting for Council's consideration.
- Provide a final Comment-Response Matrix.
- A staff report will present the Recommended Final Official Plan Amendment(s) at a Committee of the Whole meeting for a Council decision on adoption. The report will include a summary of all public and agency comments received. The Consultant will be required to be in attendance at the Committee of the Whole meeting.

3.3.2 Deliverables

There will be numerous deliverables expected from the Consultant throughout the Study. The specific deliverables per phase will be determined with the selected consultant when the Work Plan is finalized.

Expected deliverables include, but are not limited to:

- Developing and delivering the project Community Engagement Plan in collaboration with staff;
- Providing all draft and final project and presentation materials required for each project phase as outlined in Section 3.3.1;
- Providing electronic copies of all reports and presentation materials to the Planning and Development Department;
- Providing an electronic copy of all raw data and analysed background research and information used for the studies;
- Providing a minimum of five (5) hard copies and 1 electronic copy (both in pdf and Word formats) of all final reports;
- Ensuring that all schedules and GIS Data are compatible with ArcMap 10.2.2; and,
- Ensuring that all material meets the standards and requirements of the Town of Whitby and any Provincial Accessibility legislation.

All report and presentation materials must be in a form and of a quality suitable for reproduction and presentation (including hard copy and digital) acceptable to the Town.

All Mapping deliverables provided by the selected consultant shall be:

- based on 1:2,000 metric scale base maps;
- able to be reproduced to appropriate scales;
- in formats suitable for use in GIS applications;
- in ESRI shape files or file geodatabase;
- projected to North American Datum (NAD) 83, Zone 17N; and,
- in hard and digital copy(s) suitable for reproduction.

All studies, reports, drawings, and plans, etc., that result from the Study must be created and provided to the Town in an accessible format compatible to Adobe Acrobat Pro. Please refer to the Town of Whitby's Purchasing webpage for a link on How to Create an Accessible Document (AODA).

3.3.3 Community Engagement Plan

The retained consulting team will be responsible for creating a comprehensive Official Plan Review Engagement Plan. Key meetings and components will involve:

- Regular meetings with a Core Staff Team involving staff leads from Planning and Development, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required.
- Regular meetings with the project Technical Advisory Committee (TAC), which will include the Core Staff Team as well as members from the Region of Durham public works/infrastructure, the Central Lake Ontario Conservation Authority, Ministry of Transportation, Elexicon and others to be identified.
- Regular updates to Committee of the Whole, Council, and relevant Advisory Committees of Council during the key milestones of project phases.
- Landowner/Development Industry meeting(s).
- Indigenous engagement opportunities.
- Public/Stakeholder Community Open Houses.
- Statutory Public Meeting and Final Recommendation Meeting.
- Other meetings as required.

Both in-person and virtual engagement opportunities will be planned. In-person events will be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A Comment-Response matrix will be developed for written comment submissions.

3.4 Roles and Responsibilities

3.4.1 Consultant

The selected Consultant will be responsible for managing the work of the consulting team members consistent with the Work Plan and timelines of the final Terms of Reference and the contract documents executed with the Town. Responsibilities include such matters as:

- project management on behalf of the Consultant team, including regular status meetings with the project staff lead;
- allocating the necessary resources and senior level staff to undertake the scope of work as defined in this RFP and approved work plan, consistent with the approved timelines;
- undertaking research and preparing materials and reports for staff review, public and agency input, and Council;
- providing a Community Engagement Plan
- compiling and synthesizing agency and public comments and consultant responses in a Comment-Response Matrix;
- presenting materials and summary notes/reports at TAC meetings, public open houses, and public meetings, and facilitating public input;
- ensuring the deliverables and supporting activities are accessible and of a high quality;
- engaging with the TAC, stakeholders, and commenting agencies, in liaison with Town staff;
- identifying opportunities for innovation and leading practice;
- meeting the timeframes as identified in the agreed work schedule;

- Identifying and controlling areas of project risk, in co-operation with staff;
- monitoring project expenditures;
- working collaboratively with staff to achieve a mutually acceptable project outcome; and,
- meeting the timeframes as identified in the agreed Work Plan.

3.4.2 Town of Whitby Staff

The Policy and Heritage Planning Section is responsible for study supervision to ensure that the project and materials are satisfactory to the Town of Whitby, subject to Council approval, and are responsible for:

- Project management on behalf of the Town;
- Preparation of staff reports, updates, and information/material to Council;
- Evaluating and reviewing the content and quality of the deliverables;
- Circulation of deliverables to Council, Committees, Stakeholders, and the Public;
- Working collaboratively with the Consultant(s);
- Monitoring progress against the work schedule and project timeframes;
- Exercising budgetary control, subject to Council approvals;
- Identifying and controlling areas of project risk;
- Liaising with the public and various agencies; and
- Communication of engagement opportunities such as maintaining an Interested Parties list, issuing Public Notices, posting project information on the Town website and dedicated project page, and providing announcements through the Town's social media channels.

A Core Project Team will also be established to assist with advancing the Work Plan. This team will undertake the review and analysis of all documentation. They will also attend meetings, presentations, and public consultations, if/as needed.

3.4.3 Technical Advisory Committee

The Study shall be supported by a Technical Advisory Committee (TAC) comprised of staff representatives from various departments and agencies, including:

- Town Planning;
- Town Engineering;
- Town Transportation Planning;
- Town Strategic Initiatives;
- Town Community Services;
- Durham Region
- Central Lake Ontario Conservation Authority
- Others as identified

Responsibilities of the TAC include;

- providing background information;
- identifying key issues to be considered;
- reviewing certain materials and reports;
- providing technical input and analysis at key program stages;
- participating in consultation activities; and
- reviewing and assisting with presentations and the facilitation of public consultation.

3.5 Meetings

The Consultant must identify in the Work Plan where strategic meetings are required with a variety of parties involved in the Study including the Core Project Team and the TAC.

The Consultant, in their submission, should outline a Community Engagement Plan (refer to section 3.3.2) with preferred approaches/methods for public and stakeholder consultation, the proposed structure for each meeting, and estimated costs.

The Consultant will be required to record minutes and follow up actions for these meetings for review by the project manager and Town's lead.

The Consultant shall also be required to provide a feedback summary to staff at the Town of Whitby, for community open houses and public meetings.

The number and timing for milestone meetings may be further refined by the Planning and Development Department and the selected Consultant during finalization of the Work Plan.

The Consultant will attend, at a minimum, the following meetings:

- Study start-up meeting with the Planning Division staff leads, and regular status meetings thereafter;

- Kick off meeting with the Core Staff Team;
- TAC meetings at appropriate points in the study process;
- Two Public Community Open Houses (COH's);
- Relevant Whitby Advisory Committee meetings (to be identified by staff);
- Potential meetings requested by property owners and other stakeholders; and
- Committee of the Whole and/or Council meetings at each project phase including the Statutory Public Meeting and Final Recommendation Meeting.

Note: Costs associated with booking meeting space, notification and advertising for public open houses and public meetings will be at the Town's expense.

3.6 Project Timing and Work Plan

The Official Plan Review will commence following selection of a qualified consultant, with an expected duration of approximately 24 months. It will be overseen by the Policy and Heritage Planning Section of the Planning and Development Department.

It is anticipated that the update and review process will generally adhere to the four phases of the work plan outlined in Section 3.3.1.

A Gantt chart (and any other relevant documents considered relevant by proponent) of the project timeline identifying milestones and deliverables is required.

The Gantt chart must propose a schedule/timeline for the completion of the various stages of the Work Plan. The schedule must include key milestones of the various stages of the work plan, including, the start-up date, timing of each study phase and a target completion date.

In addition to the milestones, regular meetings with the TAC and updates to Committee of the Whole/Council are expected. The timing of delivery of reports should be specified, including preliminary drafts that provide for a reasonable time for review by the Core Staff team and TAC.

3.7 Budget

Council approved funding for the Official Plan Review for a total of \$530,000, as part of the 2022-2026 budget. Per section 3.3.1, following award, the Town reserves the right to remove Phase 4 from the Scope of Work. The cost for Phase 4 must be included in the pricing submitted in the electronic Schedule of Prices.

The Consultant shall be responsible for all costs associated with the organization and attendance at all required stakeholder and public consultations, public meetings/open houses, Technical Advisory Committee meetings, and attendance at Council meetings.

Costs associated with notification and advertising for public meetings/open houses will be coordinated by the Town at the Town's expense.

3.8 Pricing Proposal

Proponents shall provide detailed costing itemizing costs for the various tasks as outlined in Section 3, Terms of Reference, along with hourly rates for each individual proposed to be assigned to the project, disbursements and contingency fees that may be deemed necessary for meetings and correspondence. (Refer to Section 2, Proposal Submission Requirements)

The Work Plan should outline each phase of the work required and the estimated time and costs for completion to allow key personnel to understand the cost versus phase at any point during execution of the project.

Invoicing must be based on completion of each phase and contain an itemized description of the work completed along with the hours of each staff and disbursements.

Provide hourly/per diem rates for assistance with additional work outside of scope, meetings etc.

3.9 Value Added Opportunities

Additional solutions or designs as part of the pricing proposal must be identified separately. Value added opportunities that are included in the cost should be clearly identified as included.

3.10 Other Requirements

All original text, maps, data, reports and other materials or information collected by the consultant team will be considered Town property and will be turned over to the Town at the conclusion of the Study. These materials must be in a form and quality suitable for reproduction and presentation acceptable to the Planning and Development Department.

The release of material related to the Study to any individual, stakeholder, interest group, organization and agency must be consistent with an agreed upon Communication Engagement Plan.



September 25, 2023

Mayor Elizabeth Roy
Town of Whitby
575 Rossland Road East
Whitby, ON L1N 2M8

Dear Mayor Roy:

RE: 1635 Dundas, Whitby - Shelter Resolution

**The Regional
Municipality of
Durham**
Office of the Chief
Administrative Officer

605 Rossland Rd. E.
Level 5
PO Box 623
Whitby, ON L1N 6A3
Canada
905-668-7711
1-800-372-1102
durham.ca
Elaine Baxter-Trahair
B.M. Edu, MBA
Chief Administrative
Officer

Thank you for your correspondence and the efforts of the Town of Whitby to engage with Regional staff to work co-operatively toward a solution which meets all the needs of the community. I have instructed my team to assist me in providing a fulsome response to the proposal from the Town. Care has been taken to respond to all proposals and concerns in the Town's proposal. I agree more discussion is required, I would look forward to an opportunity for the Regional Chair and myself to meet with yourself and the CAO to explain and discuss our approach to meet all the Town's requests to the best of our abilities.

I know that the Town of Whitby appreciates the framework that the Region works within to meet the needs of all members of the community in Whitby. The Region has responsibilities as the Housing and Homelessness System Manager to work with the Town of Whitby on addressing the Housing needs of the residents of Whitby. The Region and the Town of Whitby must act in conformance with the Ontario Human Rights Code. However, the Regional Chair and myself are committed to meet with yourself and the CAO in good faith to discuss and address all concerns and consider all aspects of the proposal.

At this time and subject to more discussion, allow me to advise that the Region:

If you require this information in an accessible format, please contact Christina Patten at 1-800-372-1102 ext. 2037.

- is committed to address housing and homelessness in Whitby and to prioritize the needs in the community in Whitby in doing so
- Will be transparent and commit to the best practices which will be in place at the shelter including intake, security, staffing and programming
- Will be transparent and commit to a process for dialogue and engagement on the planning for the additional uses for the remaining space. The Region does have a vision for addressing housing and homelessness in Whitby. The Region does have a vision for addressing housing and homelessness in Whitby. The Region has a comprehensive housing strategy as approved at Council and we are an experienced provider capable of delivering well planned and well executed housing solutions from shelter to transitional housing to community housing. The Region is also interested in the feedback from the community and in providing an opportunity to engage with these plans to meet the needs of the local community.
- Will support and commit to joint action between the Region and the Town of Whitby on specific protocols which will address the crisis of homelessness in Whitby – inclusive of all of the impacts of that crisis for the people who are experiencing homelessness to the community members who are also impacted.

As you know, in the case of the shelter at 1635 Dundas Street East, it is the Region's goal and obligation to provide this shelter in a timely manner without barriers to shelter and housing not experienced with other forms of housing or similar uses. The Region understands and acknowledges the community concerns. We are committed to working with the Town of Whitby as a partner in addressing these concerns. At the same time, the Region must ensure these concerns are expressed and addressed in a manner which does not pose a barrier to housing and to this shelter in particular.

I look forward to the opportunity to work with you to address the concerns of residents and deliver this needed project for the community of the Town of Whitby.

Yours truly,

Original Signed By

Elaine Baxter-Trahair

Chief Administrative Officer

c. Matthew Gaskell, CAO, Town of Whitby

Enclosed

AGREEMENT
TOWN OF WHITBY
AND
REGION OF DURHAM

Purpose

This agreement relates to the use of 1635 Dundas Street East (the Dundas Street Shelter) as a shelter and other future housing uses.

Recitals

Whereas the Region is the Housing and Homelessness System Manager responsible for planning, designing and delivering services to people either directly or through delivery partners with Federal, Provincial and local funding. The system is required to provide adequate Housing for residents of Durham Region, which includes all forms of housing including Warming Centres, Shelters, Supportive Housing, Transitional Housing, Community Housing, Rent Geared to Income Housing and Affordable Housing.

Whereas the Shelter is a right under s. 7 of the Canadian Charter of Rights and Freedoms and the right to the provision of accommodation free from discrimination is provided for under the Ontario Human Rights Code and the Region and the Town, as governments, are obligated to meet these constitutional requirements.

Whereas Homelessness has been recognized as a crisis in Durham Region, including within the Town of Whitby. The Town and the Region intend that if a shelter space exists a person will not be left unsheltered as a result of this agreement.

Whereas the Region and the Town will continue to work co-operatively and in good faith with each other as levels of government and with members of the community including locally elected representatives to ensure engagement and to meet the needs of the community.

Shelter

1. The building, formerly Sunnycrest Long Term Care Home, located at 1635 Dundas Street East in Whitby ("the Dundas Street Shelter") will initially be used as a shelter with 45 shelter spaces available.

2. The Region will use best practices including coordinated access, intake and data collection to support efficient access to the program for people experiencing homelessness. Currently there are people on the by-name list seeking housing in Whitby. Some of these people may currently be unsheltered and would be priority candidates for shelter. In addition, there are people living unsheltered in Whitby who are not on the by-name list. Outreach team will support prioritizing moving people living outdoors in Whitby into the Dundas Street Shelter.
3. The Town and the Region agree that if a shelter space exists a person will not be left unsheltered as a result of this agreement.
4. The Region is committed to providing a comprehensive program for the shelter which meets the needs of the persons requiring these services set out in, in part, in Attachment A.
5. The Region acknowledges that they do not intend to use more than 45 spaces as shelter at the Dundas Street Shelter. At the same time, the Region and the Town acknowledge that as the Housing and Homelessness System Manager and for other reasons including obligations set out above, the Region cannot cap shelter spaces at 45. However, the Region can provide a good faith acknowledgement and commitment that there is no intention use additional spaces except where circumstances require it.
6. In the event more than 45 shelter spaces will be in use at the Dundas Street Shelter program the Region will commit as follows:
 - a. The Region will prepare a report as soon as is practical which identifies
 - i. The circumstance which led to the use of additional spaces
 - ii. An estimated timeframe when the circumstances will end and the use of the additional spaces will end
 - iii. The number of additional spaces needed
 - iv. Additional measures taken including any additional staff or services provided at the site during this period
 - b. This report will be provided to the Town and the Community Liaison Committee
 - c. An annual report compiling all such instances with recommendations for mitigation of these occurrences in the future will be provided to the Health and Social Services Committee and sent to the Town and the Community Liaison Committee.
7. The Region commits to the Town to work towards providing adequate and appropriate low barrier shelter spaces for persons experiencing homelessness in Whitby. While it is acknowledged that people have the right to shelter, both the Town and the Region are committed to reducing and preventing the use of public spaces, such as parks, for shelter where proper shelter spaces are available. Ensuring that adequate shelter spaces are available at 1635 Dundas Street East is an essential component of the solution for reducing homelessness in Whitby.

Additional Housing Uses

8. The Region intends to fully utilize the remainder of the site for housing and related purposes. The Region does not intend to allocate more than 45 shelter spaces at the site. These additional uses under consideration include: employment services, housing services, health services, mental health services, treatment including treatment for drug and alcohol addiction, counselling and family services, and legal services.
9. The Region will commit to a process of community engagement and engagement with the Town of Whitby with respect to these additional uses. That process will conclude with a report to Regional Council.
10. The Region will complete the process of engagement and the report to Regional Council before making additional use of the remainder of the building. An outline of the process of engagement is at Attachment C.

Housing and Homelessness Support

11. The Region commits to work with all local tiers on a protocol designed to connect persons living unsheltered, particularly persons living unsheltered outside in public spaces with formal shelter and supportive and other housing services. This protocol will involve cooperation between the local and regional levels and include multi-disciplinary approaches involving community safety, social services, housing and health services.
12. The Region will commit to provide staffing and other resources necessary to support the formation of a Mayors Task Force on Homelessness and Drug Addiction. The Region will implement such recommendations of the Mayors Task Force as are approved and directed by Regional Council.

Attachment A - Description of Site Features, Policy and Services

1. The Region plans, designs and delivers services to people either directly or through delivery partners utilizing an intake policy based on best practice to satisfy the following criteria – safety, service needs of shelter residents. A copy of the intake policy for the shelter will be made available to the liaison committee. Individual decisions made under the intake policy are subject to protection under MFIPPA.
2. The Region will provide full funding and staffing for security and maintenance of the building.
3. On-site security presence 24/7 for a minimum of one year. Security will also be available offsite 24/7 through the Regional security service available to all Regional facilities. Onsite an in person response to security incidents will be provided in accordance with the Region's security standards applicable to all Regional facilities, with an on—site facilities personnel, as well as at least one back up, as required when the facilities personnel is unavailable.
4. The Region will evaluate the level of onsite security required on an as needed basis, based on the Building needs and the type and frequency of incidents, and in any event on at least an annual basis. On—Site security will be adjusted according to needs and risks, and included as a component of regular operational reviews. Annual reports and any changes will be reported to the Community Liaison Committee.
5. Region will provide a 24/7 phone number and email for the first year of operations to be administered by the Region's security staff and the building manager. This phone number and email will be for security monitoring and incident investigation, and will be open to the public who have questions, concerns or complaints relating to the Project.
6. The Region will install on site appropriate surveillance systems as deemed appropriate by security professionals. The surveillance systems will include CCTV cameras in appropriate interior common areas of the building and on the exterior of the building and site in accordance with Regional standards. The CCTV coverage will conform with Human Right code and the security systems will be updated with Cameras as appropriate.

7. The Region will provide on site illumination to the existing building and property where required. Exterior lighting will comply with Building Code requirements as well as Crime Prevention Through Environmental Design ("CPTED") recommendations and subject to meeting the CPTED recommendations, will strive to achieve minimal light excursions from the site through the use of shielding and other design considerations.
8. The Region will install appropriate property features to enhance privacy and meet the needs of both local residents and shelter residents. That includes a fence up to a maximum of 10 feet in height on portions of the property where this is appropriate based on existing and planned landscaping.
9. The Region will provide on-site services as well as service navigation to other services available off-site for shelter occupants. A list of those services includes but is not limited to: employment services, housing services, health services, mental health services, treatment including treatment for drug and alcohol addiction, counselling, family services, and legal services.

Attachment B – Reporting and Liaison During Operations

1. The Region shall establish with the Town a Community Liaison Committee. The Region will provide adequate support for the operation of this Committee Liaison Committee. The Region will provide the Terms of Reference for the Community Liaison Committee with a commitment to review and revise the Terms of Reference as appropriate in the future. The Community Liaison Committee will include representation from the Town, the Region and residents of the community.
2. The mandate of the Community Liaison Committee is to share and disseminate information, identify issues and concerns that impact area residents, develop ongoing communications protocols between the community and the Region as shelter operator and identify risk and risk mitigation strategies.
3. All meeting minutes of the Community Liaison Committee will be provided to the Town's CAO. Reports as set out elsewhere will be provided to the Community Liaison Committee for their discussion and feedback.
4. The Region shall meet with the Town CAO and Mayor monthly for regular updates, if required. If invited to do so, the Region, made up of the Chair, CAO, Commissioner of Social Services and other Regional staff as appropriate, will attend Town Council in an open forum upon invitation and up to twice a year within the first year of operations.

Attachment C – Community Engagement Plan

The Region has plans for this item which we are prepared to provide and discuss in full with the Town of Whitby. The Region has previously engaged in consultation on similar projects but would like to provide the Town the opportunity to provide input on that plan. A proposal can be provided to the Town for discussion.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Consolidated Linear Infrastructure – Environmental Compliance Approval Fees (CLI-ECA)

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: PDE 09-23

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

R. Saunders, Commissioner, Planning
and Development

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

For additional information, contact:

P. Angelo, Director, Engineering
Services x4918

V. Marouchko, Senior Manager of
Development Engineering, Planning and
Development x4921

1. Recommendation

1. That Council endorse the proposed Consolidated Linear Infrastructure-Environmental Compliance Approval Fees as outlined in Report PDE 09-23; and,
2. That staff be directed to update the Fees and Charges By-law (By-law 7220-17) to include proposed CLI-ECA, substantially as outlined in Report PDE 09-23.

2. Highlights

- Environmental Compliance Approval (ECA) applications are permit applications for new municipal sewage and stormwater management systems that are required to be submitted to the Ministry of the Environment, Conservation and Parks (MECP) for review and approval.

- Historically, ECAs for all new developments were prepared by Developers' consultants and submitted to Municipalities/Regions for review and acceptance. Subsequently, all ECAs, along with applicable fees, were submitted to the MECP for review and approval. Most of the review/approval and record keeping was the MECP's responsibility. The overall ECA approval process could take up to a year.
- In order to simplify and streamline the ECA approval process, in March 2021, the MECP issued a Guide to Applying for the First Consolidated Linear Infrastructure Environmental Compliance Approval (the Guide for ECA-CLI) document which significantly changed the ECA approval process.
- According to the new ECA-CLI approval process, almost all responsibilities for detailed review, approval, record-keeping and future monitoring, have been downloaded to local Municipalities.
- The new ECA-CLI approval process is an added scope to the Town's current review responsibilities and will require additional staff time and budget.

3. Background

- The Ministry of the Environment, Conservation and Parks approval for new municipal sewage and stormwater management (SWM) systems is a standard requirement for any development/redevelopment project that proposes new water, sanitary and storm services. Each type of sewer and stormwater management facility would require a separate ECA permit application. Previously, Local Municipalities would have minimal input in the ECA approval process, leaving most of the review, approval, and record-keeping responsibilities with the MECP. Over the last two decades, the MECP ECA applications have become increasingly lengthy and complex. As a result, review times by the MECP have been increasing, creating delays in the overall development review/approval process.
- In order to resolve the ECA approval backlog, the MECP has created a Consolidated Linear Infrastructure (CLI) Permissions Approach for low-risk sewage collection and stormwater management projects. The MECP's goal was to get important, low-risk public infrastructure projects built sooner by reducing the review time, streamlining the process, and consolidating ECAs into a CLI-ECA. MECP released a Guide to Applying for the First Consolidated Linear Infrastructure Environmental Compliance Approval guidelines in March 2021.

As per the new ECA review and approval process, all Municipalities must apply for and obtain a Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA). Once the ECA-CLI is in place, Local Municipalities are responsible for detailed reviews of sewage and stormwater management ECA applications, for sign-offs of these applications and for adding all new sewage and SWM infrastructure (that the Municipalities will own and operate) to the ECA-CLI database. The MECP has also introduced additional conditions and requirements to the ECA review process. After the sign-off of the ECAs, Local Municipalities will also be responsible for submitting ECA forms to the MECP at the completion of the sewage and SWM infrastructure construction. Following the assumption of the new sewage and SWM infrastructure, the Local Municipalities are required to develop, implement, and provide annual reports on sewage and SWM infrastructure monitoring programs. The last step in the modernized ECA approval process is the Municipality's responsibility to provide the MECP with updated ECA-CLI data every five (5) years.

The Town applied for a CLI-ECA in 2021 and received the issuance of the CLI-ECA in October 2022. Currently, all new Development application ECAs follow the new review and approval process, managed by the Engineering Development Section.

4. Discussion

The Town is responsible for review and approval of ECAs for storm sewer networks (storm sewer pipes, LIDs, OGS, etc.) and SWM facilities (ponds, underground storages, etc.). Sanitary and watermain ECAs remain the jurisdiction of the Region.

The scope of work associated with the new ECA process is an increase in the current workload and requires additional staff resources. Further, with the advent of the CLI-ECA, a number of Municipalities are already in the process of introducing ECA review fees and in the process of securing dedicated ECA review staff.

To ensure that the additional responsibilities and tasks are compensated on a fee for service basis, consistent with other development application review services, it is necessary to establish a new fee for service category. The new fees are based on the MECP fees charged for the review of these types of applications. This approach has been taken at the outset, to ensure consistency in the process, and minimize impacts on existing applications. Once the Town has a sufficient experience in the new ECA review process, the fees will be updated to reflect an actual time staff spend on the review process.

Accordingly, it is recommended that the following fees be introduced for CLI-ECA applications:

- \$1,500 for the review of a CLI-ECA application for the alteration/addition to the Town's storm sewer network (including on-line LID, OGS, MTD features); and,

- \$3,000 for the review of a CLI-ECA application for a new SWM facility to be owned and operated by the Town of Whitby.

Staff are confident that the above fees represent the minimum necessary for the Town to cover its costs in the review of CLI-ECA applications.

5. Financial Considerations

The proposed CLI-ECA fees will help to ensure that the costs associated with the new ESA review and approval process are recovered on a fee for service basis and not an added pressure on the Town's tax base.

6. Communication and Public Engagement

There is no statutory requirement for consultation or public engagement regarding the introduction of CLI-ECA fees. Further, as the proposed fee amount is similar to the fee charged by the MECP for a similar review, the impacts on existing applications would be negligible, and staff did not engage with developers and/or development groups (e.g., BILD).

7. Strategic Priorities

The information presented in this report aligns with the Town's Corporate Strategic Plan Priority to be a high performing, innovative, effective, and efficient organization.

8. Attachments

N/A

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Review of Animal Sheltering Options for the Town of Whitby

Report to: Committee of the Whole

Date of meeting: September 18, 2023

Report Number: LS 04-23

Department(s) Responsible:

Legal and Enforcement Services
Community Services Department

Submitted by:

Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

John Romano, Commissioner of
Community Services

**Acknowledged by R. Saunders,
Acting Chief Administrative
Officer**

For additional information, contact:

Andre Gratton, Manager of Enforcement
Services

Catherine Bridgeman, Director of
Facilities

1. Recommendation:

1. That Report LS 04-23 be received for information;
2. That staff be directed to proceed with the detailed design for Option 1B for the new Animal Services Centre and Enforcement Services Facility at McKinney Road and Broadleaf Avenue;
3. That a new capital project, in the amount of \$1,300,000, be established for the Design, Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve;

4. That staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project;
5. That staff be directed to report to Council for capital budget approval, following finalization of design, prior to tendering the work;
6. That staff investigate the sale of 4680 Thickson Road North to offset the cost of a new Animal Services Centre in accordance with Confidential Memorandum LS 04-23; and,
7. That staff will continue to make improvements to the operations of the Animal Services section to improve efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

2. Highlights:

- The Animal Services section of the Town's Legal and Enforcement Services Division provides enforcement for animal complaints and sheltering for impounded animals for the Town, this service is currently operating out of the Whitby Animal Services Centre ("**WASC**") at 4680 Thickson Rd. N.
- Over the next 10 years, the existing shelter requires significant capital improvements that total approximately \$1.5 to \$1.6 million.
- Staff have undertaken a review of animal sheltering options for the Town including providing services for its own use, partnering with other municipalities and sheltering services provided by external agencies.
- After a detailed review of the available options, and the service impact to the community, staff do not recommend outsourcing the sheltering component of Animal Services to alternate municipalities nor private agencies.
- Staff recommend that a new joint WASC & Enforcement Services facility be constructed, at the south-west corner of McKinney Drive and Broadleaf Avenue, to co-locate all enforcement staff in a single location and Animal Services staff to continue to provide sheltering services in Whitby.
- As noted in Reports LS 08-21 and LS 22-08, Staff have and will continue to make improvements to the operations of the Animal Services section to advance efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

3. Background:

Overview of Services

The 2021 Report LS 08-21 provided a comprehensive review of the Town's Animal Services section, which included the following:

- services provided;

- current staffing levels;
- 5 year overview of complaints;
- 3 year review of animal intake;
- A breakdown of what the facility can currently accommodate;
- Assigned fleet for the section;
- A fulsome breakdown of financial costs for the Whitby Animal Service's Centre including utilities, building and grounds expenses, equipment, waste removal and staffing for basic upkeep of animal care, being 1 full-time Animal Shelter Coordinator and 1 part-time Animal Services Officer.
- A fulsome breakdown of all revenues generated from by the WASC including animal adoptions, animal licencing, donations, pound and services fees, and other municipal recoveries;
- Staff also noted a major portion of the operating costs for the are offset by the municipal recoveries line which acknowledged the sheltering agreement with the Town of Ajax;
- The steps/changes implemented by staff to reduce the sections operating expenses and improve animal care and programs for the community;
- The potential challenges faced attempting to accommodate the sectional staff in other Town of Whitby facilities.

The 2022 Report LS 08-22 contained a comprehensive financial analysis of the Town's Animal Services Centre, which included the following:

- The budgetary impacts from Ajax terminating the sheltering agreement with the Town of Whitby results in the Town's Animal Service division costing approximately \$139,000, annually.
- Even with the closure of the WASC, the Town's Animal Service division costs would be approximately \$55,000, annually, for the enforcement-related (vs. sheltering) aspects of the division.
- Provided an overview of estimated and confirmed costs to outsource the sheltering of animals vs. continuing the operation internally.
- An overview of the associated capital budget costs for the current Animal Services Centre from 2022-2032, which included \$1.5 million in projects aimed to improve and maintain the facility; this includes \$0.6 million for the accessibility renovation which has been included in the budget since 2018 and an additional \$0.8 million for the expansion of the facility in 2030.
- A recommendation based on the financial analysis and annual operating cost of the WASC, staff do not recommend that the Town of Whitby proceed with outsourcing of sheltering of animal found at large in Whitby. Included as part of the recommendation of staff is the positive changes that have been implemented by staff to date, which will continue to result in increased revenue further, reducing the net annual impact of the WASC.
- identified the need to continue discussions with neighbouring municipalities about shared sheltering facilities.

As a part of the discussion at Council regarding Report LS 08-22, Council sought additional information regarding the options for animal sheltering services in the Town. Council passed the following Resolution #179-22,

Resolution # 179-22

1. That Report LS 08-22 be received for information;
2. That Animal Services continue to operate as an in-house service of the Town, including sheltering and enforcement; and,
3. That staff continue to investigate opportunities to provide animal control services with other municipalities in the immediate vicinity of the Town and animal sheltering services with Humane Society of Durham Region (HSDR).

In accordance with Recommendation #3 of the resolution above, Staff provide the following report.

4. Discussion:

Overview

Utilizing the metrics, analysis and information from Reports LS 06-21 and LS 08-22 staff reviewed 4 separate options/sheltering partnerships. The proposals also account for the Town's growth for future sheltering needs.

In keeping with Recommendation #3 of Council Resolution #179-22, staff provide the following analysis regarding the options for sheltering services within the Town. A detailed summary of each option is included as **Attachment # 1** to this Report.

In 2022, the Town retained McCallum Sather Associates (MSA), to provide a feasibility study and costing analysis for a new animal shelter facility. MSA was chosen given their expertise with animal sheltering facilities and their detailed knowledge of the site, as the Prime Consultants that completed the Operations Centre Expansion Feasibility Study and are currently working on the design of the Parks Operations Expansion and Fire Training Facility. The Operations Centre is located on McKinney Avenue directly across the street from the proposed animal shelter. The proposed location of the new facility will create a municipal campus and improve efficiencies for the delivery of services, secured storage of municipal vehicles and installation of electrical vehicle charging stations.

Subject to Council approval of this report, staff would plan for tendering for the construction of all three projects at McKinney Drive and & Broadleaf Avenue (i.e., the Animal Shelter, Operations Parks Expansion, and Fire Training Tower), as one projected to ensure efficient and functional design of the overall site and

benefit from economies of scale and lower mobilization/demobilization costs. The construction would be phased to minimize impact to the existing neighbourhood and facilities. Due to the complexity of the project (three buildings, including a detailed phasing strategy) staff would also recommend retaining a Project Management Firm to manage the projects on behalf of the Town. The estimated cost to retain a Project Management firm for all three projects (over multiple years) is estimated at \$900,000 (approximately \$300,000 per project).

Town staff have continued discussions with other agencies and municipalities to explore options for sheltering services for the residents of the Town. To that end, the Town has obtained a detailed proposal from the Humane Society of Durham Region for the provision of sheltering services within the Town.

Staff have reviewed various Animal Sheltering options for the Town

Option 1A: Construction of a new Animal Services Centre at the Whitby Operations Municipal Campus

The Town owns a vacant parcel of land at the south-west corner of McKinney Drive and Broadleaf Avenue, across from both the Operations Centre and McKinney Recreation Centre. With this option, the Town would construct a new, state of the art shelter as a net zero building on the vacant parcel. This option would be a continuation of a central municipal operations campus with the Town's Operations Centre and Fire Department Headquarters directly across the street. This option includes the potential for a future second floor expansion to accommodate additional office space, which could allow for all of Enforcement Services to be located in one facility. This location is ideal as it is bordered by Elexicon Energy Office and Saint Charles Garnier secondary school. The facility could be designed in a manner that would mitigate impacts to neighbouring properties by using the building and landscaping to shield potential sound, odour and visual concerns.

The consultant recommended against the staggered construction of a shelter and second floor office space, as it would be disruptive to the operation of the Animal Services Shelter, would distress the animals sheltered during construction (or require that they be relocated). As a result, this option is not recommended.

A conceptual site plan, floor plan and renderings for this option is contained in **Attachment # 2** to this report. Costing for this Option is contained in **Attachment #1**.

Option 1B: Construction of a new Enforcement Services Facility at the Whitby Operations Municipal Campus

Option 1B is similar to the Option 1A and would be located on the vacant land at the south-west corner of McKinney Drive and Broadleaf Avenue; however, this design proposes a second floor with office space that could be used to accommodate all of Enforcement Services at one location. The ground floor would house the Animal Services Shelter, while the second floor would contain office space, meeting space, washrooms and a kitchen space. Both Option 1A and Option 1B would allow the Town to control and maintain both its service levels and costs related to sheltering services for its residents.

