



Committee of the Whole Revised Agenda

Monday, December 11, 2023, 6:00 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 Committee meeting either in-person or virtually**, please submit a Delegation Request Form online to the Office of the Town Clerk by 10 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

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

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1. **Call To Order: The Mayor**
 2. **Call of the Roll: The Clerk**
 3. **Declarations of Conflict of Interest**
 4. **Consent Agenda**
 5. **Planning and Development**
 - 5.1 Presentations
 - 5.2 Delegations

- *5.2.1 Wenda Abel, Resident (In-Person Attendance)
Re: PDE 14-23, Planning and Development (Engineering Services) Department
Update Traffic By-law 1862-85 - Pedestrian Crossovers

Refer to Item 5.4.2, PDE 14-23

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDE 12-23, Planning and Development (Engineering Services) Department Report
Re: Update Traffic By-law 1862-85, No Parking in Area Surrounding Brooklin High School

Recommendation:

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule "B" of the By-law, as identified in Attachment No. 2;
2. That a by-law to amend the Traffic 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 12-23 to the Durham District School Board (DDSB) and to the Brooklin High School administration.

- 5.4.2 PDE 14-23, Planning and Development (Engineering Services) Department Report
Re: Update Traffic By-law 1862-85 - Pedestrian Crossovers

Recommendation:

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule "Q" of the By-law, as identified in Attachment No. 1;
2. That a by-law to amend the Traffic By-law 1862-85 be brought forward for the consideration of Council; and,
3. That future pedestrian crossovers be Level 2 Type B or Type C crossovers as outlined in Report PDE 14-23.

- 5.4.3 PDP 47-23, Planning and Development (Planning Services) Department Report
Re: Region of Durham Modifications to Official Plan Amendment 126 - Downtown Whitby Community Secondary Plan

Recommendation:

1. That Council accept the proposed modifications by the Region of Durham in its decision to approve Official Plan Amendment 126 to update the Downtown Whitby Community Secondary Plan; and,
2. That the Clerk advise the Commissioner of Planning and Development at the Region of Durham, of Council's decision.

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

6. General Government

6.1 Presentations

- 6.1.1 Ene Underwood, Chief Executive Officer, and Lorraine Huinink, Board Director, Habitat for Humanity Greater Toronto Area, and Jihan Ferguson, Habitat Homeowner in Oshawa (In-Person Attendance)
Re: Correspondence # 2023-587 from E. Underwood, Chief Executive Officer, Habitat for Humanity Greater Toronto Area, regarding Expression of Interest in Acquiring Surplus Sites at Dunlop Street East and Hickory Street for Affordable Housing Development

Refer to Item 6.3.1, Correspondence # 2023-587

6.2 Delegations

- *6.2.1 Nicole Keane, Owner, 417 Byron Street North (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North

Refer to Item 6.4.4, LS 13-23

- *6.2.2 Meghan Gaudet, Resident (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North

Refer to Item 6.4.4, LS 13-23

- *6.2.3 Gary Gannon, Resident (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North

Refer to Item 6.4.4, LS 13-23

- *6.2.4 Robert Johnson, Resident (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North

Refer to Item 6.4.4, LS 13-23

- *6.2.5 Vivian Terrelonge, Ajax Resident (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North
Refer to Item 6.4.4, LS 13-23
- *6.2.6 Vahid Kazemi, Toronto Resident (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North
Refer to Item 6.4.4, LS 13-23
- *6.2.7 Cherilyn Gill, Cambridge Resident (In-Person Attendance)
Re: LS 13-23 Legal and Enforcement Services Department Report
Business Licensing By-law Exemption Request - 417 Byron Street North
Refer to Item 6.4.4, LS 13-23
- *6.2.8 Mary-Ann Nova representing Nova's Ark
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
Refer to Item 6.4.3, LS 12-23
- *6.2.9 Steven Ko, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
Refer to Item 6.4.3, LS 12-23
- *6.2.10 Leigh Doran, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
Refer to Item 6.4.3, LS 12-23
- *6.2.11 Sarah Rapp, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
Refer to Item 6.4.3, LS 12-23

- *6.2.12 Abbiramy Thuraiajah, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.13 Peter Gorham, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.14 Theo and Sue Coffey, Residents (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.15 Lily Petsinis, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.16 Joanna Montrichard, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.17 Emilia Rebelo, Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.18 Megan Klemencic, Bowmanville Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.19 Cheryl Clark, Ajax Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Services Department Report
Follow up re Prohibited & Regulated Animals By-law Exemption Request for
Nova's Ark – 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.20 Martin Field, Oshawa Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Services Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.21 Sherri Delaney, Bowmanville Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.22 Katya Riviere, Uxbridge Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.23 Vito Maltese, Pickering Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.24 Sue Green, Bowmanville Resident, (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.25 Daniel and Danny Ciccotosto, Pickering Residents (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.26 Sarah Mavor, Port Perry Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**
- *6.2.27 Trisha Elder, Oshawa Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Services Department Report
Follow up re Prohibited & Regulated Animals By-law Exemption Request for
Nova's Ark -7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**
- *6.2.28 Crystal Adams, Oshawa Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**
- *6.2.29 Nicholas Wilvert, Oshawa Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**
- *6.2.30 Michele Hamers representing World Animal Protection (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Services Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**
- *6.2.31 Ben Delanghe representing Animal Justice (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Services Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Are - 7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**
- *6.2.32 Jenny McQueen representing Animal Rights Toronto (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail
- Refer to Item 6.4.3, LS 12-23**

- *6.2.33 Grant Furniss representing Toronto Zoo (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.34 Peggy Jo Scott, Toronto Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.35 Rob Laidlaw, Toronto Resident (In-Person Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.36 Mary Lee Jensvold, Quebec Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.37 Gitte Fenger, Milton Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.38 Jennifer Bluhm, Stouffville Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.39 Camila Cavalli, Vancouver Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

- *6.2.40 Margaret Whittaker, Kilworthy Resident (Virtual Attendance)
Re: LS 12-23, Legal and Enforcement Department Report
Follow up re Prohibited and Regulated Animals By-law Exemption Request
for Nova's Ark - 7505 Cedarbrook Trail

Refer to Item 6.4.3, LS 12-23

6.3 Correspondence

- 6.3.1 Correspondence # 2023-587 from E. Underwood, Chief Executive Officer, Habitat for Humanity Greater Toronto Area, regarding Expression of Interest in Acquiring Surplus Sites at Dunlop Street East and Hickory Street for Affordable Housing Development

Recommendation:

1. That Correspondence # 2023-587 from E. Underwood, Chief Executive Officer, Habitat for Humanity Greater Toronto Area, regarding Expression of Interest in Acquiring Surplus Sites at Dunlop Street East and Hickory Street for Affordable Housing Development be received for information; and,
2. That Staff be directed to report to Council regarding the Expression of Interest received from Habitat for Humanity Greater Toronto Area for the proposed Affordable Housing Development at Dunlop Street East and Hickory Street.

- 6.3.2 Correspondence # 2023-550 from V. Lautan, Resident, regarding Fence By-law Exemption Request for 1000 McCullough Drive

Recommendation:

That Correspondence # 2023-550 from V. Lautan, Resident, regarding Fence By-law Exemption Request for 1000 McCullough Drive be received for information.

6.4 Staff Reports

- 6.4.1 FS 27-23, Financial Services Department Report
Re: 2024 Temporary Borrowing By-law

Recommendation:

That a by-law be brought forward to authorize external temporary borrowing of up to \$64,798,000 from January 1, 2024 to September 30, 2024, and up to \$32,399,000 between October 1, 2024 and December 31, 2024, if required for cash flow purposes.

- 6.4.2 FS 29-23, Financial Services Department Report
Re: 2024 Interim Property Tax Billing

Recommendation:

That a by-law be brought forward to allow for the Interim Tax Billing for the 2024 taxation year as outlined in Report FS 29-23.

- *6.4.3 LS 12-23, Legal and Enforcement Services Department Report
Re: Follow up re Prohibited & Regulated Animals By-law Exemption
Request for Nova's Ark – 7505 Cedarbrook Trail

Recommendation:

That Council does not grant an exemption to the Town's Prohibited and Regulated Animals By-law #7392-18, as amended, for the lands known municipally as 7505 Cedarbrook Trail, Whitby and the facility operating as "Nova's Ark".

- *6.4.4 LS 13-23, Legal and Enforcement Services Department Report
Re: Business Licensing By-law Exception Request - 417 Byron Street North

Recommendation:

1. That this report be received for information;
2. That an exemption to Business Licensing By-law # 5505-04, as amended, be granted for 417 Byron Street upon the conditions set out in this Report;
3. That staff be directed to bring an amendment to the Business Licensing By-law # 5505-04, as amended, to codify this exemption and conditions for the December 18, 2023 Council meeting;
4. That Council direct staff to review the lodging house provisions within the Business Licensing by-law and report back on the merits of amending the By-law to ensure consistency with other applicable provincial legislation; and,
5. That Council direct staff to review the merits of adding provisions/schedules to the Business Licensing By-law to regulate Rooming Houses in the Town of Whitby.

- *6.4.5 CMS 10-23, Community Services Department Report
Re: 2023-24 Winter Maintenance Service Improvements

Recommendation:

That Report CMS 10-23, 2023-24 Winter Maintenance Service Improvements be received for information.

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

7. Adjournment

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Update Traffic By-law 1862-85, No Parking in Area Surrounding Brooklin High School

Report to: Committee of the Whole

Date of meeting: December 11, 2023

Report Number: PDE 12-23

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

Roger Saunders, Commissioner,
Planning and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Tara Painchaud, Senior Manager,
Transportation Services, x4937

1. Recommendation:

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule "B" of the By-law, as identified in Attachment No. 2.
2. That a by-law to amend the Traffic By-law 1862-85 be brought forward for the consideration of Council.
3. That Council direct the Clerk to provide a copy of Report PDE 12-23 to the Durham District School Board (DDSB) and to the Brooklin High School administration.

2. Highlights:

- Brooklin High School students regularly park on the residential streets surrounding the high school. Residents have noted that students leave garbage, drive recklessly, and park in an unsafe manner.
- Given the timing of the school breaks/lunch, students are able to park on local streets and still comply with the three-hour parking limit.

- A temporary No Parking restriction has alleviated the student parking. Formalization of a restriction, to allow for visitor parking for the area residents, is being recommended.
- Similar to the residential area surrounding Henry Street High School and Anderson Collegiate Vocational Institute, a weekday No Parking restriction is proposed.
- The cost of the manufacturing and installation of signage is expected to be in the order of \$8,500.

3. Background:

Brooklin High School is located in the northwest corner of the Baldwin Street/Carnwith Drive intersection. The school was opened in 2015 with a Ministry rated capacity of 1,283 students. The student population is approximately 1,400 students in grades 9 through 12, and as of August 2023, there were three portables on site.

Durham Student Transportation Services (DSTS) is responsible for the management and administration of all school transportation between home and school, for students eligible for bus transportation, in accordance with the Transportation Policy of the Durham District School Board. Students are eligible for transportation if their home is within their designated school attendance boundary at a distance of more than 3.2 kilometers (km) for secondary school students. The majority of Brooklin High School students are walking students.

There is limited on-site parking available for students, and parking is only available to grade 12 students. Students must register to park on school property, agree to the schools parking contract conditions and display a permit. The number of students with their drivers licence, and access to a personal vehicle, exceeds the available on-site school parking.

Carnwith Drive, between Baldwin Street and Braddock Court, is signed No Stopping.

4. Discussion:

Residents on Leithridge Crescent have noted that student parking is a daily occurrence and is disruptive to the neighbourhood. Increased speeding and traffic, more litter, and parking that blocks driveway access and visibility has been noted by residents. In May, temporary No Parking signage was installed on the east leg of Leithridge Crescent between Carnwith Drive and Aller Park Way. Unfortunately, student parking shifted to just beyond the signage. The temporary restriction was updated to include all of Leithridge Crescent, as well as Braddock Court and Whitmore Court. Transportation Services staff did not receive any negative feedback regarding the temporary restriction. The restriction was removed during the summer, but residents have requested a permanent solution. Given the timing of Report PDE 12-23, a temporary No Parking restriction was again planned for September.

Staff are proposing a permanent weekday No Parking restriction. The restriction would be between 8:00 a.m. and 3:00 p.m., Monday through Friday, from September to June. The general by-laws, including, but not limited to, no parking within 10 metres of any intersection would still be applicable at all times (refer to Attachment #1).

High schools often have increased student parking, which is not accounted for in the Zoning By-law and cannot be fully accounted for as part of the school construction. Although most high schools exceed the by-law for parking requirements, there is still often more demand than supply. Due to similar parking issues, the streets surrounding Henry Street High School and Anderson Collegiate Vocational Institute also have a weekday No Parking restriction.

5. Financial Considerations:

The cost of manufacturing and installing the No Parking signage is expected to be in the order of \$8,500 and will be funded from Capital Project No. 40236403 for Future Traffic Signage and Pavement Markings.

6. Communication and Public Engagement:

Transportation Services have notified impacted residents of Staff Report PDE 12-23.

7. Input from Departments/Sources:

A No Parking restriction and the associated signage will allow Parking Services to enforce the restriction. Parking Services staff have been advised of the proposed restriction and have no concerns from an enforcement perspective.

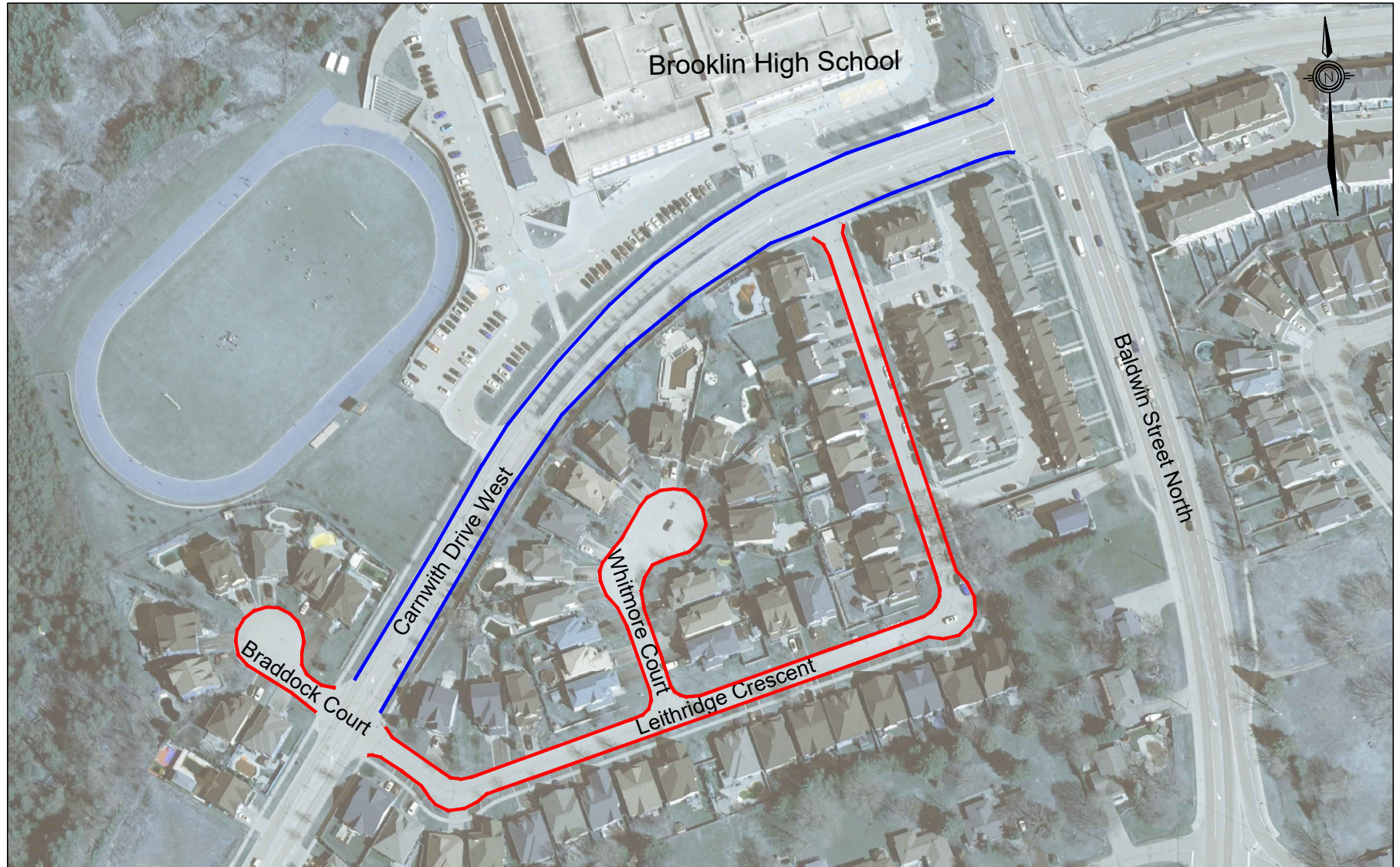
8. Strategic Priorities:

The recommendations contained in this report align with the Whitby's Neighbourhood and Government Pillars of the Community Strategic Plan. Whitby's Neighbourhood Pillar includes opportunities to improve road safety, while the Government Pillar recognizes responding to community needs. In addition, sustainable transportation such as supporting walkability is a key sustainability principle.