As Option 1B would allow for Parking and By-law Services Sections to be co-located with Animal Services, it would also allow for space at the Town's leased space at 3050 Garden Street to be reduced and/or eliminated. Further, capital funds that would have otherwise been used to fund the repair/renovation of the existing WASC over the next 10 years could otherwise be allocated towards a new facility. A conceptual site plan, floor plan and renderings for this option is included in **Attachment # 3** to this report. Costing for this Option is contained in **Attachment # 1**.

Option 2 - Partnership with the Humane Society of Durham Region ("HSDR") and the Ontario Society of the Prevention of Cruelty to Animals ("OSPCA")

This option entails partnering with the HSDR and OSPCA through an animal sheltering agreement similar to the Town of Ajax. The HSDR and OSPCA have provided a proposal included as **Attachment 4** to this Report. This option would eliminate animal sheltering services being provided by the Town, and animals caught or seized by the Town's Animal Services Officers being sheltered by the HSDR at 1505 Wentworth St in Whitby. This option was also reviewed in detail in Report LS 08-22. This option would result in at least one layoff (1.0 FTE) of the Town's existing Animal Services staff complement.

The HSDR and OSPCA proposal is for a two-year contract valued at \$180,000 for both years, with a CPI increase in the second year. The value of the contract is based on the Town's current animal intake numbers, and additional animals would result in additional fees. As per the financial analysis contained in Report LS 08-22, this option would result in potential savings of approximately \$1.5-1.6 million in capital investments to the WASC. The potential capital savings for this option would be partially offset by capital improvements to another facility to provide office facilities for the Town's existing complement Animal Services Officers. This option would also require the Town to maintain a separate contract for the disposal of deadstock (i.e. roadkill). Despite the capital investment savings, the Animal Services operating budget would increase based on the HSDR and OSPCA quotation: the 2023 Animal Services budget is \$157,260 (net cost) vs. \$180,000 HSDR proposal for sheltering + Town's remaining enforcement costs

(approximately \$55,000), which would result in a net operating cost of approximately \$235,000.

While the HSDR and OSPCA have an up-to-date facility and are well known for the services they provide to the Durham Region community, staff are concerned that this option would result in the Town being captive to an external agency for the provision of animal sheltering services for its residents. Should the Town no longer provide sheltering services, the time, cost and effort required to reincorporate sheltering services could make it prohibitive in the future. As a result of the above and other factors included in **Attachment # 1**, this option is not recommended.

Option 3 – Sharing Sheltering Services with Neighbouring Municipalities

Town Staff have met with staff from neighbouring municipalities to determine if there is interest in sharing facilities. As those discussions were confidential amongst staff and are the subject of negotiations, the discussion of this option is contained in the Confidential Memorandum accompanying this report.

Regardless, should the Council decide to proceed with Options 1A or 1B, staff are confident that a new proposed facility could accommodate animals from our neighbouring municipalities.

Option 4 – Maintain and Update the Existing WASC Facility at 4680 Thickson Road North

While notionally this is an option, as staff have continued operations at the existing facility, the existing facility's age and size would make it difficult to continue operations at this location as the Town grows. The Town has updated the facility to comply with animal care requirements set out by the Province; however, as the facility continues to age, staff are concerned that the facility will no longer be able to meet the appropriate standards for animal care.

As the Town was considering options for animal sheltering, Town staff have maintained the existing shelter but have not yet proceeded with scheduled upgrades related to accessibility and heating, ventilation and air conditioning to the existing Animal Services shelter at 4680 Thickson Road North. The expected capital cost to maintain the existing facility is approximately \$1.5 to \$1.6 million over the next 10 years. As a result of the above noted items, this option is not recommended.

Maintaining sheltering services through the construction of a new WASC allows the Town to continue to control costs and maintain existing service levels

In reviewing all of the options, staff recommend that there are multiple benefits of maintaining the provision of animal sheltering services internally, retaining the ability to monitor and control costs related to providing sheltering services. It also allows the Town to manage the current and future demands related to providing this service within the municipality. Staff have made operational changes to control expenditures while maintaining a similar quality of service and have utilized services like DocuPet to streamline pet licensing while offsetting the costs of operating the WASC.

5. Financial Considerations:

Details of the financial implications for each option are included in Attachment 1.

The feasibility study and preliminary design noted in this report, totaling approximately \$55,000, has been funded from Capital Project # 30211305 – OPC – Expansion Phase 2. Projected costs to move to detailed design with the assistance of an external project manager is estimated to be \$1,300,000. Subject to Council approval to proceed with detail design of Option 1B, it is recommended that a new capital project, in the amount of \$1,300,000, be established for the Design & Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve. Staff will proceed with a public procurement of the Project Management services. Due to MSA's work on the feasibility study and other projects on the municipal campus (e.g. Operations Centre, and Fire Training Facility) noted above, it is recommended that staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project. The single source award is being made pursuant to the provision of the Town's Procurement Policy which allows for limited tendering when the extension of an existing contract would prove to more cost-effective/ beneficial or if the change of supplier would cause significant inconvenience or duplication of costs.

Preliminary cost estimates for the construction of a new facility, under Option 1A and 1B, are \$4.8 million and \$9.6 million, respectively. Under both options:

- the capital costs could be partially offset by proceeds from the sale of the existing WASC facility and underlying land located at 4680 Thickson Road North;
- a new WASC facility will remove the requirement to spend approximately \$1.5 to \$1.6 million over the next 10 years to renovate/expand the current WASC (includes planned kennel renovation, a planned expansion in 2030, HVAC, signage, and paving in the interim).

Construction cost estimates will be further refined through the detailed design stage of the project and staff will request Council capital budget approval for the construction phase of the project. At that time, staff will also recommend funding for the new facility, which may include re-allocating and advancing the capital

funds from planned work at current WASC planned for the next 10 years and utilizing proceeds from the sale of the existing WASC property.

Further, with Enforcement staff relocating from Garden Street to the new facility under Option 1B, it is estimated that the Town's leased space at Garden Street may be reduced. This may result in annual operating budget savings of approximately \$70,000 (subject to incremental operating costs of the new facility).

6. Communication and Public Engagement:

Staff have not engaged in public consultation on this matter.

7. Input from Departments/Sources:

Enforcement Services and Community Services staff have worked closely with Financial Services in the development of the above noted options. Additionally, staff have had discussions with our neighbouring municipalities and with the HSDR and OSPCA.

8. Strategic Priorities:

This review of the services offered by the WASC, the analysis of the options of partnering and the recommendation to continue offering sheltering services in-house addresses and advances the following Community Strategic Priorities:

Whitby's Government

4.4 Ensure fiscal accountability and responsibly plan for growth

4.4.1 Deliver services that respond to community needs while balancing the impact to taxpayers

Proceeding with Option 1B allows for the Town to plan responsibly for future growth while maintaining and expanding current levels of service for Enforcement Services in general, and in particular Animal Services and sheltering.

9. Attachments:

Attachment # 1 – Detailed Summary of Animal Sheltering Options

Attachment # 2 – Feasibility Study for Option 1A

Attachment # 3 – Feasibility Study for Option 1B

Attachment # 4 – Sheltering Proposal from the HSDR and OSPCA (Option 2)

Attachment 1 – Detailed Summary of Animal Sheltering Options

Option 1A - New Dedicated Animal Shelter

COST	\$4,800,000 (approximately)
Location	Town-owned Parcel at the south-west corner of Broadleaf Avenue and McKinney Drive (no address assigned), south of the McKinney Recreation Centre and west of the Whitby Operations Centre
Proposal	New, state-of-the-art, net-zero One-Storey dedicated Animal Services Shelter of approximately 900 square metres (9700 square feet approximately). Design allows for future second-storey expansion.
Benefits	<ul style="list-style-type: none"> • An expanded, state-of-the-art, net-zero facility geared towards improved animal care • Town maintains control over a service to the public in a centralized location within the Town, including service levels and costs • No longer dependent on contributions from other municipalities to support operations • Location at Whitby Municipal Operations Campus familiar to the public, which is optimally located to improve service coordination and delivery • Increased space to facilitate delivery of services and education programs • Design allows for a second storey expansion to allow for co-location of other municipal divisions • Costs offset by sale of existing WASC land and savings from capital expenditures for existing WASC
Challenges	<ul style="list-style-type: none"> • Mitigation necessary through design to reduce/eliminate noise impacts to adjacent school and residents • Visual and physical mitigation required to protect animals from the public • Requires additional capital expenditure/debt issuance for the Town • Future construction of second floor would be disruptive to both animals and staff.

Option 1B - New Enforcement Services Facility

COST	\$9,600,000 (approximately)
Location	Town-owned Parcel at the south-west corner of Broadleaf Avenue and McKinney Drive (no address assigned), south of the McKinney Recreation Centre and west of the Whitby Operations Centre
Proposal	New, state-of-the-art, net-zero two-storey Animal Services Shelter (first floor) and second floor office space (for Enforcement Services, or another Town Division) of approximately 1750 square metres (18,800 square feet approx.).
Benefits	<ul style="list-style-type: none"> • An expanded, state-of-the-art, net-zero facility geared towards improved animal care, with additional office space for By-law and Parking Services to accommodate growth in the Division. • Allows for the whole Division to be “under one roof” to coordinate operations, service response and delivery • Town maintains control over animal services to the public and creates centralized location for residents to address animal, by-law and parking concerns. For Animal Services, this includes control over service levels and costs related to sheltering. • No longer dependent on contributions from other municipalities to support animal services operations • Location at Whitby Municipal Operations Campus familiar to the public, which is optimally located to improve service coordination and delivery • Increased space to facilitate delivery of services and education programs • Reduce or eliminate need for leased space at Garden Street office • Costs offset by sale of existing WASC land and reallocation from capital expenditures for existing WASC
Challenges	<ul style="list-style-type: none"> • Costliest Option • Mitigation necessary through design to reduce/eliminate noise impacts to adjacent school and residents • Visual and physical mitigation required to protect animals from the public • Requires additional capital expenditure/debt issuance for the Town

Option 2 – Partnership with HSDR & OSPCA

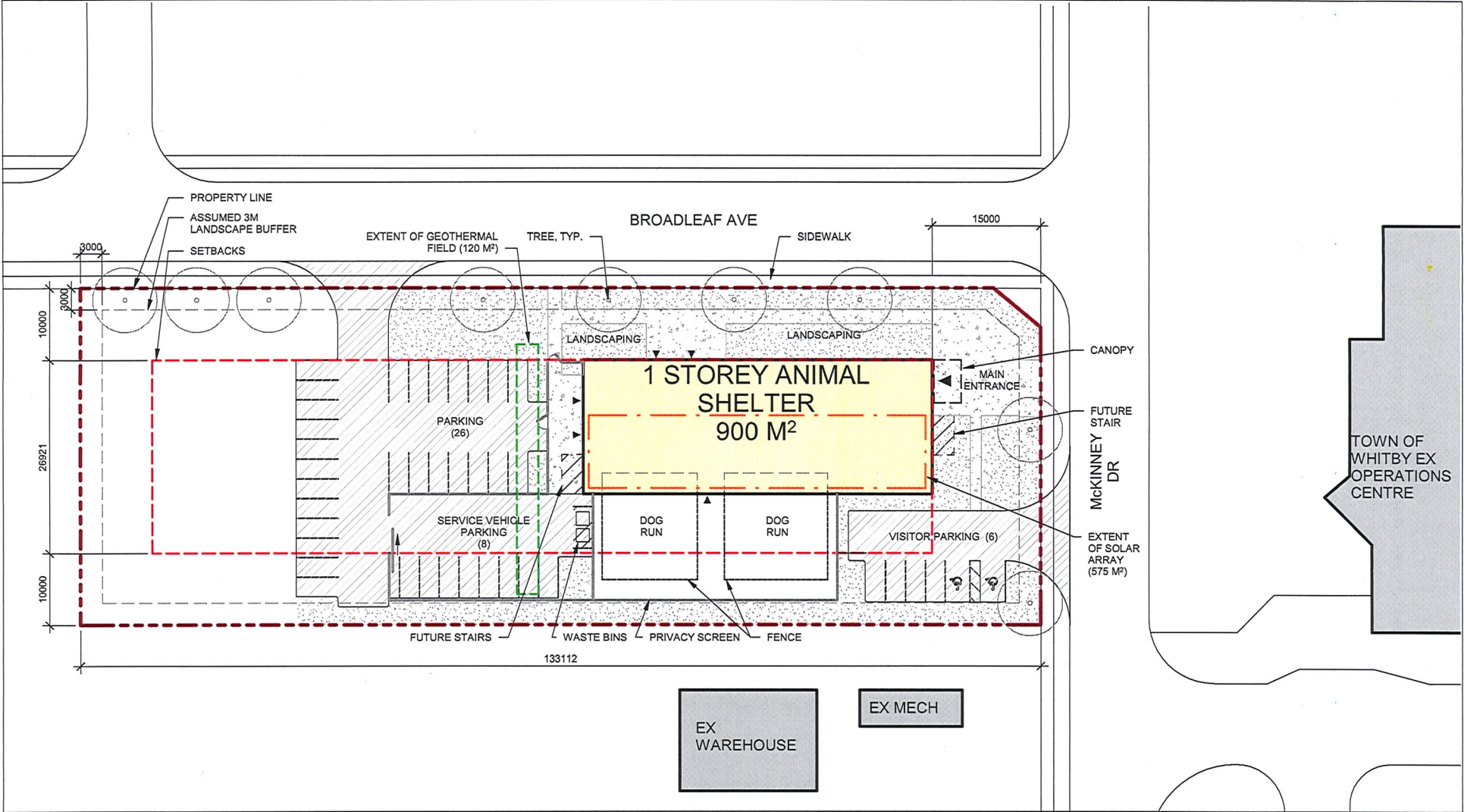
COST	<p>Two-year Contract: Year 1 = \$180,000; Year 2 - \$180,000 + CPI.</p> <p>Total cost to 2031 (assuming base rate and 2.5% rate of inflation) = \$1,792,000</p> <p>1.0 FTE Staff Reduction for Shelter Support</p>
Location	1505 Wentworth St, Whitby, ON (off of Thickson Road, south of Victoria Street)
Benefits	<ul style="list-style-type: none"> • Well-known, state-of-the-art facility operated in partnership with the OSPCA with on-site veterinary services • Town no longer responsible for costs, risk and expenses of sheltering animals • Centralized adoption services for residents of Town and Region • No new capital expenditures for animal sheltering services
Challenges	<ul style="list-style-type: none"> • Increase of City's Operating Budget • Intake numbers are capped at 375 animals/year, with additional cost of \$475/animal • Estimated cost over long term not a significant economic savings vs. existing WASC facility • Layoff of 1.0 FTE required • Town would lose control over service levels, adoption and destruction policy of animals • Not geared towards long term care of animals (i.e. Court-mandated holds) and additional boarding fees may be required (up to \$100/day). • Negative effect on Staff morale • Separate agreement required for disposal of deadstock

Option 3 – Partnership with Neighbouring Municipalities

Please see the Confidential Memorandum Accompanying this Report

Option 4 - Maintain and Update Existing WASC

COST	\$691,300 currently budgeted for upgrades (deferred) \$797,500 (2021 \$) forecasted for facility upgrades to 2031 Estimated Capital Cost to 2031: \$1,488,800
Location	4680 Thickson Road
Benefits	<ul style="list-style-type: none">• Location is well known to the Community• Facility is located away from residential uses, and Town has received few complaints about noise/nuisance• Lowest Cost Option to maintain services within the Town
Challenges	<ul style="list-style-type: none">• Feasibility is unclear as facilities are dated, and may not reflect the latest in animal welfare (but meets all current Provincial Requirements).• Lands located near a CLOCA regulated area, which may make expansion of the facility difficult if future upgrades are required• Unrealized value from existing land holding



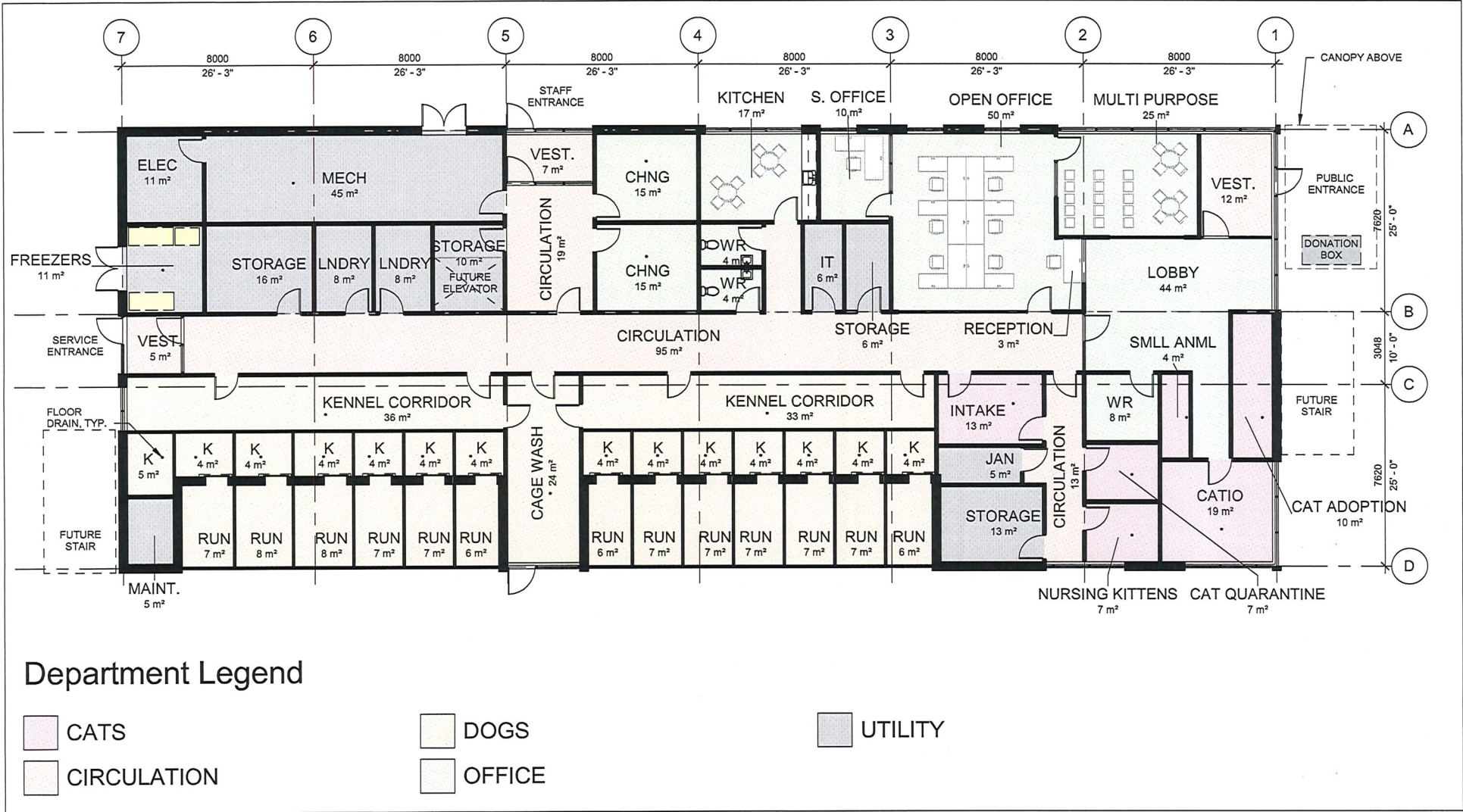
mcCallumSather
Westinghouse HQ, 2nd Floor
286 Sanford Ave. N
Hamilton, ON L8L 6A1
905.526.6700
www.mccallumsather.com



3	ISSUED FOR FEASIBILITY	2022-12-23
2	ISSUED FOR REVIEW	2022-12-01
1	ISSUED FOR REVIEW	2022-11-18
No.	DESCRIPTION	DATE
REVISION		

DRAWING TITLE
SITE PLAN
PROJECT NAME
WHITBY ANIMAL SERVICES
333 MCKINNEY DRIVE

DRAWN BY:	Author	CHECKED BY:	
SCALE	1:500	DATE	2022-10-25
PROJECT NO.	22078	REF	
DRAWING NO.	A1		



<div>mcCallumSather</div> <div>Westinghouse HQ, 2nd Floor 286 Sanford Ave. N Hamilton, ON L8L 6A1 905.526.6700 www.mccallumsather.com</div>		DRAWING TITLE FLOOR PLAN		DRAWN BY: Author	CHECKED BY:
		PROJECT NAME WHITBY ANIMAL SERVICES 333 MCKINNEY DRIVE		SCALE 1:150	DATE 2022-10-25
		REVISION		PROJECT NO. 22078	REF
				DRAWING NO.	A2

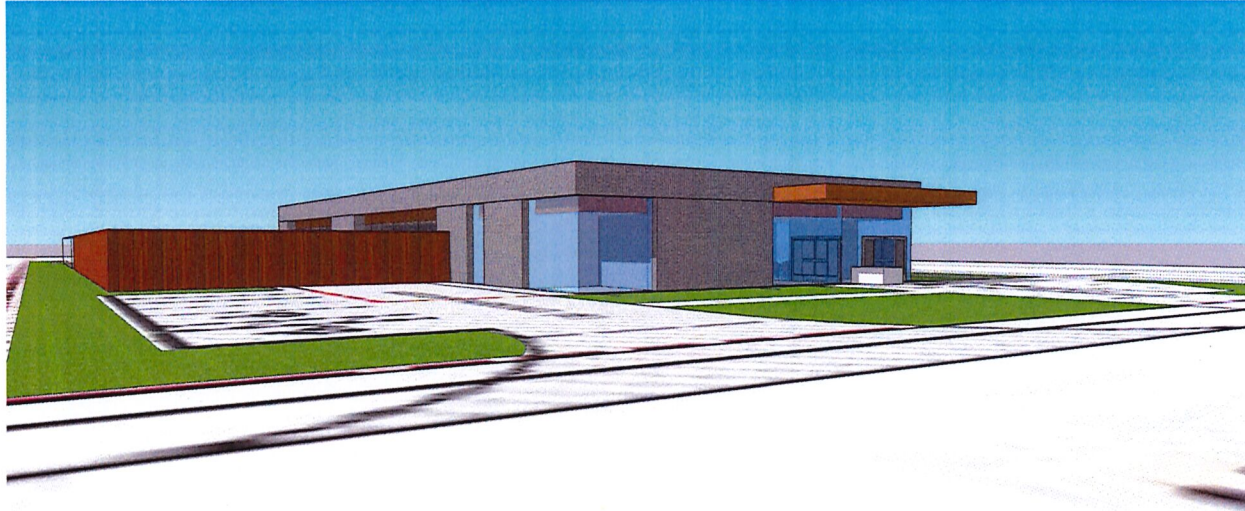


Aerial Perspective South-East

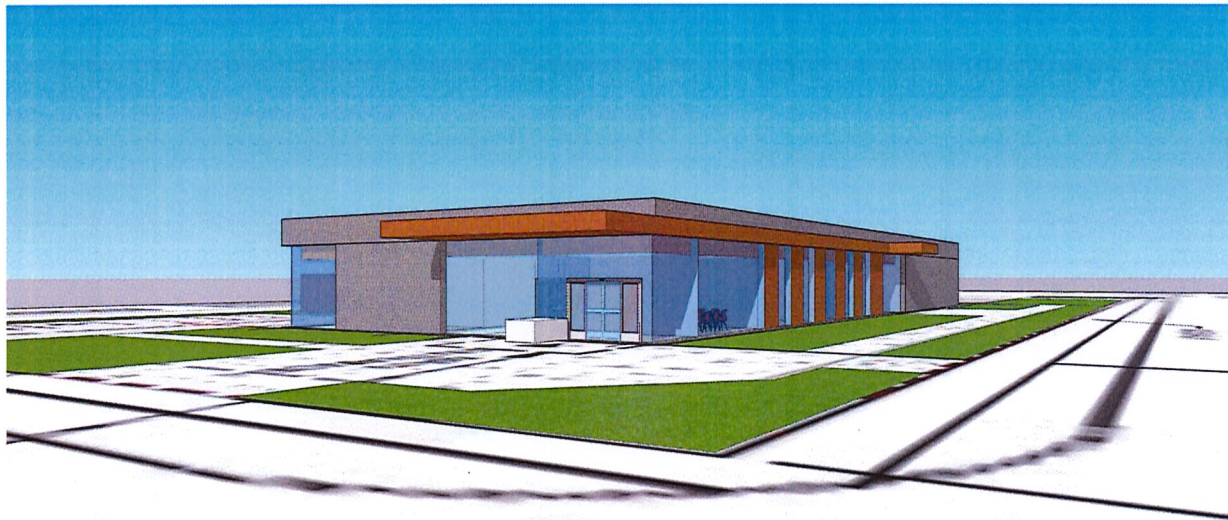


Aerial Perspective North-East

mcCallumSather

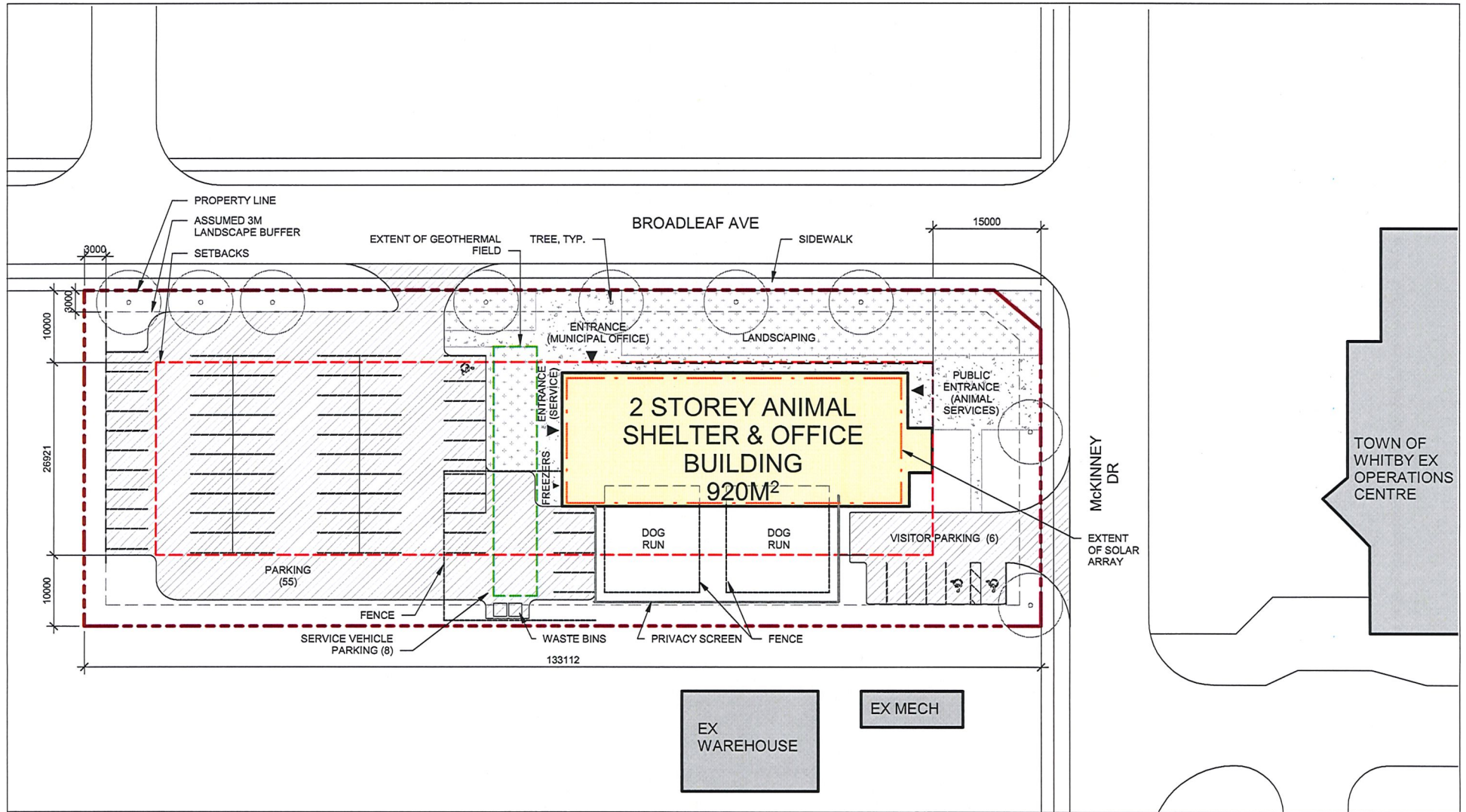


Perspective South-East



Perspective North-East

mc CallumSather



mcCallumSather
 Westinghouse HQ, 2nd Floor
 286 Sanford Ave. N
 Hamilton, ON L8L 6A1
 905.526.6700
www.mccallumsather.com



REVISION	DESCRIPTION	DATE
5	ISSUED FOR FEASIBILITY	2023-06-30
4	ISSUED FOR REVIEW	2023-06-26
3	ISSUED FOR FEASIBILITY	2023-12-23
2	ISSUED FOR REVIEW	2022-12-01
1	ISSUED FOR REVIEW	2022-11-18

DRAWING TITLE
CONCEPTUAL SITE PLAN

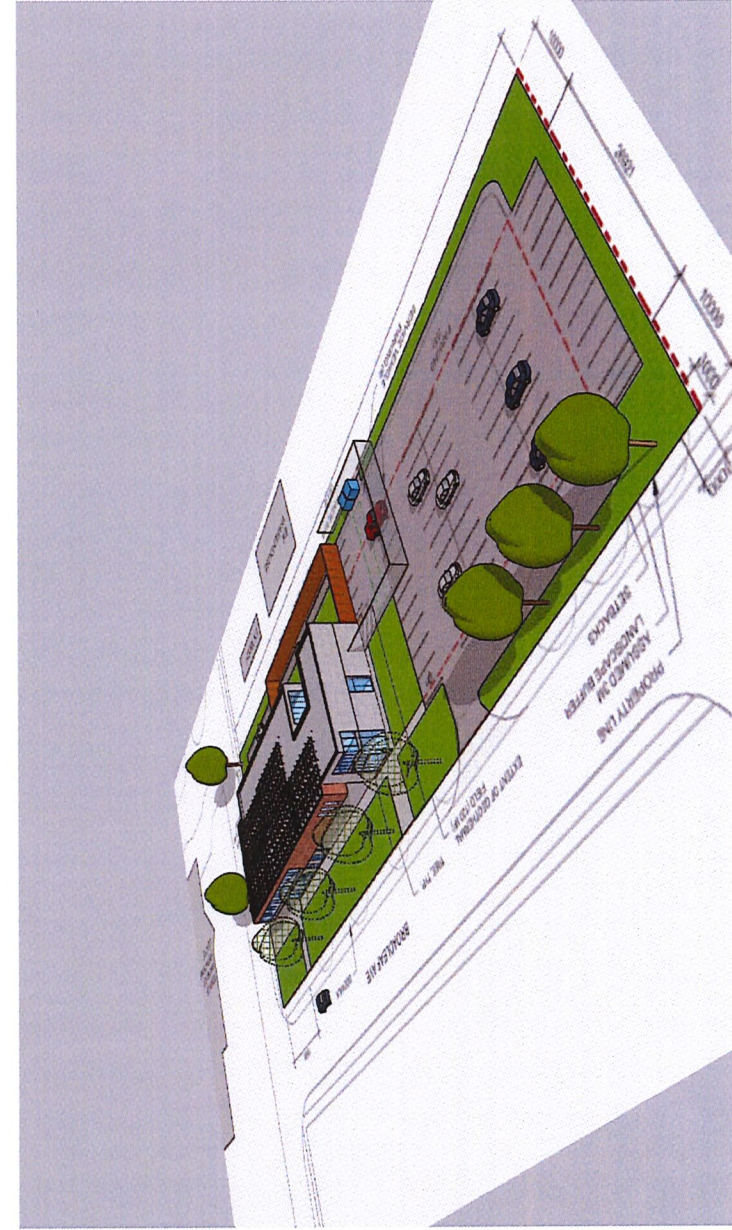
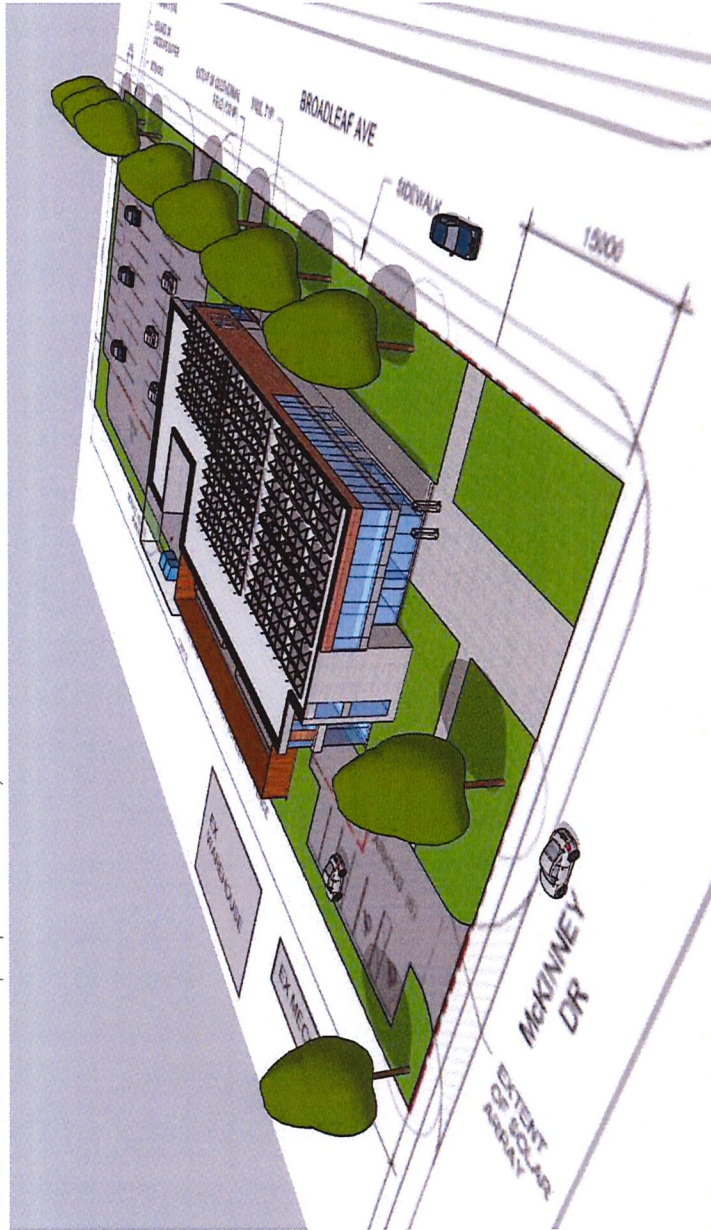
PROJECT NAME
WHITBY ANIMAL SERVICES AND ENFORCEMENT SERVICES
 333 MCKINNEY DRIVE

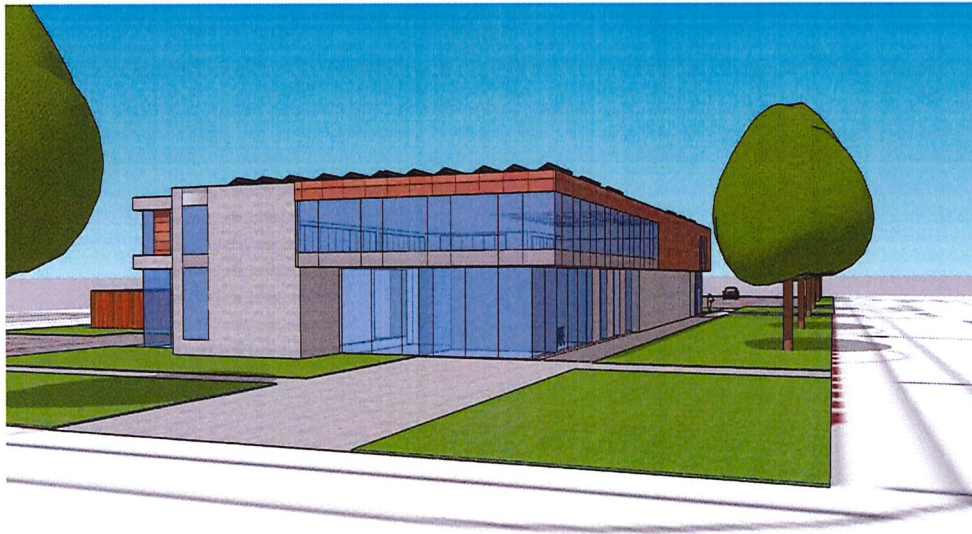
DRAWN BY:	DD	CHECKED BY:	AMc
SCALE	1:500	DATE	2023-10-25
PROJECT NO.	22078	REF	
DRAWING NO.			