9. Attachments:

Attachment 1: Proposed No Parking Restriction

Attachment 2: Draft By-law to Update Traffic By-law 1862-85



Legend:

— Existing No Stopping

— Proposed No Parking

8AM - 3PM
MON-FRI
SEPT-JUNE



Proposed No Parking Restriction





Town of Whitby

Draft By-law # XXXX-23

Traffic By-law Amendment

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

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

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

1. General

- 1.1. That Schedule B, No Parking, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

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

By-law read and passed this *Select date* day of *Insert Month*, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

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

Column 1 Highway	Column 2 Side	Column 3 Between	Column 4 Prohibited Times or Days
Braddock Court	East and West	Carnwith Drive and the Cul-de-sac	8:00a.m. - 3:00p.m. Mon - Fri Sept – June
Leithridge Crescent	North, South, East and West	Carnwith Drive and Carnwith Drive	8:00a.m. - 3:00p.m. Mon - Fri Sept – June
Whitmore Court	East and West	Leithridge Crescent and the Cul-de-sac	8:00a.m. - 3:00p.m. Mon - Fri Sept – June

Table 1 - Schedule B, No Parking, to By-law 1862-85, as amended, adding thereto

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Update Traffic By-law 1862-85, Pedestrian Crossovers

Report to: Committee of the Whole

Date of meeting: December 11, 2023

Report Number: PDE 14-23

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

Roger Saunders, Commissioner,
Planning and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Peter Angelo, Director, Engineering
Services

Tara Painchaud, Sr. Manager,
Transportation Services

1. Recommendation:

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule "Q" of the By-law, as identified in Attachment No. 1;
2. That a by-law to amend the Traffic By-law 1862-85 be brought forward for the consideration of Council; and
3. That future pedestrian crossovers be Level 2 Type B or Type C crossovers as outlined in Report PDE 14-23.

2. Highlights:

- Due to residents concerns with poor driver compliance, Engineering Services is updating the existing lower level pedestrian crossovers, which have signage and pavement markings only, to include rectangular rapid flashing beacons.
- Moving forward, all pedestrian crossovers will include flashing lights to highlight to motorists that pedestrians want to cross the roadway.
- New pedestrian crossovers are also planned based on previous Council approvals and area development.

- As a housekeeping matter, the Traffic By-law requires updating to incorporate the pedestrian crossover locations.
- Capital budget exists to install pedestrian crossovers annually.
- There is No Stopping within 30 metres of pedestrian crossovers.

3. Background:

Pedestrian crossovers are a relatively new way for pedestrians to cross the road. By law, drivers and cyclists must stop and yield to pedestrians intending to cross the road and remain stopped until the pedestrian has completely reached the other side before driving ahead.

Pedestrian crossovers have ladder-style pavement markings and marked yield bars showing where drivers must stop. Some crossovers have flashing lights that are activated by pedestrian push buttons. Signs are also present instructing drivers to stop for pedestrians.

When there are flashing lights to activate, pedestrians would push the button and cross when all vehicles (including cyclists) have come to a complete stop. Motorists must come to a complete stop when signals are flashing or when pedestrians are within the crossover and drivers must not proceed until the signals have stopped flashing or until pedestrians are no longer in the crossover.

The Level 2 Type B and Type C pedestrian crossovers are shown in Attachment No. 2. Type C crossovers include rectangular rapid flashing beacons and Type B crossovers also include overhead signage. Type D pedestrian crossovers have signage and pavement markings only and do not have flashing beacons.

4. Discussion:

The pedestrian crossover locations being upgraded/installed are identified below in Table 1.

Table 1 Pedestrian Crossover Locations

Location	Comments
Burns Street at St. Lawrence Street	Upgrade existing Type D Pedestrian Crossover to Type C, to include flashing beacons.
Dryden Boulevard at Steele Valley Court	Provide a Type B Pedestrian Crossover at Steele Valley Court to support elementary students crossing Dryden Boulevard. Type B Crossover includes flashing beacons and overhead signage.

Location	Comments
Dryden Boulevard at Hydro Electric Power Corridor (HEPC) Trail	Provide a Type B Pedestrian Crossover at the HEPC Trail crossing. Type B Crossover includes flashing beacons and overhead signage.
Gordon Street at Town of Whitby Parking	Upgrade existing Type D Pedestrian Crossover to Type C to include flashing beacons.
Gordon Street at Whitby Shores Greenway	Upgrade existing Courtesy Crossing to a Type C Pedestrian Crossover to include flashing beacons. Crossing will support seniors and transit. Implementation of a crossing was part of development discussions for the seniors building.
Nichol Avenue at Springwood Street	Upgrade existing Type D Pedestrian Crossover to Type C to include flashing beacons.
Scott Street at Dr. Robert Thornton Public School	Provide a Type C Pedestrian Crossover to support elementary students as a municipal sidewalk is only available on one side of the road. The crossing will include flashing beacons.
Watford Street at Zachary Place	Upgrade existing Type D Pedestrian Crossover to Type C to include flashing beacons. The crossover will support park users and potentially elementary students when the school crossing guard is not on duty.
Whitby Shores Greenway at Plaza (619 Victoria Street)	Provide a Type C Pedestrian Crossover to include flashing beacons. Crossing was part of development discussions related to the seniors building.

5. Financial Considerations:

The Engineering Services division reports that there are currently five (5) existing pedestrian crossovers requiring an upgrade and four (4) new pedestrian crossovers recommended, via this report, to be installed and included in the Traffic By-law. Incremental costs to implement Level 2 Type C and Type B crossovers (i.e., crossovers with flashing beacons and overhead signage, respectively) are projected to range from \$30,000 to \$55,000.

The cost to construct/upgrade all nine (9) pedestrian crossovers is within existing approved capital projects. Future installation and replacement of pedestrian crossovers will be forecasted based on Level 2 Type B or Type C costing and standards.

6. Communication and Public Engagement:

Staff will work with Communications and Creative Services to provide information to the community regarding the crossings, including driver, cyclist and pedestrian use and expectations.

7. Input from Departments/Sources:

Durham Regional Police Services would enforce any non-compliance from drivers not stopping or not remaining fully stopped until pedestrians have fully completed their crossing.

The Town's Parking Services team would enforce the No Stopping restriction adjacent to the crossing.

8. Strategic Priorities:

The recommendations contained in this report align with the Whitby's Neighbourhood and Government Pillars of the Community Strategic Plan. Whitby's Neighbourhood Pillar includes opportunities to improve road safety, while the Government Pillar recognizes responding to community needs. In addition, sustainable transportation such as supporting walkability is a key sustainability principle.

9. Attachments:

Attachment 1: Draft By-law to Update Traffic By-law 1862-85

Attachment 2: Pedestrian Crossover Design(s)

Attachment 3: Locations included in Tender T-49-2023



Town of Whitby

By-law # Insert Number

Traffic By-law Amendment

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

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

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

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

1. General

1.1. That Schedule Q, Pedestrian Crossovers, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

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

By-law read and passed this 27th day of November, 2023.

Elizabeth Roy, Mayor

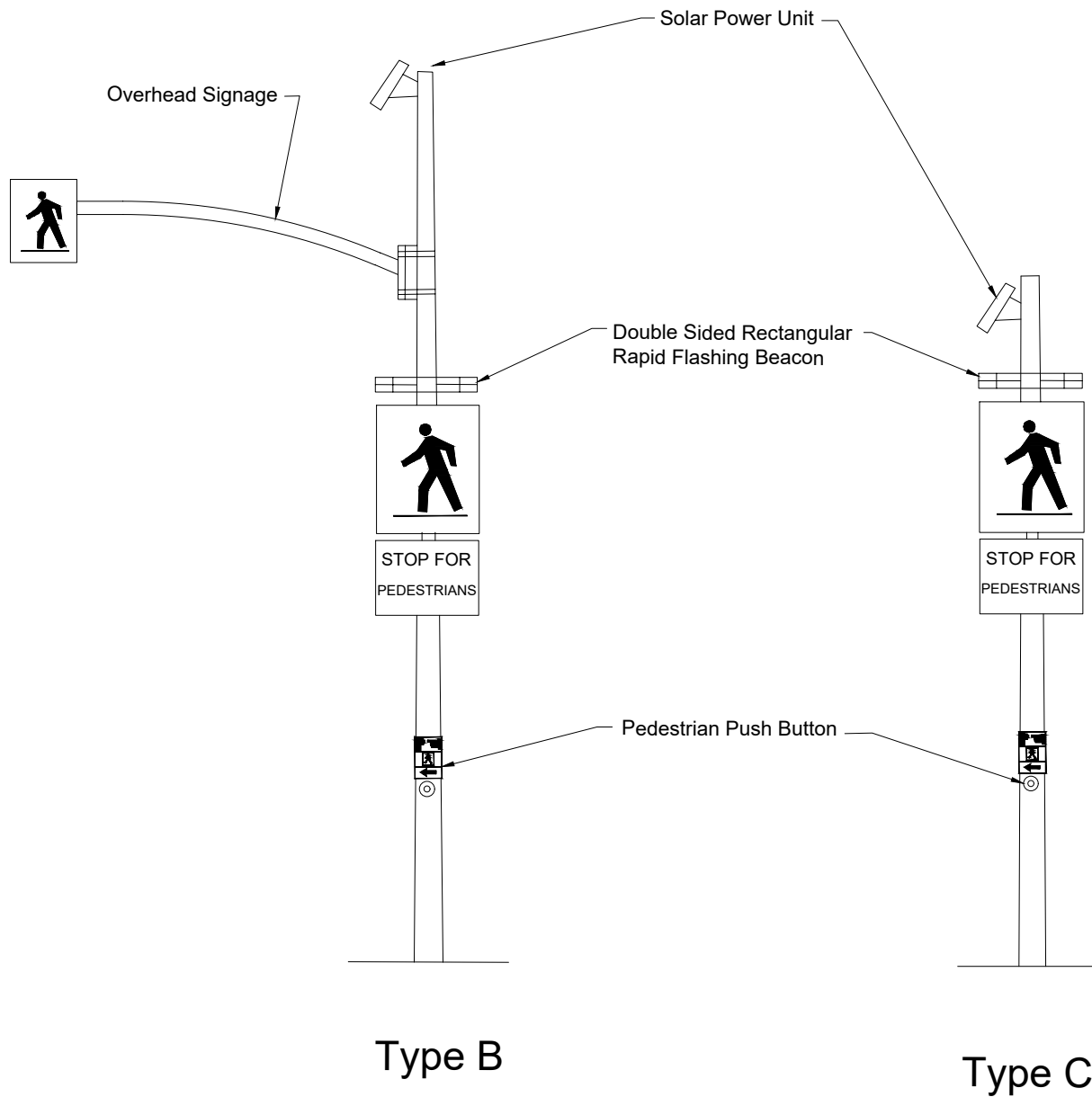
Christopher Harris, Town Clerk

Schedule A

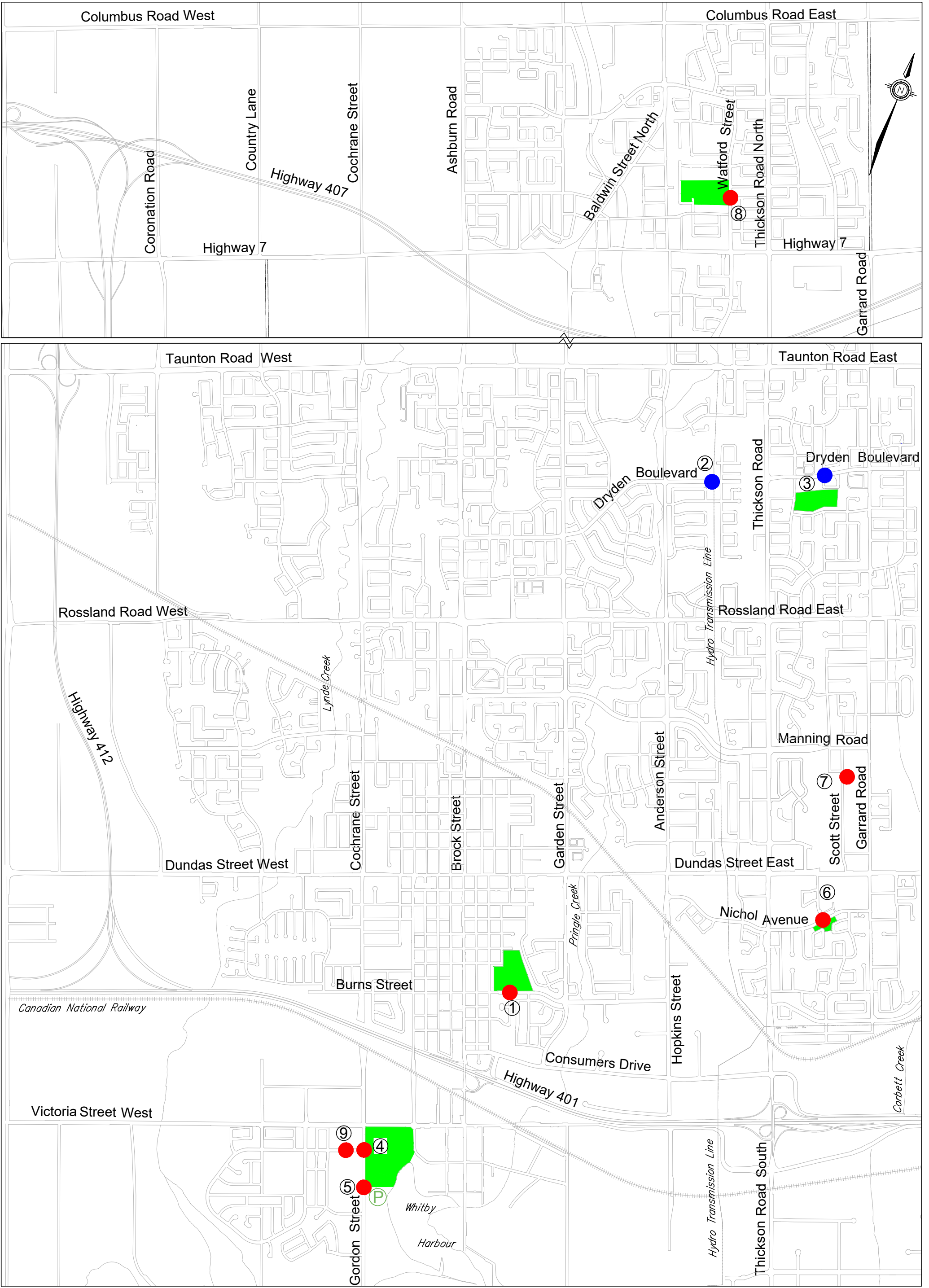
Schedule Q, Pedestrian Crossover, to By-law 1862-85, as amended, is further amended by adding thereto the following:

Roadway	Location
Burns Street	St. Lawrence Street
Dryden Boulevard	Steele Valley Court
Dryden Boulevard	Hydro Electric Power Corridor Trail
Gordon Street	Town of Whitby Parking
Gordon Street	Whitby Shores Greenway
Nichol Avenue	Springwood Street
Scott Street	Dr. Robert Thornton Public School
Watford Street	Zachary Place
Whitby Shores Greenway	Plaza (619 Victoria Street)

Table 1 - Schedule Q, Pedestrian Crossover, to By-law 1862-85, as amended, adding thereto



Pedestrian Crossovers



Legend

- PXO Type B
- PXO Type C
- P Municipal Parking Lot
- Adjacent Park

Pedestrian Crossover (PXO) Locations

- Burns Street @ St. Lawrence Street
- Dryden Boulevard @ Hydro Corridor (HEPC) Trail
- Dryden Boulevard @ Steele Valley Court
- Gordon Street @ Whitby Shores Greenway
- Gordon Street @ Town of Whitby Parking
- Nichol Avenue @ Springwood Street
- Scott Street @ Dr. Robert Thornton Public School
- Watford Street @ Zachary Place
- Whitby Shores Greenway @ Plaza

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Region of Durham Modifications to Official Plan Amendment 126 – Downtown Whitby Community Secondary Plan

Report to: Choose an item.

Date of meeting: December 11, 2023

Report Number: PDP 47-23

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger Saunders, Commissioner,
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 Council accept the proposed modifications by the Region of Durham in its decision to approve Official Plan Amendment 126 to update the Downtown Whitby Community Secondary Plan.
2. That the Clerk advise the Commissioner of Planning and Development at the Region of Durham, of Council's decision.

2. Highlights:

- On March 20, 2023, Town of Whitby Council passed [By-law #7981-23](#) to adopt the Town-initiated Official Plan Amendment (OPA) 126 to update the Downtown Whitby Community Secondary Plan.
- The purpose of OPA 126 is to replace the Town of Whitby Official Plan Section 11.3 - Downtown Whitby Secondary Plan, and introduce updated policies and land use designations, to guide future growth and development in Downtown Whitby in a sustainable manner, while maintaining and enhancing the area's cultural heritage character, economic vitality, and overall sense of place.

- The Region of Durham is the planning approval authority for non-exempt OPAs, such as those related to a comprehensive update of a Secondary Plan.
- The Region's review of OPA 126 is now complete and did not identify any conformity issues with the Regional Official Plan, nor with Provincial Plans and policies.
- The Region identified two proposed modifications that are intended to increase the clarity of each specific policy and further ensure that Downtown Whitby develops as a transit-oriented community.
- Town Planning Staff have had discussions with Regional Planning staff and are supportive of the modifications.

3. Background:

An updated Downtown Whitby Community Secondary Plan is required to bring the decades-old Secondary Plan into conformity with recent Provincial and Regional land use policy changes, as well as the 2018 update of the Whitby Official Plan.

Downtown Whitby is one of several Major Central Areas, and Intensification Areas, identified in the Whitby Official Plan. These areas are intended to support long-term population and employment growth in a manner that is appropriate for each unique area.

The Downtown Whitby Secondary Plan update was led by SGL Planning and Design and their consulting team. The final recommended Secondary Plan has been guided by the development of a Vision and Objectives for Downtown Whitby, and informed by a comprehensive technical Background Analysis Report, an analysis of Land Use Concept Options, and a Preferred Concept Plan. The Secondary Plan update also involved an extensive consultation and engagement program.

On May 30, 2022, a Statutory Public Meeting was held to present the draft recommended Secondary Plan.

Council passed [By-law #7981-23](#) on Monday, March 20, 2023, to adopt the Final Recommended Official Plan Amendment (OPA) 126 for the updated Downtown Whitby Community Secondary Plan. Refer to Report [PDP 61-22](#).

4. Discussion:

The Region of Durham is the planning approval authority for non-exempt OPAs, such as a comprehensive Official Plan Review, or the adoption of a new or updated Secondary Plan. Upon Council's adoption of OPA 126 on March 20, 2023, the Downtown Whitby Community Secondary Plan was submitted to the Region of Durham for review and final approval.

Region of Durham Planning staff have now provided a post-circulation letter stating that the Region did not identify OPA 126 to have any conformity issues with the Regional Official Plan (Refer to Attachment #1).

Per the Region's review process, OPA 126 was circulated to all relevant Regional departments and public agencies for comment. Public submissions were also accepted by the Region during the review period.

Based on its review, the Region has requested the following two modifications to clarify the intent of two Secondary Plan policies and further support Downtown Whitby as a pedestrian friendly, transit-oriented community (Refer to Attachment #2):

- Policy 11.3.7.6.5 - Modify the policy to read as follows:

"Development and redevelopment shall reinforce the "main street" historic character of Brock Street and Dundas Street by locating buildings and storefronts close to the public sidewalk, where possible, and in appropriate locations, the building may be set back to accommodate active, pedestrian oriented uses at ground level such as a patio or other active and publicly accessible open space.
- Policy 11.3.7.9.10 – Modify the policy to read as follows:

"Off-street parking areas shall be located underground, in above ground structures, at the rear of buildings or interior to the block, so as to not impact the character of the area or impact pedestrian streetscapes. Where above ground structures are proposed, the ground floor should be activated by the permitted land use."

Staff are supportive of the Region's proposed modifications. The proposed changes improve the clarity of each policy, while continuing to maintain the main objectives of the updated Secondary Plan, including:

- to conserve and enhance the unique cultural heritage character of Downtown Whitby
- to provide the right built form in the right place with increased heights and densities at appropriate locations;
- to improve the public realm and pedestrian experience; and,
- to support a transit-oriented community and local destination.

Next Steps:

It is recommended that Council accept the two proposed modifications in its decision to approve Official Plan Amendment 126 to update the Downtown Whitby Community Secondary Plan. Upon receipt of Council's response, Regional staff will issue a decision of approval for OPA 126, including the proposed modifications thereto. Once the Region issues notification of its decision, OPA 126 will be subject to a 20-day appeal period to the Ontario Land Tribunal (OLT).

5. Financial Considerations:

Not applicable. The budget for the Downtown Secondary Plan update was included in previous Council-approved budgets.

6. Communication and Public Engagement:

Not applicable. There is no statutory requirement for further public engagement by the Town.

7. Input from Departments/Sources:

The Region of Durham has circulated OPA 126 to its respective internal departments and public bodies required for Regional review and final approval.

8. Strategic Priorities:

The updated Downtown Whitby Community Secondary Plan provides objectives and polices to support Downtown Whitby as a safe, healthy, and inclusive neighbourhood.

Policies are also included in the updated Downtown Whitby Community Secondary Plan to support both the natural environment through the provision of parks, and several sustainability principles and polices, while also protecting the built environment with policies related to good urban design principles and protection of cultural heritage resources.

One of the key objectives of the Downtown Whitby Community Secondary Plan is to ensure the economic vitality of Downtown Whitby is maintained and enhanced by providing polices for a mix of uses, as well as increased heights and densities in appropriate locations that will offer a range of housing options, as well as spaces for innovative businesses and services.

The Secondary Plan update followed a transparent process, including extensive public and stakeholder consultation, beyond legislated requirements, to ensure the process remained accountable and responsive to the public.

9. Attachments:

Attachment #1 – Region of Durham Post Circulation Letter

Attachment # 2 – Region of Durham Proposed Modifications

Attachment #1

Region of Durham Post Circulation Letter



November 22, 2023

Mr. Roger Saunders, MCIP, RPP
Commissioner of Planning and Development
Town of Whitby
575 Rossland Road East
Whitby, ON L1N 2M8

Dear Mr. Saunders:

**Re: Post Circulation Comments on Amendment No. 126 to the
Town of Whitby Official Plan
Downtown Whitby Secondary Plan
File No.: OPA 2020-W/03**

The Regional
Municipality
of Durham

Planning and Economic
Development Department

Planning Division

605 ROSSLAND RD. E.
4TH FLOOR
PO BOX 623
WHITBY ON L1N 6A3
CANADA
905-668-7711
1-800-372-1102
Fax: 905-666-6208
Email: planning@durham.ca

www.durham.ca

Brian Bridgeman,
MCIP, RPP, PLE
Commissioner of Planning
and Economic Development

The Region's review of Amendment No. 126 to the Town of Whitby's Official Plan is now complete. This review included consultation with public bodies and Regional Departments. The adopted Amendment has been assessed for conformity with the Durham Regional Official Plan (ROP) and Provincial Plans and policies.

Overview

Amendment No. 126 proposes to update the Secondary Plan for the Downtown Whitby community. The intent of the amendment is to guide future population and job growth in Downtown Whitby while maintaining and enhancing the area's cultural heritage and sense of place.

The review did not identify any conformity issues with the Regional Official Plan. Attachment 1 outlines the Region's proposed modifications. The two proposed modifications are intended to further ensure that Downtown Whitby develops as a transit-oriented community.

Responses from Agency Circulation and the Public

For your information, Attachment 2 contains a copy of all comments and responses received from agencies circulated a copy of Amendment No. 126. Attachment 3 includes a copy of all submissions received from members of the public.

*"Service Excellence
for our Communities"*

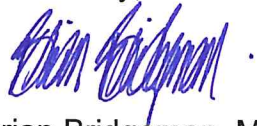
If this information is required in an accessible format, please contact Planning Reception at 1-800-372-1102, extension 2548.

Next Steps

Please review the proposed modifications contained in Attachment 1 and provide us with the Town's response respecting concurrence with each proposed change.

If you have any questions, please contact Lori Riviere-Doersam, Principal Planner or myself. Also, we would be pleased to meet and review our comments with you if you wish.

Yours truly,



Brian Bridgeman, MCIP, RPP, PLE
Commissioner of Planning and Economic Development

Attachments: 1. Proposed Modifications
2. Agency Circulation Responses
3. Public Submissions

cc: Lori Tesolin, Town of Whitby, Planning
Ed Belsey, Town of Whitby, Planning
Elisa Shiu, Regional Works Department
Colleen Goodchild, Policy Planning
Heather Finlay, TOD Office
Danielle Culp, Transportation Planning
Kim Davis, Regional Health Department
Michael Binetti, Durham Region Transit
Lisa-Beth Bulford, Central Lake Ontario Conservation Authority
Lygia Dallup, Durham District School Board
Jody Dale, Durham Catholic District School Board
Arthur Berdichevsky, Elexicon
Kent Todd, Enbridge Gas
Laura Giunta, Hydro One
Adam Snow, Metrolinx
Tom Hewitt, Ministry of Transportation
Candice Hood, Corbett Land Strategies
John Corbett, Corbett Land Strategies
Christopher Tanzola, Overland LLP
Michael Cara, Overland LLP
Arash Barati, Barati Group
David Charezenko, Bousfields Inc.

Region of Durham Proposed Modifications

Town of Whitby Official Plan Amendment No. 126
Downtown Whitby Secondary Plan
Proposed Modifications

Words that are shown in ~~strike through~~ are proposed to be deleted, and words that are shown in **bold** are proposed to be added.

Mod No.	Policy No.	Proposed Modification	Comment
1	11.3.7.6.5	<p>Modify the policy to read as follows:</p> <p>“Development and redevelopment shall reinforce the “main street” historic character of Brock Street and Dundas Street by locating buildings and storefronts close to the public sidewalk, where possible, and in appropriate locations, the building may be set back to accommodate active, pedestrian oriented uses at ground level such as a patio or other active and publicly accessible open space.</p>	<p>As noted by our TOD Office, and discussed with Town Staff, to create a vibrant downtown space, in circumstances where the ground floor or a building contains active, pedestrian oriented retail or commercial uses, there may be situations where a more generous setback may be appropriate to support an animated public space.</p>
2	11.3.7.9.10	<p>Modify the policy to read as follows:</p> <p>“Off-street parking areas shall be located underground, in above ground structures, at the rear of buildings or interior to the block, so as to not impact the character of the area or impact pedestrian streetscapes. Where above ground structures are proposed, the ground floor should be activated by the permitted land use.”</p>	<p>As noted by our TOD Office, and discussed with Town Staff, above ground structures are space-intensive and have the potential to not contribute positively to the public realm in instances where the ground floor is not activated by the predominate permitted land use or other amenities These structures should be discouraged unless it is demonstrated that the ground floor has been activated to the satisfaction of the municipality.</p>

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	25 Mar 2024	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	TBD	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	03 Mar 2024	TBD	The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0008	Temporary Pop-Up Parking or Restricted Parking Signage	That Staff be directed to report to Council on the feasibility, cost, and related by-law amendments to implement temporary (pop up) permitted parking signage or temporary (pop up) restricted parking signage, as needed with extraordinary weather events, special events, and/or special circumstances.	07 Mar 2022	05 Dec 2023	15 Dec 2023	Staff to consider temporary pop-up restrictions and provide information through Council Information Index (CII).
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re: Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12 Dec 2022	04 Dec 2023	TBD	Report back following completion of DAAP in 2023.
P&D-0014	PDP 08-23, Planning and Development (Planning Services) Department and Office of the Chief Administrative Officer Joint Report Re: Affordable Housing Initiative – Hickory Street South and Dunlop Street East	2. That staff report back to Council on the interest received for affordable housing opportunities on the subject properties.	20 Mar 2023	23 Oct 2023	18 Dec 2023	An update will be provided to Council via a memo on December 18, 2023

New and Unfinished Business - Planning and Development

NUB Assigned to	Status	Resolution Number	Updates to Items, i.e. lifted from NUB
Planning Committee	Active	315-21	
Planning Committee	Active		
Planning Committee	Active	59-22	

New and Unfinished Business - Planning and Development

NUB Assigned to	Status	Resolution Number	Updates to Items, i.e. lifted from NUB
Planning Committee	Active	61-22	
Planning Committee	Active	234-225	
Planning Committee	Active	66-23	

October 12, 2023

Office of the Town Clerk
Town of Whitby
575 Rossland Street East Whitby, ON L1N 2M8
[Delivered electronically]

Dear Mayor Roy and Esteemed Members of Whitby Committee of the Whole,

RE: Expression of Interest in Acquiring Surplus Sites at Dunlop St E and Hickory Street for Affordable Housing Development

I am writing as CEO, on behalf of Habitat for Humanity GTA, to present you with an unsolicited offer which reflects our keen interest in acquiring the two surplus sites at Dunlop Street East and Hickory Street, for the purpose of developing affordable housing.

BACKGROUND

Habitat for Humanity has had a long history of developing affordable housing in the Durham Region but was unable to scale up our efforts until our 2020 amalgamation with Habitat for Humanity GTA. Since the amalgamation of Habitat Durham and Habitat GTA in 2020, we completed the final 10 units of a 24 unit development in Oshawa and we are nearing the completion of a 50-unit stacked townhome development at 485 Normandy Street, Oshawa (in which 26 units will be Habitat homeownership units and 24 units are being built as affordable rental units to be managed by Durham Region Non-Profit Housing Corporation). We have also delivered a new townhome in Pickering in partnership with The Daniels Corporation and announced a partnership with Tribute Communities through which another 26 units will be delivered as part of a larger high-rise development in Pickering. We were also successful in being selected by the Municipality of Clarington to develop an 84-unit affordable housing project on surplus municipal land in Bowmanville, also in partnership with Durham Region Non-Profit Housing Corporation.

Although Habitat for Humanity has long been interested in delivering affordable homeownership opportunities in Whitby, we have not yet been able to secure land on which to do so. Our predecessor organization, Habitat for Humanity Durham first expressed interest in the Dunlop and Hickory lands in 2016 but did not have the capacity to proceed at that time.

At Habitat GTA, our mission is to build strong, stable, and sustainable communities by providing affordable homeownership opportunities for families in need. We believe that every individual and family deserves a safe and decent place to call home. We are committed to addressing the pressing issue of affordable housing within the Greater Toronto Area. That said, the monumental changes in home prices, interest rates, and the cost of building homes is making this goal more challenging (and more important) than ever before.

Our proposal for these sites aligns with our core belief in affordable home ownership as a means of fostering community stability and self-sufficiency. The benefits of providing affordable housing through affordable home ownership are numerous and far-reaching.

OUR UNDERSTANDING OF YOUR NEEDS AND YOUR VISION FOR HOUSING IN WHITBY

Whitby is growing and will continue to grow. This is exciting and challenging. We understand that the Town of Whitby has pledged to support the development of 18,000 new homes by 2031. In the Town of Whitby's Community Strategic Plan, you have defined what you want community to look and feel like as new homes are built. We applaud and share the aspiration of Pillar #1 in this plan of *Safe, Healthy and Inclusive Neighbourhoods*. The lands at Hickory and Dunlop provide an opportunity to support this aspiration, and particularly, the priorities under this pillar of "*Accessible and Affordable Housing*" and "*More Housing Choices*", and "*Diversity, Equity and Inclusion*".

In our meetings with Mayor Roy, Councillor Lundquist and senior Town of Whitby staff, we have been energized by the level of commitment we have heard of your desire to get more affordable housing built – and to build it as fast as possible.

With median home prices in Whitby now at \$960,000 and median rental rates at \$3200 monthly, this aspiration of delivering more affordable housing solutions has never been more important. It has never been more challenging – or costly. The rapid and continuing escalation in housing costs combined with inflationary pressures on all basic household needs has placed greater stress on households than we have seen in decades. Daily headlines and conversations around kitchen tables are reminders that it is the younger generation and newcomers who particularly suffer from what all agree is now a housing crisis. Whitby needs young adults and newcomers to thrive in order to have the workforce and social cohesion that is essential to a community that works for everyone, no matter the age or income level.

More than ever, a spirit of partnership between all levels of governments and organizations like Habitat for Humanity will be key to responding to these challenges and delivering on the goal of *Safe, Healthy and Inclusive Neighbourhoods* in Whitby.

Our understanding is that the Town of Whitby has designated the two parcels of land at Hickory and Dunlop for affordable housing and is seeking a partner to build this housing. We believe Habitat for Humanity GTA is an ideal partner for helping you bringing your vision for these lands to fruition.

HABITAT FOR HUMANITY GTA'S AFFORDABLE HOMEOWNERSHIP MODEL

As reflected in your Community Strategic Plan, communities thrive when they include a diverse array of housing in all forms, for all household types, and at all affordability levels. Similarly, a healthy affordable housing continuum thrives when there are options for households to move up to as their household incomes grow.