A1

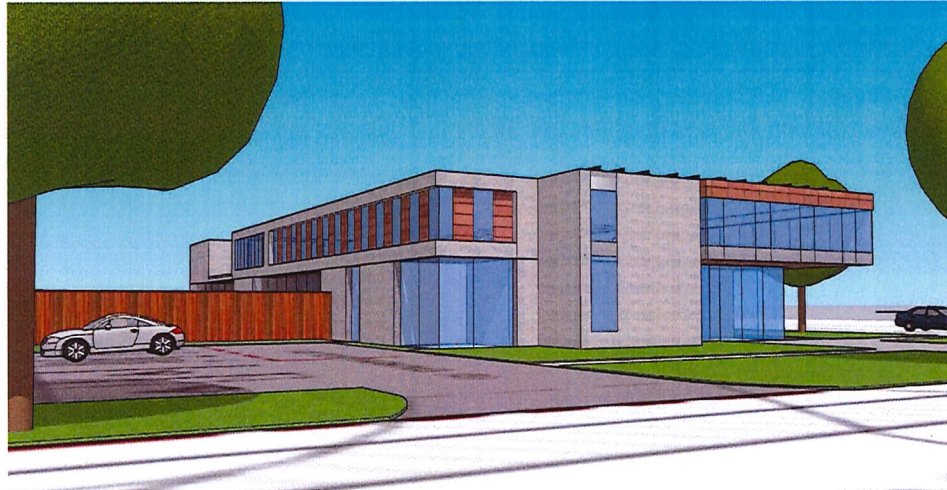
5.0 Proposed Design

Visualizations of the proposed facility



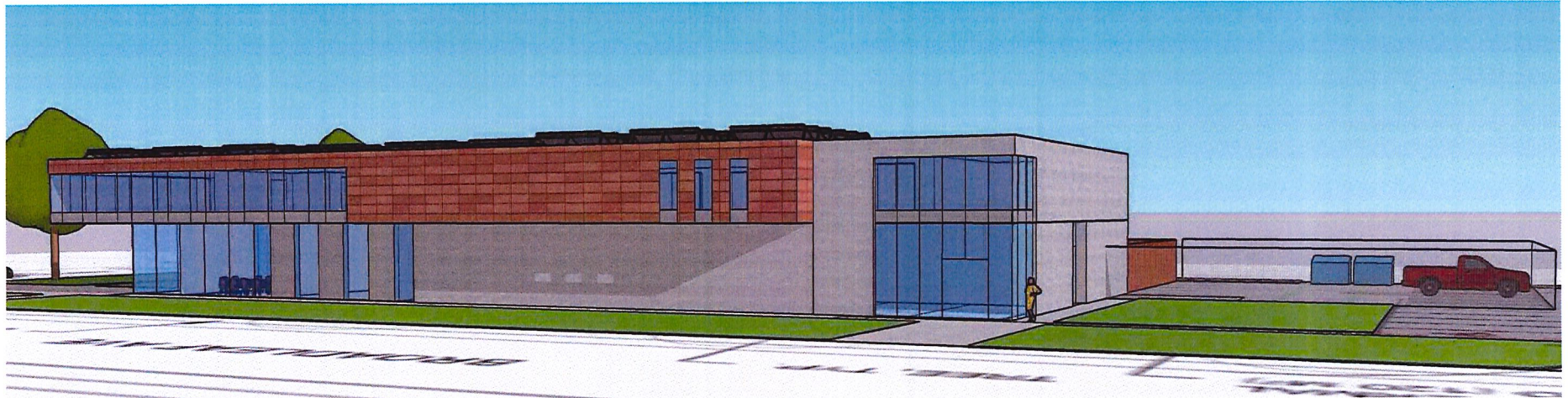


Perspective North-East

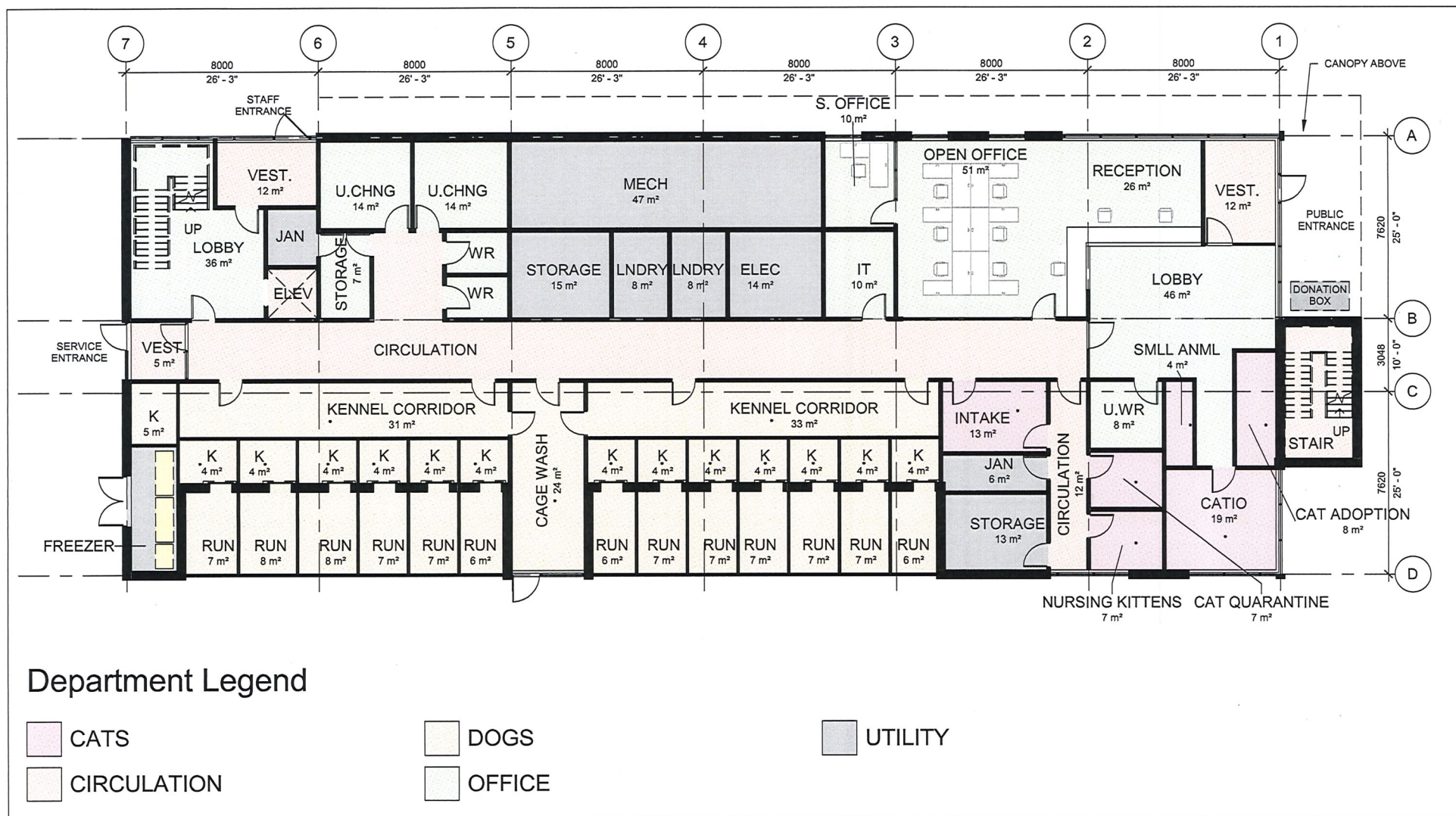



Perspective South-East

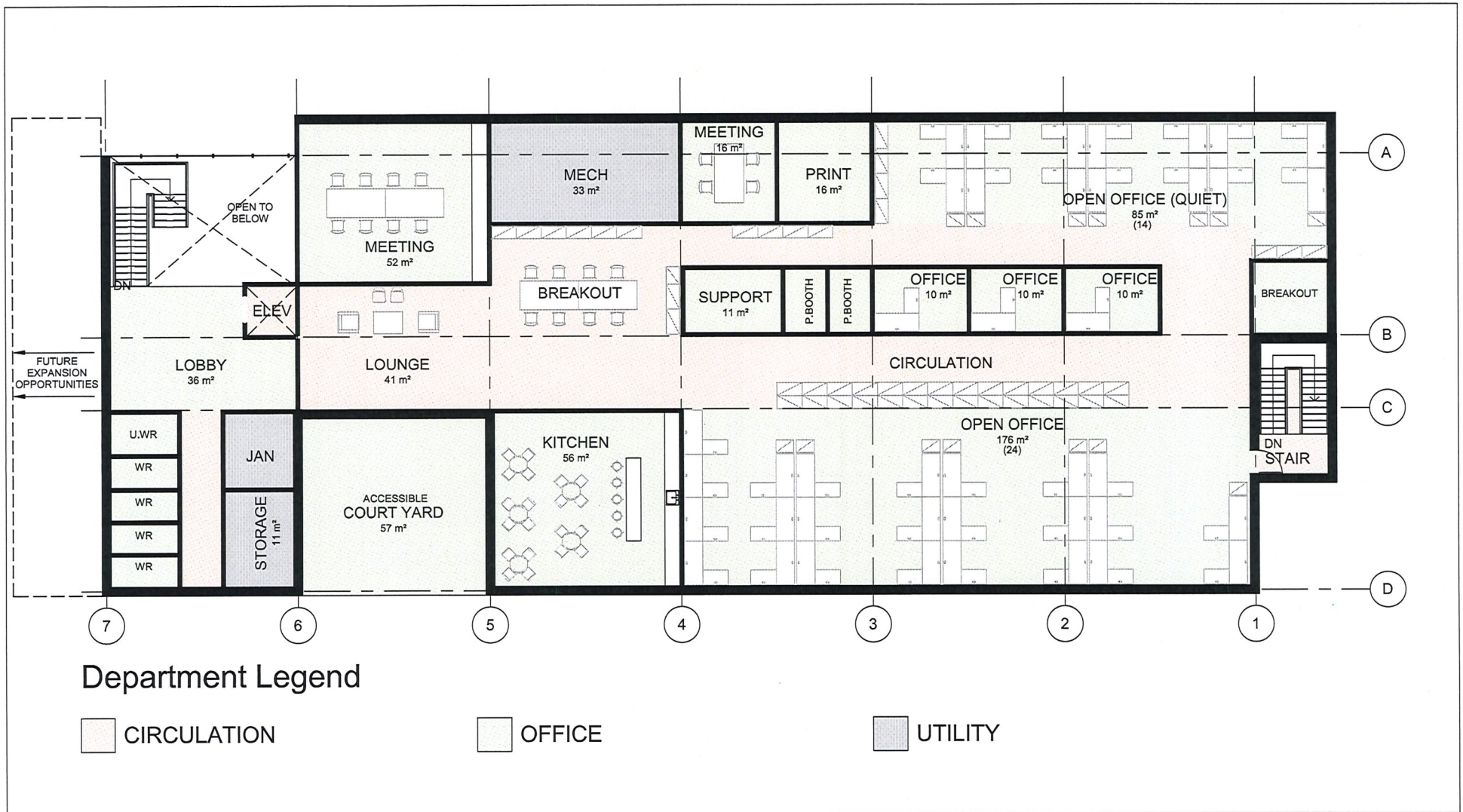
mc CallumSather



Perspective North



<div>mcCallumSather</div> <div>Westinghouse HQ, 2nd Floor 286 Sanford Ave. N Hamilton, ON L8L 6A1 905.526.6700 www.mccallumsather.com</div>		<div>DRAWING TITLE</div> <div>CONCEPTUAL FLOOR PLAN LEVEL 1</div>			<div>DRAWN BY:</div> <div>DD</div>	<div>CHECKED BY:</div> <div>AMc</div>																		
		<div>PROJECT NAME</div> <div>WHITBY ANIMAL SERVICES AND ENFORCEMENT SERVICES 333 MCKINNEY DRIVE</div>			<div>SCALE</div> <div>1:150</div>	<div>DATE</div> <div>2022-10-25</div>																		
		<div>REVISION</div> <table><thead><tr><th>No.</th><th>DESCRIPTION</th><th>DATE</th></tr></thead><tbody><tr><td>5</td><td>ISSUED FOR FEASIBILITY</td><td>2023-06-30</td></tr><tr><td>4</td><td>ISSUED FOR REVIEW</td><td>2023-06-26</td></tr><tr><td>3</td><td>ISSUED FOR FEASIBILITY</td><td>2022-12-23</td></tr><tr><td>2</td><td>ISSUED FOR REVIEW</td><td>2022-12-01</td></tr><tr><td>1</td><td>ISSUED FOR REVIEW</td><td>2022-11-18</td></tr></tbody></table>			No.	DESCRIPTION	DATE	5	ISSUED FOR FEASIBILITY	2023-06-30	4	ISSUED FOR REVIEW	2023-06-26	3	ISSUED FOR FEASIBILITY	2022-12-23	2	ISSUED FOR REVIEW	2022-12-01	1	ISSUED FOR REVIEW	2022-11-18	<div>PROJECT NO.</div> <div>22078</div>	<div>REF</div>
		No.	DESCRIPTION	DATE																				
		5	ISSUED FOR FEASIBILITY	2023-06-30																				
4	ISSUED FOR REVIEW	2023-06-26																						
3	ISSUED FOR FEASIBILITY	2022-12-23																						
2	ISSUED FOR REVIEW	2022-12-01																						
1	ISSUED FOR REVIEW	2022-11-18																						
			<div>DRAWING NO.</div>	<div>A2</div>																				



mcCallumSather
 Westinghouse HQ, 2nd Floor
 286 Sanford Ave. N
 Hamilton, ON L8L 6A1
 905.526.6700
www.mccallumsather.com



NO.	DESCRIPTION	DATE
5	ISSUED FOR FEASIBILITY	2023-06-30
4	ISSUED FOR REVIEW	2023-05-26
3	ISSUED FOR FEASIBILITY	2022-12-23
2	ISSUED FOR REVIEW	2022-12-01
1	ISSUED FOR REVIEW	2022-11-18
REVISION		

DRAWING TITLE
 CONCEPTUAL FLOOR PLAN LEVEL 2

PROJECT NAME
 WHITBY ANIMAL SERVICES AND ENFORCEMENT SERVICES
 333 MCKINNEY DRIVE

DRAWN BY: DD
CHECKED BY: AMc
SCALE: 1:150
DATE: 2022-10-25
PROJECT NO.: 22078
REF:
DRAWING NO.:

A2.1

**Proposal for Animal Pound Keeping Services
Town of Whitby**

**Submitted by:
Humane Society of Durham Region**

March 15, 2023

Humane Society of Durham Region

Proposal for Animal Pound-Keeping Services for the Town of Whitby

1. GENERAL

Introduction

The Humane Society of Durham Region is pleased to submit a proposal for pound-keeping services for the Town of Whitby. This proposal is based on historical information provided by the Town of Whitby relating to the number of animals impounded annually and other relevant information.

Purpose Statement

Our purpose is to provide care, comfort, and compassion to animals in need; we value all animals and engage our communities to treat them with respect and kindness.

Values

- Compassion
- Transparency
- Excellence
- Collaboration
- Accountability

2. ORGANIZATION OVERVIEW AND CONTACT INFORMATION

2.1 Contact Information

Humane Society of Durham Region
1505 Wentworth Street, Whitby ON

Staff Contact:

Jennifer Bluhm, VP Community Outreach Services

1-888-668-7722, ext 440

Mobile: 519-375-2442

Email: jbluhm@ontariospca.ca

2.2 About the Humane Society of Durham Region

The Humane Society of Durham Region (HSDR) is an integral part of the community, promoting mutually beneficial human-animal interactions. HSDR has been providing vital animal care services to communities in Durham Region since 1988. Our goal is to build awareness of the essential role of animals in our lives. We are committed to assisting animals in need including homeless cats, dogs and other companion animals.

Our staff are professionals who work in this field because they love animals, and the decisions they make are made for the good of the animal and of the communities that they will live in. Our animal welfare philosophy leads us to focus on optimum solutions for animals in our animal centres including high-volume spay/neuter services, adoption programs, animal fostering, animal transfer programs, spay/neuter and animal wellness services, humane education, and community support services such as petfood support and emergency boarding services.

Humane Society of Durham Region

Proposal for Animal Pound-Keeping Services for the Town of Whitby

The Humane Society of Durham Region maintains trained staff to ensure the highest level of care is provided to all animals in our custody.

3. SCOPE OF SERVICES

3.1 Impound Services

The Humane Society of Durham Region will provide domestic feline and canine pound keeping services for the Town of Whitby from its Animal Centre, located at 1505 Wentworth Street, Whitby, Ontario.

Animals included under this agreement are healthy, medically stable dogs and cats, Animals that are not medically stable are not included under this agreement until such time that they are deemed to be healthy and medically stable enough for intake by HSDR.

This proposal only covers animals impounded under the authority of the By-law and does not include (or permit) animals to be boarded at the shelter that are part of external agencies or police investigations.

3.2 Facility

The facility includes all necessary equipment to care for animals including HVAC system, information technology and trained staff and volunteers.

- 40 kennels for cats
- 8 isolation kennels for cats
- 14 kennels for dogs with outdoor run access
- 3 isolation kennels for dogs

3.3 Hours of Operation

The shelter is staffed from 7:00 a.m. to 7:00 p.m. 365 days a year and open to the public Tuesday - Sunday 11a.m. - 6p.m. HSDR is closed on statutory holidays.

When open to the public, HSDR will ensure that owners of impounded animals have a reasonable opportunity to reclaim animals, provide telephone access for Whitby residents to reach customer care personnel, and other public-facing services.

3.4 Afterhours Access to Facility

HSDR will provide 24-hour access to the kennels designated for the Town of Whitby by Municipal Law Enforcement Officers for the purpose of impounding animals only.

No animals brought in by any other legislation will be accepted without prior written approval from the Animal Centre manager or designate and will be subject to a separate fee schedule outside the current contract.

3.5 Animal Care and Enrichment

HSDR provides routine medical services to shelter animals including vaccinations, de-worming, and administering medications. All injured and sick animals are treated by a veterinarian. All animals placed

Humane Society of Durham Region

Proposal for Animal Pound-Keeping Services for the Town of Whitby

for adoption are spayed or neutered prior to release to the adoptive home, and these surgeries are performed by a licensed Veterinarian.

HSDR follows formalized Infection & Disease Control Protocols (Intake Procedures, Personal Protective Equipment (PPE), Cleaning and Disinfection, Zoonotic Diseases, and Infection Control).

The Humane Society of Durham Region (HSDR) has an active dog-walking and cat enrichment program that is volunteer driven. In addition, large outdoor exercise pens are used for daily group housing and exercise. Community engagement is vital to the operation of our Animal Centre and volunteer orientations and regular training is provided on an on-going basis.

3.6 Staff

Staff members ensure that all impounded animals in the facility are provided with the necessary food, water, and medical care to maintain the animals in good health. Staff members also ensure that all animal holding areas and utensils are regularly sanitized to avoid the spread of disease. As part of their daily function, these staff members examine and interact with the animals every day to ensure their health and well-being is being addressed.

3.7 Adherence to Regulations and Standards

HSDR will provide, operate, and maintain the animal pound in accordance with the Animals for Research Act of Ontario, Ontario Pounds Act, and any other regulations applicable to the sheltering of cats and dogs.

HSDR will provide a letter from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) upon execution of contract to confirm that the animal pound facility has been inspected, registered, and meets the requirements of the Act and Regulations. Results for the last inspection are available upon request as part of the execution of the contract.

3.8 Sick or Injured Animals

HSDR will provide facilities for the intake of healthy, medically stable dogs and cats that come into the Town's possession through activity authorized in Bylaw 7294-17.

Sick and/or injured animals will be transported to a veterinarian prior to arriving at the shelter by MLE. Furthermore, no injured or ill animal will be impounded afterhours to minimize unnecessary pain or suffering and to ensure the existing population of animals in the animal centre are not put at risk of disease.

HSDR shall not euthanize animals that have been brought in by the Town within the first 7 days of being brought into the shelter, unless determined by a veterinarian to be the appropriate course of action. HSDR will seek authorization from the Town of Whitby before proceeding. A Town contact will be required for afterhours authorization. Euthanasia will only be carried out by a qualified veterinarian.

The Town of Whitby agrees to reimburse the Society the cost of any required veterinary care or medications administered to an animal within the hold period.

Humane Society of Durham Region Proposal for Animal Pound-Keeping Services for the Town of Whitby

3.9 Aggressive Dogs and Bites

Boarding or holding of dogs seized under court order or quarantine is included in the fees outlined in this proposal to a maximum of 30 days per dog. Any dogs in care longer than 30 days will be subject to additional daily boarding fees. Such fees shall be at the sole discretion of HSDR up to a maximum of \$100/day/dog (no limit on duration), plus veterinarian expenses and any other costs incurred.

HSDR has established protocols for the safe handling and housing of dangerous dogs which can be provided upon request. Such protocols include the use of shift facilities (cages/kennels) and appropriate safety equipment to ensure the safety of staff and the wellbeing of the dog. In the event of a dog's behaviour posing a danger to staff or the animal itself consultation with a veterinarian on appropriate intervention will be arranged by HSDR.

The Town authorizes HSDR to relocate any dogs to alternate housing facilities as required for staff safety or animal wellbeing.

To ensure staff and animal safety we request notice prior to the delivery of any dog considered "aggressive" so HSDR may prepare the facility and staff for the additional handling requirements. HSDR will provide the Town with intake procedures so that shelter staff are aware of the pertinent details of any aggressive animal brought into the shelter.

3.10 Public Health Quarantine

The Humane Society of Durham Region will only receive dogs for bite quarantine that are stray and delivered by Municipal Law Enforcement Officers (MLE) for impound under the authority of the Health Protection and Promotion Act. Such impound will be subject to additional fees of \$100/day plus any necessary veterinary expenses incurred by HSDR above the proposed annual service fee.

Additionally, for the safety of staff and wellbeing of the dog it is requested that as much advanced notice as possible be provided prior to the delivery of any dog considered "aggressive" so HSDR may prepare and staff for the additional handling requirements.

The Town of Whitby agrees to reimburse HSDR the cost of any rabies or other vaccinations mandated by Public Health Ontario under the Health Protection and Promotion Act of Ontario and Regulation 567.

3.11 Animal Disposition

Animals brought into HSDR by the Town are the property of the Town for the first 7 days of impoundment. After the 7th day of impoundment, all Town animals become the property of HSDR and eligible for entry into HSDR's adoption or fostering programs, save and except for dogs seized by the Town for reasons of being dangerous/ involved in an attack that are being held by a court order.

3.12 Adoption and Fostering Programs

If HSDR believes that fostering is appropriate for an animal brought into the shelter by the Town of Whitby within the first 7 days of impoundment, arrangements for fostering would be made in collaboration with the Town's Manager of Bylaw Services prior to moving the animal into a foster arrangement.

Humane Society of Durham Region

Proposal for Animal Pound-Keeping Services for the Town of Whitby

HSDR shall provide a comprehensive adoption program which includes a care plan assessment that is completed for all impounded animals upon arrival which focus on the best outcome for the animal. This may include adoption, transfer to another rescue, or partner organization or placement in foster care.

All cats and dogs will be spayed or neutered as a condition of adoption and any costs associated with that will be the responsibility of HSDR. Under no circumstances shall unclaimed animals be sold for medical research or other activities which may harm them.

The Humane Society of Durham Region uses a behaviour assessment program to determine the suitability of dogs before they are placed for adoption. We strive to avoid putting potentially aggressive or dangerous dogs into the community wherever possible.

HSDR maintains a people friendly adoption centre where the public can meet adoptable animals allowing them to make a more educated decision on any potential adoptions. Our adoption staff and volunteers are trained to assist the public with finding a companion that is right for them, by matching their lifestyle, knowledge, and expectations of pet ownership to a pet's behaviour.

The Shelter maintains a full service website to showcase the animals available for adoption and educate the public on the services we provide. The website provides a wealth of information to assist with many common issues; training tips and learning how to live with wildlife being just a few.

3.13 Locating Owners and Reclaim Process

Where animals found running at large are brought into HSDR, the Town will take responsibility to attempt to locate the owner of any animal within the first 7 days. HSDR may assist by using social media and other online means to post photos and descriptions of found animals at their shelter; however, direct outreach to owners by phone or other means will be the responsibility of the Town.

HSDR will take reasonable measures to ensure that persons re-claiming an animal have obtained an animal license from the Town of Whitby, which owners may do through a self-service portal via the Town's website. HSDR will not refuse a reclaim on the basis that an owner cannot provide proof of a license.

HSDR will retain all fees collected for daily impound or reclaim fees.

3.14 Wildlife

Disposal of small wildlife carcasses delivered to the facility by MLE personnel is included in the fees outlined in this proposal. HSDR maintains a designated freezer on site and uses the services of a cremation company to dispose of wildlife and animal carcasses (up to 50lbs) delivered to HSDR by MLE officers or designated staff.

The scope of our services does not include the housing, care or rehabilitation of wildlife or exotic animals.

Humane Society of Durham Region

Proposal for Animal Pound-Keeping Services for the Town of Whitby

3.15 Community Support Services

Transfer of ownership for re-homing (owner surrenders) are offered as part of our Animal Centre mandate as space permits. This service is offered as part of our community programming and is at the sole discretion of HSDR and is not included in the terms of this contract.

4. ADMINISTRATION AND RECORD KEEPING

4.1 Insurance

HSDR will maintain insurance during the term of the contract with insurance coverages in the following amounts, with the Town named as additional insured:

- \$5,000,000 in Common General Liability
- \$2,000,000 in Errors & Omissions
- \$2,000,000 in Directors & Officers

Proof of the above insurance shall be provided to the Town's Clerk prior to commencement of the contract and on every anniversary date of the policy during the life of the contract with the Town. HSDR shall notify the Town in writing immediately of any cancellation of the above referenced insurance policy, in whole or in part.

4.2 Record Keeping

HSDR will maintain complete records and provide reports as required by the Town of Whitby relating to animal intake and care. Details will be determined in collaboration with the Town of Whitby but could include:

- number of impounded animals received from Municipal Enforcement Officers
- number of injured/deceased animals received
- number of animals quarantined
- number of feral cats received,
- number of stray animals received
- number of animals returned to owners
- length of time each animal was in care and disposition
- details of fees collected

5. FINANCIAL CONSIDERATIONS AND PAYMENTS

5.1 Fees

The Humane Society of Durham Region proposes the following as remuneration for its services as Poundkeeper effective on awarding of contract:

- Year 1 - \$180,000
- Year 2 - \$180,000 + CPI

**Humane Society of Durham Region
Proposal for Animal Pound-Keeping Services for the Town of Whitby**

Fees increase each year on the anniversary date, by the annual CPI for the preceding 12 month period per the Statistics Canada website, for the term of the contract.

Above fees are established based on intake statistics provided by the Town of Whitby of 311 animals/year. Intake numbers exceeding 375 animals/contract year will be billed at a per animal fee of \$425/animal.

5.2 Term

The agreement may be extended for a further 2-year term upon written agreement of both parties.

The agreement can be cancelled by either party with ninety (90) days' notice in writing.

5.2 Payment

Payments are quarterly and due one (1) month in advance of the quarter.

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Andre Gratton, Manager of Enforcement Services

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

From: Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor

Date: September 15, 2023

File #: LS 04-23

Subject: Update to LS 04-23 - Review of Animal Sheltering Options for the Town of Whitby

This Memorandum is to provide Council with an update to Report # LS 04-23 since its initial release and withdrawal in July 2023.

Animal Services has consistently had been amongst most popular web and social media spaces at the Town

The Town's Animal Services Social Media pages receive some of the highest engagement of all the Town's social media and web-based services. The Animal Services pages are consistently within the top 10 web and social media pages that the Town that residents and members of the public engage with. In particular, the pages related to pet adoptions receive the highest engagement amongst the various Animal Services pages.

This high level of engagement has helped staff drive an increase in donations for animal care from members of the public, and has led to the substantial increase in the number of adoptions from the shelter. In addition, Animal Services' educational, adoption and pet micro-chipping efforts have made our community safer, connected pets with new families, and helped members of our community recover their lost pets.

Taken together, these data indicate that Animal Services continue to be an important service provided by the Town, and a service that our residents and the public consistently engage with.

Further Discussions with the Humane Society of Durham Region (“HSDR”)

Since the initial release of the Report, staff have had an opportunity to discuss and clarify some of the aspects of the proposal from HSDR.

The first clarification is related to the disposal of deceased animals. HSDR clarified that they would be able to dispose of deceased dogs above 23 kg (50 lbs) but would not be able to dispose of other types of large wild or domesticated deceased animals (e.g., deer or cattle). While disposal of cattle by the Town is very rare, the Town is often required to dispose of other large and small wildlife, especially in the event of a collision with a vehicle on the Town’s roadways. The disposal of large and small wildlife is a service that would need to be maintained by the Town.

Secondly, HSDR sought to clarify their animal surrender policies. HSDR indicated that accepting surrendered from Whitby/Durham residents is a core service of theirs, but it is not a typical “dog pound” service that is provided by municipalities, generally. However, this is a service that the Town and current Whitby Animal Services Centre provides to the residents of Whitby, which the Town seeks to continue. HSDR indicated that they are generally able to provide that as a community service.

Lastly, with respect to Court-ordered animal holds, the proposal indicates that HSDR will hold an animal for no additional charge up to thirty (30) days, after which the Town will be subject to a maximum \$100/day fee plus any other expenses or costs incurred. Whitby typically receives 2-3 animals per year under these types of holds. For an animal that would be subject to this type of hold, the cost would be at least \$6,000 per animal for a 3-month hold, and \$33,500 per animal for a one-year hold.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Canadian Tire Whitby Naming Rights Sponsorship of Arena 1 at McKinney Centre

Report to: Committee of the Whole

Date of meeting: September 18, 2023

Report Number: CAO 25-23

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:

Sarah Klein, Director of Strategic Initiatives

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

For additional information, contact:

Paul Pirri, Senior Manager of Economic Development, pirrip@whitby.ca

1. Recommendation:

1. That Council approve entering into a three (3) year sponsorship agreement effective November 1, 2023, with Canadian Tire for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 1 to "Canadian Tire Whitby Arena 1", based on the sponsorship package and other terms and conditions identified in Report CAO 25-23.

2. Highlights:

- The Advertising and Sponsorship Division of Economic Development actively solicits the community for sponsorship participation in Town recreational facilities. Top level sponsorship packages include Naming Rights to certain facilities which are subject to Council approval.

- The purpose of this report is to seek Council's approval to secure the proposed Naming Rights Sponsorship by Canadian Tire for Arena 1 at McKinney Centre for a three (3) year term.
- The sponsorship of Arena 1 at McKinney Centre has been occupied by Bollocks Pub and Kitchen since September 1, 2018. The original contract was set to expire on August 31, 2021. Due to the COVID-19 pandemic, the contract was extended to August 31, 2023. Bollocks Pub and Kitchen chose not to renew, and the space has been unnamed since.
- Subject to Council's approval, McKinney Centre Arena 1 would be titled "Canadian Tire Whitby Arena 1" for the term of the sponsorship. This new name would be used in Town of Whitby publications, promotional materials, rental permits, and the website as appropriate.
- Total revenue that would accrue to the municipality over the term of the sponsorship would be \$53,000 + HST. Canadian Tire would be responsible for the production and installation costs associated with the sponsorship package. This is standard practice with the Town's sponsorship program.

3. Background:

McKinney Centre Arena 1 has been without a Naming Rights Sponsor since August 31, 2023. Canadian Tire has chosen to expand their existing advertising portfolio and has agreed to a three (3) year Naming Rights Contract for McKinney Arena 1. The Canadian Tire Whitby Arena 1 contract will begin November 1, 2023.

Advertising and Sponsorship, part of the Economic Development Division, Strategic Initiatives, undertakes sponsorship sales initiatives, which include naming rights (title) to certain Town property features.

Under the Municipal Property and Facility Naming Policy (Policy MS 250), staff are required to report to Council for approval of corporate naming rights to Town property or property features.

4. Discussion:

Canadian Tire Corporation, Limited is a Canadian retail company which operates in the automotive, hardware, sports, leisure, and housewares sectors. Its Canadian operations include: Canadian Tire (including Canadian Tire Petroleum gas stations and financial services subsidiary Canadian Tire Bank), Mark's, FGL Sports (including Sport Chek and Sports Experts), PartSource, and the Canadian operations of Party City. Canadian Tire acquired the Norwegian clothing and textile company Helly Hansen from the Ontario Teachers' Pension Plan in 2018.