Within this continuum, Habitat for Humanity GTA is Greater Toronto's most recognized provider, and advocate, of solutions that tackle our region's housing crisis. As a not-for-profit, we find ways to bridge the affordability gap for people who need **alternative pathways to a home of their own**, especially working families.

Our programs are designed to **bridge the gap between home costs and what a family can afford, through tailored mortgages and financing**.

When a homeowner chooses to sell, they have the assurance of **retaining their investment**, plus earning a guaranteed fixed rate of appreciation.

Habitat GTA **reinvests any other gains to support more GTA families – and, as much as possible, to keep Habitat homes affordable from one eligible homeowner to the next.** This cycle of affordability ensures more people can achieve the security of their own home for generations to come.

A fuller description of how Habitat for Humanity GTA works is included as Appendix 1.

HABITAT FOR HUMANITY GTA’S VISION FOR THE LANDS AT HICKORY AND DUNLOP

We have developed a concept plan for the two surplus sites which includes **27 affordable housing units on the Hickory Street site and 21 units on the Dunlop Street East site, for a total of 48 3-bedroom units.** These units will be designed as back-to-back, stacked townhouses specifically tailored to accommodate and support families. We wish to emphasize that this is a preliminary concept plan. Through further refinement and discussions with staff, the unit mix (including some 4-bedroom units) and design may change and result in fewer units. However, we still anticipate yielding *a minimum* of 30 units, with the aim of course, to be delivering the full 48 units in our concept plan. Each of the units would also have private outdoor space and associated parking.

Beyond the affordable housing that we would build, our concept plan also includes 650 square metres of community space on the Dunlop Site. This community space would be programmed in consultation with the Town and the community in order to best serve the needs of the community.

With several board and staff members living in and having links to Whitby and Durham Region, we are familiar with the community and this particular location. This is an ideal location for the kind of affordable housing opportunities we focus on at Habitat for Humanity GTA – notably, working families with children. We appreciate the mix of uses in this area including daycare, school, parks, grocery stores and main street retail. The access to local transit and employment opportunities presents further benefits for both families and the local community.

The current community mix of ownership, co-op and rentals would be complimented by the addition of these affordable ownership units occupied by families and children. Moreover, as noted in the previous section, our homeownership model is now designed to enable Habitat for Humanity GTA to repurchase homes in the future when families are in a position to move to market housing and make these homes available to other income-eligible households.

Hence, our vision for these lands at Dunlop and Hickory is to build a new community that is fully integrated with the current community and that retains the remains affordable for generations to come.

THE ECONOMICS OF AFFORDABLE HOUSING AT DUNLOP AND HICKORY

The economics of developing housing have shifted fundamentally – particularly as a result of the whirlwind of changes in the three years since the start of the global pandemic. Nowhere have these changes been more acutely manifested than with affordable housing. Construction costs have skyrocketed at the same time as interest rates have increased three-fold. This means that projects cost more than ever to develop while the funds available to cover those costs have decreased.

Based on our preliminary pro forma for the Dunlop and Hickory project, the costs to build each Habitat home is roughly double the per unit costs of the homes we were building four to five years ago.

The incomes we are able to serve at Habitat GTA are higher now than in the past and higher than many people have traditionally thought of when they think of Habitat for Humanity. These higher qualifying incomes reflect the higher costs of delivering these homes, but also the higher costs homeowners will incur through property taxes and maintaining their homes. Our aim is always to set families up for success and so we work to ensure that families will have sufficient resources and resilience to succeed at homeownership.

With respect to the sites Hickory and Dunlop Street, Habitat GTA would target households with gross household incomes between **\$80k and \$120k**. By gross household incomes, we are referring to the sum of employment income from all adults in the household, child tax benefit income, and any other sources of income from governments, spousal support, etc. Families in this income range will be able to qualify for 1st mortgages averaging \$225,000 – but are unlikely to have been in a position to save money for a downpayment. By contrast, the median household income in Whitby as of the 2021 Census was \$123k. With median home prices in Whitby of \$995k in 2023, it would require an income of well over \$200k as well as a downpayment of over \$100,000 to afford a market home in Whitby.

At current interest rates and cost of construction, several factors need to be considered to successfully deliver this project:

- **Land Costs** Whereas historically, Habitat for Humanity was sometimes able to afford to pay for land, our project economics are no longer viable if we need to incur the cost of land.
- **Time is money** The longer it takes for us to work through the approvals process, the higher the costs of our projects become. Staff from Habitat GTA, Town of Whitby and Region of Peel will need to work together closely to optimize the efficiency of the approvals process and avoid undue upward pressure on overall project costs.
- **Increased need for philanthropic dollars and/or government support** Even with free land, exemptions from municipal fees, proceeds from family 1st mortgages, and efficiencies from an expedited approvals process, there will still be a sizeable funding gap for this project. This gap will need to be bridged by philanthropic donations and government support.
- **The pace at which we can build** The sheer magnitude of project costs represents greater financial risk exposure and cash flow demands for Habitat GTA than was the case in the past. Thus, as a non-profit, we have to carefully calibrate the pace at which we build against a reasonable certainty of when funding will be available.

TIMING AND PROCESS

Given the housing crisis, Habitat GTA shares the Town of Whitby's sense of urgency to deliver affordable housing as quickly as possible. We are committed to working closely with the Town to deliver this project as expeditiously as possible.

Having consulted with Town of Whitby staff, we have developed a preliminary timeline based on this assumption of this project receiving priority attention throughout the approval process. *The resulting timelines exceed the pace of approvals that we have experienced in other municipalities.* With all municipalities needing to accelerate affordable housing, we would welcome the opportunity to use a Habitat for Humanity / Town of Whitby partnership on this project as a showpiece for what is possible when everyone is aligned around a common goal.

While we have conceptualized plans for both the Hickory Street and Dunlop Street East sites, our primary focus is to accelerate the development of the Dunlop Street East site to be able to break ground on servicing in Fall 2024 with target occupancies in Spring 2026. As Dunlop Street nears completion, we would proceed with construction on the Hickory Street site. Our preliminary plans assume site servicing on the Hickory site to begin in Spring 2026 with estimated occupancies in Fall 2027.

Faster is possible – but is highly dependent on three variables:

- ***A sustained spirit of partnership*** between Habitat GTA, City of Whitby and Durham Region planning staff to ensure above-average pace throughout every step of the approvals process.
- ***Money.*** Every developer – whether for-profit or non-profit – can be put in a position of having to slow down projects due to insufficient funds to proceed. We will return to this question of money in the next section.
- ***No unforeseen complications*** A global pandemic. Neighbour opposition. Unexpected issues with soil, water or other site conditions. Labour strikes or mass shortages in skilled labour or critical building material availability. These and other factors can all wreak havoc on best laid plans when it comes to housing development.

Appendix 2 provides a detailed overview of our preliminary target timelines for this project from acquisition to completion. These timelines reflect this spirit of shared urgency around partnering together to ensure these affordable homes get built as quickly as reasonably possible.

WHAT WOULD HABITAT GTA NEED FROM THE TOWN OF WHITBY TO BRING THE MAKE THIS HAPPEN?

Habitat GTA is deeply committed to addressing the housing crisis through the delivery of affordable housing, and with your support, we can make a meaningful difference in the lives of many local families.

We have a proven track record in bringing projects like this one to life. We know how to support families in preparing them for the demands of homeownership. We know how to build homes in the stacked back-to-back townhome format we are proposing for this development. We build projects like this in a way that mobilizes volunteers and ignites community spirit. We can be a very high profile and tangible demonstration of the Town of Whitby's commitment to affordable housing and to creating pathways towards market housing for people who are being left behind.

We are ready and able to be your partner.

To help us succeed, we humbly request the Town of Whitby's support in several ways. The first set of requests are essential pre-requisites (and we expect any other affordable housing partner would similarly be unable to proceed without these). The remainder of requests reflect our desire to do everything in our power, in partnership with you, to optimize the financial resources available to this project, thus ensuring its success and speed in delivery. This second category of supports reflects areas we would wish to explore further should the Town of Whitby choose us as your affordable housing partner on these lands.

Essential Pre-Requisites

1. Donation of Land

We request the Town of Whitby donate the designated surplus land at Hickory Street and Dunlop Street East to Habitat for Humanity GTA at no cost. This generous contribution would enable us to proceed with the development of affordable housing in Whitby and serve those in need more effectively and at a rate that is reflective of the need.

2. **Waiving Development Charges**

Our understanding is that this project would qualify for Development Charge exemptions under the provisions in section 4.2 of the Development Charges Act regarding non-profit affordable housing developments (based on amendments arising from Bill 23).

3. **Waiving Municipal Fees**

We ask that the Town commit to waiving all municipal fees associated with the required development application process (including Site Plan Approval and Pre-Consultation). In our experience, financial relief from development charges and municipal fees will be more than off-set by the contribution of new homeowners to the communities in which they live – through property taxes, local spending, and multiple other community contributions.

4. **Sharing of Relevant Information/Reports, Permission to Enter the Site for Work & Permission to Begin the Planning Approval Process.**

We kindly request that the Town of Whitby share any relevant information and reports (e.g., environmental reports) related to the designated sites with Habitat GTA. Access to this information is crucial for us to make informed decisions and mitigate any potential environmental challenges during the development process. Additionally, we request permission to enter the designated sites as soon as possible for any necessary environmental and geotechnical assessments, prior to a change in weather that would limit our ability to conduct any testing or research. This access is essential for ensuring the safety, sustainability, and suitability of the development.

Other Enablers

5. **Help us secure these units for long-term affordability** Retaining these units as long-term affordable from one homeowner to the next can be greatly enabled through registration of a S.118 with the City.
6. **Help us bridge the funding gap** Based on our current pro forma, we are projecting a funding gap for these 48 units of \$8.7 million – even with free land and DC / fee exemptions. The Town of Whitby can help us address this funding gap in a number of ways:
- a. **Add profile and recognition during our fundraising campaign for this project** We envision a high profile campaign to inspire local philanthropists to supporting their community by helping to bring this new community to life. To the extent appropriate, we would welcome the engagement of the Town of Whitby in helping us build excitement for this campaign and to recognize local philanthropists.
 - b. **Commit funding to ensure the timely success of this project** An \$8.7 million fundraising campaign represents more money than has ever been raised by Habitat for Humanity in Durham Region. This will be our first homebuilding project in Whitby and we recognize that we will be up against various parallel fundraising campaigns by other charities. Success is not a given. A slower rate of success would necessitate an upward adjustment in qualifying homeowner incomes and/or a reduced pace of building out the project. To the extent that Whitby is in a position to devote Federal Accelerator Funding or funds from our sources to this project, this would reduce project risk and increase the likelihood of achieving our shared goals.
 - c. **Support for Habitat GTA efforts in securing additional federal and provincial support for relief from HST** Currently, Habitat GTA is required to pay HST on the homes we build based on full

market value. Our pro forma for this project includes over \$3.0 million in HST – which seems highly counterproductive for a project that is serving the housing policy goals of both the province and the federal government. Habitat for Humanity has been working to convince the provincial and federal governments to extend the HST/GST relief that has been announced for purpose-built rental to also include affordable homeownership providers like Habitat. The Town of Whitby can help by providing a letter of support in our ongoing efforts in this regard.

By providing these forms of support, the Town of Whitby would demonstrate its commitment to addressing the affordable housing crisis, creating a lasting positive impact on the lives of local families, and contributing to the overall well-being of the community.

We understand the importance of collaboration between public and nonprofit organizations in achieving such goals and are fully prepared to work closely with the Town of Whitby to ensure the success of these initiatives.

We eagerly await the opportunity to discuss these matters further and explore how we can work together to transform our shared vision into reality.

In closing, we thank you for your time and consideration of our proposal. We are excited about the possibility of working together to make a positive impact on the lives of families in Whitby by providing them with affordable housing and a brighter future.

Attached to this letter are the proposed renderings to provide some context, as well as some additional information about Habitat GTA. You will also find a formal offer letter for these lands.

Thank you for your time and consideration.

Sincerely,



Ene Underwood
CEO

Attachments:

- i. Habitat for Humanity GTA Backgrounder (included in this document)
- ii. Preliminary Concept Plan
- iii. Offer of Purchase and Sale for the Lands at 510 Dunlop Street East (and Hickory)



BACKGROUND

August 1, 2023

OVERALL

- One of 24 independently governed Habitat affiliates in Ontario; one of 48 in Canada
- Over 500 families served in our history
- Geographic service area includes: City of Toronto; Region of Durham; Region of York; City of Brampton; Town of Caledon.

WHAT WE DO – AND, FOR WHOM?

- We help working families build strength, stability and financial independence through affordable homeownership.
- Eligible applicants must be Canadian citizens or permanent residents, currently renting and having at least one dependent child 16 or under still at home.
- Gross household incomes for families currently being approved for Habitat homes range from \$70,000 to \$100,000 (inclusive of all employment income, Child Tax Benefit, and any other income)
- Parents in Habitat families are workers in sectors like social services, health care, education, logistics, hospitality, and more – all workers who are essential to the wellbeing of our communities.
- Most Habitat homeowners are visible minorities and newcomers to Canada at some point in the last decade. Approximately 30% of Habitat homeowners are single-parent, women led families.

HOW DO WE WORK

- We bridge the gap between home costs and what working families can afford by providing tailored financing and support.
- Applicants are screened based on income, debt, need, and other related factors.
- The Habitat GTA homeownership model includes:
 - A zero downpayment mortgage (500 volunteer hours are provided in lieu)
 - A 1st mortgage with a conventional lender in which payments are structured so that total housing costs (mortgage principle and interest + condo fees + property taxes + home insurance) do not exceed 32% of total household income.
 - Habitat holds a 2nd mortgage for the difference between the market value of the home and the 1st mortgage. Payments are not required on this mortgage until the 1st mortgage is paid off.
- Homeowners agree to an equity formula in which Habitat guarantees a minimum annual rate of appreciation on their home based roughly on the rate of historical income growth.

- When Habitat homeowners choose to use the equity from their Habitat home to downsize or move to other market housing, Habitat purchases the home based on the equity formula and then resells the home to another income eligible and qualified family.
- **Thus, every Habitat home becomes another affordable housing asset to benefit the City and every Habitat community will remain an affordable community for generations to come.**

HOW WE DELIVER HOMES

- Funding for homes comes from a combination of:
 - Family 1st mortgages
 - Philanthropic contributions
 - Government supports (e.g., DC exemptions; land contributions; grants; etc.)
 - No profit margin

Note that, to date, Habitat for Humanity homes do not benefit from the various concessions available to homes through the Open Door program (restricted to rental only)
- Approximately 50% of the homes we make available are built by Habitat
 - Some are built with the support of volunteers
 - Some are built exclusively using professionals in the trades
 - The resulting communities we build range from 12 units to more than 50 units
 - Our build projects are typically some form of stacked townhomes
- The remaining 50% of homes are delivered through partnerships negotiated by Habitat in which:
 - Developers deliver a certain number of units within existing developments (townhome, midrise, highrise) to Habitat at a price well below market value
 - The municipality provides agreed upon concessions to enable these homes to be delivered at the agreed upon price
- Habitat GTA also supports the development of other affordable housing for non-profit rental partners through:
 - Negotiating deals with developers similar to those we negotiate for ownership units, but for rental units to be owned and operated by non-profit rental partners
 - Building units on contract for non-profit rental partners
- Below are four examples of recent Habitat GTA projects in Toronto

Pinery Trail (50 homes)

Volunteer Built, completed 2019



Daniels Keelesdale (Dev Partnership, 3 homes)

Developer partnership, completed 2022



Ordinance Condos

Developer partnership, 25 units, completed 2019



Reunion Crossing (20 homes)

Volunteer Built, occupancy late 2023, early 2024



OUR IMPACT

- Our unique Habitat for Humanity GTA homeownership program gets to the root causes of many of the challenges facing our communities:
 - With secure shelter, people build the day-to-day strength, stability and self-reliance that nurtures multi-generational success. Parents can invest in their children's education, advancing their careers, and more.
 - Empowering more families with homes of their own builds safer, more resilient, and healthier communities.
 - More inclusive, diverse communities create a more equitable, vibrant, and economically strong GTA. Every \$1 invested in Habitat for Humanity GTA returns approximately \$4 to society through property taxes, increased income taxes, reduced social supports and more.
 - Owning a home is a solid path to building – and passing on – wealth. Historically, racialized communities have been less likely to access the benefits of a home of their own. We work to address this inequality by partnering with families from racialized communities to ensure our neighbourhoods are as diverse as they are strong.