Canadian Tire Jumpstart Charities is a national charity dedicated to providing kids from low-income families with the opportunity to experience the benefits of organized sports and physical activities. With an extensive, national network of more than 330 local chapters, Jumpstart helps kids in communities across Canada by assisting with the costs associated with registration, equipment and/or transportation. In 2023, the Town of Whitby received \$30,000 for playground funding from Jumpstart. The proposed fee for the sponsorship package reflects current market conditions and is in line with the sponsorship range of fees currently available and sold within the McKinney Centre.

The proposed Canadian Tire Whitby Arena 1 naming rights sponsorship package would include the following components at the McKinney Centre:

Arena 1 Naming Rights Package includes:

- Identification of location in all appropriate indoor and outdoor electronic signage
- Identification of location in all appropriate Town publications and materials
- Reference to location in all relevant scores and activities reported to the media.

Arena 1 Corporate Branding Opportunities

*Main Entrance Doors	*One (1) 7' x 7' full graphic door wrap *One (1) illuminated logo on upper heading of main entrance doors
*Second Entrance Doors	*One (1) 7' x 7' full graphic door wrap on each set of double entrance doors
Inside Wall Feature	One (1) 8' x 12' wall mural inside Arena by second entrance doors
Home Wall Feature	One (1) wall decal behind home bench
Exterior Rinkboard	One (1) exterior rinkboard viewable from main hallway
Stairs Feature	Two (2) stair decals leading to stands
Vinyl Wrap - by Scoreclock	One (1) 8' x 16' premium placement wall wrap above scoreclock
Centre Ice Logo	One (1) 35' x 20' in-ice logo
Neutral Zone Logos	Two (2) 15' x 2' in-ice logos
Glass Decals	Four (4) 47" x 6' glass decals behind goalie net on West Wall
Rinkboards	One (1) 40" x 480" double-size, premium placement rinkboard sign
Dressing Room Doors	Four (4) 11" x 17" dressing room door signs

Note: Canadian Tire has the option to choose as few or as many branded items off this list as they wish. Items marked with * are mandatory. The rest are optional. Design and print production costs are additional.

Additional Exposure and Benefits at McKinney Centre:

Backlit Sign in Main Lobby	One (1) 4' x 6' backlit sign in main lobby.
Free Public Skate	One (1) Free Public Skate, annually. Host a free public skate at McKinney Centre, open to the first 350 participants. Arena 1 subject to availability.
Digital Ad	One (1) complimentary, 20 second digital ad displayed on McKinney Centre lobby TVs.
Meeting Room	One (1) hour of meeting room space annually.
Lobby Rights	Four (4) times annually: Opportunity to set up and staff a display in the lobby to promote Canadian Tire, explain services, distribute flyers, interact with the community, etc.
Brochure Distribution	Distribute promotional flyers and information through existing brochure kiosk in main lobby.
Website	Company logo and sponsorship recognition on Town website.

The sponsorship package summarized would be incorporated into the Town's standard Sponsorship Agreement and follow all guidelines and requirements outlined in the Paid Advertising and Sponsorship Policy MS 390.

5. Financial Considerations:

The total revenue over the three (3) year sponsorship term would be \$53,000 + HST. Year one (1); \$17,000 + HST, Year two (2) \$18,000 + HST and year three (3) \$18,000 + HST. The client is responsible for cost of the design, production and installation of the sponsorship signage and materials.

Net revenue generated by the Advertising and Sponsorship program directly benefits the public by reducing the net cost to provide municipal services at Town facilities and therefore the overall property tax burden.

6. Communications and Public Engagement:

The Advertising and Sponsorship Division will engage the Communication and Creative Services Division to incorporate appropriate sponsorship opportunities i.e.: free skate, communications, and social calendar.

7. Input from Departments/Sources:

This report has been reviewed by internal departments including Community Services, the Communications and Creative Services Division and Finance.

8. Strategic Priorities:

This initiative is consistent with the Town's Community Strategic Plan, specifically Strategic Pillar 4: Whitby's Government. It addresses Objective 4.1 Address community needs through collaboration and strategic partnerships, specifically Action 4.1.2 Strengthen existing and build new partnerships as well as Objective 4.4 Ensure fiscal accountability and responsibly plan for growth, specifically Action 4.4.1 Deliver services that respond to community needs while balancing the impact to the taxpayers.

This initiative takes sustainability and accessibility standards into account when determining locations of advertising and sponsorship materials.

9. Attachments:

Not Applicable

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: 2024 Council, Committee, and Public Meetings Schedule

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: CLK 05-23

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

C. Harris, Director, Legislative
Services/Town Clerk

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Narraway, Sr. Manager, Legislative
Services/Deputy Clerk

1. Recommendation:

That Council approve the 2024 Council, Committee, and Public Meetings Schedule appended as Attachment 1 to this Report.

2. Highlights:

- The proposed 2024 Council, Committee, and Public Meetings Schedule introduces a four-week meeting cycle of two Committee of the Whole Meetings, generally followed by a Public Meeting or Statutory Holiday (no meetings scheduled), followed by a Council Meeting.
- Previous annual meeting schedules operated on a three-week cycle of two Committee of the Whole Meetings, immediately followed by a Council Meeting, with Public Meetings being scheduled ad hoc.

3. Background:

Section 3.10.1 of Procedure By-law # 7462-18 requires Council to adopt a schedule for its meetings to be held the following year. The Town Clerk is responsible for publishing the schedule on the Town's website.

4. Discussion:

The 2024 Council, Committee, and Public Meetings schedule introduces a four-week cycle for Committee of the Whole, Public Meetings, and Council Meetings. For the four-week cycle, Committee of the Whole Meetings are scheduled on week one and week two. For week three of the cycle, either a Public Meeting is scheduled or there is no meeting scheduled due to a Statutory Holiday or for Council attendance at a conference. Week four of the cycle is the Council meeting to consider the recommendations stemming from the week one and two Committee of the Whole meetings.

Previous annual meeting schedules operated on a three-week cycle with Committee of the Whole meetings scheduled on week one and week two, immediately followed by the Council meeting in week three.

Moving to a four-week schedule provides the following benefits:

- Council is provided with a minimum two-week period to consider discussion, debate, and recommendations from Committee of the Whole Meetings prior to making decisions at Council Meetings.
- Staff are provided with additional time to respond to requests for information at Committee of the Whole Meetings, including preparing memorandums for Council's consideration.
- The public is provided with additional time to submit correspondence regarding matters being considered at Council.

Similar to previous schedules, no meetings are scheduled during the weeks of Family Day, March Break, Easter, the Ontario Good Roads Association annual conference, Victoria Day, July and August, Thanksgiving, and during the December holiday break.

The proposed 2024 Schedule results in one fewer meeting cycle per year than in 2023 (reduction from nine meeting cycles to eight meeting cycles). As is current practice, in instances where time-sensitive reports require urgent consideration, reports may be presented directly at Council Meetings or the Mayor may call Special Council Meetings, including meetings during July and August.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

The 2024 Council, Committee, and Public Meetings Schedule will be published on the Town's website. Upcoming meetings are shared with the public through the website calendar and through the Town's social media channels.

7. Input from Departments/Sources:

The Senior Leadership Team was consulted when developing the 2024 Schedule. Additionally, the Commissioner of Financial Services/Treasurer has reviewed the proposed budget dates and the Commissioner of Planning and Development has reviewed the proposed Public Meetings dates.

8. Strategic Priorities:

Publishing the 2024 Council, Committee, and Public Meetings Schedule in advance allows Staff to inform and engage the community about upcoming meetings. This supports Strategic Pillar 4 in the Community Strategic Plan: Whitby's Government – Accountable & Responsive.

9. Attachments:

Attachment 1 – Proposed 2024 Council, Committee, and Public Meetings Schedule

2024 Whitby Council and Committee Meeting Schedule

January						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

	Council: 7:00 p.m. - Council Chambers
	Committee of the Whole: 7:00 p.m. - Council Chambers
	Public Meetings: 7:00 p.m. - Council Chambers
	Budget Meetings: E&T (Jan. 29, 5:30 pm), Public Meeting (Feb. 5, 7 pm), Adoption (Feb. 15, 7 pm)
	Weekends and Statutory Holidays: Offices Closed

2024 Whitby Council and Committee Meeting Schedule

January 2024

January 1: Statutory Holiday – Offices Closed
January 8: Committee of the Whole 7:00 p.m. – Council Chambers
January 15: Committee of the Whole 7:00 p.m. – Council Chambers
January 22: Public Meetings 7:00 p.m. – Council Chambers
January 29: Budget: Education and Training 5:30 p.m. – Council Chambers
January 29: Council 7:00 p.m. – Council Chambers

February 2024

February 5: Budget: Public Meeting 7:00 p.m. – Council Chambers
February 15: Budget Adoption 7:00 p.m. – Council Chambers
February 19: Statutory Holiday – Offices Closed
February 26: Committee of the Whole 7:00 p.m. – Council Chambers

March 2024

March 4: Committee of the Whole 7:00 p.m. – Council Chambers
March 18: Council 7:00 p.m. – Council Chambers
March 25: Public Meetings 7:00 p.m. – Council Chambers
March 29: Statutory Holiday – Offices Closed

April 2024

April 1: Statutory Holiday – Offices Closed
April 8: Committee of the Whole 7:00 p.m. – Council Chambers
April 15: Committee of the Whole 7:00 p.m. – Council Chambers
April 22: Public Meetings 7:00 p.m. – Council Chambers
April 29: Council 7:00 p.m. – Council Chambers

May 2024

May 6: Committee of the Whole 7:00 p.m. – Council Chambers
May 13: Committee of the Whole 7:00 p.m. – Council Chambers
May 20: Statutory Holiday – Offices Closed
May 27: Council 7:00 p.m. – Council Chambers

June 2024

June 3: Committee of the Whole 7:00 p.m. – Council Chambers
June 10: Committee of the Whole 7:00 p.m. – Council Chambers
June 17: Public Meetings 7:00 p.m. – Council Chambers
June 24: Council 7:00 p.m. – Council Chambers

July 2024

July 1: Statutory Holiday – Offices Closed

2024 Whitby Council and Committee Meeting Schedule

(continued)

August 2024

August 5: Statutory Holiday – Offices Closed

September 2024

September 2: Statutory Holiday – Offices Closed

September 9: Public Meetings 7:00 p.m. – Council Chambers

September 16: Committee of the Whole 7:00 p.m. – Council Chambers

September 23: Committee of the Whole 7:00 p.m. – Council Chambers

October 2024

October 7: Council 7:00 p.m. – Council Chambers

October 14: Statutory Holiday – Offices Closed

October 21: Committee of the Whole 7:00 p.m. – Council Chambers

October 28: Committee of the Whole 7:00 p.m. – Council Chambers

November 2024

November 4: Public Meetings 7:00 p.m. – Council Chambers

November 11: Council 7:00 p.m. – Council Chambers

November 25: Committee of the Whole 7:00 p.m. – Council Chambers

December 2024

December 2: Committee of the Whole 7:00 p.m. – Council Chambers

December 9: Public Meetings – 7:00 p.m. – Council Chambers

December 16: Council 7:00 p.m. – Council Chambers

December 24: Statutory Holiday – Offices Closed

December 25: Statutory Holiday – Offices Closed

December 26: Statutory Holiday – Offices Closed

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Proposed name change of the Pioneer Baptist Cemetery to the Dryden Cemetery

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: FS 21-23

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:

Fuwing Wong, Commissioner of
Financial Services/Treasurer

1. Recommendation:

1. That the Groveside Cemetery Board's recommendation to change the name of the Pioneer Baptist Cemetery to the Dryden Cemetery be received and approved;
2. That Staff provide public notice of the proposed cemetery name change and how written objections may be provided to the Town by way of signage posted at the, current, Pioneer Baptist Cemetery site and other advertisements as noted in Report FS 21-23; and,
3. That, subject no objection being received in connection with the proposed cemetery name change, staff be authorized initiate the name change with the Bereavement Authority of Ontario and execute all documents to implement the cemetery name change.

2. Highlights:

- The Groveside Cemetery Board recommends changing the name of the Pioneer Baptist Cemetery to the Dryden Cemetery.

- The Town will provide public notice of the proposed cemetery name change, by way of signage at the, current, Pioneer Baptist Church site and through advertisements.
- Members of the public will have the opportunity to provide written objections to the proposed name change for a period of 60 days.
- Objections, if any, will be provided to the Groveside Cemetery Board to consider and address before reporting back to Town of Whitby Council.
- If there are no written objections received, Town staff will initiate the name change with the Bereavement Authority of Ontario.

3. Background:

Pioneer Baptist Cemetery

The Pioneer Baptist Cemetery is located near to the South-East corner of Columbus Road and Thicksen Road. The cemetery was established around 1843 by Rev. William Marsh, the first Baptist Minister in Whitby Township. The church connected to this cemetery closed in 1884 and the Church building was relocated. The Dryden family assumed responsibility for the cemetery and ran it for many years before negotiating for the Town to take it over.

Notably, Mr. James Dryden immigrated to Whitby Township around 1820 and, over the years, became a successful farmer of a 200-acre (later expanded to 420 acres) property, known as the Maple Shade Farm, located on the north side of the 7th Concession and east of Thicksen Road (near the Village of Winchester (Brooklin), at the time). At least two generations of Dryden's served the community as Reeve and Deputy Reeve for the Township, Secretary-Treasurer of the Whitby School Board, President of the Port Whitby and Port Perry Railway, and Director of the Ontario Bank. Family member, John Dryden was Ontario's first Minister of Agriculture. William A. Dryden was a founder of the Royal Agricultural Winter Fair. Both gentlemen and other members of the Dryden and Marsh families are buried in the cemetery.

The Groveside Cemetery Board

The Groveside Cemetery Board (the "**Board**") is an advisory committee created by Council. The Board is governed by the Funeral, Burial, and Cremation Services Act, 2002. Currently, the Board is comprised of seven (7) citizen appointments*, one (1) Member of Council, and one (1) staff liaison. The Board's mandate, based on the Terms of Reference for this advisory committee is as follows:

1. Ensure the effective operation, maintenance and beautification of the Groveside Cemetery, Pioneer Baptist Cemetery, Myrtle Cemetery, Hubbell Cemetery, the Hemingway Monument, and other cemeteries that fall within the responsibility of the Town of Whitby;

2. To supervise and manage the business and administrative matters of the Groveside Cemetery Board; and,
3. Ensure that all operations and proceedings of the Groveside Cemetery Board comply with the *Funeral, Burial and Cremation Services Act, 2002*, as amended.

*Only the citizen appointment Board members may vote on Groveside Cemetery Board matters.

The Bereavement Authority of Ontario

The Bereavement Authority of Ontario (the “**BAO**”) was established as a Delegated Administrative Authority on January 16, 2016, under the *Safety and Consumer Statutes Administration Act, 1996*. The BAO administers provisions of the *Funeral, Burial and Cremation Services Act, 2002* which is consumer protection legislation respecting funerals, burials, cremations, and related services within the province of Ontario.

4. Discussion:

The Groveside Cemetery Board recommends a name change to the Pioneer Baptist Cemetery to the Dryden Cemetery reflect the history of the area and a more inclusive/non-denominational name. There are approximately 132 plots still available at this cemetery and the proposed name change may appeal to the broader public.

The Groveside Cemetery Board Chair consulted with the Heritage Committee on the proposed name change for the cemetery earlier this year and Dryden was a preferred name.

Prior to initiating a cemetery name change with the Bereavement Authority of Ontario, staff propose advertising the proposed name change and a public feedback period of 60-days to obtain feedback from the public, including potentially comments from the next of kin of people currently interred at the Pioneer Baptist Cemetery.

Subject to Council approval of this report, staff will post a sign on the, current, Pioneer Baptist Cemetery site for a period of 60 days as public notice of the proposed cemetery name change. The sign will also provide information that any person may submit objection, in writing within the 60-day period, to Town staff of the proposed name change. Such written objection is to include the person's name, address, and reason(s) for objecting. Over the 60 days, staff will also provide notice via advertisements with the same information.

Any written objections will be provided to the Groveside Cemetery Board to consider and address, if applicable, before reporting back to Council on next steps. Should there be no written objections received within the 60 day period, staff will initiate the name change with the BAO.

5. Financial Considerations:

Public notice costs (e.g., signage and advertising costs) are projected to be \$3,000 to \$4,000 and will be paid for from the Financial Services department's operating budget.

The Groveside Cemetery Board will budget for and pay for all signage, registration, and other administrative costs associated with a name change from the Pioneer Baptist Cemetery to the Dryden Cemetery.

6. Communication and Public Engagement:

The plan for public notice and a 60-day period for the public to provide written objections is noted in the Discussion section of this report.

7. Input from Departments/Sources:

This report was prepared in consultation with the Groveside Cemetery Board Chair. The Chair consulted with the Town's Heritage Committee about the proposed cemetery name change earlier this year.

8. Strategic Priorities:

N/A

9. Attachments:

None

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Q2, 2023 Procurement Awards \$250,000 and Above

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: FS 25-23

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:

Michelle Trudel, Sr. Manager,
Procurement Services.

1. Recommendation:

1. That report FS 25-23, which outlines procurement awards \$250,000.00 and above for second quarter of 2023, be received as information.

2. Highlights:

- In accordance with the Town's Procurement Policy, Council is to be provided a quarterly information report on procurements, valued at \$250,000.00 and above, awarded by staff under delegated authority.
- Table 1 outlines eight (8) procurement-related contract awards approved by staff, under the delegated authority provided for in the Procurement Policy, for Quarter 2, 2023.

3. Background:

The Town of Whitby's Procurement Policy (Policy Number F 080), provides delegated authority for staff to award procurement contracts subject to all of the following conditions:

- a. There is sufficient funding in the Approved Budget;
- b. The procurement process was conducted in accordance with the Procurement Policy and all applicable procedures;

- c. For all Open Competition procurements, the Award is made to either the highest-ranking bidder or lowest priced (as applicable) Compliant Bidder in accordance with Town procurement procedures;
- d. The legal agreement, if required by the procurement, and any ancillary documents have been prepared in a form satisfactory to the Town Solicitor and Risk Management; and
- e. The Vendor has provided the required insurance, any required surety, Workplace Safety and Insurance Board certificates and satisfied the Town's AODA and Sustainability requirements, all in a form satisfactory to the Town.

The delegated authority provision allows for a more streamlined and efficient procurement process that allows projects to proceed (subject to procurements meeting the conditions above) in a timely manner.

To maintain transparency and accountability, the Procurement Policy requires quarterly information reporting on procurements, valued at \$250,000.00 and above, awarded by staff under delegated authority.

4. Discussion:

As shown in Table 1, the following eight (8) projects were competitively bid by the Procurement Division and awarded by staff in accordance with the Procurement Policy in Quarter 2 (April to June), 2023:

Table 1

Project	Successful Bidder	Award Amount (Excluding HST)	Award Date
T-14-2023 Mid-Sized Compact Street Sweeper	Cubex Limited	\$ 330,383.28	April 13, 2023
T-15-2023 Supply and Delivery of Ten (10) Plug-In SUVs	12699273 Canada Inc. (Motorcity Mitsubishi)	\$ 503,560.00	April 13, 2023
T-559-2023 Stormwater Management Pond Sediment Removal	Mianco Infrastructure Inc	\$ 674,675.00	April 25, 2023
T-501-2023 Urban Road Resurfacing	Viola Management Inc.	\$ 5,037,160.68	April 29, 2023

T-9-2023 Supply and Delivery of Dump Trucks	Premier Truck Group	\$ 3,692,500.00	May 29, 2023
OECM-2-2023 Fire Portable Radio Replacement	Williams Communication Service	\$ 446,778.00	May 30, 2023
T-502-2023 Sidewalk Replacement	Royal Crown Construction	\$ 626,829.75	May 31, 2023
T-30-2023 Grass Park Improvements	OGS Landscaping Services/1023362 Ontario Ltd	\$ 785,071.86	June 28, 2023

5. Financial Considerations:

N/A

6. Communication and Public Engagement:

N/A

7. Input from Departments/Sources:

The Procurement Division worked jointly with the various Departments throughout each of the procurement processes to ensure municipal government processes were streamlined, efficient, and cost effective.

8. Strategic Priorities:

This report supports the following Strategic Action Items identified in the Town's Community Strategic Plan:

Action Item 4.3.5 – Provide timely and transparent reporting; and

Action Item 4.4.1 – Deliver services that respond to community needs while balancing the impact to taxpayers.

9. Attachments:

N/A

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Downtown Whitby Action Plan September 2023 Update

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: CAO 21-23

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:

Christy Chrus, Manager Creative
Communities 905-444-3164

1. Recommendation:

1. That Report CAO 21-23 – Downtown Whitby Action Plan September 2023 Update, be received as information.

2. Highlights:

The Downtown Whitby Action Plan was adopted by Council in October 2016. Of the 27 action items, 13 have been completed, five are in progress and nine are ongoing. Highlighted action items include:

- Council adoption of the Downtown Whitby Secondary Plan (pending Regional approval).
- Connected with and supported various Downtown Whitby businesses through the Meet and Greet event, Business Retention and Expansion program interviews, Downtowns and Lifestyle Business Roundtable and business spotlights in the Economic Development online newsletter.
- Retained a consultant (AECOM) to initiate the Brock Street Redesign Study that will assess existing streetscape conditions and develop a cohesive vision and

concept design that creates a more walkable / pedestrian friendly street from Highway 401 to the CP Railway Bridge.

- Upgrades to various municipal parking lots, including providing additional parking spaces, repaving lots, providing accessible parking options, and adding EV charging stations.
- Completion of the placemaking projects at Celebration Square and the Dundas/Byron Parkette to provide additional outdoor spaces with shade seating options and access to Wi-Fi.
- Initiated of the Public Art Policy with input from key stakeholders, Council, and the public to support a public art program in the community.
- Distribution of Community Support cards to businesses linking them to [online resources](#) for items such as homeless supports in Durham Region; who to call (i.e. if you find a needle on public property); access to food banks; housing supports; and information on encampments.
- 2nd Edition of the Whitby Food Guide was launched in May 2023, featuring 28 Downtown Whitby restaurants and food establishments, receiving over 8,585 page views in four months.

3. Background:

The Downtown Whitby Action Plan identifies municipal initiatives aimed at revitalizing Downtown Whitby. It is a comprehensive approach to action-targeted projects with the goal of inspiring change so that together we can make Downtown Whitby a destination.

The vision is “Downtown Whitby is a vibrant, innovative, inclusive and walkable urban destination, where our heritage is conserved and celebrated and where residents, employees and visitors are inspired to shop, live work, play and connect.”

To translate this vision into reality, implementation is focused on the following four key objectives:

1. Enable new opportunities for a prosperous and innovative downtown;
2. Create Downtown Whitby as a walkable pedestrian-focused destination;
3. Inspire and enhance cultural life; and
4. Cultivate downtown connections and promotion.

Successful implementation of these initiatives is being realized through collaboration across the organization and with key partners, aligning financial and human resources.

4. Discussion:

4.1 Downtown Whitby Action Plan

The following information provides an overview of the action items (projects, studies, activities, and programming) that are being implemented and/or are completed. A detailed status and timing chart is included in Attachment 1.

Objective 1: Enable new opportunities for a prosperous and innovative downtown.

- Municipal investment of \$3,277,925 (95% of funds) for various incentive programs as part of the Downtown Whitby Community Improvement Plan. In 2022, nine Maintenance and Improvement Grants (i.e., Façade Grant, Sign Grant, Interior Heritage Building Grant and Design Grant) were approved in Downtown Whitby totalling \$79,086 with private investment of \$250,000.
- Continued construction of Brookfield Residential's Station No. 3 development in the heart of Downtown Whitby at 201 Brock St S. The development will feature a six-storey mixed use building with 160 residential units and 9,500 sf of commercial floor space along Brock St S. Anticipated timelines for occupancy are July 2024. Staff are currently working with the developer to support the creation of a public art mural on the south wall.
- Council adoption of the Downtown Whitby Secondary Plan through Official Plan Amendment No. 126 (still requires approval by the Region of Durham). The Secondary Plan study included extensive public and agency consultation with the overall intent of the plan to guide future growth; maintain and enhance the area's unique cultural heritage; support a range of housing options; improve access to transit and active transportation; enhance public open spaces, and promote a healthy, vibrant, and sustainable downtown core.
- Conducted the first Downtowns and Lifestyle Business Roundtable session to discuss best practices, opportunities, and challenges impacting the sector. Key findings included concerns with hiring and retaining staff and filling specialized roles; businesses are taking a more personal approach to marketing (i.e., storytelling rather than pushing out brand); and concerns for parking in the Downtown area in terms of location and costs.
- From September 2022 to August 2023, several Downtown Whitby businesses were featured as a business spotlight in the Economic Development online newsletter including 360insights; Unique Town Boutique; One More Cocoa; 1855 member Jody Swain; Green & Frugal; Brunch & Co; The Food & Art Café; and Rain Spark Media Group (1855 member).
- As part of Economic Development's Business Retention and Expansion (BRE) Program, several Downtown Whitby businesses have been interviewed, collecting valuable information and data to assist in business opportunities. The businesses include Frame By Design; Maximum Cards and Collectibles; Headstock Music; DOT Furniture; and RainSpark Media.
- Support to unsheltered individuals in Downtown Whitby through the use of 117 King Street for an overnight warming centre and support services in collaboration with the Region of Durham and Salvation Army. Staff are also working with the Region to create Durham's first family shelter at 316 Colborne St W to be opened late 2023.

- Listed the municipally owned property at the northeast corner of Hickory Street and Dunlop Street East on the Region's surplus land website for potential creation of affordable housing.
- Completion of the King Street Community Garden project and historic interpretive plaque to recognize the Werden's Plan Heritage Conservation District.

Objective 2: Create Downtown Whitby as a walkable pedestrian-focused destination.

- A consultant has been retained for the Brock Street Redesign Study in Q3, 2023 to undertake a review of existing streetscape conditions and develop a cohesive vision and concept design that creates a more walkable / pedestrian friendly street that respects the cultural heritage, sustainable design and placemaking opportunities. The study area is along Brock Street from Highway 401 to the CP Railway Bridge, just north of Maple Street and will provide recommendations regarding intersection treatments, lighting, plantings, pedestrian infrastructure (i.e., benches), placemaking, and signage amongst other items. The findings will be used to guide future capital improvements along this corridor.
- Expansion of Municipal Parking Lot 5 at Colborne and Green Streets to include 20 new parking spaces and two new accessible parking spaces in Downtown. Repaving of Municipal Parking Lot 2 at Elm and Byron Streets. Completion of two accessible parking spaces in Municipal Lot 1 at Colborne and Byron Streets.
- Identification of the 15-minute parking spaces in Downtown Whitby with yellow metre caps to increase awareness and support quick pick up / delivery options at key locations.
- Installation of refurbished pay and display parking machines that have the capabilities to enter a licence plate and tap pay feature.
- Modifications to five intersections in Downtown Whitby for traffic control purposes (i.e., new stop signs).
- Pedestrian counts were undertaken again in June 2023, showing an increase of 14.5% (1,168 pedestrians) throughout the downtown core year over year, with cyclists numbers also increasing by 9.4% (59 cyclists) compared to 2022. These numbers are comparable to 2019 numbers as pedestrian and cyclist counts were lower during the pandemic.

- The Urban Forestry Management Plan has been recently awarded with work started in August 2023. The Plan will take approximately 18 months to complete and will evaluate the urban forest canopy to better understand the most appropriate tree species suitable for various locations, including Downtown Whitby.
- Participating in the LEAF program to plant trees to combat climate change. A total of nine participants in Downtown Whitby participated in the program from August 2022 to August 2023.
- In partnership with DRPS and a Provincial grant, the Town installed 4 new CCTV cameras that have proved to be instrumental in a couple of major investigations. The cameras are located at the following intersections in Downtown Whitby:
 - Brock St / Dundas St (looking north)
 - Brock St / Dundas St (looking south)
 - Brock St / Mary St (looking south)
 - Brock St / Colborne St (looking north)

Objective 3: Inspire and enhance cultural life.

- With a grant from the Canada Community Revitalization Fund, Celebration Square was enhanced with the installation of new permanent seating (with attached umbrellas for shade), moveable furniture and new chess/checkerboard tables. The grant also supported additional Muskoka Chairs and self-watering planters at the Dundas/Byron parkette.
- Worked in collaboration with the Whitby Farmers' Market to support access to public parking on market days. The Town provided additional 'Green P' lawn signs to direct customers to the municipal parking lot and created signage for adjacent private businesses to help redirect market customers.
- The Town launched the 2nd Digital Food Guide in May 2023, highlighting 28 Downtown Whitby food establishments. A QR code and postcard have been distributed to restaurants to further promote and support local businesses. From May to August this year, the Food Guide has been viewed over 8,585 times.
- Council approval the Public Art Policy Framework in Q1, 2023 which included information on the Environmental Scan (Phase 1) and Comparator Analysis (Phase 2). Staff have completed Phase 3, Community Engagement this summer and will bring forward the recommended Public Art Policy for Council's consideration in Q4, 2023.

- Installation of QR Codes for the public art featured in [Whitby's Arts Trail](#), which allows users to directly link to the online resource map highlighting the artists and the artwork.
- The Downtown Whitby BIA in collaboration with the Economic Development team are working with STEPS Public Art to create animated storefronts through an innovative community-driven art project that uses window decals to narrate Whitby's unique and cultural diverse business community. Anticipated launch of this project is Q4, 2023.

Objective 4: Cultivate downtown connections and promotion.

- Established the first Downtown Whitby Meet and Greet Event in March 2023 to host business and property owners along with key stakeholders for a chance to network and learn about upcoming projects and events from the Town, Downtown Whitby BIA, and Whitby Chamber of Commerce. A total of 66 people attended the event and overall feedback was quite positive with many excited for the next opportunity to get together.
- In partnership with the Downtown Whitby BIA, staff distributed Community Support cards to businesses in May 2023 which provided a QR code linking to [online resources](#) for items such as homelessness supports in Durham Region; who to call (i.e. if you find a needle on public property); access to food banks; housing supports; and information on encampments. Businesses were appreciative of the information and showed empathy on how to support individuals in need.
- As part of the Canada Community Revitalization Fund, the Town received a grant to enhance Wi-Fi at Celebration Square in front of the Whitby Public Library. Now the entire square has access to free Wi-Fi to further support events like the Farmers' Market.

4.2 Benchmarking Report

The initial benchmarking data analysis was undertaken in 2017 based on the previous five years of activity and development in the Downtown Whitby Secondary Plan Area (SPA) and the Business Improvement Area (BIA). This information is reviewed annually as new census, economic, and planning and development data becomes available.

The following information is the latest snapshot (2022 – 2023) of various data indicators tracked.

Table 1: Summary of Demographic Data

Metric	Secondary Plan Area	Whitby
Population	6,630	138,501
Median Age	49	40
Average Household Income	\$70,315*	\$121,180*
Average Persons Per Household	1.9	2.9
Number of Dwellings	3,375	46,460
Number of Singles, Semis Links	945 (28%)	33,710 (73%)
Number of Townhomes	50 (1%)	6,135 (13%)
Number of Apartments	2,365 (70%)	6,605 (14%)
Employment Rate	46%	64%
Top 3 Occupations of Residents	Retail Trade (10%) Healthcare and social assistance (11%) Manufacturing (8%)	Retail Trade (11%) Healthcare and social assistance (10%) Educational Services (9%)

Note: Data marked with an asterisk (*) was obtained from the 2016 Census.

- The Town of Whitby has a median age that is almost 10 years younger than the Downtown Secondary Plan Area (SPA).
- Between 2016 and 2021, Whitby's population grew by 7.9%, while the downtown population has slightly increased. It is anticipated that with the next census, the downtown population will go up based on the number of new residential units coming forward.
- The average persons per household along with the high median age may be an indicator that the Downtown area has a higher percentage of empty-nesters and retirees.

- Apartment dwellings make up 70% of all residential units in Downtown Whitby in comparison to the Town of Whitby at 14%.
- The Town of Whitby has an employment rate that is 18% higher than the Downtown Whitby SPA.

Table 2: Summary of Real Estate Analytics

Metric	2022	2023 (YTD)	Difference
Office Vacancy Rate SPA	2.9%	3.2%	+0.3%
Retail Vacancy Rate SPA	1.5%	2%	+0.5%
Gross Office Rent Per Square Foot SPA	\$27.35	\$26.44	-\$0.91
Gross Retail Rent Per Square Foot SPA	\$21.76	\$22.67	+\$1.44
Asking Rent SPA Per Unit			
Studio/Bachelor	\$1,339	\$1,198	-\$141
1 Bedroom	\$1,361	\$1,569	+\$208
2 Bedroom	\$1,563	\$1,731	+\$168
3 Bedroom	\$1,562	\$1,572	+\$10
Vacancy Rate (%) All Rental Units			
Whitby	1.2%	2.0%	+0.8%
Secondary Plan Area	1.0%	4.4%	+3.4%

- The Secondary Plan Area (SPA) has shown a consistent office vacancy rate below 3%, however Year to Date (YTD) is showing a slight increase in office vacancy. In addition, gross office rent in Downtown Whitby YTD has slightly decreased. Both factors could be attributed to hybrid / remote working environments post pandemic.
- There has been a steady decline in retail vacancy rates and a slight increase in gross retail rent in the SPA since 2017, indicating a relatively strong demand for retail in Downtown Whitby.
- The asking rent for Studio/Bachelor units has decreased while all other unit types have increased.

- Vacancy rates for all rental units in the SPA has increased; however, the data could be very limited and therefore sensitive to outliers. Staff will continue to monitor this going forward.

Table 3.0: Summary of Pedestrian and Cyclist Counts

Metric	2019	2021	2022	2023
Total Pedestrians per Annual Count	7,644	4,238	6,914	8,082
Total Cyclists per Annual Count	641	431	570	629

- Pedestrian and cyclist counts are undertaken at six different intersections on a weekday (Wednesday) and a weekend (Saturday) between the hours of 10 a.m. to 1 p.m. and 4 p.m. to 6 p.m.
- The overall number of pedestrians and cyclists in Downtown Whitby appears to have rebounded to the 2019 numbers prior to the pandemic.
- The Brock/Dundas and Brock/Colborne intersections have the most pedestrians, which aligns with the heart of Downtown Whitby and easy bus connections (north/south and east/west links).
- The Dundas/Henry/Euclid intersection contain the most cyclists year over year, which signifies the direct cycling route to the waterfront trail.
- Interestingly, the Brock/Dunlop intersection (the location of 12welve and Brock St Brewery) has consistently had an increase in pedestrians each year, aligning with its opening in 2019.

5. Financial Considerations:

Financial resources to implement the Downtown Whitby Action Plan have been included in the Town's approved budget. Any additional new projects will need to be considered and reviewed through the future budget review process.

6. Communication and Public Engagement:

Various stakeholders such as the Downtown Whitby BIA, Whitby Chamber of Commerce, neighbourhood associations, and Whitby Public Library are regularly updated on the progress of the initiatives in the Downtown Whitby Action Plan.

7. Input from Departments/Sources:

An interdepartmental team was established to work collaboratively on the initiatives of the Downtown Whitby Action Plan. The team includes representatives from Strategic

Initiatives, Planning and Development, Community Services, Financial Services and Communication and Creative Services.

8. Strategic Priorities:

The Downtown Whitby Action Plan addresses several of the Strategic Pillars as part of the new Community Strategic Plan. Specifically, this report meets the following Objectives:

Strategic Pillar 1: Whitby's Neighbourhoods

Objective 1.1.4 and 1.3.6 Improve community safety, health, and well-being by working with partners at Durham Region to implement pro-active strategies to manage homelessness and mental health needs in Downtown Whitby and implement features such as CCTV cameras to provide safer spaces.

Objective 1.2.3 Investing, promoting, and strengthening the local arts, culture, heritage and creative sector through creating placemaking opportunities and building out the Town's Public Art Policy.

Strategic Pillar 2: Whitby's Economy

Objective 3.1.1 and 3.2.3 Implementation of the Economic Development Strategy through Business Retention and Expansion interviews, Meet and Greets, business spotlights and roundtables.

Objective 3.2.5 Implementing initiatives that support the downtowns as thriving destinations through new placemaking initiatives at Celebration Square and the Dundas/Byron Parkette, investing municipal funding through the Community Improvement Plan, and tracking data annually to ensure low vacancy rates are maintained year over year.

Strategic Pillar 4: Whitby's Government

Objective 4.1.2 Strengthening existing and build new partnerships through work with the Downtown Whitby BIA, Chamber of Commerce, Whitby Public Library, Durham Region Police Service and Downtown Whitby business and property owners.

This report also takes into consideration accessibility planning by ensuring both public and private developments in the downtown incorporates accessible principles. Furthermore, sustainable practices through environmental, social, and economic pillars are used to develop and implement the action items.

9. Attachments:

Attachment 1: Downtown Whitby Action Plan September 2023 Update



Downtown Whitby Action Plan

September 2023 Update

WHITBY
ONTARIO • CANADA

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.1 Update the Downtown Whitby Community Improvement Plan CIP with improved financial incentives for development/ redevelopment projects including expanding the CIP boundaries.	Completed Q2 2018 Updated CIP 2022	Strategic Initiatives; Planning and Development; Financial Services	Staff Resources Consultant Financial Analysis Capital Budget \$3,467,500 2017	Final Report approved by Council June 25, 2018. Updated CIP approved by Council Nov. 29, 2022. Total Municipal Investment for the CIP to date = \$3,277,925 (95%) of the funding.
1.2 Work towards the redevelopment of 201 Brock Street South (the Old Fire Hall site) and adjacent lands into a mixed used, pedestrian friendly development.	In-progress	CAO in consultation with all departments	Staff Resources	Anticipated occupancy July 2024. Staff working with Brookfield to support the creation of a public art mural on the south wall. Groundbreaking celebration March 2022. Received Downtown Whitby CIP Funding of \$1,167,500 and funding from the Region of Durham Regional Revitalization Program of \$625,580. Site Plan agreement Building Permit issued for a six-storey mixed use development, comprised of 160 residential units, 911 m ² of ground floor commercial space and 184 parking spaces. Demolition of old fire hall and IOOF building (July 2019). Sale of lands to Brookfield Residential (January 2019).

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.3 Streamline the development review process for Planning and Development applications (i.e. delegate Site Plan Review to staff).	Completed Q2 2018	Planning and Development; Operations; Financial Services; Community Services	Staff Resources	Delegation of Site Plan Approval to the Commissioner of Planning and Development approved by Council June 25, 2018.
1.4 Update the Downtown Whitby Secondary Plan to review land uses, identify intensification areas, provide urban design policies and review transportation needs.	Completed Q1, 2023 (Town approval – pending Regional Approval)	Planning and Development; Strategic Initiatives; Operations; in consultation with the public and BIA	Staff Resources Capital Budget 2019 \$500,000	Council adoption of the Downtown Whitby Secondary Plan through Official Plan Amendment No. 126 in March 2023. Still pending approval from the Region of Durham. Consultant retained in Q1 2020. Phase 1 Background Study and Analysis, Phase 2 Land Use Concept and Options, and Phase 3 Preferred Concept Plan complete.
1.5 Update the Economic Development Strategy for Downtown Whitby inclusive of attracting desired businesses (i.e. innovative sector).	Completed Q4, 2021	Strategic Initiatives; Planning and Development; Whitby Chamber of Commerce; Downtown Whitby BIA; Project Steering Committee	Capital Budget 2021 \$50,000 for Economic Development Strategy	A 5-year Economic Development Strategy was completed in Q4, 2021 and several actions have already been implemented as others are ongoing initiatives. 'Downtowns and Lifestyle' was included as one of the Town's Key Sectors.

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
<p>1.6 Review the Town's Municipal real estate assets, gaps and opportunities within the downtown (i.e. community facilities, parking, parks etc.) and create a strategy to manage, grow, and develop the assets moving forward.</p>	Ongoing	Financial Services; Strategic Initiatives; Planning and Development; Operations; Community Services; Legal	Staff Resources	<p>The following initiatives are currently completed or underway:</p> <ul style="list-style-type: none"> • Creation of a support centre for unsheltered individuals at 117 King St. in partnership with the Region of Durham and Salvation Army Q1 2022. • Renovations will occur this fall for 316 Colborne St. W. to create the Region's first family shelter to house up to four families with children. • Listed the municipally owned property at the northeast corner of Hickory and Dunlop Street East on the Region's surplus land website for potential creation of affordable housing (Q1, 2023). • Redevelopment of the southeast corner of Brock / Byron Streets through a lease agreement with the property owner to create an urban parkette (Q2, 2021). • Construction of King St Community Garden Q3, 2022. • Lease of 128 Brock St S to Brookfield Residential for a construction office 2022. • Launch of the 1855 Whitby Technology Accelerator (400 Centre St. S.) Q1 2019.

Objective 1

Enable new opportunities for a prosperous and innovative Downtown

Action Item	Timing	Project Collaborators	Resources	Progress
1.7 Review servicing requirements to ensure that development sites have appropriate infrastructure i.e., servicing, storm water management etc.	Ongoing through development applications	Region of Durham; Planning and Development; Operations; Utility Companies	Staff Resources	On water, sanitary and storm sewer capacities, both the Region and Town advises there are no major service gaps in Downtown. Detailed review is required with formal submissions of development applications. Continuing to work with Elexicon Energy to ensure hydro capacities are available for redevelopment sites.

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
2.1 Review current and future municipal parking demands in Downtown Whitby and develop a Parking Master Plan (PMP) to meet these demands.	Completed Q4 2021	Planning and Development; Strategic Initiatives	Capital Budget 2017 \$150,000	<p><u>PW 31-21</u> the Final Downtown Parking Master Plan was presented to Council and approved November 2021.</p> <p>Expansion of Municipal Lot 5 at Green/Colborne Streets to include an additional 20 new parking spaces and 2 new accessible parking spaces. Repaving of Municipal Lot 2 and completion of two accessible parking spaces in Municipal Lot 1.</p> <p>The addition of an EV charging station at 1855 Whitby to support green technology and more coming over the next two years in other municipal lots.</p> <p>Further identifying the 15-minute parking spaces with yellow metre caps to support quick pick-up / delivery.</p> <p>Installation of refurbished pay and display machines with the ability to enter license plate number and pay by tap feature.</p>

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
2.2 Develop a Streetscape Improvement Master Plan for roads, sidewalks, pedestrian crossings, street furniture, trees, lighting, cycling, signage and connectivity in Downtown Whitby with specific focus along the Brock Street spine; and develop related engineering design standards.	In-progress Start Q3 2023 – Consultant	Strategic Initiatives; Planning and Development; Operations	Provincial / Federal Grant 2021 \$286,000 for Dunlop modifications Capital Budget 2023 \$100,000	Boulevard reconstruction of Dunlop St E (between Brock St and Green St) complete in Q2, 2022. Project includes enhanced pedestrian features such as wider sidewalks, accessible entrances, benches, trees and Muskoka Chairs provided by BIA. Retained a consultant to start the Brock Street Redesign Study to undertake a review of existing conditions and develop a cohesive vision and concept design that creates a more walkable / pedestrian friendly street.
2.3 Develop a Downtown Transportation and Pedestrian Safety Action Plan to support a pedestrian friendly historic core around Brock and Dundas Streets. The Plan shall address the need for pedestrian crossings and the need to redirect truck and commuter traffic to other roads while reducing the traffic impact on adjacent residential neighbourhoods.	Completed Q2 2021	Planning and Development; Operations; Strategic Initiatives	Capital Budget 2018 \$100,000	The Downtown Pedestrian Safety Action Plan was integrated into the Whitby Active Transportation Plan. The Active Implementation includes - modifications of five intersections in Downtown Whitby in Q3, 2023 for traffic control purposes (i.e. new stop signs).

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
				<p>Installation of a Leading Pedestrian Interval at Brock/Dundas installed in Q2, 2022 providing pedestrians a five-second advanced crossing.</p> <p>June 2023 Pedestrian Counts undertaken to understand pedestrian / cyclist volumes in Downtown Whitby. Overall findings show an upward increase in the number of cyclists and pedestrians year over year.</p>
2.4 Review services (i.e. snow and waste collection) in Downtown Whitby in order to implement improvements and efficiencies.	Ongoing	Operations; Strategic Initiatives	Staff Resources	<p>Town staff continue to work with the Downtown Whitby BIA and property owners along the east side of Brock Street South to work on addressing illegal dumping in the rear lane alley.</p> <p>Winter control services are reviewed following each winter season with an update following the 2022 and 2023 winter storms presented to Council.</p>

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
2.5 Work with business and property owners to provide opportunities to create accessible entrances to their building.	Ongoing through Façade Grant Program and/or streetscape improvements	Strategic Initiatives; Planning and Development; Operations; Town's Accessibility Advisory Committee; Downtown business/property owners; Downtown Whitby BIA	Various Capital Projects	<p>Council approval of Accessible Improvement Grant Program Policy and Procedures Report CMS 07-21 to provide financial incentives to improve accessibility within Whitby for non-profit community groups, not-for-profit organization and small businesses.</p> <p>Dunlop St E boulevard reconstruction included accessible entrances to the plaza businesses on the north side.</p> <p>Ongoing through annual Façade Grant Program and streetscape improvements.</p>
2.6 Evaluate the urban forest canopy and natural environment to better understand the most appropriate tree species and landscape materials suitable for various locations in Downtown Whitby.	<p>In-Progress - Urban Forestry Management Plan</p> <p>Ongoing through streetscape improvements</p>	Operations; Strategic Initiatives; Planning and Development; Community Services; By-law; Financial Services	<p>\$300,000 Capital Budget 2023</p> <p>Staff Resources</p>	<p>Consultant awarded for the Urban Forestry Management Plan Q3, 2023. The Plan will be developed in four Phases over 18 months:</p> <p>Phase One – Urban Forest Analyses</p> <p>Phase Two – Urban Forest Study</p> <p>Phase Three – Consultation, Visions, Themes and Objectives Development</p> <p>Phase Four – Urban Forest Management Plan</p>

Objective 2

Create Downtown Whitby as a walkable pedestrian-focused destination

Action Item	Timing	Project Collaborators	Resources	Progress
				Participating in the LEAF program to plant trees to combat climate change. A total of nine participants in Downtown Whitby participated in the program from August 2022 to August 2023.
2.7 Continue to work collaboratively with Durham Regional Police Service and By-law Services to proactively mitigate vandalism and illegal activity in Downtown Whitby.	Ongoing 2016 Graffiti Mitigation Program	Durham Regional Police Service (DRPS); By-law Services; Downtown Whitby BIA	\$6,800 Long Term Finance Reserve (2022) for CCTV Cameras Staff Resources	<p>Installation of 4 CCTV Cameras in Downtown Whitby as part of successful grant in 2022 in partnership with DRPS.</p> <p>In 2023, delivered Community Support cards to Downtown Whitby businesses and discussed issues such as homelessness, needles, and encampment response procedures.</p> <p>In 2022, undertook a door-to-door safety walk in partnership with DRPS and the Downtown Whitby BIA to provide a handout which included safety tips, how to report crimes to DRPS, how to report and remove graffiti and information on garbage and recycling pick-up.</p>

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
3.1 Collaborate with Downtown Whitby businesses and property owners on pilot projects to test the market for creative ideas and proposals (i.e. sidewalk cafes, pop-up shops, incubator spaces).	Ongoing	Downtown business/property owners; Strategic Initiatives; Planning and Development; Operations;	Staff Resources Capital Budget \$15,000 Streetside Patio Project	Installation of a pedestrian zone / streetside patio along Brock St S east side) in collaboration with the Downtown Whitby BIA who donated Muskoka Chairs and picnic tables.
	Complete Dundas/Byron Parkette	Communications and Creative Services; Downtown Whitby BIA	My Main Street Grant \$49,052 2021 for Dundas/Byron parkette	Completion of the Dundas/Byron Parkette from an underutilized/vacant lot to an urban parkette including Muskoka chairs, self-watering planters, love lock art piece, and murals in collaboration with Downtown Whitby BIA Q3, 2021.
3.2 Create opportunities to animate and cultivate a ‘people place’ at Celebration Square at the Whitby Public Library (i.e. develop a strategy and live test of pilot projects).	Ongoing	Strategic Initiatives; Whitby Public Library; Corporate Communication and Creative Services; Community Services	CCRF Grant \$158,553 2022 Celebration Square and Dundas/Byron Parkette	Completed the placemaking project at Celebration Square to include new moveable furniture, chess/checkboard table, permanent seating with umbrellas and enhanced Wi-Fi to cover the entire public square, Q1, 2023.

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
				Installation of the Sir William Stephenson bronze statue at Celebration Square Q2, 2021 including promotional / celebratory video. Installation of Noise Barrier planters in 2018.
3.3 Establish a new permanent location for the Whitby Farmers' Market.	Completed Q2 2017	Planning and Development; Communications and Creative Services; Whitby Farmers' Market; Operations	Staff Resources	<p>Relocation launch at Celebration Square October 2017. Farmers' Market (FM) signed a three-year agreement for Celebration Square in 2019 with renewal of the agreement to be brought forward to Council for Q1 2024.</p> <p>Worked in collaboration with the FM to provide additional 'Green P' parking directional lawn signs and worked with adjacent businesses to help re-direct market customers (Q3, 2023).</p>

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
3.4 Develop a streamlined and pre-packaged event policy with special considerations for road closures, fee schedule and licensing requirements for downtown events both Town run and private events.	Completed Q1 2019	Clerks; Communications and Creative Services; Operations; Community Services; Planning Development; Legal; By- law Services; Strategic Initiatives	Staff Resources	Staff Report CAO 07-19 for the Special Events Policy was approved at Council on April 15, 2019 and was in effect May 1, 2019. Updates annually to the Special Event User Guide (based on best practices and changing policies). Added streamlined information to the Town's website on how to plan a Special Event and created a fillable application form.
3.5 Conduct a cultural mapping exercise and create a Culture Plan with specific input/ideas for Downtown Whitby.	Completed Q1, 2021	Community Services; Strategic Initiatives; Communications and Creative Services; Downtown Whitby BIA; Station Gallery; Whitby Public Library	Capital Budget 2018 \$110,000	Phase 4 – Final Report CMS 03-21 completed and adopted by Council in Q1, 2021. Implementation of projects to date: <ul style="list-style-type: none"> • ArtsTrail – interactive map showcasing Whitby's Public Art including QR codes to highlight murals / statues in Downtown Whitby. • Installation of Sir William Stephenson

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
				<p>bronze statue at Celebration Square and video to promote unveiling.</p> <ul style="list-style-type: none"> • Painting of Benches at Kinsmen Park in partnership with local artist Sarah Shaw. • Doors Open Downtown Whitby video walking tour in partnership with WPL
3.6 Continue working on creating a Heritage Conservation District (HCD) Plan for Perry's Plan and the Four Corners.	Subject to future Council direction following a review of the implementation outcomes of Werden's HCD in 2024.	Planning and Development; Heritage Whitby Advisory Committee; Downtown Whitby BIA	Capital Forecast Budget if HCD's proceed: 2025 (Perry's Plan) \$108,253 2026 (Four Corners) \$108,253	<p>Werden's Neighbourhood Heritage Conservation District HCD) Plan – Approved by LPAT May 2019 (Council approval June 2017) and now in full force and effect.</p> <p>Initial newsletter distributed to property owners and residents in Q3, 2020. Subsequent newsletters in progress providing key updates and information.</p>

Objective 3

Inspire and enhance cultural life

Action Item	Timing	Project Collaborators	Resources	Progress
3.7 Update the public art policy and develop a municipal policy to acquire, fund and promote public art at key locations within the municipality including Downtown Whitby.	In-progress Start Q3, 2022	Strategic Initiatives; Community Services; Planning and Development; Clerks; Operations; Whitby Station Gallery	Staff Resources	Approval by Council of the Public Art Framework Q1, 2023 (CAO 03-23) which provided information on the Environmental Scan and Comparator Analysis. Undertaken community engagement (Q2/Q3 2023) and working on developing the Public Art Policy to bring forward in Q4, 2023 for adoption.

Objective 4

Cultivate Downtown connections and promotions

Action Item	Timing	Project Collaborators	Resources	Progress
<p>4.1a Review and establish the boundaries for Historic Downtown Whitby.</p> <p>b) Report back to Council on options for gateway features at each boundary of the Historic Downtown and that the gateway features be respectful and adhere to heritage characteristics.</p>	<p>Completed Boundaries Q1 2017</p> <p>Complete – concept designs Q3 2018</p> <p>Detailed designs – pending BRT designs</p>	<p>Strategic Initiatives; Planning and Development; Operations; Downtown Whitby BIA</p>	<p>Staff Resources</p> <p>Consultant</p>	<p>4.1a) Completed (PL 13-17 Report February 2017).</p> <p>4.1b) Consultant retained Q3 2017; design options and meeting with stakeholders Q2 2018; final report on concept designs approved by Council PL 60-18, Q3 2018. Terms of Reference for Detailed Designs to be initiated consultation with the Bus Rapid Transit (BRT) project.</p>
<p>4.2 Review and establish boundaries for Downtown Whitby and identify brand areas/districts (Werden's, Perry's, Innovation etc).</p>	<p>In-progress</p>	<p>Strategic Initiatives; Planning and Development; Downtown Whitby BIA</p>	<p>Staff Resources</p>	<p>New Downtown Whitby and Downtown Whitby BIA Banners installed Q2, 2022. 1855 Whitby Accelerator launched in Q2, 2019. Werden's Plan HCD Signage / Commemoration at King St Parkette Q3, 2023.</p>

Objective 4

Cultivate Downtown connections and promotions

<p>4.3 Support and enable the establishment of a Downtown Whitby Business Improvement Area (BIA) or similar type of business model to support downtown initiatives, events and activities.</p>	<p>Completed Q2 2017</p>	<p>Downtown business/property owners; Clerks; Strategic Initiatives; Legal</p>	<p>Staff Resources</p>	<p>Completed - By-law to form BIA approved by Council April 10, 2017; Completed Memorandum of Understanding (MOU Q2 2018 and updated MOU through report CS 38-19 to provide support for in-kind request up to \$5,000.</p> <p>Developed a Standard Operating Procedure (Q1, 2021) to ensure BIA budget review and submission process aligns with Town's Budget Process.</p>
<p>4.4 Establish key locations for entrance features into the downtown and work towards creative designs to welcome people to the area.</p>	<p>Completed locations Q1 2017 Designs tied to Item 4.1 b) Q3/Q4 2021</p>	<p>Strategic Initiatives; Planning and Development; Operations; Downtown Whitby BIA</p>	<p>Staff Resources Consultants for designs and future construction</p>	<p>Council approved concept designs for Downtown Whitby Historic Gateways PL 60-18. Detailed designs will be initiated in conjunction with BRT project.</p>

Objective 4

Cultivate Downtown connections and promotions

Action Item	Timing	Project Collaborators	Resources	Progress
4.5 Enhance storefront signage by updating the Town's Sign By-law, providing design guidance and financial incentives.	Completed Q1 2018	Strategic Initiatives; Planning and Development; Downtown business/property owners; Downtown Whitby BIA	Staff Resources	<p>Staff report LS 01-18 on the Town's Permanent Sign By-law to permit projecting signs and prohibit new internally illuminated signs in Downtown Whitby adopted by Council March 2018.</p> <p>Staff in conjunction with Downtown Whitby BIA developed a signage inventory for use as part of the CIP Program, Q3, 2018.</p> <p>In collaboration with the DWDSC and BDDSC, hosted two downtown virtual workshops on Signage and Window Displays in Q2, 2021.</p>
4.6 Create opportunity to provide Wi-Fi and improve broadband connectivity in Downtown Whitby.	Ongoing	Financial Services; Strategic Initiatives; Planning and Development; Community Services; Chamber of Commerce	TBD	<p>Region of Durham Broadband strategy initiated in Q3 2017. Town of Whitby staff provided feedback to Region on strategy to help increase connectivity in Whitby in Q2 2018. Region's final Broadband Strategy Report released in Q1 2019, outlined recommended actions for the Region within immediate and long- term</p>

Objective 4

Cultivate Downtown connections and promotions

Action Item	Timing	Project Collaborators	Resources	Progress
				Wi-Fi has been extended to include all of Celebration Square at the Whitby Public Library in Q3, 2022.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: 2023 Workforce Plan Review

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: CAO-24-23

Department(s) Responsible:

Organizational Effectiveness

Submitted by:

Jacqueline Long, Head of Organizational Effectiveness

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Jacqueline Long, longj@whitby.ca

1. Recommendation:

1. That Council receive report CAO-24-23 2023 Workforce Plan Review for information.

2. Highlights:

- In 2022, staff worked with a third-party consultant to undertake a strategic workforce planning study. The outcomes of this review and analysis were presented to Council on January 16, 2023.
- The benchmark average staff complement was determined to be 12.2 full-time staff per 1,000 households compared to the Town's 11.83 full-time staff per 1,000 households.
- To maintain the staffing at the benchmark level, an additional two-hundred and twenty (220) full-time positions would need to be added to the Town's staff complement between 2023 and 2031.
- The identified need in 2023 was 37.2 full-time equivalents (this includes full-time and part-time positions).

- The output of the workforce plan review in 2023 is a recommended list of positions for consideration in the 2024 budget process. The introduction of an objective ranking system enables the Senior Leadership Team (SLT) to begin budget deliberations with a pre-vetted evidence-based list of positions.
- The 2023 list of positions for consideration in the 2024 budget process includes sixty-three (63) positions representing 59.67 FTE.

3. Background:

In 2022, staff worked with a third-party consultant to undertake a strategic workforce planning study. The outcomes of this review and analysis were presented to Council on January 16, 2023.

The 2022 review and analysis focused on validating and refreshing benchmark information originally included in the 2016 Service Delivery Review (SDR), forecasting Town of Whitby staffing needs based upon the benchmark and known future expansion of services based upon strategies, master plans, reviews, and analyses.

In 2016, the SDR established a benchmark target of 14 full-time staff per 1,000 households based upon a survey of five (5) municipalities. At that time, the Town staff complement was 11.7 full-time staff per 1,000 households. The SDR recommended addressing this deficit in addition to adding fifteen (15) full-time positions per year to address anticipated growth. The 2022 Workforce Planning Project refreshed this analysis by expanding the number of benchmarking municipalities to sixteen (16) to provide for greater outcome reliability and better reflect the Town's comparator group used for compensation purposes. The benchmark average staff complement for the expanded group of comparators was determined to be 12.2 full-time staff per 1,000 households compared to the Town's 11.83 full-time staff per 1,000 households. To close the gap, the 2022 Workforce Plan recommended adding eighteen (18) full-time positions to the Town of Whitby's staff complement in 2022.

In addition to completing a benchmarking analysis of the current staff levels, the consultant forecasted, leveraging the benchmark average of 12.2 full-time positions per 1,000 households, the additional staff required to maintain staffing and service delivery consistent with the benchmark. To maintain the staffing at the benchmark level, an additional two-hundred and twenty (220) full-time positions would need to be added to the Town's staff complement between 2023 and 2031.

In addition to the benchmark analysis, the consultant reviewed known strategies, master plans, reviews, and studies to identify any additional staffing needs. The identified need in 2023 was 37.2 full-time equivalents (this includes full-time and part-time positions).

4. Discussion:

The second iteration of the annual Workforce Planning Review began in March 2023 and concluded in June 2023. This review enabled management to consider any new inputs, such as the Community Strategic Plan (CSP), impact of new positions added in the 2023 budget process, and new or unforeseen considerations. This process included consultations with all departments to review the 2023 workforce plan submission,

identify the changes since the prior year's review, and finalize the identified needs for 2024.

The output of the workforce plan review in 2023 is a recommended list of positions for consideration in the 2024 budget process. For the 2023 review, an improvement to the process included the development of an objective ranking system to prioritize position requests based upon primary drivers and impact if not achieved. The algorithm developed applied a weighting to any position requests with a direct link to the Community Strategic Plan and its identified themes and action items. The drivers and impacts are outlined in the table below:

Primary Driver	Impact if not achieved
Legislation	Non-compliance: Fines, penalties and/or legal action
Policy/Collective Agreement	Non-compliance: Labour relations, safety implication and/or reputational risk
Council Directed	Corporate Priorities: leading to loss of revenue and/or increased cost
Service Level Increase (Council-led)	Corporate Priorities: Leading to waste previously invested resources
Risk Management	Failure: Resulting in lost revenue, increased costs and/or reputational damage
Growth	Service Levels: Inability to keep pace of service delivery causing a need to decrease or shut down services due to growth/capacity.
Customer Service Enhancement	Missed Opportunity: to improve customer service externally
Innovation	Failure: Inability to deliver on a Council endorsed strategy
Service Volume/Peak Season	Service Levels: Inability to keep pace of service delivery causing a delay in the delivery of services due to growth/capacity.
Cost Avoidance	Increased Cost to Taxpayer: Due to inefficient delivery of services

Primary Driver	Impact if not achieved
Best Practice	Increased Cost to Taxpayer: Due to lost revenue
Service Level Increase (Business-led)	Missed Opportunity: to improve customer service internally
Continuous Improvement	Organizational Culture: Impact on the organizational culture, staff retention and/or employee morale

The introduction of an objective ranking system enables the Senior Leadership Team (SLT) to begin budget deliberations with a pre-vetted evidence-based list of positions. *Appendix A-CAO-24-23 Workforce Plan 2024 Position List* details the output of positions recommended for consideration in the 2024 budget process. This output includes position cost, funding source, ranking, and identified links to the Community Strategic Plan (CSP) and corporate projects or initiatives.

The 2022 Workforce Plan recommended the addition of 37.2 FTE, in 2023, to establish a staffing complement consistent with the benchmark average of 12.2 full-time positions per 1,000 households. Based upon the actual FTE approved in the 2023 budget (of 20.0), the remainder of those positions not approved, 17.2 (= 37.2 – 20), are carried forward to the 2024 forecast. The recommended total positions to be added in 2024, to remain consistent with the benchmark average of 12.2 full-time positions per 1,000 households is 59.67 FTE's.

The 2023 list of positions for consideration in the 2024 budget process includes sixty-three (63) positions representing 59.67 FTE, at an estimated cost of 7.0 million dollars per annum. Four (4) of the sixty-three (63) positions, if approved, would be funded by various fees.

With each year the Workforce Planning review is undertaken, we anticipate that our experience will inform opportunities for improvement. Key learnings from the 2023 process include the identification of improvements for the 2024 process, including standardization, by position, of ancillary costs associated with positions, for example, technology, training, etc., and refinement of tools used to capture the information and enable access to SLT.

5. Financial Considerations:

All decisions are deferred to the budget process and a final list of positions for consideration will be presented to Council as part of the 2024 budget.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The annual Workforce Planning Review facilitated by Organizational Effectiveness includes consultation with all departments to fully understand current and future staffing needs.

8. Strategic Priorities:

The Workforce Plan aligns with the following pillars of the Community Strategic Plan:

- 4.2 Be the organization that people want to join and build their future.
- 4.3 Deliver exceptional customer service and community engagement.
- 4.4 Ensure fiscal responsibility and plan for responsible growth.

9. Attachments:

Appendix A CAO-24-23 – 2023 Workforce Plan Review and 2024 Position List

2023 Workforce Plan Review
List of positions for consideration in the 2024 budget process

Budget Year	Status	Position Title	Department	New or Additional Compliment?	FTE	Funding Source
2024		Asset Management Technologist	Financial Services	Additional Compliment	1.00	Tax base
2024		Deputy Chief Building Official	Planning	New Position	1.00	DAAP
2024		Planner I/Zoning Officer	Planning	Additional Compliment	1.00	Fees based
2024		Facility Supervisor	Community Services	Additional Compliment	1.00	Tax base
2024	Carry-Over Request	Payroll Specialist (Workday)	Organizational Effectiveness	Capital to Permanent	1.00	Tax base
2024		HRMS Specialist (Workday)	Organizational Effectiveness	Capital to Permanent	1.00	Tax base
2024	Carry-Over Request	Senior Systems Analyst (Workday)	Organizational Effectiveness	Additional Compliment	2.00	Tax base
2024		Senior Business Analyst (Workday)	Organizational Effectiveness	Additional Compliment	1.00	Tax base
2024		Strategic Plan Coordinator	Strategic Initiatives	New Position	1.00	Tax base
2024		Finance System Specialist (Workday)	Financial Services	Additional Compliment	1.00	Tax base

Budget Year	Status	Position Title	Department	New or Additional Compliment?	FTE	Funding Source
2024		Financial Analyst (Workday)	Financial Services	Part-time to Full-time	0.31	Tax base
2024	Carry-Over Request	Capital Project Supervisor - Sustainability	Community Services	Additional Compliment	1.00	Tax base
2024		Garbage Collector (Parks)	Community Services		1.00	Tax base
2024		Parks Maintainer	Community Services	Additional Compliment	1.00	Tax base
2024		Parks Technician	Community Services	New Position	1.00	Tax base
2024		Sr. Change Management Specialist	Organizational Effectiveness	Capital to Permanent	1.00	Tax base
2024	Carry-Over Request	Fire Services Clerk	Fire & Emergency Services	Additional Compliment	0.69	Tax base
2024	Carry-Over Request	Senior Systems Analyst (CRM)	Organizational Effectiveness	New Position	1.00	Tax base
2024		Supervisor, GIS	Organizational Effectiveness	New Position	1.00	Tax base
2024		Sr. GIS Coordinator	Organizational Effectiveness	Additional Compliment	1.00	Tax base
2024	Carry-Over Request	Manager, Customer Service	Town Clerk	New Position	1.00	Tax base

Budget Year	Status	Position Title	Department	New or Additional Compliment?	FTE	Funding Source
2024		Program Manager, Real Estate	Financial Services	New Position	1.00	Tax base
2024		Vehicle and Equipment Trainer	Community Services	Part-time to Full-time	0.50	Tax base
2024		Building Engineer	Planning	New Position	1.00	Tax base
2024		Forestry Crew Person	Community Services	Additional Compliment	2.00	Tax base
2024		Summer Student (Parks)	Community Services	Additional Compliment	0.31	Tax base
2024		Summer Student (Parks)	Community Services	Additional Compliment	0.31	Tax base
2024		Fall Temporary Labourer (Forestry)	Community Services	Additional Compliment	0.25	Tax base
2024		Summer Student (Tourism & Culture Ambassador)	Strategic Initiatives	New Position	0.30	Tax base
2024		Sustainability Planner	Strategic Initiatives	New Position	1.00	Tax base
2024		Labourer (Sportfield)	Community Services	Additional Compliment	1.00	Tax base
2024	Carry-Over Request	Recreation Analyst	Community Services	New Position	1.00	Tax base

Budget Year	Status	Position Title	Department	New or Additional Compliment?	FTE	Funding Source
2024	Carry-Over Request	Recruitment Specialist	Organizational Effectiveness	Additional Compliment	1.00	Tax base
2024	Carry-Over Request	Special Events Permit Clerk	Strategic Initiatives	New Position	0.69	Tax base
2024		Customer Service Representative	Town Clerk	New Position	1.00	Tax base
2024		Equipment 1 Operator	Community Services	Additional Compliment	2.00	Tax base
2024	Carry-Over Request	Equipment 1 Operator	Community Services	Additional Compliment	1.00	Tax base
2024		Labourer (Roads)	Community Services	Additional Compliment	3.00	Tax base
2024		Fall Temporary Labourer (Sportsfield)	Community Services	Additional Compliment	0.50	Tax base
2024		Fall Temporary Labourer (Waste Collection)	Community Services	Additional Compliment	0.25	Tax base
2024		Accounting Clerk	Financial Services	Temporary to Permanent	0.31	Tax base
2024		Enforcement Servies Officer(s)	Legal & Enforcement Services	Additional Compliment	1.00	Tax base
2024		Licensing Coordinator	Legal & Enforcement Services	New Position	1.00	Tax base

Budget Year	Status	Position Title	Department	New or Additional Compliment?	FTE	Funding Source
2024	Carry-Over Request	Technology Analyst	Organizational Effectiveness	Part-time to Full-time	0.31	Tax base
2024		Sr. Infrastructure Engineer	Planning		2.00	Tax base
2024		Facilities Clerk	Community Services	Part-time to Full-time	0.61	Tax base
2024		Operations Technician	Community Services	Additional Compliment	1.00	Tax base
2024		Co-Op Student (Treasury Services)	Financial Services	New Position	0.33	Tax base
2024		Law Clerk/Admin	Legal & Enforcement Services	Additional Compliment	1.00	Tax base
2024	Carry-Over Request	IT Procurement & Asset Mgmt Coord	Organizational Effectiveness	New Position	1.00	Tax base
2024	Carry-Over Request	Program Adm. Assistant	Organizational Effectiveness	New Position	0.50	Tax base
2024		Fellowship Program Coordinator	Strategic Initiatives	New Position	1.00	Tax base
2024		Administrative Specialist	Strategic Initiatives	Additional Compliment	1.00	Tax base
2024		Community Development Specialist	Strategic Initiatives	New Position	1.00	Tax base

Budget Year	Status	Position Title	Department	New or Additional Compliment?	FTE	Funding Source
2024		Apprentice	Community Services	New Position	1.00	Tax base
2024		Prosecutor/Screening Officer	Legal & Enforcement Services	New Position	1.00	Fees based
2024		Sup of Facilities, Municipal Buildings	Community Services	Additional Compliment	1.00	Tax base
2024		Operations Clerk	Community Services	Part-time to Full-time	0.50	Tax base
2024		Director, Planning Services	Planning	New Position	1.00	Tax base
2024		Advertising & Sponsorship Asset Coordinator	Strategic Initiatives	New Position	1.00	Fees based
2024	Carry-Over Request	Training Officer	Fire & Emergency Services	Additional Compliment	1.00	Tax base
2024		Videographer	Organizational Effectiveness	New Position	1.00	Tax base
2024		Legislative Specialist	Town Clerk	Additional Compliment	1.00	Tax base

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Winter Maintenance Contract Extension

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: CMS-08-23

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Paul Thistle, Director, Operational
Services, Ext 4333

Hector Moreno, Manager Road and
Traffic Operations, Ext 4335

1. Recommendation:

1. That Council approve a sole source two-year contract extension of Contract No T-582-2015 issued to Melrose Paving Co. Ltd for front-end loaders with operators through the 2024/2025 winter maintenance season as outlined in Report CMS 08-23;
2. That Council approve the sole source award to add three (3) snowplow/salter combination trucks with operators from Melrose Paving Co. Ltd. under the same terms of Contract No T-581-2018 through the 2024/2025 winter maintenance seasons as outlined in Report CMS 08-23;
3. That staff be authorized to draw \$101,011 from the winter maintenance reserve fund, if required at the end of 2023, related to the sole source award of three additional snowplow/salter combination trucks with operators, under Contract No T-581-2018; and,
4. That the 2024 base operating budget be increased by \$231,983 (plus a Consumer Price Index adjustment) related to the sole source award of the three additional snowplow/salter combination trucks with operators under contract No. T-581-2018.