Appendix 2

Preliminary Development & Construction Timeline For the Dunlop and Hickory Project

Task	Description	Estimated Timelines (months)
Due Diligence & Planning Approvals		
Due Diligence & Negotiating Agreement of Purchase of Sale	Geotechnical Hydro G Environmental Peer Review Prelim- civil and servicing Plan Topography Survey Zoning Review	4 to 6 months
Site Plan	Pre-con, two rounds of submission	6 to 7 months
Pre-Con	Initial site plan discussions & determine if minor variance required*	2 months
1 st Site Plan Submission	Full site plan application	2 - 3 months
Final Site Plan Submission	Satisfy Town conditions to site plan	2 months
Application for Plan of Condominium	Submission and approval process for Plan of Condominium	4 Months
Build Permit Application & Approval	First Submission Resubmission (if required)	2 Months 1.5 months
Total Habitat Estimated Timelines for Planning Approval		8 to 10 months
Construction		
Site Servicing and Below grade construction	Construct required servicing connections and complete below grade (foundations) prior to winter.	3 to 4 months
Above Grade Construction	Above grade construction including the use of volunteers.	20 Months
Initial Occupancy	First homeowner occupancies	2 months
Final Completion and Condo Registration	All homeowner's moved in and final condo registered	3 months
Total Construction Time		24 – 26 months**

Notes:

- Timelines assume no minor variance required.
- Due to the challenges of Canadian winters (frozen ground, etc.), construction timeline can be significantly impacted by the timing of receipt of build permit. A build permit in September versus a build permit in December can make a six month difference on overall construction timelines.



South Aerial



North Aerial



South View



East View

Dunlop Street Renderings - 21 units + community space



North Aerial



South Aerial



North View



South View

Vidyianauth Lautan
1000 McCullough Drive
Whitby Ontario
L1N 1C6

November 2, 2023

To:

Mayor Elizabeth Roy

Councillors:

Maleeha Shahid, Chris Leahy, Steve Yamada, Rhonda Mulcahy, Steve Lee, Matt Cardwell,
Niki Lundquist, and Victoria Bozinovski

RE: Requesting a formal exemption to the by-law

I am reaching out regarding the city owned easement between the properties of 1000
McCullough Drive and 926 McCullough Drive.

I installed a fence between my property and the easement; however, I was informed that it does
not meet the fencing by-law and I that I need to take it down to one meter.

My property is sitting on a curve of the street and below is a view of my property when driving
past the property.

The fence is acting as a barrier between my property and an easement that is open to the public
and does see a good amount of foot traffic.

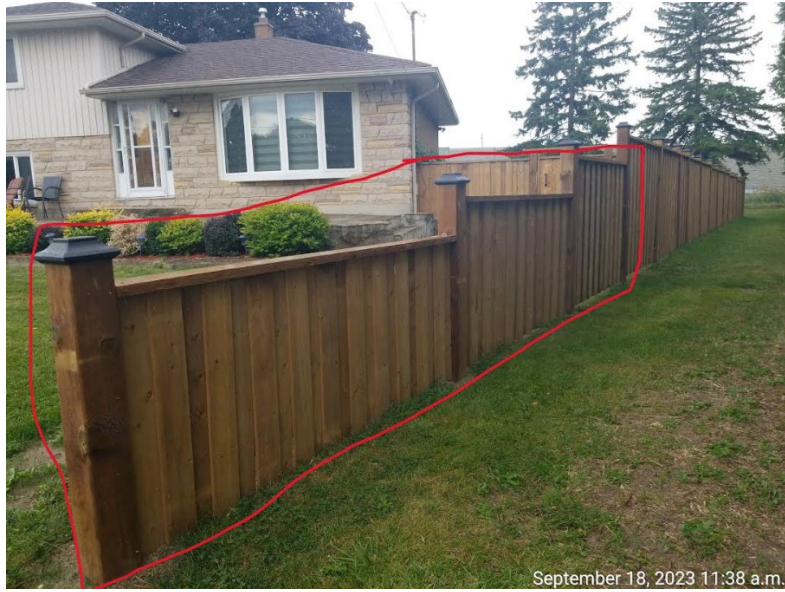
The fence is not obstructing the neighbour's view.

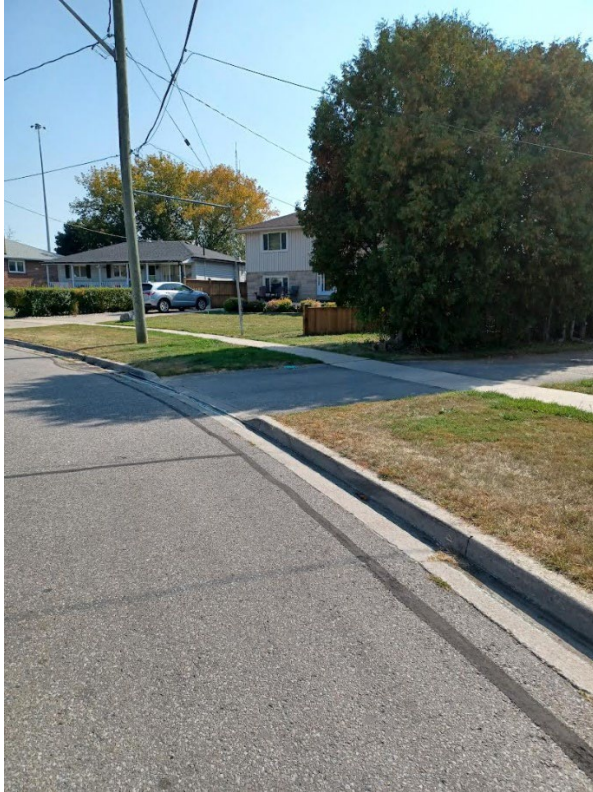
There is an unsightly hedge and weeds that the fence is blocking from my line of sight when
sitting on my front porch.

See attached pictures.

Appreciate your assistance in this matter.

Regards Vid





Town of Whitby Staff Report

whitby.civicweb.net



Report Title: Temporary Borrowing By-law

Report to: Committee of the Whole

Date of meeting: December 11, 2023

Report Number: FS 27-23

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner of
Financial Services/Treasurer x 4314

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

For additional information, contact:

Bren Bozzer, Senior Investment and
Financial Analyst

1. Recommendation:

1. That a by-law be brought forward to authorize external temporary borrowing of up to \$64,798,000 from January 1, 2024 to September 30, 2024, and up to \$32,399,000 between October 1, 2024 and December 31, 2024, if required for cash flow purposes.

2. Highlights:

- Section 407 (1) of the *Municipal Act, 2001* allows a municipality to pass a by-law authorizing the temporary borrowing of funds of an amount that the Council considers necessary to meet the current expenditures for the year.
- In prior years, no temporary external borrowing has been required to meet current expenditures.
- Town staff continually monitor and forecast the Town's cash flows to ensure adequate cash is available to meet anticipated Town expenditures.
- However, even if municipalities do not anticipate a need to borrow funds temporarily during the year, it is good practice to pass a by-law at the beginning of each year in case of an emergency or a cash flow issue unexpectedly arises.
- In the event that it is deemed necessary to borrow funds externally to meet the Town's short term cash flow needs until the Town's main revenue

source of property taxes is levied and collected, it is recommended that Council enact a by-law permitting staff to borrow up to the maximum allowed in the *Municipal Act*:

- up to \$64,798,000 from January 1, 2024 to September 30, 2024; and
 - up to \$32,399,000 between October 1, 2024 and December 31, 2024
- Section 407(3) of the *Municipal Act, 2001*, states the limit upon borrowing shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year until the budget is adopted in the year.

3. Background:

Section 407 of the *Municipal Act, 2001* permits a municipality to authorize temporary borrowing (e.g., until the taxes are collected, and other revenues received) of an amount that the council considers necessary to meet the current expenditures for the year. It is best practice to pass a by-law authorizing temporary borrowing, even if a municipality does not expect to utilize it, as prudent and proactive measure to mitigate unforeseen circumstances/cash flow issues. Temporary borrowing by a municipality during the year cannot exceed:

- (a) From January 1 to September 30: 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted (the Town's 2023 budget, in this case); and
- (b) From October 1 to December 31: 25 per cent of the total estimated revenues of the municipality as set out in the adopted budget.

Each year a by-law to authorize the temporary borrowing of funds externally is adopted by Council. This by-law allows the Town to borrow externally, as needed, temporarily until the Town's main revenue source of property taxes is levied and collected. The Town's strong financial position and continuously monitors cash flow. Temporary borrowing has not been required in the past.

With a temporary borrowing by-law in place, staff will have the ability to act quickly in the best financial interest of the Town by borrowing funds temporarily when the cost of early investment redemptions exceeds the cost of temporary borrowing.

4. Discussion:

N/A

5. Financial Considerations:

In accordance with the *Municipal Act, 2001*, the maximum that the Town may externally temporarily borrow for is as follows:

- a) \$64,798,000 – the maximum amount that may be borrowed at any one time temporarily from January 1st to September 30th, 2024; and

b) \$32,399,000 – the maximum amount that may be borrowed at any one time temporarily from October 1st to December 31st, 2024.

The amounts above were calculated based on an even distribution of expenditures and revenues in the 2023 approved budget and excluded contributions from reserves, budgeted revenues related to tax arrears and any prior year surplus.

Subject to Council approval of the by-law, the Town can temporarily borrow funds from the bank at the prime lending rate (e.g., 7.2 % as of November 22, 2023), on the first \$10,000,000. Any short-term debt cost to the taxpayers will be dependent upon the debt amount and interest rates in 2024.

For over the past ten years, the Town has not needed to temporarily borrow funds externally for cash flow purposes as cash and investments held by the Town are typically sufficient to cover the Town's current or operating expenditures. However, external uncontrollable factors such as the economy or natural disasters/weather-related events may require the Town to utilize temporary borrowing to meet the Town's financial commitments, such as payments to the Regional Municipality of Durham (the Region) and Durham School Boards. These payments (approximately \$47,100,000 and \$14,700,000 per quarter) must be submitted to the Region and School Boards, respectively, regardless of whether the Town collects from Whitby taxpayers by the actual property tax due dates.

Staff will continue to monitor the Town's cash flow needs throughout 2024 and determine whether any cash flow issues should be supplemented through temporary borrowing or through the early redemption of investments. This monitoring process is a standard practice in the Finance department to maximize the Town's investment revenues and to keep any required debt servicing costs to a minimum.

If the Town were required to borrow funds beyond one year or beyond the term of a Council to help finance certain approved capital projects, then the Town would revert to a debenture issue through the Region to ensure compliance with Provincial legislation. Alternatively, the Town may borrow internally, against its own reserves, for a set period at an interest rate determined by the Finance department and approved by Council.

6. Communication and Public Engagement:

N/A

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

N/A

9. Attachments:

Attachment 1 – Draft By-law XXXX-23



Town of Whitby

By-law # XXXX-23

Temporary Borrowing By-law

Being a By-law to Authorize the temporary borrowing of an amount not to exceed \$64,798,000 from January 1 to September 30, 2024, and \$32,399,000 from October 1 to December 31, 2024, to meet current expenditures of The Corporation of the Town of Whitby (the Town) for the year, until taxes are collected, and other revenues received.

Whereas Section 407 (1) of The Municipal Act, 2001, S.O. 2001, C.25, as amended, provides that a municipality may authorize temporary borrowing until taxes are collected, and other revenues are received, of the amount Council considers necessary to meet the current expenditures of the municipality for the year; and

Whereas the total amount previously borrowed by the Town pursuant to Section 407 that has not been repaid is NIL; and

Whereas Section 407 (2) of The Municipal Act states the amount to be borrowed shall not exceed from January 1 to September 30 of the year, 50 percent of the total estimated revenues of the Town, and from October 1 to December 31, 25 percent of the total estimated revenues for the Town; and

Whereas Section 407 (3) of The Municipal Act states that until the budget is adopted in a year, the limits upon borrowing shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year.

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

1. General

- 1.1. The Treasurer is hereby authorized on behalf of the Town to externally borrow from the ROYAL BANK OF CANADA an amount up to \$64,798,000 from January 1, 2024, to September 30, 2024, and up to \$32,399,000 between October 1, 2024, and December 31, 2024, to meet, until the taxes are collected, and other revenues are received, the current expenditures of the said Corporation for the year 2024, including the amounts required for the purposes of mentioned in Subsection 407(1) of the Municipal Act, 2001, and to give on behalf of the said Corporation a promissory note or notes for the monies so borrowed, with interest at such rate as may be agreed upon from time to time.
- 1.2. The amount that may be borrowed at any one time for the purposes set out in Section 1 of this by-law shall include the total of any similar borrowings that have not been repaid.

- 1.3. All sums borrowed in accordance with the authority of this by-law shall, with interest thereon, be a charge upon the whole of the revenues of the Corporation of the Town of Whitby for the year 2024 and all preceding years as and when such revenues are received.
- 1.4. The Treasurer is hereby authorized and directed to apply in payment of all sums borrowed as aforesaid, together with interest thereon, all the monies thereafter collected or received either on account or realized in respect of taxes levied for the year 2024 and preceding years and from any other source that may lawfully be applied for such purpose.

By-law read and passed this 18th day of December, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby Staff Report

whitby.civicweb.net



Report Title: 2024 Interim Property Tax Billing

Report to: Committee of the Whole

Date of meeting: December 11, 2023

Report Number: FS 29-23

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner of
Financial Services / Treasurer, x4314

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

For additional information, contact:

Crystal Doucette, Manager of Revenue
and Taxation

1. Recommendation:

1. That a by-law be brought forward to allow for the Interim Tax Billing for the 2024 taxation year as outlined in Report FS 29-23.

2. Highlights:

- On an annual basis, municipalities levy interim taxes to provide funding for Local Municipal, Regional and Education purposes, until the final budgets and levies of these governing bodies are determined.
- The interim property taxes collected represent about 50% of the previous year's (2023) taxes and provide cash flow for the respective organizations to continue to provide services to the community until their budgets and levies are finalized.
- This report recommends that a by-law be brought forward to allow for the Interim Property Tax Billing for the 2024 taxation year.

3. Background:

In accordance with Section 317 of the Municipal Act, 2001, a local municipality, before the adoption of the estimates for the year, may pass a by-law levying

amounts on the assessment of property in the local municipality rateable for local municipal purposes

4. Discussion:

- For all property classes and for those properties for which payments-in-lieu of taxes are received, the interim taxes are based on 50% of the annualized taxes from the previous year for Municipal, Regional and Education purposes.
- The tax rates for these properties will have an interim tax rate based on 50% of the 2023 applicable final tax rate.
- The 2024 Interim Tax Levy for all property classes will be payable in two installments due on February 23, 2024, and April 23, 2024.
- With the Town's 2024 budget expected to be approved by Council in February 2024, the Region of Durham's budget approval expected in March 2024, and Education property tax rates expected to be set in quarter 1, 2024, interim property taxes provide cash flow/funding to the Town, Region of Durham, and School Boards within Durham to continue to provide services to the community uninterrupted.
- After budgets are approved and tax rates set, the Town will issue final 2024 property tax bills (for Town, Region, and Education purposes) that will consider interim property taxes already paid.

5. Financial Considerations:

- For the average home assessed at \$503,000 (for the 2023 taxation year), the amount of the Interim Tax Levy will be \$3,016 (Town, Region, and Education) or approximately \$599 for each \$100,000 of residential assessment.
- The 2024 Interim Tax Billing will total approximately \$179,000,000. Of this total billing, approximately \$59,000,000 is for local municipal (i.e., Town of Whitby) purposes. The balance will be forwarded to the Region of Durham and respective school boards within Durham.

6. Communication and Public Engagement:

- Bills will be mailed to property owners at least 21 days prior to the first due date as required by the Municipal Act. As a reminder, an advertisement will be placed in the local paper prior to each residential due date and also on the Town's website and social media.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

N/A

9. Attachments:

Attachment 1 – Draft By-Law XXXX-23



Town of Whitby

By-law # XXXX-23

Interim Tax Levy By-law

Being a By-law to provide for an interim tax levy for the year 2024.

Whereas Subsection 317(1) of the Municipal Act, 2001, chapter 25, as amended, provides that a local municipality, before the adoption of the estimates for the year, may pass a by-law levying amounts on the assessment of property in the local municipality ratable for the local municipal purposes.