2. Highlights:

- The Town's existing contract for the provision of twelve (12) contracted snowplow/salter combination trucks with operators expires April 2025.
- The 2015 tender for the provision of five (5) front-end loaders and operators to supplement roadway ploughing and snow removal expired in April 2023.
- Melrose Paving Co. has agreed to add the three (3) additional snowplow/salter combination trucks plus provide a two (2) year extension for the five (5) front end loaders through to the end of the 2024/2025 winter season under the same terms and pricing of the previous contract.
- The addition of three (3) snowplow/salter combination trucks along with sole source extension of the front-end loader contract will ensure base levels of winter maintenance are continued for the next two (2) years.
- Aligning the contract end dates will provide the Town the opportunity to realize economies of scale when tendering the required snowplow/salter combination trucks and the front-end loaders at the same time for winter maintenance services, started around November 2025.
- From 2023 to the end of the 2024/2025 winter season, a projected 52 additional roadway lane kilometers requiring winter maintenance services will be added.

3. Background:

The Town currently utilizes ten (10) Town-owned snowplow/salter combination trucks, two (2) Town owned front end loaders, twelve (12) contracted snowplow/salter combination trucks, and five (5) contracted front end loaders. The combination trucks are used for plowing/salting and sanding operations while loaders are used for plowing and snow removal from laneways, large cul-de sacs, bends, and dead ends.

In 2015, a tender was issued for the provision of five (5) front end loaders and operators to supplement roadway ploughing and snow removal during the winter season. The contract was a five (5) year term with an option to renew for up to three (3) additional one (1) year terms with an end date of April 2023. The vendor has agreed to extend the existing terms and conditions including unit rates and any CPI adjusted items as required for an additional two (2) years, ending April 2025.

The proposed sole source extension of the (5) front end loaders would allow for both the front end loader and the snowplow/salter combination trucks contract dates to expire in April 2025. The intent at that time would be to tender both services together allowing the Town to benefit from both economies of scale and operational efficiencies with streamlined contracted services.

In 2018, a tender was issued for the provision of twelve (12) snowplow/salter combination trucks and operators to supplement roadway plowing and sanding/salting operations during the winter season. The contract is a five (5) year term which is renewed annually. The contract can be extended by up to two one-year terms with an end-date of April 2025.

The contracted equipment enabled the Town to maintain established levels of service in terms of having roads plowed and icy roads treated within a specified time frame. Compliance with the Ministry of Transportation requirements (Minimum Maintenance Standards) is also ensured for clearing accumulated snowfalls and responding to icy road conditions.

4. Discussion:

From 2008 until present, there has been a total combined increase of nearly 100 lane kilometers without corresponding increases in resources which has resulted in current/reduced service levels.

During the summer, staff from Operations and Engineering met with developers to conduct thorough site inspections for all roads under development in various subdivisions. The current lane kilometers maintained by the town in 2022/2023 season was 1,179 lane kilometers. Based on current and projected growth from 2023 to 2025, it is expected that the total lane kilometers for the next two winter maintenance seasons will increase to the following:

- 2023/2024 Winter Season – 1,191 Lane Kilometers
- 2024/2025 Winter Season – 1,231 Lane Kilometers

Currently, each of the 22 truck route plans in Whitby averages 54 lane Kilometers of roadway to be plowed. After consulting with neighboring municipalities, it has been confirmed that the average Kilometers per truck route plan compare as follows;

- Ajax – 25 Kilometers per truck route plan
- Oshawa – 31 Kilometers per truck route plan
- Clarington – 32 Kilometers per truck route plan

In response to the above and to meet the increased 1,231 lane km's, three (3) additional snowplow/salter combination trucks are required to meet the base levels of service for winter maintenance. The additional trucks will reduce the average route length to approximately 49 kilometers per truck route plan. Without these pieces of equipment and operators, it will become increasingly difficult to meet the Ontario Minimum Maintenance Standards response time per event type.

The three (3) additional snowplow/salter combination truck with operator will be part of the Town's new twenty-five (25) route plan and will supplement roadway plowing, sanding/salting and snow removal operations during the upcoming winter season.

The following is a breakdown of the proposed new twenty-five (25) route plan;

- 10 Combination trucks with operators (In-house)

- 2 Front End Loaders with operators (In-house)
- 15 Combination Units with operators (Contracted)
- 5 Front End Loaders with operators (Contracted)

The Department in consultation with the Purchasing Officer, agree to support the issuing of a sole source award to Melrose Paving Co. Ltd under Contract No T-581-2018 to acquire the additional three (3) snow-plow/salter combination trucks with operators until the end of the 2024-2025 winter season and to extend the five (5) front end loaders with operators to Melrose Paving Co. Ltd under the same terms of contract T-582-2015 until the end of the 2024/2025 season. This will align both contracts to tender as one in 2024 for the 2025-2026 maintenance season.

Single/sole source of the Town's Procurement Policy states that single and sole source suppliers may be used if the Purchasing Officer and Department Head jointly determine that one or more of Schedule C – Limited Tendering circumstances apply. The following justifications are deemed to apply to this request:

- a) When the goods or services are in short supply due to abnormal market conditions until fair market conditions are restored;
- b) When the extension of an existing contract would prove more cost-effective or beneficial if the change of supplier would cause significant inconvenience or duplication of costs;
- c) When the procurement is for technical services in connection with the assembly, installation, or servicing of highly technical or specialized equipment or infrastructure, and;
- l) Health and Safety.

5. Financial Considerations:

- a) Two Year extension of Contract No T-582-2015 Winter Control Services Five (5) Front End Loaders and Operators (2023-2025);

2023-2024 Estimated Extension Project Breakdown	Amount
2023-2024 Winter Season	
Daily Standby Cost	\$163,785.00
Operating Hours Cost	\$77,580.00
Subtotal (Pre-Tax)	\$241,365.00
HST	\$31,377.45
HST Rebate	(\$27,129.43)
Total Cost	\$245,613.02

The total two (2) additional one (1) year term extension has an estimated total cost of \$491,226.04 (inclusive of non-recoverable HST) plus the subsequent year of extension subject to CPI Increase.

The annual estimated cost of \$245,613.02 is included in the 2023 Operating Budget and will continue to be included in the 2024 Operating Budget (adjusted for CPI).

- b) Three (3) additional roadway combination trucks and operators under Contract No T-581-2018 Winter Control Services Twelve (12) Roadway Combination Trucks and Operators;

2023-2024 Estimated Extension Project Breakdown	Amount
Nov/Dec 2023	
Daily Standby Cost	\$79,453.11
Operating Hours Cost	\$19,810.80
Subtotal	\$99,263.91
HST	\$12,904.31
HST Rebate	(\$11,157.26)
Total Cost	\$101,010.95
Jan/April 2024	
Daily Standby Cost	\$98,990.76
Operating Hours Cost	\$29,716.20
Subtotal	\$128,706.96
HST	\$16,731.90
HST Rebate	(\$14,466.66)
Total Cost	\$130,972.20
Total Annual Contract Extension Cost	\$231,983.15

The total two (2) additional one (1) year term extensions are estimated in the amount of \$463,966.30 (inclusive of non-recoverable HST) plus the subsequent year of extension subject to CPI Increase.

The financial impact of the additional combination truck and operator in 2023 is \$101,010.95 (shown as “Nov/Dec 2023” costs in Table 1, above). Since the cost for the additional three (3) combination trucks and operators is not currently in the 2023 budget, the \$101,011 will be a 2023 Operating Budget pressure which is recommended to be funded from the Winter Maintenance Reserve, if required at the end of 2023.

An increase of \$231,983 (plus a CPI adjustment) for three additional combination trucks and operators is required in the 2024 base Operating Budget. With the award, the Town will be contractually committed to the additional service; accordingly, the \$231,983 will be shown as a “Prior Year (Council) Decision” and incorporated into the base 2024 operating budget.

7. Communication and Public Engagement:

N/A

8. Input from Departments/Sources:

N/A

9. Strategic Priorities:

The recommendations contained in this report align with the objectives of the Organization and Customer Priorities as follows:

- 2.1 Continually improve how we do things by fostering innovation and focusing on making our processes better
- 3.1 Design service delivery around customer needs

10. Attachments:

N/A



Committee of the Whole Minutes

September 18, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Councillor Bozinovski
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid, Deputy Mayor
Councillor Yamada

Regrets: Mayor Roy
Councillor Cardwell

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
F. Wong, Commissioner of Financial Services/Treasurer
R. Saunders, Commissioner of Planning and Development
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
H. Ellis, Council and Committee Coordinator (Recording
Secretary)

-
1. Call To Order: Deputy 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 Zach Roher representing Sixfive (VICDEV) Inc. (Virtual Attendance)

Re: PDP 36-23, Planning and Development (Planning Services)
Department Report

Draft Plan of Condominium Application, Sixfive (VICDEV) Inc., 1450
Victoria Street East, File Number: DEV-11-23 (CW-2023-04)

Refer to Item 5.4.1, PDP 36-23

Zach Roher was in attendance, however, he was not called upon to
provide a delegation due to Item 5.4.1, Report PDP 36-23, being
approved during the consent agenda portion of the meeting.

5.2.2 David Milano representing Bousfields Inc., and Colin McLachlan
representing Mansouri Group (In-Person Attendance)

Re: PDP 37-23, Planning and Development (Planning Services)
Department Report

Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-
law Amendment Applications, 1351637 Ontario Limited (Mansouri
Group), 4400 & 4440 Garden Street, File Number: DEV-17-22
(OPA-2022-W/02, SW-2022-03, Z-13-22)

Refer to Item 5.4.2, PDP 37-23

David Milano, representing Bousfields Inc., and Colin McLachlan
representing Mansouri Group, stated that they were in support of
the Staff recommendation and that they were available to answer
questions.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 36-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, Sixfive (VICDEV) Inc.,
1450 Victoria Street East, File Number: DEV-11-23 (CW-2023-04)

Recommendation:

Moved by Councillor Lee

1. That Council approve the Draft Plan of Condominium (File Number: CW-2023- 04) subject to the comments included in Planning Report PDP 36-23 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

5.4.2 PDP 37-23, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, 1351637 Ontario Limited (Mansouri Group), 4400 & 4440 Garden Street, File Number: DEV-17-22 (OPA-2022-W/02, SW-2022-03, Z-13-22)

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

- details about the standard procedures for managing open spaces for environmental purposes in similar developments;
- information pertaining to the planned construction phasing for unit types within the development;

- details about traffic calming measures and reviewing the findings of the traffic calming study within this area;
- addressing pedestrian safety concerns; and,
- whether a 4-way stop could be installed at the Seven Oaks Street and Robert Attersley Drive East intersection as part of the development plan.

Recommendation:

Moved by Councillor Shahid

1. That Council approve Official Plan Amendment Number 132 to the Whitby Official Plan (OPA-2022-W/02), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 132 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 37-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 132 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File No. SW-2022-03), subject to the comments included in Planning Report PDP 37-23 and the conditions of draft plan approval included in Attachment #10;
4. That Staff be authorized to prepare a Subdivision Agreement;
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 1784, (File No. Z-13-22), as outlined in Planning Report No. PDP 37-23; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

Carried

5.4.3 PDP 38-23, Planning and Development (Planning Services) Department Report

Re: Town-Initiated Official Plan Review: Terms of Reference

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

- details about the process and timelines for the Official Plan Review;
- influencing factors from Provincial and Federal legislation and housing plans and how they impact considerations of the Official Plan Review and policies;
- whether the costs for the Official Plan Review was allocated in the current budget as a planned expenditure;
- how long the Official Plan Review and updates would be in effect;
- whether the Official Plan Review would impact current Zoning By-law permissions; and,
- whether affordable housing policies would be addressed during the review.

Recommendation:

Moved by Councillor Shahid

1. That staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and,
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

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

6.1.1 Francesco Santaguida, Commissioner of Legal & Enforcement Services/Town Solicitor, and Andre Gratton, Manager of Enforcement Services

Re: LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report
Review of Animal Sheltering Options for the Town of Whitby

Refer to Item 6.4.1, LS 04-23

Francesco Santaguida, Commissioner of Legal & Enforcement Services/Town Solicitor, and Andre Gratton, Manager of Enforcement Services, provided a PowerPoint presentation about the Review of Animal Sheltering Options for the Town of Whitby. Highlights of the presentation included:

- animal sheltering and servicing options provided to date including, maintaining the current facility to comply with Provincial standards, investigating partnerships with external agencies including the Humane Society of Durham Region (HSDR), conducting a feasibility study for a new Animal Shelter located at Broadleaf Avenue and McKinney Drive, and, sharing services with neighbouring municipalities;
- a detailed review about Option 1A – Construct a New Dedicated Animal Services Shelter, which would allow for a new net-zero, one-storey dedicated Animal Services Shelter with potential for future 2nd storey expansion;
- a detailed review about Option 1B – New Enforcement Services Centre, which would provide a new two-storey

structure and allow Animal Services and Enforcement Services to operate under one central location;

- a detailed review about Option 2 – Contract Sheltering Services with the HSDR, which would alleviate the Town of responsibility for costs, risks, and expenses of sheltering animals;
- a detailed review about Option 3 – Partnering with Neighbouring Municipalities;
- a detailed review about Option 4 – Maintain and Update Existing Whitby Animal Services Centre (WASC), which would provide the lowest cost option, however, the current facility is dated and may not be able to accommodate future Provincial animal welfare requirements;
- Staff's recommendation of Option 1B – New Two-Storey Combined Animal Shelter and Enforcement Services Facility, and details about the benefits of this option; and,
- next steps including a report back to Council with a detailed design, and final budget approval.

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

- the amount of cost savings per year for the space currently leased at 3050 Garden Street for Enforcement Services Staff;
- whether Option 2 would be a viable option for providing sheltering needs;
- whether Staff establishes the policies and procedures regarding the surrender and destruction of animals within the Town of Whitby;
- whether Option 1B would accommodate all Staff currently located at 3050 Garden Street, or offer an option for future expansion to accommodate additional Staff;
- opportunities for recovering costs for Option 1B through reduced lease fees and the sale of the current Animal Services Facility;

- whether the new modular system for animal kennels would accommodate future needs of animal sheltering services in the Town;
- including an estimate for cost savings on each option in the capital budget approval process;
- information about whether the request for \$1.3 million for design, contract management, and project management was already allocated in the budget, what services were covered in the request, and where the funds would be drawn from;
- a timeline for the completion of Option 1B;
- the opportunity to include costs associated with construction of a new combined Animal Shelter and Enforcement Services Facility in the next development charges study;
- details about the animal services currently provided by the Town of Whitby, the capacity of the Animal Services Facilities, and where animals would be placed should current capacity be reached;
- the number of Staff working at the shelter;
- current trends in animal intake numbers;
- whether HSDR would accommodate additional animals above the cap number proposed in their draft agreement and how that number was determined;
- whether the Town of Ajax's agreement with HSDR was meeting their animal sheltering needs, cost associated with services, and conditions of the services; and,
- the Town's legal responsibility for court ordered containment of dogs in accordance with Provincial legislation.

6.2 Delegations

6.2.1 Jennifer Bluhm, Humane Society of Durham Region (Virtual Attendance)

Re: Legal and Enforcement Services Department and Community Services Department Joint Report
Review of Animal Sheltering Options for the Town of Whitby

Refer to Item 6.4.1, LS 04-23

Jennifer Bluhm, Humane Society of Durham Region (HSDR), stated that the animal capacity outlined in Option 2 and in the proposed agreement with HSDR was based on the historical information provided by the Town. Ms. Bluhm advised that the animal capacity was capped to ensure the number of animals did not exceed the amount without providing financial provisions for sheltering additional animals. She stated that there were twelve Humane Society facilities in operation across the province. She advised that the proposal included the disposal of deceased cats, dogs, and wildlife under 50 pounds and would therefore not accommodate disposal of large wildlife such as deer. She stated that HSDR operates with ten to twelve staff as well as veterinarians and technicians. Ms. Bluhm further stated that the standard terms of agreement were usually limited to two years with an annual extension option. She advised that HSDR receives approximately 1000 intakes per year with 62 percent of those being public surrenders. She stated that policies of animal care were set by internally under the direction of the Chief Veterinarian and standard operating procedures are reviewed in consultation with municipal partners. Ms. Bluhm advised that facilities are being expanded and foster homes are utilized for long term holds to provide additional rehabilitation for animals. She stated that HSDR services also include adopting of animals.

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

- where animals were sheltered when the HSDR Wentworth Street location reaches capacity;
- whether sheltering was the only service provided by the HSDR;
- whether the Town of Ajax experienced challenges with capacity based on their contract of services; and,
- the partnership between the OSPCA and HSDR and the impact that would have on the agreement.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 LS 04-23, Legal and Enforcement Services Department and Community Services Department Joint Report

Re: Review of Animal Sheltering Options for the Town of Whitby

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

- the estimated annual cost of the lease agreement for Garden Street;
- whether a new facility would have capacity for all staff located at Garden Street;
- whether the forecasted capital budgetary and operational budgetary projections for a new animal shelter provide a realistic estimate of costs when construction takes place;
- whether other municipalities have a similarly sized animal shelter; and,
- information about the cost estimates for a single floor versus a two floor building.

Recommendation:

Moved by Councillor Leahy

1. That Report LS 04-23 be received for information;
2. That staff be directed to proceed with the detailed design for Option 1B for the new Animal Services Centre and Enforcement Services Facility at McKinney Road and Broadleaf Avenue;
3. That a new capital project, in the amount of \$1,300,000, be established for the Design, Contract Management, and Project Management of the joint Animal Shelter/Enforcement Services facility (Option 1B) funded from the Asset Management Reserve;
4. That staff be authorized to negotiate with McCallum Sather Associates and award a single source contract, subject to budget, for the detailed design and contract management work for this project;

5. That staff be directed to report to Council for capital budget approval, following finalization of design, prior to tendering the work;
6. That staff investigate the sale of 4680 Thickson Road North to offset the cost of a new Animal Services Centre in accordance with Confidential Memorandum LS 04-23; and,
7. That staff will continue to make improvements to the operations of the Animal Services section to improve efficiencies, improve animal care and conditions, increase revenue, and reduce operational impacts.

Carried

6.4.2 CAO 25-23, Office of the Chief Administrative Officer Report

Re: Canadian Tire Whitby Naming Rights Sponsorship of Arena 1 at McKinney Centre

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

- details about the three year sponsorship term and whether there was an opportunity to extend the term; and,
- the amount of available advertising space within the Town's facilities.

Recommendation;

Moved by Councillor Shahid

That Council approve entering into a three (3) year sponsorship agreement effective November 1, 2023, with Canadian Tire for a Naming Rights Sponsorship at McKinney Centre, including renaming Arena 1 to "Canadian Tire Whitby Arena 1", based on the sponsorship package and other terms and conditions identified in Report CAO 25-23.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

There was no discussion regarding the new and unfinished business list.

6.5.2 Members of Council - Attendance at Business Openings

Councillor Bozinovski introduced a motion regarding Members of Council's attendance at business openings.

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

- whether the development of a Standard Operating Procedure (SOP) was an internal process or whether stakeholders such as the Whitby Chamber of Commerce and Whitby Business Improvement Area (BIA) would be consulted;
- whether Whitby Chamber of Commerce events and openings would be included in the SOP;
- incorporating etiquette standards in the SOP such as speaking roles and arrival times;
- the practicality of all Members of Council attending every business opening;
- clarification about number of requests received from businesses and whether all Members of Council were invited to attend the openings;
- deferring the matter until the Mayor and all Members of Council are in attendance; and,
- Staff to report back on a draft SOP or a draft policy to Council.

Recommendation:

Moved by Councillor Bozinovski

That the Clerk be directed to report back with a draft policy that would create a process to have the Mayor and Councillors' Office invite all Members of Council to every business opening where the presence of Members of Council is requested.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Mulcahy

That the motion be deferred until the Regular Council meeting on October 2, 2023.

Motion Lost

The main motion was then carried.

6.5.3 Council Education and Training Program

Councillor Leahy introduced a motion regarding Council Education and Training Program.

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

- clarification about the type of education and training that would be included;
- establishing a process for requesting and selecting vendors for education and training sessions;
- stipulating how expenses would be tracked;
- establishing a procedure to ensure that the distribution of funding is equitable;
- concerns about Members of Council's personal privacy by disclosing the types of education and training sessions;
- the method for tracking, recording, and reporting on education and training sessions;
- information about the current process for retaining the service provider and identifying services for Council training; and,
- reviewing best practices from other municipalities.

Recommendation:

Moved by Councillor Leahy

Whereas the Council Education and Training Program should become a permanent program for all Members of Council wishing to avail themselves to such services, advice, and training;

Now Therefore be it Resolved:

1. That Staff be authorized to draw up-to \$40,000 from the Town's contingency reserve fund, if required, to fund the program for fiscal year 2023;
2. That \$40,000 be incorporated in the Town's base 2024 operating budget as a "prior year [Council] decision" item for ongoing funding of the Council Education and Training Program; and,
3. That Members of Council may access resources as part of this program provided the vendor's services are made available to all Members of Council, Staff have completed the administrative processes to retain their services, and there is remaining budget in the program.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Mulcahy

That the main motion be amended by including Item 4 as follows:

4. That the costs incurred by individual Members be reported on Mayor and Councillor expenses.

Carried

The main motion, as amended, was then carried as follows:

Recommendation:

Moved by Councillor Leahy

Whereas the Council Education and Training Program should become a permanent program for all Members of Council wishing to avail themselves to such services, advice, and training;

Now Therefore be it Resolved:

1. That Staff be authorized to draw up-to \$40,000 from the Town's contingency reserve fund, if required, to fund the program for fiscal year 2023;

2. That \$40,000 be incorporated in the Town's base 2024 operating budget as a "prior year [Council] decision" item for ongoing funding of the Council Education and Training Program;
3. That Members of Council may access resources as part of this program provided the vendor's services are made available to all Members of Council, Staff have completed the administrative processes to retain their services, and there is remaining budget in the program; and,
4. That the costs incurred by individual Members be reported on Mayor and Councillor expenses.

Carried

7. Closed Session

in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, and (c) a proposed or pending acquisition or disposition of land by the municipality or local board, parts of this meeting may be closed to the public.

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

Moved by Councillor Shahid

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, and (c) a proposed or pending acquisition or disposition of land by the municipality or local board.

Carried

- 7.1 CAO 22-23, Confidential Office of the Chief Administrative Officer Report
Re: 580 Water Street Update
- 7.2 Confidential Memorandum to Council from C. Harris, Town Clerk, dated September 5, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

8. Rising and Reporting

Motion to Rise

Moved by Councillor Bozinovski

That Committee rise from the closed portion of the meeting.

Carried

8.1 Reporting Out

Chair Yamada advised that during the closed portion of the meeting, Council discussed personal matters about an identifiable individual, including municipal or local board employees, and a proposed or pending acquisition or disposition of land by the municipality or local board.

Item 7.1, CAO 22-23, Confidential Office of the Chief Administrative Officer Report

Re: 580 Water Street Update

Recommendation:

Moved by Councillor Leahy

That Report CAO 22-23 be received for information.

Carried

Item 7.2, Confidential Memorandum to Council from C. Harris, Town Clerk, dated September 5, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

Recommendation:

Moved by Councillor Mulcahy

That Swathilakshmi Miriyala and Dario Pranckevicius be appointed as Members of the Active Transportation and Safe Roads Advisory Committee for the remainder of the 2022-2026 term.

Carried

9. Adjournment

Recommendation:

Moved by Councillor Shahid

That the meeting adjourn.

Carried

The meeting adjourned at 10:23 p.m.



Committee of the Whole Minutes

September 25, 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. 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
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

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 Xavier Lucas and Hailey Lucas, Residents (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Xavier Lucas and Hailey Lucas, Residents, appeared before the Committee. An outline of the delegation included:

- whether the remaining space at 1635 Dundas would be used for a safe injection site, how to deal with needles when found, and whether the Town would assist children/youth to abstain from drugs; and,
- concerns about safety at school and in the neighbourhood, and society's change in mindset from saying no to drugs to using drugs safely.

5.2.2 Oliver Ausustus, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Oliver Ausustus, Resident, appeared before the Committee. An outline of the delegation included:

- whether the agreement with respect to 1635 Dundas Street East included similar provisions as Beaverton's supportive housing agreement;

- the break down in communication between regional and municipal officials, Staff, and residents;
- concerns about safety in schools and the community, and ensuring the safety of children;
- the location of the low barrier shelter next to a marijuana, methadone, and suboxone dispensary, whether the 1635 Dundas Street East would have a safe injection site, and if not, where clients would go to use, sell, and acquire drugs;
- the negative implications shelters have on communities and that they were a temporary solution to reducing squatting and encampments;
- homelessness being a complex problem fueled by many underlying factors; and,
- passing the proposed Interim Control By-law (ICBL) to allow more time for a thorough needs analysis, conducting a social audit to determine suitability, and implementing supports needed to ensure success.

A question and answer period ensued between Members of Committee and Mr. Ausustus regarding:

- the role of the delegate while working with Durham Regional Police Service and the types of issues that were dealt with;
- clarifying that Members of Whitby Council had not voted on the low barrier shelter;
- clarification that the correspondence/agreement from the Region was not an executed agreement and that it was only a beginning point for discussions/negotiations;
- the collection of information about what the community wants, who the low barrier shelter would house, and what the low barrier shelter would look like for the community;
- whether the low barrier shelter would house people right away should the proposed ICBL not be passed; and,
- the timeline for the Township of Brock to negotiate their agreement regarding the Beaverton supportive housing project.

5.2.3 Soragia Stasinakis, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Soragia Stasinakis, Resident, appeared before the Committee. An outline of the delegation included:

- notifying residents about the low barrier shelter through signage;
- the decision of the Region of Durham to purchase 1635 Dundas Street East in August 2023 to open a shelter in the fall without providing any details about the services, number of people or, having a long-term plan;
- the lack of consultation prior to a decision, the importance of researching, educating, and considering the sentiments and desires of Whitby residents; and,
- the limited timeline associated with upcoming public engagement, and passing the proposed ICBL to listen to and provide information to the community, and to work together toward a solution.

A brief question and answer period ensued between Members of Committee and Ms. Stasinakis regarding the measures that the Region of Durham and the Town of Whitby could undertake to reassure residents, so they were comfortable about the project.

5.2.4 Gary Dunsmuir, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Gary Dunsmuir, Resident, appeared before the Committee. An outline of the delegation included:

- the proximity of the low barrier shelter to daycare centres, parks, veterinary clinics, and drug stores housing narcotics;

- concerns about the potential cost of break-ins, loitering, panhandling, and loss of business for businesses in the area of the low barrier shelter;
- the opening of a low barrier shelter without effective planning, proper research or implementation of appropriate supports which would result in high priced government failure at the taxpayer's expense; and,
- passing the ICBL to establish an effective plan for a successful homeless shelter.

A question and answer period ensued between Members of Committee and Mr. Dunsmuir regarding:

- locations where shelters have been successful;
- whether details about who would be housed in the low barrier shelter, the by-name list, and the application for the by-name list would assist in addressing concerns; and,
- whether the delegate would be attending the upcoming Community Engagement Sessions.

5.2.5 Rebecca Craig, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Rebecca Craig, Resident, appeared before the Committee. An outline of the delegation included:

- detailed information about the delegate's brother including his diagnosis and symptoms related thereto, his level of destruction and violence, his various charges and incarcerations, and his unwillingness to be helped;
- Whitby not being equipped to facilitate and provide the level of service required by people such as the delegate's brother;
- opening the low barrier shelter prematurely without having proper supports and plans in place that may result in

misconduct, destruction, and violence, and slowing down the process due to the high risk for failure.

A question and answer period ensued between Members of Committee and Ms. Craig regarding:

- whether the delegate's brother was on the by-name list, and the number of his arrests and convictions; and,
- improvements that would assist in the success of the low barrier shelter.

5.2.6 Diane Mackey, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Diane Mackey, Resident, appeared before the Committee. An outline of the delegation included:

- supporting the implementation of the proposed ICBL;
- the capacity of the building being too great to monitor;
- studies proving that low barrier shelters were unsafe and result in increased crime and degradation to the surrounding community;
- the rationale for treating addicts, persons with mental health challenges, individuals with criminal records, teen mothers, and seniors with disabilities as a whole;
- detailed information about the delegate's experiences with relatives and general homelessness, the cycle of trauma, abuse, and addiction and the shelter system only being a temporary fix for individuals using them who were not committed to following their programs;
- concerns about decriminalizing drugs and condoning drug use in public areas and the exposure of children/youth to drug use and abuse, and violence; and,

- the need to establish barriers to ensure the safety of the local community and the residents of the shelter.

A brief question and answer period ensued between Members of Committee and Ms. Mackey regarding whether she was in favour of passing the proposed ICBL.

5.2.7 Stephanie Leblanc, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Stephanie Leblanc, Resident, appeared before the Committee. An outline of the delegation included:

- opposition to the implementation of the proposed ICBL which would only delay services for community members that needed such services now;
- addressing the various concerns raised through research and education, and support for the Region of Durham's decision to open the facility;
- the availability of online information about the project including the rationale behind 1635 Dundas Street East as the optimal location, establishing best practices, indoor wrap around services, 24-hour access, indoor space for supportive programs, details about a phased opening plan, and short and long-term goals for the facility;
- the commitment of the Region of Durham to address safety concerns through a partnership with Durham Regional Police Service should the need arise;
- the Region of Durham's transparency about not finalizing details in terms of services and planning because they want input from the community, encouragement for members of the community to express concerns and provide recommendations for the facility through online surveys, attending community meetings or joining the Community Advisory Group; and,

- the need for support for vulnerable community members particularly as winter approaches.

A question and answer period ensued between Members of Committee and Ms. LeBlanc regarding:

- whether it would be beneficial to have a fully understood plan prior to opening; and,
- whether a three month ICBL to obtain information and create a better plan would be acceptable to the delegate.

5.2.8 Mike Leufkens, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Mike Leufkens, Resident, appeared before the Committee. An outline of the delegation included:

- the decisions made about the shelter without community involvement or studies to determine the impact of the shelter on the community;
- an opportunity for the community to provide input through the passing of the proposed ICBL;
- details about two cities that have implemented a 10-year plan to end homelessness, and the significant costs associated with the plans versus the cost of an ICBL;
- the possibility of utilizing the funds proposed for this project on youth programs which would reduce the need for shelters in the long-term;
- the existing homelessness problem in and around the community and the need for assistance for the vulnerable population; and,
- using the proposed ICBL as a tool to ensure a sound, cost effective, sustainable plan that ensures that community safety and security would be maintained, and ensures

community involvement prior to opening the doors of the low barrier shelter.

A question and answer period ensued between Members of Committee and Mr. Leufkens regarding:

- whether the delegate supported the exploration of cost effective options such as a negotiated Memorandum of Understanding prior to implementing an ICBL; and,
- whether the delegate was in support of the ICBL.

5.2.9 Rob McLeod, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Rob McLeod, Resident, appeared before the Committee. An outline of the delegation included:

- the ability to help people having difficult times while ensuring that the residents and businesses in the community were kept safe and protected from the negative aspects of shelters such as drugs and crime; and,
- the accountability of Council should the increase in crime, drug use, and overdoes result in harm to the community.

A question and answer period ensued between Members of Committee and Mr. McLeod regarding:

- whether the delegate was familiar with or had heard about wrap around services;
- whether the delegate's preference was to implement an ICBL with ongoing negotiations; and,
- whether the delegate trusted the Region of Durham in the process to date.

5.2.10 Ben Della Motta, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Ben Della Motta, Resident, appeared before the Committee. An outline of the delegation included:

- various articles, case studies, and reports indicating that victimization, crime, security, impact to property values, and the ineffectiveness of homeless shelters were all co-related;
- evidence that many of those who attend homeless shelters have prior criminal backgrounds resulting in an increase in police presence and calls to neighbourhoods, damage to residential property, drug use, public intoxication, assaults, and other dangers such as hypodermic needles used for drug injection, encampments, the inability to access sidewalks and parks, and prostitution; and,
- suggested solutions to solve homelessness including a rehabilitation centre which would provide life and job skills and allocating funds towards tax incentives to promote job growth.

A question and answer period ensued between Members of Committee and Mr. Della Motta regarding:

- clarification on a harm reduction centre and whether there was such a centre in Durham Region, whether the preference was that the Region of Durham focus on a rehabilitation facility versus a shelter;
- possible solutions to existing homelessness, encampments, and drug paraphernalia in Whitby if shelters do not work;
- whether there were concerns that a harm reduction centre or safe injection site would open at 1635 Dundas Street East; and,
- whether the delegate supported the proposed ICBL.