And whereas, the Council of The Corporation of the Town of Whitby considers it necessary to pass such a by-law;

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

1. Definitions

- 1.1. **Town** means The Corporation of the Town of Whitby
- 1.2. **Treasurer** means the Treasurer of The Corporation of the Town of Whitby

2. General

- 2.1. Before the adoption of the estimates for the year 2024 under Section 290 of the Municipal Act, 2001, the Treasurer shall levy on the assessment of the property in the Town ratable for local municipal purposes an amount equal to fifty per cent of the total amount of annualized taxes for the municipal and school purposes levied on the property for the year 2023.
- 2.2. The Treasurer shall mail a notice specifying the amount of the interim taxes payable to the address of the residence or place of business of every person taxed under this by-law unless the ratepayer directs, in writing, that the Treasurer mail the notice to another address, in which case the Treasurer shall mail the notice to the address specified by the ratepayer. If the ratepayer has chosen to pay by pre-authorized payment or if the ratepayer's taxes are paid by their mortgage holder an interim tax notice will not be mailed.
- 2.3. The interim tax levy imposed by this by-law for all property classes shall be paid in two installments as follows:
 - 1) one-half thereof on the twenty-third day of February, 2024; and,
 - 2) one-half thereof on the twenty-third day of April, 2024; and,

- 2.4. There shall be imposed on all taxes a penalty/interest for non-payment or late payment of taxes in default of the installment dates set out in this by-law and the penalty shall be one and one quarter per cent of the amount in default on the first day of default and on the first day of each calendar month during which the default continue.

3. Effective Date

- 3.1. This by-law shall come into force and take effect on the date of the final passing of the bylaw.

By-law read and passed this 18th day of December, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Follow up re Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

Report to: Choose an item.

Date of meeting: December 11, 2023

Report Number: LS 12-23

Department(s) Responsible:

Legal and Enforcement Services
Choose an item.
Choose an item.

Submitted by:

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

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

For additional information, contact:

Andre Gratton, Manager of Enforcement
Services

1. Recommendation:

1. That Council does not grant an exemption to the Town's Prohibited and Regulated Animals By-law #7392-18, as amended, for the lands known municipally as 7505 Cedarbrook Trail, Whitby and the facility operating as "Nova's Ark".

2. Highlights:

- This matter has been the subject of a previous report to Council, LS 16-21, which outlines the extensive background to this request. The previous report is included as Attachment 4 to this report.
- Nova's Ark has submitted Official Plan and Zoning By-law Amendment applications for a 4.0 hectare (10 acres) parcel located on the east side of Cedarbrook Trail, north of Columbus Road West, municipally known as 7505 Cedarbrook Trail.
- The *Planning Act* applications for the subject land are to permit a private, therapeutic, education and recreational facility for people of all ages and abilities, and to permit the construction of an additional building for education and programming purposes.

- Prior to obtaining an Official Plan and Zoning By-law amendments, staff recommend that Nova's Ark must obtain an exemption to the Prohibited and Regulated Animal by-law #7392-18, as amended (the "**PRA By-law**"), for the animals owned by Nova's Ark which are in contravention of the PRA By-law.
- Staff from Enforcement Services inspected the property on June 16, 2023, which revealed that Nova's Ark had an inventory of 355 animals, 74 which are contrary to the PRA By-law.
- The remaining 281 animals are permitted to be kept on the property as per permitted uses under the Town of Whitby Zoning By-law #1784 and as the PRA By-law.
- Staff do not recommend granting an exemption to the PRA By-law due to safety concerns with the prohibited animals, based on consultations with other zoo and other animal welfare organizations.
- Should Council grant an exemption, Staff recommend that the exemption be subject to the conditions set out in Attachment 3.

3. Background:

Nova's Ark

Nova's Ark is a registered charity providing individualized programming with a variety of animals for individuals of all ages and abilities. A more detailed background to this report can be found in Report LS 16-21 (Attachment 4). More details about Nova's Ark's services and mission can be found here: <https://novasark.ca/our-mission/>. According to the Nova's Ark website, the charity has been in operation since at least 2005.

In 2021, staff from Enforcement Services responded to a formal complaint about Nova's Ark owning/harboring prohibited or exotic animals contrary to the PRA By-law.

In 2021, Staff attended with inspectors from the Ontario Provincial Cruelty Investigations Department to conduct an inspection. The inspection revealed that Nova's Ark had an inventory of 397 animals. 118 of the animals kept at Nova's Ark are contrary to the Town's Prohibited and Regulated Animal By-law. The remaining 279 animals are permitted to be kept on the property as per the Town's Zoning By-law #1784 or as the PRA By-law.

Nova's Ark submitted a request for an exemption to the PRA By-law, which was considered by the Committee of the Whole on September 27, 2021. Committee passed the following motion:

That consideration of Staff Report LS 16-21 be referred to Staff to allow additional time to consult with Nova's Ark about the conditions listed in Option #2 of Report LS 16-21 based on public submissions received at the Committee of the Whole meeting on September 27, 2021, and that Staff be directed to report back to Committee of the Whole;

Steps Taken Since Report LS 16-21

Per Committee's Direction, staff have reviewed all public submissions. Additionally, staff met with industry professionals to understand the requirements for keeping the multitude of animals on site.

Staff have received materials from Nova's Ark related to emergency procedures and an emergency response plan for the facility. Staff have also been advised that upgrades have been completed and that a security professional has reviewed the enclosures and have completed a risk audit. Staff have not independently verified whether these measures are in place.

In May 2023, Nova's Ark provided an updated inventory of the animals present on the property, which is attached to this Report as Attachment 1. While the total number of animals was slightly reduced from 398 in 2021 to 355 in 2023, and the number of prohibited animals has decreased from 118 to 74 there were 5 new animals in 2023 that would not have been otherwise permitted under the PRA By-law. The full list of prohibited animals is included in this Report as Attachment 2. Further, the Official Plan Amendment and Zoning By-law Amendment Applications have not progressed since October 2021, as the resolution of the exemption is a condition to proceeding with those applications.

The Town issued an order on July 13, 2023, requiring that the animals prohibited under the Prohibited and Regulated Animals By-law be rehomed by January 12, 2024.

4. Discussion:**Staff do not wish to close Nova's Ark, but have concerns with the animals that pose the greatest threat to public safety**

Staff do not intend for Nova's Ark to cease operations within the Town; however, several animals remain which cause staff concern for public safety (see Attachment 2).

Despite to the ability to possess and harbour these animals, some carry risk and liability to the patrons based on varying factors such as temperament and age. The risks that these animals pose include potential bites, kicks, scratches and trampling of patrons of Nova's Ark.

These concerns are heightened given the additional residential growth expected in the area around Nova's Ark in Brooklin. With additional residents expected around the facility, the potential for interactions between residents and animals increases, and in the event of an escape, there would be a greater number of residents at risk who live closer to the facility. This was the case with the recent escape of a kangaroo in Oshawa, and the kangaroo quickly headed towards population centres in Oshawa.

Staff have sought information and advice from industry professionals

After reviewing the information received through public submissions, staff sought the advice and recommendations of industry professionals regarding the potential safety risks that may exist with the 74 animals which are contrary to the PRA By-law. This information was gathered for the purposes of informing the Town of Whitby Council on

all potential risks needing to be considered before granting an exemption. Industry professionals noted concerns with high-risk reptiles such as Iguanas, Monitors and Boas in addition to the Wolves, Foxes and other non-domestic animals located at the facility.

Staff received written submissions from four (4) agencies: Toronto Zoo, Reptilia, Zoocheck and World Animal Protection Agency. Industry professionals noted risk of bites, scratches, kicks, and serious harm that may be a risk to patrons of Nova's Ark. Industry professionals also provided programming and protocols suggestions including a rotation system for animals to minimize risk for Nova's Ark.

Staff do not recommend an exemption to the PRA By-law

Based on staff's review of the materials received to date, as well as the recommendations and information provided by industry professionals, and the materials set out in the Confidential Memorandum accompanying this report, staff recommend that an exemption to the PRA By-law should not be granted.

Staff are cognizant of the exceptional programs that Nova's Ark provides for the community and persons of all abilities. Despite this work, staff continue to recommend that certain animals not permitted under the PRA By-law are re-homed due to the potential human safety risk posed by the animals. Interactions between people at the facility and/or human safety risk should the animal escape into the community are a significant concern for staff.

This is especially concerning to staff given the future residential growth that will occur in the Village of Brooklin, including the area surrounding the property at 7505 Cedarbrook Trail. The population growth in the area increases the potential human safety risk in the event of a potential escape, as we've recently seen with the Kangaroo that escaped captivity in Oshawa. Per some of the public comments we received, Nova's Ark currently houses more animals than some zoos within Canada. Although operations differ, acknowledging that Nova's Ark may be more of a therapeutic centre, the property contains animals which are typically found at a zoo.

Should Council grant an exemption to the PRA By-law, Staff recommend that conditions be placed on the exemption

Staff have received notice of a motion seeking to grant an exemption to Nova's Ark from the PRA By-law. Should Council wish to grant an exemption to the PRA By-law, staff have drafted a set of conditions that would assist in mitigating the Town's liability for the ongoing operation of the facility. Those conditions are primarily based upon the conditions in the motion and are included in this Report LS 12-23 as Attachment 3.

Based on the motion drafted, and should Council wish to proceed with granting an exemption to the PRA By-law, staff suggest the following motion be adopted by Council:

BE IT RESOLVED THAT THE RECOMMENDATIONS IN REPORT LS 12-23 BE AMENDED AS FOLLOWS:

1. Council grant an exemption to Nova's Ark from the Town's Prohibited and Regulated Animals By-law #7392-18, as amended, solely for their facility

- at 7505 Cedarbrook Trail, Whitby subject to the conditions set out in Attachment 3 to Report LS 12-23;
2. This exemption is a one-time exemption for Nova's Ark and does not apply to the replacement or addition of animals that would otherwise be prohibited under the Prohibited and Regulated Animals By-law;
 3. Should Nova's Ark fail to comply with the conditions set out in this motion for an exemption to the Prohibited and Regulated Animals By-law, the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate) may bring a report to Council to revoke the exemption;
 4. The Commissioner of Legal and Enforcement Services/Town Solicitor write to Nova's Ark notifying the facility of Council's exemption to the Prohibited and Regulated Animals By-law #7392-18, as amended, and the conditions under which the exemption was granted, including the possibility of a revocation of the exemption; and
 5. That staff be directed to bring an amendment to the Prohibited and Regulated Animals By-law #7392-18, as amended, to codify this exemption and conditions for the December 18, 2023 Council meeting.

5. Financial Considerations:

The staff recommendation in Report LS 12-23 does not have financial implications for the Town. If the recommendations are amended, the Town may need to retain external expertise to peer-review the materials submitted by Nova's Ark.

6. Communication and Public Engagement:

This matter has been extensively discussed at Council and notice of this matter was sent to those who had indicated that they were interested in updates on this matter.

7. Input from Departments/Sources:

The Planning Department was consulted in relation to existing zoning permissions and pending residential developments. Input was also received from external agencies as outlined in this report.

8. Strategic Priorities:

This report generally advances Strategic Plan Pillar 1, Objective 1.1, which directs the Town to improve community health, safety, and well-being. This report also advances the Strategic Plan Pillar 4, Objective 4.4 by ensuring fiscal accountability and responsibly plan for growth. In particular, Action 4.4.1 directs the Town to deliver services that respond to community needs while balancing the impact to taxpayers.

By ensuring that animals that pose a danger to human health and safety are not permitted on-site, this responds to the community concerns while ensuring that the Town mitigates liability to the extent possible to minimize impacts to its taxpayers.

9. Attachments:

Attachment 1 – Livestock Inventory Provided by Nova's Ark as of May 2023

Attachment 2 – List of Animals Not Permitted under Prohibited and Restricted Animals By-law #7392-18, as amended

Attachment 3 – Recommended Conditions for an Exemption to the Prohibited and Restricted Animals By-law #7392-18, as amended

Attachment 4 – Staff Report LS 16-21: Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

NOVA'S ARK: Livestock Inventory - 2023 May

QTY-
 May
 2023

	Livestock Description	Year Acquired
Birds of Prey		
1	Eagle, Bald - "Kraken"	2012
1	Eagle, Golden	2018
1	Falcon, Peregrin	2019
1	Falcon, Gyr, Saker Per	2019
1	Falcon	2021
1	Goshawk, Siberian	2017
1	Hawk, Harris	2011
1	Little Owl	2022
1	Owl, Eagle - "Yeti"	2013
1	Owl, Eagle - "Axel"	2020
1	Owl, Spectacled - "Patrone"	2011
Farm Birds		
3	Chickens - Chinese Silkies	2019
5	Chickens - Mini Bantam	2022
1	Crow - "Crowella"	2023
6	Ducks	2019
3	Doves	2020
2	Peacock	2018
6	Pigeons	2019

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
Parrots		
1	Cockatoo, Galah - Blush	2021
1	Cockatoo, Goffin - "Buddy"	2014
1	Cockatoo, Goffin - "Fred"	2017
1	Cockatoo, Moluccan - "Chris"	2022
1	Cockatoo, Moluccan - "Hurkey"	2022
1	Cockatoo, Moluccan - "Mully"	2021
1	Cockatoo, Umbrella - "Oliver"	2013
1	Cockatoo, Sulphur Crested - Casper	2021
1	Cockatoo, Sulphur Crested - Audrey	2021
1	Maccaw, Blue & Gold - "Boomer"	pre - '08
1	Maccaw, Green Wing - Calypso	2021
1	Maccaw, Scarlet - Tango	2021
1	Parrot, African Grey - Rio	2021
50	Total Birds	

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
Bovine		
2	Highland Cattle - "Everest & T-Bone"	2022
1	Water Buffalo - Winston	2022
1	Zebu - Ferdinand	2018
Cameloid		
1	Alpaca - "Caramel"	2013
1	Alpaca - "Marshmallow"	2008
1	Camel, Domedary - "Bing"	2016
1	Llama - "Cairo"	2011
Canine		
1	Dog, Bouvier - "Zeva"	2013
1	Fox, Arctic - "Shadow"	2017
1	Fox, Arctic "Sundown"	2018
1	Fox, Burgandy	2017
1	Fox, Marble	2017
1	Fox, Platinum	2017
4	Fox, Silver	2020
2	Wolves - "Skye & Nikita"	2020
Equine		
1	Donkey, Mammoth - "Hershey"	pre - '08
1	Donkey, Miniature - "George"	2009
1	Donkey, Standard - "Murray"	2020
1	Horse, April	
1	Horse - "Fritz"	2020
1	Horse - "Sundance"	pre - '08

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
1	Horse - "Tulip"	2012
1	Horse, Minature - "Napoleon"	2014
1	Mule - "Stormy"	2013
1	Pony - "Nickel"	2010
1	Pony - "Pepsi"	pre - '08
2	Pony - "Gregory & Piper"	2019
1	Zebra - "Hunter"	2011
Feline - Domestic		
1	Cat, Bengal, Snow Lynx - (Noel)	2022
1	Cat, Bengal, Snow - (Avalanche)	2022
1	Cat, Bengal, Snow - "John"	2022
1	Cat, Bengal, Brown - (Dori)	2022
1	Cat, Devon Rex - "Devon"	2022
1	Cat, Lykoi - Eve	2022
1	Cat, Lykoi - Lucian	2022
1	Cat, Lykoi - Waffle	2022
1	Cat, Maine Coon - "Hudson"	2016
1	Cat, Maine Coon - "Mitch"	2020
1	Cat, Sphynx (Black Tuxedo) - "ET"	2018
1	Cat, Sphynx (Elf) - "Dobby"	2018
1	Cat, Sphynx (Dwarf) - "Lady Arwin"	2019
1	Cat, Sphynx, (Bambino) - "Socks"	2019
1	Cat, Savannah - "Nix"	2020
1	Cat, Highland - Sassanack	2021

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
Feline - Exotic		
1	Bobcat, North American - "Farley"	2016
1	Caracal, African - "Khal"	2017
1	Lynx, Canadian - "Mowat"	2019
1	Lynx, Eurasian Siberian - "Sasha"	2013
1	Serval (female) - 'Kaleesia'	2015
Marsupial		
1	Kangaroo, Male - "Jonah"	2014
1	Kangaroo - Kinsley	2021
4	Sugar Glider, Leucistic	2020/21
1	Wallaby, Albino - "Fred"	2014
1	Wallaby, Bennett - "Paisley"	2019
1	Wallaby, Bennett - "Abby"	2010
1	Walleroo - "Gonzo"	2008
Muscaloid		
3	Ferret, female	2016/20
1	Ferret, male	2017
2	Skunks - "Ying & Yang"	2020
Pigs		
4	Pig, Kune	2022

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
Primates		
1	Monkey, Capuchin - "Chip"	2013
1	Lemur, Black & White Ruffed - "Lamont"	2016
1	Lemur, Ringtail - "Leroy"	pre - '08
1	Lemur, Ring-tailed - "Linus"	2016
Raccoons		
1	Coatimundi, Mountain - "Anna"	2014
1	Coatimundi, White-Nosed Mountain - "Nevada"	2015
1	Coatimundi, Mountain - "Jax"	2020
2	Kinkajou: Ewok & Chiquita	2020
1	Raccoon - "Rickey"	2020
1	Raccoon - "Rosey"	2020

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
Rodents		
1	Capybara - Santana	2015
13	Cavy, Pategonian	2018/19
5	Chinchilla	2018/20
92	Guinea Pigs	2014 - 22
3	Hedgehog	2018
1	Porcupine, African - "Shakespeare"	2013
1	Porcupine, African - "Willam"	2015
1	Porcupine, North American - "Maple"	2015
4	Rabbits, Angora	2017
8	Rabbits, Dwarf	2022
12	Rabbit, Flemish	2017+
5	Rats, Furred	2021
4	Rats, Hairless	2021
10	Skinny Pigs	2018+
Sheep & Goat		
2	Goat	2009
3	Goat, Pygmy	2019
1	Sheep, Jacobs	2023
2	Sheep, Kadan	2023
1	Sheep, Shetland	2019
1	Sheep, Friesen ram	2019
256	Total Mammals	

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
Lizard		
1	Bearded Dragon	2019
1	Iguana, Blue Mystic	2019
1	Iguana, Green	2022
1	Iguana, Pied	2018
1	Iguana, Rhino	2016
1	Iguana, Spiney Tail	2022
1	Leachie Grand Terre Gecko (male)	2016
1	Skink, Blue Tongue - "Blue"	pre - '08
1	Skink, Blue-Tongue - "Berry"	2009
1	Uromastyx, Ornate	2022
1	Uromastyx, Yellow Saharan	2022
Snake		
1	Boa, Hog Island - "Horizon"	2009
1	Python, Ball - "Striker"	pre - '08
1	Python, Burmese (Caramel)	2017
1	Python, Olive - "Olive"	2013
1	Python, Platinum Dwarf Reticulated	2016
1	Python, Ultra Ivory Reticulated	2017
1	Python, Reticulated (Purple Albino) "Odin"	2014
1	Python, Reticulated - Randy	2021
1	Python, Sri Lankan Rock	2018

NOVA'S ARK: Livestock Inventory - 2023 May

QTY- May 2023	Livestock Description	Year Acquired
	Turtle	
2	Axolotl	2022
2	Tortoise, Burmese Mountain	2015
1	Tortoise, Elongated	2011
1	Tortoise, Gulf Coast	2016
1	Tortoise, Leopard	2013
1	Tortoise, Pancake - "Flapjack"	2010
1	Tortoise, Radiated	2015
3	Tortoise, Red-Footed - "Sam" & "Ella" plus 1	pre - '08
1	Tortoise, Russian (female)	2016
1	Tortoise, Saculta - "Thor"	2010
2	Tortoise, Sulcata	2015
1	Tortoise, Yellow Footed	2014
1	Turtle, Chinese Box - "Chuck"	2009
10	Turtle, Red-Eared Painted	2013
1	Turtle, Snapping	2022
49	Total Reptiles	
355	Total All	

Attachment 2: List of Animals Not Permitted under Prohibited and Restricted Animals By-law #7392-18

Quantity	Prohibited Animal Description	Year Acquired
1	Walleroo - "Gonzo"	2008
1	Zebra - "Hunter"	2011
2	Raccoon - "Ricky & Rosy"	2020
1	Monkey, Capuchin - "Chip"	2013
1	Fox, Arctic - "Shadow"	2017
1	Fox, Arctic "Sundown"	2018
1	Fox, Burgandy	2017
1	Fox, Marble	2017
1	Fox, Platinum	2017
4	Fox, Silver	2020
1	Wallaby, Albino - "Fred"	2014
1	Wallaby, Bennett - "Paisley"	2019
1	Wallaby, Bennett - "Abby"	2010
1	Porcupine, African - "Shakespeare"	2013
1	Porcupine, African - "Willam"	2015
1	Porcupine, North American - "Maple"	2015
1	Kangaroo, - "Kinsley"	2021
1	Kangaroo, - "Jonah"	2014
2	Kinkajou -Ewok & Chiquita	2020
1	Lemur, Black & White Ruffed - "Lamont"	2016
1	Lemur, Ringtail - "Leroy"	pre - '08
1	Lemur, Ring-tailed - "Linus"	2016
1	Capybara - Santana"	2015
13	Cavy, Pategonian	2017
1	Coatimundi, Mountain - "Anna"	2014
1	Coatimundi, White-Nosed Mountain - "Nevada"	2015
1	Coatimundi, Mountain - "Jax"	2020
1	Camel, Dromedary - "Bing"	2016
1	Owl, Eagle - "Yeti"	2013
1	Owl, Eagle - "Axel"	2020
1	Owl, Spectacled - "Patrone"	2011
1	Little Owl	2022
2	Peacock	2018
1	Eagle, Bald - "Kraken"	2012
1	Eagle, Golden - "Phoenix"	2018
1	Falcon- Gyr, Saker Per	2019
1	Falcon - Peregrine	2019
1	Falcon	2021
1	Goshawk, Siberian - "Kara"	2017
1	Hawk, Harris	2011
1	Python, Burmese (Caramel)	2017

1	Python, Reticulated- "Randy"	2021
1	Python, Reticulated (Purple Albino) "Odin"	2014
1	Python, Sri Lankan Rock	2018
2	Skunks - "Ying & Yang"	2020
1	Zebu - 'Ferdinand'	2018
1	Snapping Turtle	2022
1	Python, female reticulated, "Phenom"	
2	Wolf - "Skye & Nikita"	2021
1	Lynx, Eurasian Siberian - "Sasha"	2013
1	Bobcat, North American - "Farley"	2016
1	Caracal, African - "Khal"	2017
1	Serval - 'Kaleesia'	2015
1	Canadian Lynx, "Mowat"	2019

74

TOTAL

Attachment 3: Recommended Conditions for an Exemption to the Prohibited and Restricted Animals By-law #7392-18

1. Nova's Ark is prohibited from obtaining any other animals, or replacing any currently held animals, that are not permitted in accordance with the Town's Prohibited and Regulated Animals By-law, without the written permission of the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate);
2. The written permission of the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate) shall be required to obtain an animal not included in the May 2023 inventory provided by Nova's Ark, or to exceed the 355 animals, and the Commissioner shall consider whether the animal poses a risk to public safety and is compatible with surrounding land uses;
3. Nova's Ark provide the Town's Manager of Enforcement Services with details for all 355 animals identified in the May 2023 inventory, including
 - a. Photographs and a description of the particular animal that allow it to be positively identified;
 - b. permanent markings, such as tattoos, microchips; and
 - c. any other identification methods that would allow for a positive identification of the animal;
4. Nova's Ark provide the Town's Manager of Enforcement Services with an annual inventory of all the animals housed by Nova's Ark within the Town of Whitby;
5. Nova's Ark provide the Manager of Enforcement Services with a final formal written emergency procedures for the following:
 - a. Animal attacks;
 - b. Animal escapes including contact for neighbours, the Town of Whitby Animal Services, Durham Regional Police Services, and the Ministry of Natural Resources should an animal escape the property ;
 - c. Entry of problematic wild animals; and
 - d. Details proof of education program for volunteers and staff;
6. Nova's Ark maintain a minimum limit of \$10 million Commercial General Liability with the Town as additional insured, with the Town reserving the right solely at its discretion to require additional types of insurance coverage and set higher limits of insurance coverage depending on any changes to the Town's risk exposure;
 - a. The above noted policy (or a similar/specific policy) must:
 - i. Be extended to include animal liability including liability as a result of pollution and zoonotic disease;

ii. Include an extension Cross Liability and Severability of Interests Clause

7. Nova's Ark provide the Commissioner of Legal and Enforcement Services/Town Solicitor with the proof of insurance required by condition 6, above, on the Town's standard form no later than January 12, 2024;
8. That Nova's Ark provide the Town of Whitby with a record of compliance with all required works from the Ministry of the Attorney General (Provincial Animal Welfare Inspectors Unit); and,
9. The Commissioner of Legal and Enforcement Services/Town Solicitor be permitted to add conditions as the Commissioner deems necessary to ensure the safety of the patrons or surrounding community;
10. That all conditions must be fulfilled prior to February 29, 2024 and before Nova's Ark Official Plan and Zoning By-law Amendment application being considered by Council.
11. Nova's Ark provide confirmation from its insurance provider in writing that it has appropriate insurance in the limits set out in Condition 6 which would provide coverage for all the activities that it provides on-site with the animals, to the satisfaction of the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate).
12. Such confirmation outlined in Condition 11 shall be provided on an insurance certificate and the Town must be notified by registered mail within 30 days of any change or cancellation to the policy.
13. Nova's Ark execute an Agreement with the Town, in a form satisfactory to the Town's Commissioner of Legal and Enforcement Services/Town Solicitor and to be signed by the Mayor and the Clerk, indemnifying and holding the Town harmless from any liability and/or negligence as a result of Nova's Ark operations and/or the exemption to By-law #7392-18 granted by the Town.



Town of Whitby Staff Report

whitby.civicweb.net

**Report Title: Prohibited & Regulated Animals By-law Exemption
Request for Nova's Ark – 7505 Cedarbrook Trail**

Report to: Committee of the Whole

Date of meeting: September 27, 2021

Report Number: LS 16-21

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

W. Mar, Commissioner of Legal and
Enforcement Services/Town Solicitor

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

For additional information, contact:

A. Gratton, Manager of Enforcement
Services

1. Recommendation:

1. That Council provide direction to staff regarding one of the options set out in Report LS 16-21; and
2. That staff send correspondence to the Ministry of Northern Development, Mines, Natural Resources and Forestry ("MND") requesting that the Town be notified for any future requests made in Whitby for animals which contravene the Town's Prohibited and Regulated Animals By-law.

2. Highlights:

- Nova's Ark has submitted Official Plan and Zoning By-law Amendment applications for a 4.0 hectare (10 acre) parcel located on the east side of Cedarbrook Trail, north of Columbus Road West, municipally known as 7505 Cedarbrook Trail.
- The proposal for the subject land is to permit a private, therapeutic, education and recreational facility for people of all ages and abilities, and to permit the construction of an additional building for education and programming purposes.

- Prior to obtaining Official Plan and Zoning By-law amendments, staff noted that Nova's Ark must obtain a Prohibited and Regulated Animals By-law exemption for 118 animals owned by Nova's Ark which are in contravention of the By-law.
- Staff from Enforcement Services inspected the property on May 27, 2021, which revealed that Nova's Ark had an inventory of 397 animals, 118 which are contrary to the Town's Prohibited and Regulated Animals By-law.
- The remaining animals are permitted to be kept on the property as per Zoning By-law 1784 or as per the Prohibited and Regulated Animal By-law (please see Attachment 1).
- Staff also re-visited the property on August 11, 2021 to view enclosures and discuss concerns in relation to six (6) of the prohibited animals.

3. Background:

Nova's Ark is a registered charity, devoted to providing individualized, strength-based programming for individuals of all ages and abilities. Using the natural environment and a variety of therapy animals, a unique and inclusive learning environment is fostered to support development in all aspects of life. Nova's Ark is also committed to building acceptance of people of all ages and abilities by providing opportunities for community understanding.

Nova's Ark mission statement can be found here: <https://novasark.ca/our-mission/>.

Nova's Ark offers a unique opportunity for patrons to enter into and interact with all of the animals including wolves, bobcats, lynxes, a caracal and a serval within their enclosure's under close supervision of staff.

In 2021, staff from Enforcement Services responded to a formal written complaint about Nova's Ark owning/harboring prohibited or exotic animals contrary to the Town of Whitby's Prohibited and Regulated Animals By-law (please see Attachment 1).

Staff attended with inspectors from the Ontario Provincial Cruelty Investigations Department to conduct an inspection. The inspection revealed that Nova's Ark had an inventory of 397 animals, 118 which are contrary to the Town's Prohibited and Regulated Animal By-law. The remaining 279 animals are permitted to be kept on the property as per the Town's Zoning By-law 1784 or as per the Prohibited and Regulated Animals By-law.

As a result of the aforementioned inspection, Enforcement Services has sent formal correspondence to the owner's of Nova's Ark to advise that no animals should be obtained through donation or purchased until Council has made a decision on the exemption request.

The property located at 7505 Cedarbrook Trail is currently subject to an Official Plan Amendment application (OPA-2019-W/03) and Zoning By-law Amendment

application (Z-15-19). The purpose of the applications is to recognize the existing Nova's Ark use on the subject land. A new building is also proposed for education and programming uses. Currently the use is not permitted on the subject property.

As part of this application, in 2019 Nova's Ark submitted an inventory of animals which included only 233 animals (please see Attachment 3).

4. Discussion:

As noted above, staff attended with inspectors from the Ontario Provincial Cruelty Investigations Department on May 27, 2021. The inspection revealed that Nova's Ark has 397 animals in total, 118 which are contrary to the Town's Prohibited and Regulated Animals By-law.

Shortly after the inspection, Nova's Ark provided an updated inventory which was cross-referenced against the observations and inventory taken by the Officer at the time of the inspection. Staff then categorized the inventory to illustrate permitted vs. non permitted animals (please see Attachment 4).

In reviewing the current inventory, Nova's Ark has continued to obtain animals since their 2019 application to legalize the use of the property and buildings. 18 animals were obtained through donations or purchased in 2019 and 23 animals have been obtained in 2020 and 2021, which include two wolves in 2021. Staff have also been made aware that the MND has provided written permission to keep/own the wolves. The Town did not receive notification from the MND about Nova's Ark obtaining the wolves, nor was the Town consulted in relation to the permitted use of the lands and if municipal by-laws would permit the keeping of wolves on the property.

This illustrates a troubling fact that a Whitby resident can obtain an animal that may pose a public safety risk without the knowledge of the municipality, but with the knowledge of the MND, in direct violation of the Prohibited and Regulated Animals By-law and/or the Zoning By-law.

The authority to permit the keeping of wildlife in captivity is through section 40 of Ontario's Fish and Wildlife Conservation Act, 1997. This process does not require notifications to local governments to ensure compliance with municipal by-laws.

Additionally, Nova's Ark is not an accredited zoo and is not listed in Canada's Accredited Zoo Association ("CAZA") list of accredited facilities, despite housing animals found only at a zoo or an accredited facility.

Staff recommend that Council consider all relevant factors in making its determination to approve or deny the request for exemption for Nova's Ark. Staff are aware of the positive impacts and excellent programs that Nova's Ark is providing to the community for persons of all ages and abilities. However, the Town must be cognizant of the public safety, liability and risk that the facility poses for the Town, patrons to the facility, and local residents.

There is a safety risk that may be posed to the general public and neighbouring properties should a dangerous animal escape from the property and the potential risk that the Town may assume in allowing Nova's Ark to keep such animals.

Staff have been advised that, if the prohibited animals are allowed to remain on the property, the Provincial inspectors have requested that emergency procedures be developed using the large Canid care manual for the "Canid" zoological family, created by the Association of Zoos & Aquariums' ("AZA") Canid Taxon Advisory Group in Association with the AZA Animal Welfare Committee (please see below excerpts from the manual, which can be found at

https://assets.speakcdn.com/assets/2332/large_canid_care_manual_2012r.pdf):

"(11.2.3) All emergency procedures must be written and provided to staff and, where appropriate, to volunteers. Appropriate emergency procedures must be readily available for reference in the event of an actual emergency. These procedures should deal with four basic types of emergencies: fire, weather/environment; injury to staff or a visitor; animal escape.

Secondary perimeter fencing: Large canid facilities should be contained within the institution's USDA standard perimeter fence (AWR 2005). This fence should be 2.5 m (8 ft) high with gates that can be closed if an animal escapes its enclosure. The perimeter fence provides staff with an opportunity to capture an escapee before it leaves the institution.

Safety: Maintenance checks as well as fence and perimeter inspections should be part of a keeper's daily routine. Fence lines should be inspected daily to detect any need for repairs, sharp protrusions, and to fill in substantial holes to prevent possible escape or injury from digging. Fence integrity is imperative to the safety of all the animals in an enclosure. Large canid enclosures should be also checked daily to ensure that canids cannot injure themselves on any exhibit furniture or enrichment initiative provided to the animals.

All emergency safety procedures must be clearly written, provided to appropriate staff and volunteers, and readily available for reference in the event of an actual emergency (AZA Accreditation Standard 11.2.3)."

Staff recommend that Enforcement Services and Durham Regional Police Services must be provided with the emergency procedures described above for the wolves, bobcat, lynxes, caracal and the serval kept on the property, if an exemption is granted. Emergency procedures should be developed in consultation with the AZA and Solicitor General, and based on AZA care manuals.

In conjunction with the emergency procedures, staff recommend that Nova's Ark develop a procedure to notify the neighbouring residents, the Town of Whitby (Animal Services) and Durham Regional Police Services should an animal escape

from its enclosure and the property. This could encompass a loudspeaker system or a phone notification system.

Options for Council Consideration

Option #1

That Council grant a blanket exemption to the Town's Prohibited and Regulated Animals By-law allowing Nova's Ark to keep prohibited or "exotic" animals.