5.2.11 John Kehagias, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

John Kehagias, Resident, appeared before the Committee. An outline of the delegation included:

- the lack of by-laws or functioning framework to accommodate the homeless population in Whitby;
- the need for time to plan, consult, and the create policies and a functional framework to ensure that the impact of the shelter would be mitigated;
- the need for the ICBL to provide the opportunity for the Town to examine successes and failures of other communities dealing with homelessness;
- the number of Whitby individuals currently on the by-name list, the prioritization of Whitby's by-name list, and the number of people that the low barrier shelter can accommodate;
- concerns about the potential relocation of known criminals or drug dealers from other areas into Whitby due to overcrowded shelters;
- clarity on how to ensure the safety of families in a low barrier shelter with such an inclusive environment; and,
- passing the proposed ICBL.

A question and answer period ensued between Members of Committee and Mr. Kehagias regarding:

- how to restrict the capacity at the facility;
- addressing various issues as part of negotiating an agreement, and concerns about whether the proposed ICBL may stop negotiations altogether;
- whether members of the community would be interested in joining the Community Advisory Group; and,
- a reasonable timeline for an ICBL to create a framework for the operation of the facility.

5.2.12 Vickie Redden, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Vickie Redden, Resident, appeared before the Committee. An outline of the delegation included;

- the community's fear due to the lack of transparency;
- the likelihood of the residents using the facility to stay within the facility, and how the residents would be transitioned to living in their own home; and,
- concerns about increasing the number of people within the shelter, the lack of affordable housing and whether affordable housing was being built.

A question and answer period ensued between Members of Committee and Ms. Redden regarding:

- whether there would be more confidence if the plan for the entire facility was known;
- whether the Region of Durham has been transparent and accountable through this process and whether there was trust in the Region of Durham to limit the facility to 45 beds; and,
- whether the delegate supports the implementation of the proposed ICBL.

5.2.13 Tracey Kelly, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Tracey Kelly, Resident, appeared before the Committee. An outline of the delegation included:

- the devastating impact of low barrier shelters on surrounding communities in areas such as Toronto, Hamilton, and

Oshawa including the littering of a local parks with syringes, drug paraphernalia and alcohol bottles, pathways and public spaces used by drug dealers and users, and an increase in crime in the area;

- the lack of systems in place to provide residents at the low barrier shelter the supports they require;
- whether any benchmarking was undertaken prior to purchasing the property to learn from other shelters about successes and failures, and whether there were any examples of systems that have worked;
- clarification on wrap around services;
- whether the homeless community would be better served by low cost housing options;
- allocating more funds for improved mental health support and publicly funded rehabilitation centres;
- stopping the project until thorough investigations have been completed and safeguards were in place; and,
- reviewing the Minutes of Settlement for the shelter in the Township of Brock.

5.2.14 Karen Sim, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Karen Sim, Resident, appeared before the Committee. An outline of the delegation included:

- the establishment of a low barrier shelter backing onto Greenfield Crescent and the impact the shelter would have on the neighbourhood and community as a whole;
- the importance of addressing homelessness and offering services that address mental health issues, addiction, and access to stable housing;

- low barrier shelters having minimal restrictions on entry and occupancy which may attract individuals with severe substance abuse issues, mental health challenges and criminal history;
- the risk of perpetuating the cycle of homelessness without comprehensive planning in place for rehabilitation and transitioning to housing; and,
- implementing the proposed ICBL to reconsider the establishment of a low barrier shelter in the community and explore alternative solutions such as those in the At Home in Durham Plan.

A brief question and answer period ensued between Members of Committee and Ms. Sim about the elements of the At Home in Durham Plan.

5.2.15 Swapnil Sunbarkar and Prapik Sagar, Residents (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Swapnil Sunbarkar and Prapik Sagar, Residents, appeared before the Committee. An outline of the delegation included:

- concerns about the number of children living on Greenfield Crescent attending school in the area of the proposed low barrier shelter;
- the impact of the shelter on the safety of children and residents in the neighbourhood, the impact on parks, pathways and public places, and the anticipated increase in drug use and crime;
- the lack of consultation, accountability, transparency, and information to the public;
- utilizing the facility for its original purpose of housing seniors or retrofitting the structure to be used as a pediatric hospital or daycare centre;

- the petition signed by people in opposition to the proposed low barrier shelter; and,
- support for implementing the proposed ICBL.

A question and answer period ensued between Members of Committee, Mr. Sunbarkar, and Mr. Sagar regarding:

- whether a 10-foot high fence would be enough to address the concerns of the delegates, and whether there was any discussion about the proposed fence prior to this meeting;
- whether the Staff from the Region of Durham answered the questions of residents when they visited residents on Greenfield Crescent, and whether the delegates have contacted the Region of Durham;
- whether the delegates were aware that the Near North District School Board has a safety and well-being program whereby the custodian removes any drug paraphernalia on the school property prior to children attending school;
- whether the implementation of a community safety plan would address concerns; and,
- whether the delegates would provide input on the plan for the facility.

5.2.16 Sai Kiran Nookala, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Sai Kiran Nookala, Resident, appeared before the Committee. An outline of the delegation included:

- the dissatisfaction of residents about the decision making process and lack of consultation with the residents by either the Region of Durham or the Town of Whitby with respect to the project;
- details about the delegate's child's health, and the impact that exposure to needles or broken glass on his property

would have on his child, and ensuring the site would be kept safe and clean to protect children;

- whether people would be denied access to the shelter should it reach maximum capacity, and if so, where would they go; and,
- support to implement the proposed ICBL to ensure that proper planning takes place.

A question and answer period ensued between Members of Committee and Mr. Kiran Nookala regarding:

- whether any Staff from the Region of Durham visited his home; and,
- whether the delegate's property abuts the property at 1635 Dundas Street East.

5.2.17 Nancy Mellow, Resident (In-Person Attendance)

Re: Interim Control By-law – New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law – New Low Barrier Shelters and/or Transitional Housing

Nancy Mellow, Resident, appeared before the Committee. Details of the delegation included:

- support for the implementation of the proposed ICBL;
- whether specific uses for the proposed shelter have been determined and the varying needs of those being housed;
- the presumption that the shelter would predominantly house men with mental health issues or drug addiction;
- the number of people the shelter intends to serve, whether there would be a cap on the number of people being housed, the length of time people would be permitted to stay, and whether the shelter would provide short or long-term housing;
- the protocols in place for individuals seeking assistance in the shelter, whether the shelter would house people on a

first come, first served basis, and whether people would be referred to the shelter from within Whitby or coming from other communities or institutions across Durham Region;

- the need to provide safe housing for victims of trafficking;
- providing a safe space for those accessing the services of the low barrier shelter that would not jeopardise the safety and security of the community in which the low barrier shelter is located;
- using the low barrier shelter in a way that would help transition homeless single mothers into a more permanent home given the various amenities in the vicinity;
- the right of the community to know who their neighbours would be, and whether the residential community where the shelter would be located has been taken into consideration; and,
- the possibility of three levels of government reviewing the services at the Ontario Shores Centre for Mental Health Sciences and not duplicating services.

5.2.18 Saad Ashraf, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Saad Ashraf, Resident, appeared before the Committee. An outline of the delegation included:

- the support of the community for addressing homelessness and the desire to provide permanent housing solutions;
- the fear amongst the community about not having a plan in place for the low barrier shelter, the community not being approached to work with those entrusted to do the job, and not having any results with respect to homelessness thus far;
- the status of the 1,000 affordable housing units proposed in 2014 by the At Home In Durham Plan (10-year plan), and

the number of units dedicated to help address homelessness;

- whether Whitby applied for the Housing Accelerator Fund, and the number of affordable houses built through this program dedicated to help homelessness;
- housing and recovery oriented strategies for those in need being the solution to homelessness;
- concerns about the safety and security of the residents in the community due to the increase in property damage, crime, drug use, and break-ins in the area of shelters; and,
- clarification about who was on the by-name list.

A question and answer period ensued between Members of Committee and Mr. Ashraf regarding:

- how to improve sharing of information and communication; and,
- whether the delegate was in support of the proposed ICBL.

5.2.19 Dheeraj More, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Dheeraj More, Resident, appeared before the Committee. An outline of the delegation included:

- becoming aware of the Region's Open House on August 30, 2023 through signage posted on the community mailbox on Nichol Avenue;
- concerns about the lack of communication, information, transparency, consideration, and respect for the residents in the community;
- concerns about the location of the facility and the safety of children residing in the area; and,
- using the facility as a long-term care home for seniors.

A question and answer period ensued between Members of Committee and Mr. More regarding:

- whether Staff from the Region of Durham visited the delegate's home or left information regarding public consultation; and,
- whether the delegate was in support of passing the proposed ICBL.

5.2.20 Colin Cassidy, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Colin Cassidy was not in attendance when called upon to provide a delegation.

5.2.21 Narendra Singh, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Narendra Singh was not in attendance when called upon to provide a delegation.

5.2.22 Hemkiran Chowdary, Resident (Virtual Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Hemkiran Chowdary was not in attendance when called upon to provide a delegation.

5.2.23 Travis Tiedge, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Travis Tiedge, Resident, appeared before the Committee. An outline of the delegation included:

- concerns about the current plan effectively addressing the needs of those experiencing homelessness while providing peace of mind to the residents in adjacent communities;
- shelter residents having a better chance of prospering and integrating into communities that would support them in a facility or facilities that were small and well planned;
- a large heavily populated facility located in the middle of a densely populated residential neighbourhood would not benefit the portion of shelter residents trying to recover;
- the project creating a divide in the community which has been exacerbated by the Region of Durham's lack of transparency;
- passing the proposed Interim Control By-law to collectively reassess the current plan and if necessary, architect a new model with an innovative solution that brings community support and endorsement; and,
- detailed information about specific considerations for a new model.

A brief question and answer period ensued between Members of Committee and Mr. Tiedge regarding providing the proposed model via email to Members of Council.

5.2.24 Windhy Susanto, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Windhy Susanto, Resident, appeared before the Committee. An outline of the delegation included:

- the communities shared commitment to compassion and to helping those in need;
- the opposition to the low barrier shelter not originating from a lack of empathy, but from a genuine desire to ensure the safety and security of children in the community;
- concerns about the minimal shelter entry requirements which may include persons with untreated mental health challenges and addiction resulting in potential disruption to the peace and tranquility that the residents cherish; and,
- utilizing the facility as a long-term care facility for the elderly would alleviate the various concerns related to a low barrier shelter and would fulfill a need in the community.

A brief question and answer period ensued between Members of Committee and Mr. Susanto regarding acceptable uses of the facility related to unhoused support:

5.2.25 Jose Barbosa, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Jose Barbosa, Resident, appeared before the Committee. An outline of the delegation included:

- the details of the delegate's background and experiences and having a good understanding of the hardships many people face and the importance of support systems;
- the impact of shelters/temporary housing on surrounding neighbourhoods due to lack of funding from all levels of government and mismanagement by government bodies overseeing the facilities;
- visiting specific shelter locations in Toronto to understand the concerns of the community;
- using the proposed ICBL as a means to compel the Region of Durham to form a comprehensive plan including encompassing how the Region intends to operate/fund the

project, and the plan to seamlessly integrate it into the community ensuring that it becomes an integral part of the community versus an overpowering presence;

- the lack of transparency from the Region in the absence of an answer about the number of residents to be housed in the facility once it's fully realized;
- Members of Council exerting a maximum amount of pressure on the Region of Durham to prevent the development from becoming an immediate failure should the proposed ICBL not be passed;
- the Town of Whitby requesting a comprehensive written plan prior to anyone entering the building; and,
- advocating for Provincial and Federal funding and support for the construction of affordable housing in the Town of Whitby and broader Durham Region.

Moved by Councillor Shahid

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 ensued between Members of the Committee and Mr. Barbosa regarding:

- clarification on how a detailed comprehensive plan would be developed and Whitby Regional Councillors advocating on behalf of residents;
- how to provide support for people with no where to go;
- whether the delegate was part of the Community Advisory Group;
- whether the delegate was in support of passing the proposed ICBL;
- the concerns about an ICBL only working if there was no permit or occupancy, and whether delaying the proposed ICBL was a reasonable risk; and,

- whether a tabled motion to repeal the ICBL upon receipt of an agreement from the Region of Durham would be acceptable.

5.2.26 Danielle Charette, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2 - Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Danielle Charette was not in attendance when called upon to provide a delegation.

5.2.27 Dianna Harrison, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Dianna Harrison, Resident, appeared before the Committee. An outline of the delegation included:

- the rationale for the delegate's opposition to the proposed ICBL;
- the ability to manage the cost of rental housing, and insufficient income being the number one cause of homelessness in Canada;
- the need for housing solutions and affordable housing;
- the low barrier shelter site provides indoor space for the unhoused to receive wrap around services which include housing, social workers, public health access, vocational supports which assist people to transition to living in their own home;
- the opportunity for 1635 Dundas Street East to provide a new start, and to offer stability and safety for residents in and around the community; and,

- implementing the proposed ICBL would only prolong leaving the unhoused on the streets, and it would not stop the low barrier shelter from opening.

A question and answer period ensued between Members of Committee and Ms. Harrison regarding:

- whether the delegate has confidence in the Region of Durham to work with Whitby to put a plan in place for the facility; and,
- whether the Region of Durham was negotiating reasonably to address the concerns of the residents.

5.2.28 Stratton Findlay, Oshawa Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Stratton Findlay was not in attendance when called upon to provide a delegation.

Moved by Councillor Mulcahy

That in accordance with the Town's Procedure By-law, the Committee of the Whole meeting continue to go past 11:30 p.m.

Carried on a Two Thirds Vote

5.2.29 Michael Hersch, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Michael Hersch, Resident, appeared before the Committee. An outline of the delegation included:

- concerns about how residents were informed about the development of the low barrier shelter;

- the percentage of Canadians experiencing homelessness that have mental health conditions and either alcohol or drug use addictions;
- concerns about children being exposed to drug use or handling used syringes;
- the total capacity of the facility and the likelihood that it would be used to house more than 45 people; and,
- negotiating with the Region of Durham from a position of strength by using tools such as the proposed ICBL.

A question and answer period ensued between Members of Committee and Mr. Hersch regarding:

- whether the delegate supports transitional housing at 1635 Dundas Street East;
- whether the delegate trusted the Region of Durham to negotiate an agreement with the Town of Whitby not to increase the number of beds in the facility; and,
- whether the Town would be in a better position to negotiate if the ICBL had an implementation date versus delaying the consideration of implementing the ICBL.

5.2.30 Sandy Hodder, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Sandy Hodder, Resident, appeared before the Committee. An outline of the delegation included:

- support for the implementation of the proposed ICBL;
- the lack of transparency and consultation with the community;
- the definition of a low barrier shelter and the limited requirements for entry; and,

- the safety the delegate's grandchildren while outside playing in the playgrounds or walking back and forth to school.

A question and answer period ensued between Members of Committee and Ms. Hodder regarding:

- confirmation of where the delegate and her grandchildren reside; and,
- whether the delegate believed that delaying approval of the ICBL to attempt to negotiate with the Region of Durham was worth the risk.

5.2.31 Stacey Leadbetter, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.2.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Stacey Leadbetter, Resident, appeared before the Committee. An outline of the delegation included:

- the lack of non-market housing being at the core of homelessness;
- that status of many residents prior to living at Otter Creek Co-operative Homes;
- the inaccurate public perception that all people experiencing homelessness have mental health or addictions challenges;
- the unlikelihood of a permit or occupancy at 1635 Dundas Street East due to the Region of Durham undertaking mold remediation, asbestos removal, and replacement of wiring;
- the low barrier shelter would support the unhoused from the LGBTQ+ community, and proposes two people per room, some transitional housing, and would provide rehabilitation for those experiencing abuse and addiction;
- the belief the ICBL would not provide the Town with any leverage, and the Town should act on any opportunity now to engage with the Region of Durham;

- the delegate's opposition the proposed IBCL out of concern that it may impact the Town's position, and a 30-day deferral would provide an opportunity for negotiations; and,
- the importance of working together to make the low barrier shelter what Whitby wants.

A question and answer period ensued between Members of Committee and Ms. Leadbetter regarding:

- whether residents living at Otter Creek Co-operative Homes came from low barrier shelters or transitional housing, and whether women's shelters were transitional housing shelters;
- whether Cornerstone Community Association was an emergency shelter strictly for men;
- elaboration on the issue between Beaverton and the Region of Durham that caused upset to the Region of Durham regarding the supportive housing project in that community;
- whether the low barrier shelter would be the first shelter in the Region of Durham that houses both men and women at the same time;
- whether the plans at 1635 Dundas Street East included transitional housing;
- clarification about shelters not attracting the homeless with drug or alcohol addictions unless the shelter provides services; and,
- whether shelters that provide treatment for drug and alcohol addiction would attract people with drug and alcohol addition, and what happens to the people that don't want help.

5.2.32 Emily Fern, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Emily Fern, Resident, appeared before the Committee. An outline of the delegation included:

- the existence of homelessness in all neighbourhoods in Whitby;
- locations where needles have been collected in Whitby, and where food has been delivered to unhoused living in tents in the new park in West Whitby;
- providing the unhoused with stable adequate shelter in a location with resources, access to community services and training, staffing, security, and oversight being a more successful option for all residents of Whitby;
- the majority of the unhoused want housing and do not engage in criminal activity or anti-social behaviour that would jeopardize opportunities for long-term housing;
- detailed information on planning a low barrier shelter;
- the Region of Durham could create a hub of multiple stakeholders including consumer led organizations and current social service agencies;
- the numerous steps between homelessness and helping someone move into affordable housing; and,
- the ICBL being a stall tactic when planning, evaluation, and program development should continue for the 1635 Dundas Street East site.

A question and answer period ensued between Members of Committee and Ms. Fern regarding:

- whether having an onsite security presence at the shelter 24-7 for a minimum of one year was sufficient;
- whether families typically access low barrier shelters; and,
- whether the delegate attended the stakeholders meeting on August 30, 2023.

5.2.33 Kamil Kluczewski, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Kamil Kluczewski, Resident, appeared before the Committee. An outline of the delegation included:

- information about the delegate's background;
- detailed information and examples of shelters in Toronto that work and do not work, and the amount of crime in adjacent neighbourhoods in relation to low barrier shelters;
- the delegates experience at Bellwood Public School near Kirby Park in May 2023 related to two individuals injecting and leaving the needles behind;
- the expected increase in crime and drug use in the neighbourhood following the opening of the low barrier shelter;
- the number of police officers currently working in Whitby and the impact one serious incident would have on the availability of the police; and,
- support for the ICBL to give the Town of Whitby leverage to go to negotiate with the Region of Durham.

A question and answer period ensued between Members of Committee and Mr. Kluczewski regarding:

- whether a low barrier shelter would be a safe environment for the integration of a family experiencing homelessness;
- the rationale for the shelters in Toronto that work versus the shelters that do not work;
- whether the Region of Durham should be researching successful shelters in Toronto prior to opening a shelter;
- whether the delegate would join the Community Advisory Group; and,
- whether the delegate was in support of the proposed ICBL.

5.2.34 Alexander Wilson, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Alexander Wilson, Resident, appeared before the Committee. An outline of the delegation included:

- the benefit of consultation between Members of Council, residents, organizations, and agencies that work with people experiencing homelessness to develop a plan;
- the shortage in housing and any delays with the project being problematic for the unhoused come winter; and,
- support for opening a shelter at 1635 Dundas Street East for the unhoused to have a place to go and live and obtain the services available to them.

5.2.35 Antoinette Tomasulo, Resident (Virtual Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Antoinette Tomasulo was not in attendance when called upon to provide a delegation.

5.2.36 Sidorela Kolziu, Resident (Virtual Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Sidorela Kolziu was not in attendance when called upon to provide a delegation.

5.2.37 Karen Huska, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Karen Huska was not in attendance when called upon to provide a delegation.

5.2.38 Wieslaw Karski, Resident (In-Person Attendance)

Re: Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Refer to Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing

Wieslaw Karski was not in attendance when called upon to provide a delegation.

5.3 Correspondence

5.3.1 Correspondence #2023-438 from E. Baxter-Trahair, Chief Administrative Officer, Region of Durham, regarding 1635 Dundas – Shelter Resolution and proposed agreement for a shelter and other future housing uses

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

- details related to the next steps with respect to 1635 Dundas Street East;
- whether anyone would be in the facility in October 2023;
- the Town's options should the Region of Durham obtain a permit and occupancy between now and October 30, 2023;
- whether requests would be made for details such as researching shelters that have worked as part of the development of the plan;
- whether the deferral of consideration of the ICBL to Council should be to the meeting on October 30, 2023;
- clarification for the audience that deferring consideration of the motion for the ICBL does not remove the possibility of an ICBL, but it does provide 30 days to negotiate with the

Region of Durham, and consideration of the ICBL would take place on October 30, 2023;

- assurances that local Councillors would have input when negotiating the agreement, and whether there would be an option for a formal process whereby all Members of Council provide input on the agreement that would go back to the Region;
- confirmation that Whitby does not have any by-laws or policies specifically related to shelters, and whether a cap could be placed on the number of beds that a shelter can have; and,
- whether Members of Council would be updated on the negotiations with the Region of Durham and how those updates would take place.

Recommendation:

Moved by Councillor Yamada

That Correspondence #2023-438 from E. Baxter-Trahair, Chief Administrative Officer, Region of Durham, regarding 1635 Dundas – Shelter Resolution and proposed agreement for a shelter and other future housing uses, be received for information.

Carried

5.4 Staff Reports

5.4.1 PDE 09-23, Planning and Development (Engineering Services) Department Report

Re: Consolidated Linear Infrastructure – Environmental Compliance Approval Fees (CLI-ECA)

Recommendation:

Moved by Councillor Lee

1. That Council endorse the proposed Consolidated Linear Infrastructure- Environmental Compliance Approval Fees as outlined in Report PDE 09-23; and,

2. That staff be directed to update the Fees and Charges By-law (By-law 7220-17) to include proposed CLI-ECA, substantially as outlined in Report PDE 09-23.

Carried

5.4.2 PDE 12-23, Planning and Development (Engineering Services)
Department Report

Re: Update to Traffic By-law 1862-85, No Parking in Area
Surrounding Brooklin High School

Note: This item was withdrawn from the agenda.

5.4.3 PDE 13-23, Planning and Development (Engineering Services)
Department Report

Re: Update to Traffic By-law 1862-85, Watson Street

Note: This item was withdrawn from the agenda.

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

5.5.2 Interim Control By-law - New Low Barrier Shelters and/or
Transitional Housing

Councillor Leahy introduced a motion regarding consideration of an
Interim Control By-law – New Low Barrier Shelter and/or
Transitional Housing.

Discussion ensued between Members of the Committee regarding:

- concerns that passing an ICBL would place the Town directly into litigation and that all negotiation would come to a stop;
- how comments from residents and feedback from consultation with stakeholders would be considered when negotiating with the Region of Durham;
- the need for transparency and information from the Region of Durham;
- an outline of the next steps with respect to the shelter; and,
- whether a Community Advisory Group would be established.

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

- whether residents would be able to speak to the matter when it comes back to the Regular Council meeting on October 30, 2023;
- whether the implementation of an ICBL could take place in 30 days should the Region of Durham obtain a permit and occupancy in the meantime; and,
- whether current transitional housing and shelters in Whitby or an expansion to those facilities would be affected should the ICBL be passed.

Recommendation:

Moved by Councillor Leahy

Whereas Council wishes to ensure that the Town's Zoning By-law and Official Plan contain appropriate policies and standards to ensure that new low barrier shelters and/or transitional housing located within the Town are appropriately located, planned, and that it is understood what policies and measures need to be in place to mitigate impacts on surrounding communities.

Now Therefore be it Resolved:

That the Commissioner of Planning and Development be directed to:

1. Retain any consultants deemed to be necessary to undertake, on an expedited basis, a study to examine the land use policies in the Town's Official Plan and Town's Zoning By-law, related to new low barrier shelters and/or transitional housing to identify their ideal locations within the Town and any policies to mitigate impacts on surrounding communities, excluding the lands identified on Schedule "A" to By-law # 7699-20 and on Schedule "A" to By-law # 7700-20. The said study shall provide advice with respect to:
 - a. changes to the Town's Official Plan policies to identify the ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities;

- b. changes to the Town's Zoning By-law to identify the ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities;
 - c. appropriate strategies to reduce the impacts of new low barrier shelters and/or transitional housing on neighbouring communities; and,
 - d. such other recommendations as may be appropriate to implement Council's desire to identify ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities.
2. Report back to Council within two months' time with a work plan to give effect to the foregoing.
 3. Draft an Interim Control By-law under Section 38 of the Planning Act to be brought forward at the meeting of Council scheduled for October 2, 2023 and ensure that any currently operating low barrier shelters and/or transitional housing within the Town of Whitby are not subject to a proposed Interim Control By-law.

That the Commissioner of Financial Services and Treasurer be directed to:

4. Establish a 2023 capital project for the retainer of any consultants deemed necessary by the Commissioner of Planning and Development for Official Plan and Zoning By-law amendments related to new low barrier shelters and/or transitional housing, in the amount of \$100,000, funded from the Town's Long Term Finance Reserve Fund;
5. Establish a 2023 capital project for the retainer of any Legal Services deemed necessary by the Commissioner of Legal and Enforcement Services/Town Solicitor related the Town's defence of an Interim Control By-law on new low barrier shelters and/or transitional housing, in the amount of \$400,000, funded from the Town's Long Term Finance Reserve Fund.

That the Commissioner of Legal and Enforcement Services be directed to:

6. Retain external legal services and any other consultants necessary to defend any claims brought forward against Council's passage of an Interim Control By-law to a value not exceeding \$400,000.

Note: The disposition of this matter, Item 5.5.2, Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing, was determined through the referral motion below.

Moved by Mayor Roy

That the motion for an Interim Control By-law for new low barrier shelters and/or transitional housing be deferred to October 30, 2023 to allow additional time to negotiate an agreement with the Region of Durham relating to the use of 1635 Dundas Street East (the Dundas Street Shelter) in order to address the concerns raised by residents.

Carried

Note: In accordance with the Town's Procedure By-law, Councillor Leahy requested that his vote be recorded as being opposed (this note was added in accordance with a request at the October 2, 2023 Council meeting that the minutes be amended).

6. General Government

Councillor Yamada assumed the Chair.

6.1 Presentations

6.2 Delegations

6.3 Correspondence

6.4 Staff Reports

6.4.1 CLK 05-23, Office of the Town Clerk Report

Re: 2024 Council, Committee, and Public Meeting Schedule

Recommendation:

Moved by Councillor Yamada

That Council approve the 2024 Council, Committee, and Public Meetings Schedule appended as Attachment 1 to this Report.

Carried

6.4.2 FS 21-23, Financial Services Department Report

Re: Proposed Name Change of the Pioneer Baptist Cemetery to the Dryden Cemetery

Recommendation:

Moved by Councillor Yamada

1. That the Groveside Cemetery Board's recommendation to change the name of the Pioneer Baptist Cemetery to the Dryden Cemetery be received and approved;
2. That Staff provide public notice of the proposed cemetery name change and how written objections may be provided to the Town by way of signage posted at the, current, Pioneer Baptist Cemetery site and other advertisements as noted in Report FS 21-23; and,
3. That, subject to no objection being received in connection with the proposed cemetery name change, staff be authorized initiate the name change with the Bereavement Authority of Ontario and execute all documents to implement the cemetery name change.

Carried

6.4.3 FS 25-23, Financial Services Department Report

Re: Q2, 2023 Procurement Awards \$250,000 and Above

Recommendation:

Moved by Councillor Yamada

That Report FS 25-23, which outlines procurement awards of \$250,000.00 and above for second quarter of 2023, be received as information.

Carried

6.4.4 CAO 21-23, Office of the Chief Administrative Officer Report

Re: Downtown Whitby Action Plan September 2023 Update

Recommendation:

Moved by Councillor Yamada

That Report CAO 21-23 – Downtown Whitby Action Plan September 2023 Update, be received as information.

Carried

6.4.5 CAO 24-23, Organizational Effectiveness Report

Re: 2023 Workforce Plan Review

Recommendation:

Moved by Councillor Yamada

That Council receive report CAO-24-23 2023 Workforce Plan Review for information.

Carried

6.4.6 CMS 08-23, Community Services Department Report

Re: Winter Maintenance Contract Extension

Recommendation:

Moved by Councillor Yamada

1. That Council approve a sole source two-year contract extension of Contract No T-582-2015 issued to Melrose Paving Co. Ltd for front-end loaders with operators through the 2024/2025 winter maintenance season as outlined in Report CMS 08-23;
2. That Council approve the sole source award to add three (3) snowplow/salter combination trucks with operators from Melrose Paving Co. Ltd. under the same terms of Contract No T-581-2018 through the 2024/2025 winter maintenance seasons as outlined in Report CMS 08-23;
3. That staff be authorized to draw \$101,011 from the winter maintenance reserve fund, if required at the end of 2023, related to the sole source award of three additional

snowplow/salter combination trucks with operators, under Contract No T-581-2018; and,

4. That the 2024 base operating budget be increased by \$231,983 (plus a Consumer Price Index adjustment) related to the sole source award of the three additional snowplow/salter combination trucks with operators under contract No. T-581-2018.

Carried

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

7. Adjournment

Motion to Adjourn

Recommendation:

Moved by Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 2:33 a.m.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Stop Up and Close Part of the Public Highway Known as Rowe Street Being Part 14, Plan 40R-10885

Report to: Council

Date of meeting: October 2, 2023

Report Number: LS 11-23

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:

Laura Scott, Real Estate Law Clerk,
905.444.2843

1. Recommendation:

1. That Stop Up and Close By-law # 8021-23 be passed to stop up and close Part 14, Plan 40R-10885 as a public highway in accordance with Section 34 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended which provides that the Council of every municipality may pass by-laws for closing any highway or part of a highway.
2. That Council waive the requirement for giving public notice of its intention to stop up and close a public highway pursuant to Public Notice Policy CA 150.
3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the By-law on title to the subject property.

2. Highlights:

- The registration of By-law # 8021-23 will stop up and close the lands as public highway.

3. Background:

The subject property is approximately 0.031 acres and is not used as a publicly traveled road, and is made up of the following parcel of land:

- Part of Lot 17, Block 4, Plan H50035, Designated as Part 14, Plan 40R-10885, being a portion of PIN 26484-0008 (LT), Town of Whitby, Regional Municipality of Durham (the “Subject Land”) as outlined in red on Attachment 1.

For reference, Plan 40R-10885 is included as Attachment 2.

The Town has received correspondence dated July 20, 2023 from Owens Wright Lawyers, the solicitors for the registered owner, Tribute (Charles Street) Limited, of the Subject Land. The solicitor has requested the assistance from the Town in arranging for the passing of the necessary stop up and close by-law to correct a historical administrative oversight relating to the Subject Land. The Town does not currently own the Subject Land.

4. Discussion:

A portion of Rowe Street was stopped up and closed on May 11, 1988, by By-law No. 2320-88, being registration number D279240, a copy of which is included as Attachment 3. Due to a historical administrative oversight, the legal description attached as Schedule “A” to By-law No. 2320-88 omitted the Subject Land from the legal description of the former area of Rowe Street that was to be stopped up and closed by By-law No. 2320-88.

Further, the Town passed By-law No. 2391-88 on October 14, 1988, to authorize the sale of various parcels of land that formed part of the former Rowe Street to the abutting land owners, being registration number D295739, a copy of which is included as Attachment 4. Schedule “A” of By-law No. 2391-88 sets out the parcels to be sold and includes the Subject Land in the legal description.

Subsequently, in accordance with By-law No. 2391-88, the Subject Land was conveyed to the abutting land owner to the east, Petrus Van Hoof, which was registered on November 3, 1988, by registration number D295417, a copy of which is included as Attachment 5. However, as the Subject Land was inadvertently omitted from stop up and close By-law No. 2320-88 (please refer to Attachment 3), it is now necessary to take the steps set out in the recommendation to this report, and pass By-law 8021-23 to correct the administrative oversight and stop up and close the Subject Land as a public highway.

By-law 8021-23, if approved, would have the effect of stopping up and closing the Subject Land as a public highway.

5. Financial Considerations:

None.

6. Communication and Public Engagement:

The Public Notice Policy No. CA 150, indicates that prior to stopping up and closing a public highway, notice is to be published in a newspaper once, website posting and by direct mail to the abutting property owners. As the Subject Property has not been used as a public highway and already conveyed to the current owner, it is recommended that the notice requirements be waived.

7. Input from Departments/Sources:

Legal Services has reviewed this staff report and provided advice regarding the completion of this matter and will be facilitating the registration of the by-law.

8. Strategic Priorities:

This report advances the Priorities in Strategic Pillar 4: Whitby's Government Accountable and Responsible, in particular Objective 4.3: Deliver exceptional customer service and community engagement. The registration of By-law # 8023-23 to stop up and close the Subject Lands as public highway will ensure that the registered owner has good and marketable title of the lands.

9. Attachments:

ATTACHMENT 1 – Aerial View of Subject Property

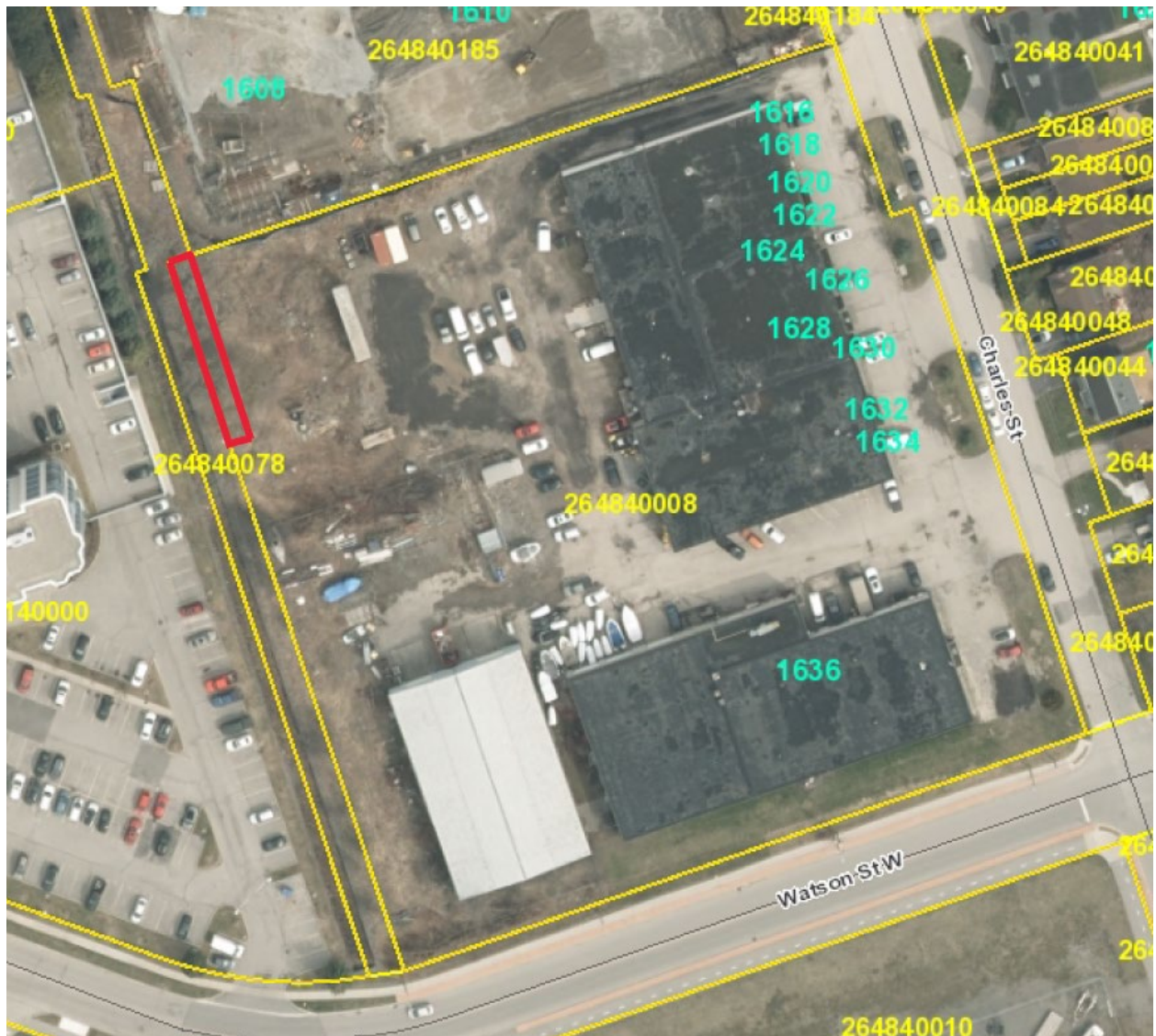
ATTACHMENT 2 - Plan 40R-10885

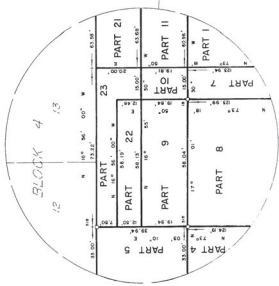
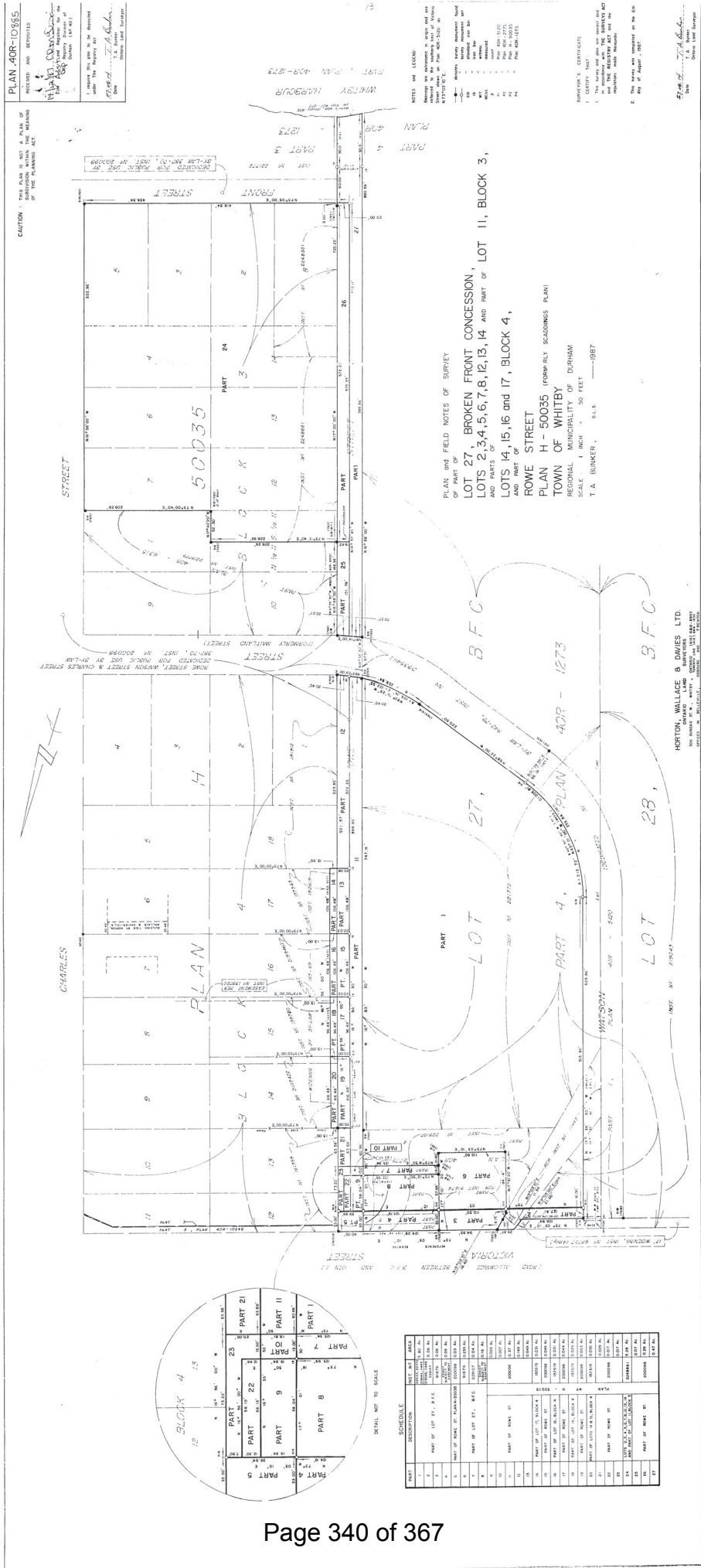
ATTACHMENT 3 – Stop Up & Close By-law No. 2320-88, being registration number D279240

ATTACHMENT 4 – By-law No. 2391-88 to authorize the sale of portions of Rowe Street, being registration number D295739

ATTACHMENT 5 – Transfer/Deed of Land from Town to Peter Van Huss, registration number D295417

ATTACHMENT 1 – Aerial View of Subject Property





SCHEDULE		DESCRIPTION	AREA
1	PART 1	PART 1 OF LOT 1, B.C.	0.0000
2	PART 2	PART 2 OF LOT 1, B.C.	0.0000
3	PART 3	PART 3 OF LOT 1, B.C.	0.0000
4	PART 4	PART 4 OF LOT 1, B.C.	0.0000
5	PART 5	PART 5 OF LOT 1, B.C.	0.0000
6	PART 6	PART 6 OF LOT 1, B.C.	0.0000
7	PART 7	PART 7 OF LOT 1, B.C.	0.0000
8	PART 8	PART 8 OF LOT 1, B.C.	0.0000
9	PART 9	PART 9 OF LOT 1, B.C.	0.0000
10	PART 10	PART 10 OF LOT 1, B.C.	0.0000
11	PART 11	PART 11 OF LOT 1, B.C.	0.0000
12	PART 12	PART 12 OF LOT 1, B.C.	0.0000
13	PART 13	PART 13 OF LOT 1, B.C.	0.0000
14	PART 14	PART 14 OF LOT 1, B.C.	0.0000
15	PART 15	PART 15 OF LOT 1, B.C.	0.0000
16	PART 16	PART 16 OF LOT 1, B.C.	0.0000
17	PART 17	PART 17 OF LOT 1, B.C.	0.0000
18	PART 18	PART 18 OF LOT 1, B.C.	0.0000
19	PART 19	PART 19 OF LOT 1, B.C.	0.0000
20	PART 20	PART 20 OF LOT 1, B.C.	0.0000
21	PART 21	PART 21 OF LOT 1, B.C.	0.0000
22	PART 22	PART 22 OF LOT 1, B.C.	0.0000
23	PART 23	PART 23 OF LOT 1, B.C.	0.0000
24	PART 24	PART 24 OF LOT 1, B.C.	0.0000
25	PART 25	PART 25 OF LOT 1, B.C.	0.0000
26	PART 26	PART 26 OF LOT 1, B.C.	0.0000
27	PART 27	PART 27 OF LOT 1, B.C.	0.0000
28	PART 28	PART 28 OF LOT 1, B.C.	0.0000

PLAN and FIELD NOTES OF SURVEY
OF PART OF
LOT 27, BROKEN FRONT CONCESSION, LOT 11, BLOCK 3,
AND PARTS OF
LOTS 2, 3, 4, 5, 6, 7, 8, 12, 13, 14 AND PART OF
LOTS 14, 15, 16 and 17, BLOCK 4,
ROWE STREET
TOWN OF WHITBY (FORMERLY SCADDINGS PLAN)
REGIONAL MUNICIPALITY OF DURHAM
SCALE 1 INCH = 50 FEET
T.A. BUNKER, S.L.S. 1987

PLAN AOR-10185
RECEIVED AND REPRODUCED
1. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
2. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
3. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
4. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
5. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
6. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
7. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
8. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
9. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
10. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
11. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
12. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
13. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
14. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
15. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
16. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
17. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
18. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
19. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
20. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
21. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
22. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
23. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
24. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
25. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
26. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
27. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.
28. I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY SHOWS THE MEASUREMENTS AND BEARINGS OF THE PLANNED ACT.

HORTON WALLACE & DAVIES LTD.
500 DUNDAS ST. W. TORONTO, ONT. M5T 1A5
PLANNING AND SURVEYING
REGISTERED PROFESSIONAL ENGINEERS



Document General
Form 4 — Land Registration Reform Act, 1984

D

FOR OFFICE USE ONLY	0279240		(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 4 pages LB
	Number CERTIFICATE OF REGISTRATION 1988 MAY 19 A 9:59		(3) Property Identifier(s) Block Property	Additional: See Schedule <input type="checkbox"/>
	DURHAM (No. 40) WHITEY <i>(curriculum)</i> LAND REGISTRATION		(4) Nature of Document Certified copy of By-Law.	
	New Property Identifiers		(5) Consideration Dollars \$	
	Executions		(6) Description That Part of Rowe Street on Plan H-50035, designated as Parts 5, 9, 10, 11, 12, 13, 15, 17, 19, 21, 22, 23, 25, 26 and 27 on Plan 40R-10885, Town of Whitby, Regional Municipality of Durham.	
Additional: See Schedule <input type="checkbox"/>		(7) This Document Contains: (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>		

(8) This Document provides as follows:

Certified copy of By-Law No. 2320-88 of The Corporation of the Town of Whitby.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE TOWN OF WHITBY		
Applicant		
By its solicitor, HUGH T. NICHOL, Q.C.	<i>[Signature]</i>	1988-05-16

(11) Address for Service: 575 Rossland Road East, Whitby, Ontario, L1N 2M8.

(12) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D

(13) Address for Service

(14) Municipal Address of Property Not assigned.	(15) Document Prepared by: HUGH T. NICHOL, Q.C., Barrister & Solicitor, 142 Byron Street North, Whitby, Ontario, L1N 2M8.	FOR OFFICE USE ONLY	Fees and Tax	
			Registration Fee	\$20.00
			Total	

THE CORPORATION OF THE TOWN OF WHITBY

CLERK'S CERTIFICATION

RE: BY-LAW NO. 2320-88

I, Donald G. McKay, the duly appointed Clerk of the Corporation of the Town of Whitby, do hereby certify that the attached is a true and correct copy of By-law No. 2320-88, duly passed by the Council thereof on the 11th day of January, A.D., 1988.

WITNESS my hand and the Seal of the said Corporation this 14th day of January, A.D., 1988.


Clerk of the Town of Whitby



THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2320-88

BEING A BY-LAW TO STOP UP AND CLOSE PART OF ROWE STREET

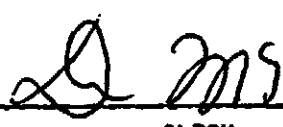
WHEREAS, the Council of the Corporation of the Town of Whitby considers it advisable to stop up and close part of the public highway municipally known as Rowe Street;

AND WHEREAS, Clause 298(1)(c) of the Municipal Act, R.S.O. 1980, c. 302, provides that the council of every municipality may pass by-laws for stopping up any highway or part of a highway;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. The part of the public highway municipally known as Rowe Street and as described in Schedule "A", attached hereto, is hereby stopped up and closed.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF JANUARY, A.D., 1988.


CLERK


MAYOR

Approved under subsection 3 of section 298 of
The Municipal Act.



L. J. FINCHAM, Director
Plans Administration Branch
Central and Southwest
Ministry of Municipal Affairs

This 18th day of April, 1988

SCHEDULE "A"**TO****BY-LAW NO. 2320-88**

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Whitby, in the Regional Municipality of Durham, and being composed of part of Rowe Street, Plan H-50035, designated as Parts 5, 9, 10, 11, 12, 13, 15, 17, 19, 21, 22, 23, 25, 26 and 27 on Plan 40R-10885.

D295739

(1) Registry ☒ Land Titles ☐

(2) Page 1 of 6 pages

cm

(3) Property Identifier(s)

Block

Property

Additional:
See
Schedule ☐

(4) Nature of Document

Application under Section
of Registry Act to register By-law

(5) Consideration

11/a

Dollars \$

(6) Description

Part Lots 15 and 17, Plan H-50035
designated as Part 14 and Part 18, Plan
40R-10885, Town of Whitby, Regional
Municipality of Durham

New Property Identifiers

Additional:
See
Schedule ☐

Executions

Additional:
See
Schedule ☐

(7) This Document Contains:

(a) Redescription
New Easement
Plan/Sketch ☐

(b) Schedule for:

Description ☐

Additional
Parties ☐

Other ☐

(8) This Document provides as follows:

Certified copy of By-law No. 2391-88 attached.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)

Name(s)

Signature(s)

Date of Signature
Y M D

THE CORPORATION OF THE
TOWN OF WHITBY

by its solicitors
SIMS BRADY & MCMACKIN
Per: *[Signature]*

John F. Brady

1988 11 03

(11) Address
for Service

575 Rossland Road East, Whitby, Ontario

(12) Party(ies) (Set out Status or Interest)

Name(s)

Signature(s)

Date of Signature
Y M D

(13) Address
for Service

(14) Municipal Address of Property

(15) Document Prepared by:

SIMS BRADY & MCMACKIN
117 King Street
Whitby, Ontario L1N 5S4

Page 345 of 367

Fees and Tax

Registration Fee

20 -

Total

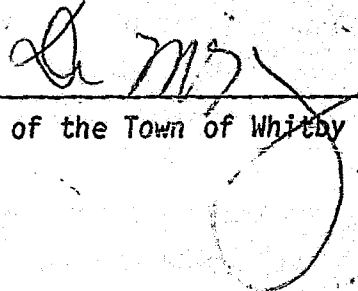
THE CORPORATION OF THE TOWN OF WHITBY

CLERK'S CERTIFICATION

Re: By-law No. 2391-88

I, Donald G. McKay, the duly appointed Clerk of the Corporation of the Town of Whitby, do hereby certify that the attached is a true and correct copy of By-law No. 2391-88, duly passed by the Council thereof on the 11th day of April, A.D., 1988.

WITNESS my hand and the Seal of the said Corporation this 14th day of October, A.D., 1988.


Clerk of the Town of Whitby

3

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2391-88

BEING A BY-LAW TO AUTHORIZE THE SALE OF CERTAIN PORTIONS OF ROWE STREET WHICH WERE STOPPED UP AND CLOSED BY BY-LAW NO. 2320-88

WHEREAS, Clause 298(1)(d) of the Municipal Act, R.S.O. 1980, c. 302, provides that the Council of every Municipality may pass by-laws for selling the soil and freehold of a stopped up highway or part of a highway;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it advisable to sell certain portions of Rowe Street which were stopped up and closed by By-law No. 2320-88;

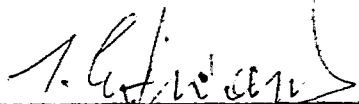
NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. That the portions of Rowe Street designated in Column A of Schedule "A", attached to and forming part of this by-law, shall be sold.
2. That the portions of Rowe Street designated in Column A of Schedule "A" shall be offered for sale to the owners of the properties abutting such portions as are designated in Column B of Schedule "A" for the prices set out in Column C of Schedule "A".
3. Should the abutting property owners not exercise their right to purchase such portions within thirty (30) days after the mailing by prepaid registered mail to them of a notice, in writing, of such right or the personal delivery of such notice to them, then such portions may be sold to any other person or persons at a price the same as or greater than that set out in Column C for such portions.
4. The Mayor and the Clerk are authorized and instructed to execute all documents necessary to carry out the provisions of this by-law and to affix to such documents the official seal of the said Corporation.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF APRIL, A.D., 1988.


CLERK

Page 347 of 367


ACTING MAYOR

SCHEDULE "A"

TO

BY-LAW NO. 2391-88

<u>PARCEL</u>	<u>COLUMN A</u>	<u>COLUMN B</u>	<u>COLUMN C</u>
Parcel 1	All that portion of Rowe Street designated as Part 12 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	Petrus Van Hoof	\$52,150.00
Parcel 2	All that portion of Rowe Street designated as Part 13 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	Petrus Van Hoof	\$17,150.00
Parcel 3	All that portion of Rowe Street designated as Part 14 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	Pétrus Van Hoof	\$10.00

SCHEDULE "A"

TO

BY-LAW NO. 2391-88

<u>PARCEL</u>	<u>COLUMN A</u>	<u>COLUMN B</u>	<u>COLUMN C</u>
Parcel 4	All that portion of Rowe Street designated as Part 16 and the easterly 13.5 feet of Part 15 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	Sandor Steven and Edith Elizabeth Csanyi	\$22,658.25
Parcel 5	All that portion of Rowe Street designated as Part 17 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	George Howard Harding	\$15,400.00
Parcel 6	All that portion of Rowe Street designated as Part 18 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	George Howard Harding	\$10.00

SCHEDULE "A"

TO

BY-LAW NO. 2391-88

<u>PARCEL</u>	<u>COLUMN A</u>	<u>COLUMN B</u>	<u>COLUMN C</u>
Parcel 7	All that portion of Rowe Street designated as Part 20 and the easterly 13.5 feet of Part 19 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	Hart Marine Ltd.	\$24,786.20
Parcel 8	All that portion of Rowe Street designated as Parts 21, 22 and 23 on a Plan of Survey deposited in the Registry Office for the Registry Division of Durham (No. 40) as Plan 40R-10885.	McCrohans & Co.	\$22,050.00

UNIONIZATION & YOUNG MEN
ASSOCIATION, JAMES H. BROWN JR.
633 WILSON DRIVE, WILSON, N.C.

Transfer/Deed of Land

Form 1 - Land Registration Reform Act, 1984

A

D295417

REG 1-3 P 2.00

DURHAM (No. 40) Division

New Property Identifiers

Additional See Schedule ☐

Executions

Additional See Schedule ☐

(1) Registry ☒

Land Titles ☐

(2) Page 1 of 2 pages

(3) Property Identifier(s)

Block

Property

Additional See Schedule ☐

(4) Consideration

TEN-----Dollars \$ 10.00

(5) Description

This is a

Property Division ☐

Property Consolidation ☐

Part of Lot 17, Block 4, Town of Whitby Regional Municipality of Durham designated as Part 14, Plan 40R-10885.

Plan H-50035

(6) This Document Contains

(a) Redescription New Easement Plan/Sketch ☐

(b) Schedule for Description ☐

Additional Parties ☐ Other ☐

(7) Interest/Estate Transferred Fee Simple

(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that

Name(s)

Signature(s)

Date of Signature Y M D

THE CORPORATION OF THE

Per:

1988 10 12

TOWN OF WHITBY

Mayor

Clerk

1988 10 12

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)

Signature(s)

Date of Signature Y M D

(10) Transferor(s) Address for Service

575 Rossland Road East, Whitby, Ontario L1N 2M8

(11) Transferee(s)

Date of Birth Y M D

VAN HOOFF, Petrus

1929 03 02

(12) Transferee(s) Address for Service

P.O. Box 209, Whitby, Ontario L1N 5S1

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983

Date of Signature Y M D

Date of Signature Y M D

Signature

Signature

Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1983 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing

Date of Signature Y M D

Name and Address of Solicitor

Signature

Date of Signature Y M D

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (ii) of the Planning Act, 1983 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1983 I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing

Name and Address of Solicitor

Signature

(15) Assessment Roll Number of Property

Cty Mun. Map Sub Par

not assigned

(16) Municipal Address of Property not available

(17) Document Prepared by:
SIMS BRADY & MCMACKIN
117 King Street, Box 358
Whitby, Ontario L1N 5S4

Page 351 of 367

Fees and Tax

Registration Fee

Land Transfer Tax

Total

Form 1 - Land Transfer Tax Act
Affidavit of Residence and of Value of the Consideration

Refer to all instructions on reverse side

2
TIVE & DUBOIS CO. LIMITED
P.O. Box 500
(Amended Aug 1 1985)

Plan H50035

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Part Lot 17, Block 4, Town of Whitby
Regional Municipality of Durham designated as Part 14, Plan 40R-10885

BY (print names of all transferors in full) THE CORPORATION OF THE TOWN OF WHITBY

TO (see instruction 1 and print names of all transferees in full) PETRUS VAN HOOF

I (see instruction 2 and print name(s) in full) PETRUS VAN HOOF

MAKE OATH AND SAY THAT:

1 I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)). (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed,
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed,
☒ (c) A transferee named in the above-described conveyance;
☐ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) _____

_____ described in paragraph(s) (a), (b), (c) above, (strike out references to inapplicable paragraphs)

- ☐ (e) The President, Vice President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s)) _____

_____ described in paragraph(s) (a), (b), (c) above, (strike out references to inapplicable paragraphs)

- ☐ (f) A transferee described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) _____ who is my spouse described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to

2 (To be completed where the value of the consideration for the conveyance exceeds \$250,000).

- I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance
☐ contains at least one and not more than two single family residences
☐ does not contain a single family residence
☐ contains more than two single family residences (see instruction 3)

Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$250,000 where the conveyance contains at least one and not more than two single family residences.

3 I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(l) and (lg) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non resident corporation" or a "non-resident person" as set out in the Act (see instructions 4 and 5) NONE

4 THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$ <u>10.00</u>	
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	\$ <u>nil</u>	
(ii) Given back to vendor	\$ <u>nil</u>	
(c) Property transferred in exchange (detail below)	\$ <u>nil</u>	
(d) Securities transferred to the value of (detail below)	\$ <u>nil</u>	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ <u>nil</u>	
(f) Other valuable consideration subject to land transfer tax (detail below)	\$ <u>nil</u>	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$ <u>10.00</u>	\$ <u>10.00</u>
(h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)	\$ <u>nil</u>	
(i) Other consideration for transaction not included in (g) or (h) above	\$ <u>nil</u>	
(j) TOTAL CONSIDERATION	\$ <u>10.00</u>	

All Blanks
Must Be
Filled In.
Insert "Nil"
Where
Applicable.

5 If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance, (see instruction 6)

n/a
n/a

6 If the consideration is nominal, is the land subject to any encumbrance?

7 Other remarks and explanations, if necessary Road allowance conveyed to Transferee being abutting owner.

Sworn before me at the Town of Whitby
in the Regional Municipality of Durham
this 18th day of October 19 88

A Commissioner for taking Affidavits, etc

Michelle Ann Kunetsky a Commissioner, etc.,
Judicial District of Durham,
or Sims Brady & McMackin,
Barristers and Solicitors.
Expires November 20, 1990.

signature(s)

Property Information Record

- A Describe nature of instrument Deed
B (i) Address of property being conveyed (if available) not available
(ii) Assessment Roll No. (if available) not assigned
C Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7)
P.O. Box 209, Whitby, Ontario L1N 5S1
D (i) Registration number for last conveyance of property being conveyed (if available)
(ii) Legal description of property conveyed Same as in D.(i) above. Yes ☐ No ☐ Not known ☐

E Name(s) and address(es) of each transferee's solicitor

SIMS BRADY & MCMACKIN
117 King Street
Whitby, Ontario
L1N 5S4

For Land Registry Office use only

REGISTRATION NO

Land Registry Office No

Registration Date



Town of Whitby

By-law # 8017-23

Dedication By-law

Being a By-law to dedicate Part 4 on Plan 40R-32085, as a Public Highway (Coronation Road).

Whereas Subsection 31(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires a municipality to enact a by-law in order to establish lands as a highway;

And whereas the Council of The Corporation of the Town of Whitby considers it desirable to dedicate lands as hereinafter described as a public highway.

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

1. General

- 1.1. That the following lands in the Town of Whitby, Regional Municipality of Durham, be and are hereby established as a highway by the Town, and forming part of the highway known as Coronation Road:
 - a) Part Lot 32, Concession 3, designated as Part 4 on Plan 40R-32085, PIN 26548-5691 (LT).
- 1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to the lands and highways set out herein.
- 1.3. That this By-law shall come into full force and effect upon final passage hereof.

By-law read and passed this 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8018-23

Part Lot Control By-law

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

Whereas subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that the council of a local municipality may by by-law provide that the part-lot control provisions in subsection 50(5) of the Act, do not apply to the land that is within a registered plan of subdivision as is designated in the by-law;

And whereas, the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

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

1. General

1.1. That subsection 50(5) of the Act shall not apply to the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:

(a) Block 19, Plan 40M-2709, being all of PIN 26548-5012 (LT);

(b) Block 20, Plan 40M-2709, being all of PIN 26548-5013 (LT);

(c) Block 21, Plan 40M-2709, being all of PIN 26548-5014 (LT);

(d) Block 22, Plan 40M-2709, being all of PIN 26548-5015 (LT);

(e) Block 23, Plan 40M-2709, being all of PIN 26548-5016 (LT);

(f) Block 24, Plan 40M-2709, being all of PIN 26548-5017 (LT);

(g) Block 26, Plan 40M-2709, being all of PIN 26548-5019 (LT);

(h) Block 33, Plan 40M-2709, being all of PIN 26548-5026 (LT); and,

(i) Block 34, Plan 40M-2709, being all of PIN 26548-5027 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.

2. Effective Date

2.1. The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period of two (2) years from the date of its passing, ending October 2nd, 2025.

By-law read and passed this 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8019-23

Amendment to Property and Boulevard Maintenance By-law # 6937-15

Being a By-law to amend Property and Boulevard Maintenance By-law # 6937-15, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered the Memorandum from A. Gratton, Manager of Enforcement Services dated October 2, 2023, regarding administrative amendments to Property and Boulevard Maintenance By-law # 6937-15, as amended, to allow the posting of orders on properties.

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

1. General

1.1. That subsection 6.4 of Property and Boulevard Maintenance By-law # 6937-15, as amended, be repealed and replaced with the following:

6.4 An order issued pursuant to Section 6.2 of this by-law may be served by personal delivery to the owner or occupant, or by posting the order in a conspicuous place at the subject property, or by sending it by registered mail to the last known address of the owner or the address of the owner as shown on the most recent assessment roll from the premises or by sending it by registered mail to the occupant at the last known address of the occupant.

1.2. That subsection 6.5 of Property and Boulevard Maintenance By-law # 6937-15, as amended, be repealed and replaced with the following:

6.5 Service of an order pursuant to Section 6.4 of this by-law shall be deemed to have been affected on the date that it is delivered personally, twenty-four hours after the order was posted, or three days after it was mailed as the case may be.

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 2nd day of October, 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

From: Andre Gratton, Manager of Enforcement
Services

Date: October 2, 2023

File #: N/A

Subject: Proposed Administrative Amendments to
the Property and Boulevard Maintenance
By-law # 6937-15

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

Staff have identified that the Town's Property and Boulevard Maintenance By-law # 6937-15, as amended, requires an administrative amendment to address inefficiencies, to improve service, and to eliminate unnecessary costs. A highlight of the proposed changes has been appended as Attachment # 1.

Currently the service of Orders is restricted to personal delivery or registered mail. This creates unnecessary restrictions for services which also creates additional costs to the Corporation. Generally, registered mail is a legal requirement for prosecution purposes and is not necessary for municipal by-laws which permit contracted clean ups.

Staff reviewed the long grass and weeds provisions/by-laws from other local Durham Region municipalities, which revealed that all have multiple options for service including posting of Orders/Notices on both vacant and occupied properties.

Staff recommend that Section 6.4 of the Property and Boulevard Maintenance By-law # 6937-15, as amended, be further amended to add greater flexibility in service options to include the posting of orders. Staff also recommend that an additional section be added to clarify when posting would be deemed served.

Attachment # 1

Current language

- 6.4 An order issued pursuant to Section 6.2 of this by-law may be served by personal delivery to the owner or occupant or by sending it by registered mail to the last known address of the owner or the address of the owner as shown on the most recent assessment roll from the premises or by sending it by registered mail to the occupant at the last known address of the occupant.
- 6.5 Service of an order pursuant to Section 6.4 of this by-law shall be deemed to have been effected on the date that it is delivered personally or three days after it was mailed as the case may be.

Proposed revised language (additions highlighted below)

- 6.4 An order issued pursuant to Section 6.2 of this by-law may be served by personal delivery to the owner or occupant, or by posting the order in a visible, conspicuous location within the subject property or by sending it by registered mail to the last known address of the owner or the address of the owner as shown on the most recent assessment roll from the premises or by sending it by registered mail to the occupant at the last known address of the occupant.
- 6.5 Service of an order pursuant to Section 6.4 of this by-law shall be deemed to have been affected on the date that it is delivered personally, twenty-four hours after the order was posted, or three days after it was mailed as the case may be.



Town of Whitby

By-law # 8020-23

Sale and Discharge of Fireworks By-law

Being a By-law to amend by-law # 6339-10, being a by-law to regulate the sale and discharge of fireworks.

Whereas the Council of The Corporation of the Town of Whitby considered the Memorandum from Michael Hickey, Fire Chief, dated October 2, 2023 regarding amendments to By-law # 6339-10 at its meeting on October 2, 2023;

And whereas Council considers it desirable to amend By-law # 6339-10 to permit the use of consumer grade fireworks on Lakshmi Puja, the third (3rd) day of Diwali.

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

1. General

1.1. That By-law # 6339-10 be amended to include a new Section 2.1.1 as follows:

2.1.1. No person shall discharge fireworks except between dusk and 11:00 p.m. on Lakshmi Puja (the third day of Diwali).

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 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Memorandum to Council

Fire and Emergency Services Department

Fire Administration Division



To: Mayor and Members of Council

CC:

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

From: Michael Hickey, Fire Chief

Date: September 25, 2023

File #: N/A

Subject: Fireworks By-law Update

Whitby Fire & Emergency Services (WFES) is seeking approval to amend Fireworks By-law #6339-10, to permit the use of consumer grade fireworks on Lakshmi Puja, the third (3rd) day of Diwali, in perpetuity.

Similar annual exemption requests were put forward and granted by Council in both 2021 and 2022. Most recently, on June 19, 2023, Council considered fireworks regulations through Report FES 04-23, with the final decision made to maintain the Town's existing fireworks by-law (#6339-10).

Appreciating consumer grade fireworks are permitted on New Year's Eve, New Years Day, Victoria Day, and Canada Day, WFES recommends consumer grade fireworks be permitted on Lakshmi Puja, the third (3rd) day of Diwali, in perpetuity. This amendment aligns with fireworks by-laws at various neighbouring municipalities, including the Town of Ajax, the City of Oshawa, the Township of Scugog, and the Town of Milton.

Please refer to By-law # 8020-23, being a by-law to amend the Town's existing fireworks by-law (#6339-10) in perpetuity, upon Council approval.



Town of Whitby

By-law # 8021-23

By-law to Stop Up and Close a Public Highway

Being a By-law to stop up and close part of the Public Highway known as Rowe Street.

Whereas the Council of The Corporation of the Town of Whitby deem it desirable to stop up and close a portion of the public highway known as Rowe Street;

And whereas Council waived the requirements of giving public notice of its intention to stop up and close pursuant to Public Notice Policy CA 150;

And whereas Section 34 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Council of every municipality may pass by-laws for closing any highway or part of a highway.

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

1. General

1.1. That the following portion of the public highway known as Rowe Street is hereby closed:

(a) Part of Lot 17, Block 4, Plan H50035, Designated as Part 14, Plan 40R-10885, being a portion of PIN 26484-0008 (LT), Town of Whitby, Regional Municipality of Durham.

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to lands and highways set out herein.

2. Effective Date

2.1. That this By-law shall come into full force and effect upon final passage hereof.

By-law read and passed this 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8022-23

Dedication By-law

Being a By-law to dedicate Parts 1, 2 and 3 on Plan 40R-31932, as a Public Highway (Ashburn Road).

Whereas Subsection 31(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires a municipality to enact a by-law in order to establish lands as a highway;

And whereas the Council of The Corporation of the Town of Whitby considers it desirable to dedicate lands as hereinafter described as a public highway.

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

1. General

- 1.1. That the following lands in the Town of Whitby, Regional Municipality of Durham, be and are hereby established as a highway by the Town, and forming part of the highway known as Ashburn Road:
 - a) Part Lot 27, Concession 5, designated as Parts 1, 2 and 3 on Plan 40R-31932, PIN 26570-2539 (LT).
- 1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to the lands and highways set out herein.
- 1.3. That this By-law shall come into full force and effect upon final passage hereof.

By-law read and passed this 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8023-23

Amendment to the Fees and Charges By-law

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

Whereas the Council of The Corporation of the Town of Whitby considered Report PDE 09-23, regarding Consolidated Linear Infrastructure – Environmental Compliance Approval Fees (CLI-ECA) at its meeting on October 2, 2023;

And whereas Council deems it necessary to amend Schedule T, Planning and Development (Engineering Services) Department Fees of the Fees and Charges By-law # 7220-17, as amended, in accordance with Report PDE 09-23.

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

1. General

- 1.1. That Schedule T, Planning and Development (Engineering Services) Department Fees, to By-law # 7220-17, as amended, be amended to include the following new fees:

Fee No.	Category	Fee Title	Fee (Excluding Taxes)	Fee Basis	HST Applicable
ENG-46	Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA) Fee	Review and approval of ECAs for storm sewer networks	\$1,500.00	Each	Yes
ENG-47	Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA) Fee	Review and approval of ECAs for SWM facilities	\$3,000.00	Each	Yes

2. Effective Date

- 2.1. This by-law shall come into force and effect on the date of its passing.

By-law read and passed this 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8024-23

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 A to I-B for the Subject Land shown on Schedule "A-1" attached to and forming part of this By-law.

By-law read and passed this 2nd day of October, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8024-23

This is Schedule A-1 to By-law # 8024-23 passed by the

Council of the Town of Whitby this 2nd day of October, 2023.

Clerk

Mayor