This option would eliminate the need for Nova's Ark to seek additional exemptions in the future. However, there is additional risk and liability on the Town in permitting the use and keeping of animals without any conditions. Establishing some regulations will eliminate the addition of any animals which pose a risk to public safety without Town of Whitby approval.

Option #2

That Council grant an exemption to the Town's Prohibited and Regulated Animals By-law for Nova's Ark for any prohibited animals on the list included as Attachment 4 to Report LS 16-21, subject to the following conditions to be brought forward as a formal amendment to the By-law for Council's approval:

- (a) That secondary perimeter fencing be added to the wolves enclosure following the AZA standards for enclosures suitable for large Canids, or that Nova's Ark provides a letter from the CAZA, AZA or other professional agency acknowledging meeting or exceeding the standards established large Canid care manual for large Canids created by the AZA's Canid Taxon Advisory Group in association with the AZA Animal Welfare Committee;
- (b) That Nova's Ark is prohibited from obtaining any other animals which may pose a risk to public safety such as the Canids noted in Attachment 4 without the Town's written permission;
- (c) That Nova's Ark prohibit entry of patrons into the enclosure of the following animals: the wolves "Skye & Nikita", the North American Bobcat "Farley", Eurasian Siberian Lynx "Sasha", Caracal, Canadian Lynx "Mowat", African "Khal" and the Serval "Kaleesia";
- (d) That Nova's Ark provide the Town of Whitby with all formal written emergency procedures, including for animal attacks for the above noted animals in (c);
- (e) That secondary perimeter chain link fencing be installed surrounding the perimeter of all of the accessory buildings on site;
- (f) That an audible notification system be implemented to notify the surrounding neighbourhood when an animal has escaped the property, or in the alternative, that a detailed procedure be developed to contact the

neighbours, the Town of Whitby Animal Services, Durham Regional Police Services, and the MND should an animal escape the property;

- (g) That Nova's Ark maintain a minimum limit of \$5M Commercial General Liability with the Town as additional insured; with the Town reserving the right solely at its discretion to require additional types of insurance coverage and set higher limits of insurance coverage depending on any changes to the Town's risk exposure;
- (h) That Nova's Ark provide the Town of Whitby with a record of compliance with all required works from the Ministry of the Attorney General (Provincial Animal Welfare Inspectors Unit); and
- (i) That all conditions must be fulfilled prior to Nova's Ark Official Plan and Zoning By-law Amendment application being considered by Council.

If permission is to be granted for the keeping of prohibited animals on the property, staff are of the opinion that these conditions can effectively address the additional risk and liability on the Town in permitting the keeping of prohibited animals.

Additionally, establishing specific regulations through a formal by-law amendment will allow staff to address non-compliance matters through formal actions through the Ontario Provincial Court.

Option #3

That Council deny the request for an exemption to the Town's Prohibited and Regulated Animals By-law by Nova's Ark.

5. Financial Considerations:

None.

6. Communication and Public Engagement:

Staff have been in contact with neighbouring residents about their safety concerns related to the keeping of animals at Nova's Ark. Further public engagement and notice to surrounding residents should also be provided if an exemption to the By-law is granted.

7. Input from Departments/Sources:

Staff consulted with the Finance Department for input in relation to Risk Management and insurance. Planning staff have reviewed the report in consideration of the development approvals being sought by Nova's Ark.

8. Strategic Priorities:

None.

9. Attachments:

Attachment 1: Prohibited and Regulated Animals By-law

Attachment 2: Nova's Ark Educational Plan for 2021

Attachment 3: Nova's Ark Animal Inventory - Dec 31, 2016 submitted with
Planning Brief March 15, 2019

Attachment 4: Nova's Ark Animal Inventory - June 30, 2021.



Town of Whitby

By-law # 7392-18

Prohibited and Regulated Animals By-law

Being a By-law to prohibit or regulate the keeping of animals within the Town of Whitby.

Whereas Section 10 and Section 11 of the Municipal Act, 2001 authorizes the Town to pass by-laws respecting animals; and

Whereas Section 103 of the Municipal Act, 2001 authorizes the Town to pass by-laws to provide for the seizure and impounding of animals being at large or trespassing, and provide for the sale of impounded animals under certain conditions; and

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

1. Definitions

- 1.1. "accredited facility" means a facility or operation that is certified and approved to operate by the Canadian Association of Zoos and Aquariums;
- 1.2. "agricultural property" means a property identified as an agricultural zone in the Town's Zoning By-laws;
- 1.3. "animal" includes any member of the animal kingdom, other than a human;
- 1.4. "animal services officer" means an employee of the Town whose duties include the enforcement of this by-law and related animal legislation and includes the animal services supervisor;
- 1.5. "animal services supervisor" means the animal services supervisor for the Town or his or her designate;
- 1.6. "at large" shall mean when an animal is found in any place other than on lands owned or lawfully occupied by its owner and when not under restraint of any person;
- 1.7. "domestic" describes an animal that has been tamed by humans and has, through selective breeding, become notably different from its wild ancestors, and includes animals derived from self-sustaining captive populations;
- 1.8. "dwelling unit" means a room or suite of two or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons and having a private entrance from outside or a common hallway or stairway inside and which is located in a residentially zoned part of the Town;
- 1.9. "livestock" means any domestic fowl, including but not limited to chickens, ducks, geese, turkeys, guinea fowl, swans and ostrich, domestic rabbits (when more than 3 rabbits are kept), horses, donkeys, mules, bulls, oxen,

- cows or other cattle, sheep, lamb, goats, pigs, llamas, mink, emus, alpacas, wild boar, bison, deer, elk, ponies, or rhea;
- 1.10. "owner" means the owner of an animal and includes a person possessing or harbouring an animal and, where the owner is a minor, the person responsible for the custody of the minor;
 - 1.11. "person" shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a corporate body and a natural person;
 - 1.12. "pigeon" means a member of the widely distributed family of birds derived from self sustaining captive populations of Columbidae;
 - 1.13. "prohibited animal" means any animal identified as prohibited in Schedule A, which is attached to and forms part of this by-law;
 - 1.14. "rural area" means that portion of the Town identified as a rural area in Schedule B, which is attached to and forms part of this by-law;
 - 1.15. "Town" means The Corporation of the Town of Whitby or the geographic boundaries of the Town of Whitby, as the context requires;
 - 1.16. "urban area" means that portion of the Town identified as an urban area in Schedule B, which is attached to and forms part of this by-law;
 - 1.17. "wildlife" means an animal indigenous to North America that is wild by nature as includes game wildlife and protected wildlife identified in the Schedules of the Fish and Wildlife Conservation Act, 1997, as amended;
 - 1.18. "wildlife rehabilitator" means a person who is authorized by the Ministry of Natural Resources to care for wildlife in distress until they can be released back into the wild;

2. Interpretation

- 2.1. When reading and interpreting this by-law,
 - 2.1.1. unless otherwise specified, references in this by-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this by-law;
 - 2.1.2. references in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted;
 - 2.1.3. references in this by-law to items in the plural include the singular, and references to the singular include the plural, as applicable;

- 2.1.4. the words "include", "includes" or "including" are not to be read or interpreted as limiting the words, phrases or descriptions that precede them; and
- 2.1.5. the words or references in this by-law that are not defined herein shall be interpreted in accordance with their plain, ordinary, and common dictionary meaning.
- 2.2. If a court of competent jurisdiction declares any section, or any part of any section of this by-law to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

3. Regulation

- 3.1. No person shall keep, own, harbour, or possess any prohibited animal.
- 3.2. No person shall keep, own, harbour, or possess any wildlife.
- 3.3. No person shall keep, own, harbour, or possess livestock other than on an agricultural property in the rural area which is at least five (5) acres in size.
- 3.4. No person shall keep, own, harbour, or possess honeybees unless the keeping of the bees complies with the Bees Act, R.S.O. 1990, c. B.6., as amended.
- 3.5. No owner of an animal shall allow their animal to be at large.

Exemptions

- 3.6. Section 3.1., 3.2., and 3.3. of this by-law shall not apply to:
 - 3.6.1. an animal services officer, while in the course of their duties;
 - 3.6.2. an animal sheltering facility owned or operated by the Town, including its employees and agents, while in the course of their duties;
 - 3.6.3. an agent of the Ontario Society for the Prevention of Cruelty to Animals or a police officer while in the course of their duties;
 - 3.6.4. the premises of an accredited veterinary hospital, including its employees and agents, under the care and supervision of a veterinarian licensed to practice in the Province of Ontario;
 - 3.6.5. a permanent accredited facility, including but not limited to a zoo or aquarium, provided that the use and location of the facility complies with the Town's Zoning By-laws and all other applicable legislation;
 - 3.6.6. with the exception of venomous animals, a temporary or mobile accredited facility, provided that the temporary or mobile accredited

facility is limited to no more than five (5) days in any one location and animals are safely contained when not on exhibit, provided that the temporary or mobile facility complies with all other applicable legislation;

- 3.6.7. a medical or educational institution where animals are being kept for research, study, or teaching purposes, provided such institution is registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;
 - 3.6.8. a person holding a licence issued by the Federal or Provincial government permitting the keeping of animals, subject to the terms and conditions of the licence;
 - 3.6.9. a person conducting an animal exhibition on premises approved by the Town, including but not limited to a circus or petting zoo; or
 - 3.6.10. a person transporting an animal for immediate surrender to an animal services officer, agent of the Ontario Society for the Prevention of Cruelty to Animals, a police officer, veterinarian, or accredited facility.
- 3.7. Section 3.2. of this by-law shall not apply to a wildlife rehabilitator or the premises of a wildlife rehabilitator provided the premises is an agricultural property in the rural area which is at least five (5) acres in size.

Keeping of Pigeons

- 3.8. Every owner of domestic pigeons shall,
- 3.8.1. keep a maximum of eighty (80) pigeons at any time;
 - 3.8.2. be a member of a recognized pigeon club which is affiliated with a national organization;
 - 3.8.3. ensure each pigeon in their possession wears a metal or plastic leg band that identifies the owner of the bird, and shall register leg bands with a recognized pigeon club which is affiliated with a national organization;
 - 3.8.4. ensure that pigeons are not kept in, upon or under any building used for human habitation;
 - 3.8.5. keep all pigeons in suitable bird enclosures of a size to house the birds, which shall provide a minimum size of 0.25 cubic meters (9 cubic feet) of air space per pigeon;
 - 3.8.6. ensure that all bird enclosures are constructed in a manner to prevent the accidental escape of pigeons;

- 3.8.7. ensure that all bird enclosures are located a minimum distance of one (1) metre from any dwelling, shop or apartment building, and from any adjoining property line;
- 3.8.8. ensure that pigeons do not stray, perch, roost, nest or rest upon any premise other than the premise of the owner of the pigeons;
- 3.8.9. maintain all bird enclosures through regular painting or the installation of permanent siding which shall be maintained in good condition;
- 3.8.10. lime wash, paint or disinfect the inside walls and ceilings of all bird enclosures, a minimum of two times per calendar year, save and except those outdoor runs which are enclosed solely with wire;
- 3.8.11. remove and dispose of, in a sanitary manner, a minimum of two times per week, all pigeon droppings and refuse within or adjacent to all bird enclosures;
- 3.8.12. store all pigeon feed in rodent-proof containers;
- 3.8.13. keep all equipment associated with the keeping of pigeons under suitable cover, which does not create an unsightly condition;
- 3.8.14. keep all pigeons enclosed within bird enclosures at all times, except to allow a maximum of two daily, two hour flight periods during which time no more than fifty (50) percent plus one bird, of the total number of pigeons being kept shall be permitted to be at large, it being understood that this provision shall not apply to members of a racing pigeon club when the members are participating in a bona fide flight conducted by the club; and
- 3.8.15. feed pigeons only while they are inside of a bird enclosure.

Keeping of Ferrets, Chinchillas, and Domestic Rabbits

- 3.9. No person shall, keep, own, harbour, or possess more than two (2) domestic ferrets or chinchillas in or about a dwelling unit.
- 3.10. No person shall, keep, own, harbour, possess more than three (3) domestic rabbits in or about a dwelling unit.

Feeding of Waterfowl

- 3.11. No person shall feed waterfowl on Town property unless he or she has been authorized in writing to do so by the Town.

Control of Animals at Large

- 3.12. Any person shall be permitted to take charge of any animal found at large and shall forthwith deliver the animal to an animal services officer.

- 3.13. Nothing in Section 3.12. of this by-law confers upon any person the right to enter any dwelling unit or premises;
- 3.14. An animal services officer may seize and impound any animal delivered to him or her pursuant to Section 3.12. of this by-law or found at large in the Town, or at the request of Whitby Fire and Emergency Services or the Durham Regional Police Service.
- 3.15. An animal services officer shall restore possession of an animal to the owner where,
 - 3.15.1. the owner claims possession of the animal;
 - 3.15.2. the owner pays the Town the impoundment fee in accordance with the Town's Fees and Charges By-law, as may be amended from time to time;
 - 3.15.3. the owner pays the Town the daily care fee in accordance with the Town's Fees and Charges By-law, as may be amended from time to time;
 - 3.15.4. the owner pays the full cost of any veterinary care received by the animal while impounded; and
 - 3.15.5. the owner demonstrates that the place at which they intend to keep the animal is not within an area of the Town where the keeping of such an animal is prohibited by this by-law.
- 3.16. Where on the sixth day after the date of seizure and impounding, exclusive of Sundays and Statutory Holidays, possession of the animal has not been restored to the owner in accordance with Section 3.15. of this by-law, the animal services supervisor may, at his or her discretion,
 - 3.16.1. sell or make a gift of the animal;
 - 3.16.2. otherwise dispose of the animal;
 - 3.16.3. transfer the animal to another animal welfare or animal rescue agency; or
 - 3.16.4. humanely euthanize the animal, with no damage or compensation recoverable by any person.
- 3.17. Where an animal seized or impounded should be euthanized without delay for humane reasons, or for reasons of safety to persons or animals, the animal services supervisor may euthanize the animal in a humane manner as soon after seizure he or she sees fit without permitting any person to claim possession of the animal with no damage or compensation recoverable by any person.

3.18. Where the animal services supervisor deems it necessary to euthanize an animal in accordance with Section 3.17. of this by-law, he or she shall first make every reasonable effort practical in the circumstances to contact the owner of the animal.

3.19. The animal services supervisor shall keep a record of all animals seized and impounded in accordance with this by-law.

4. Schedule(s)

4.1. Schedule A – Prohibited Animals.

4.2. Schedule B – Maps of Urban and Rural Areas.

5. Enforcement and Penalties

5.1. An animal services officer may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.

5.2. No person shall prevent, hinder, or interfere, or attempt to prevent, hinder, or interfere with an inspection by an animal services officer.

5.3. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of \$100,000.00, and in the case of a continuing offence, for each day or part of a day that the offence continues, an additional maximum fine of \$10,000.00 pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

6. Short Title

6.1. This by-law may be referred to as the Prohibited and Regulated Animals By-law.

7. Repeal of Existing By-law

7.1. By-law # 3436-94, By-law # 3669-95, By-law # 4816-01, and By-law # 6888-14 are repealed.

8. Effective Date

8.1. This by-law shall come into force and effect on the day it is passed.

By-law read and passed this 16th day of April, 2018.

Original Approved and Signed.

Don Mitchell, Mayor

Original Approved and Signed.

Christopher Harris, Town Clerk

Schedule A – Prohibited Animals

In the following tables are the prohibited classes or categories of animals with specific exemptions provided for each class or category. A class represents the ordering of organisms into groups, based on their relationships.

Class	Prohibited	Exceptions
Mammalia (Mammals)	All	Domestic dogs, cats, chinchillas, degus, ferrets, hamsters, mice, rabbits, rats, and sugar gliders in accordance with the provisions of this by-law and the Town's Responsible Pet Ownership By-law. Livestock kept on an agricultural property in the rural area which is at least five (5) acres in size.

Class	Prohibited	Exceptions
Reptilia (Reptiles)	All	Constricting and non-venomous serpents (snakes) that are less than two (2) metres in length. Non-venomous lizards that are less than two (2) metres in length. Testudines (tortoises and turtles) that are not of the snapping variety.

Class	Prohibited	Exceptions
Amphibia (Amphibians)	All	Non-venomous Anura (frogs and toads) and Caudate (salamanders and newts)

Schedule A – Prohibited Animals (continued)

In the following tables are the prohibited classes or categories of animals with specific exemptions provided for each class or category. A class represents the ordering of organisms into groups, based on their relationships.

Class	Prohibited	Exceptions
Aves (Birds)	All	<p>Orders of birds kept as livestock on an agricultural property in the rural area which is at least five (5) acres in size.</p> <p>Orders of birds kept as household pets including Columbidae (pigeons and doves), Passeriformes (perching birds and song birds), and Psittaciformes (parrots).</p>

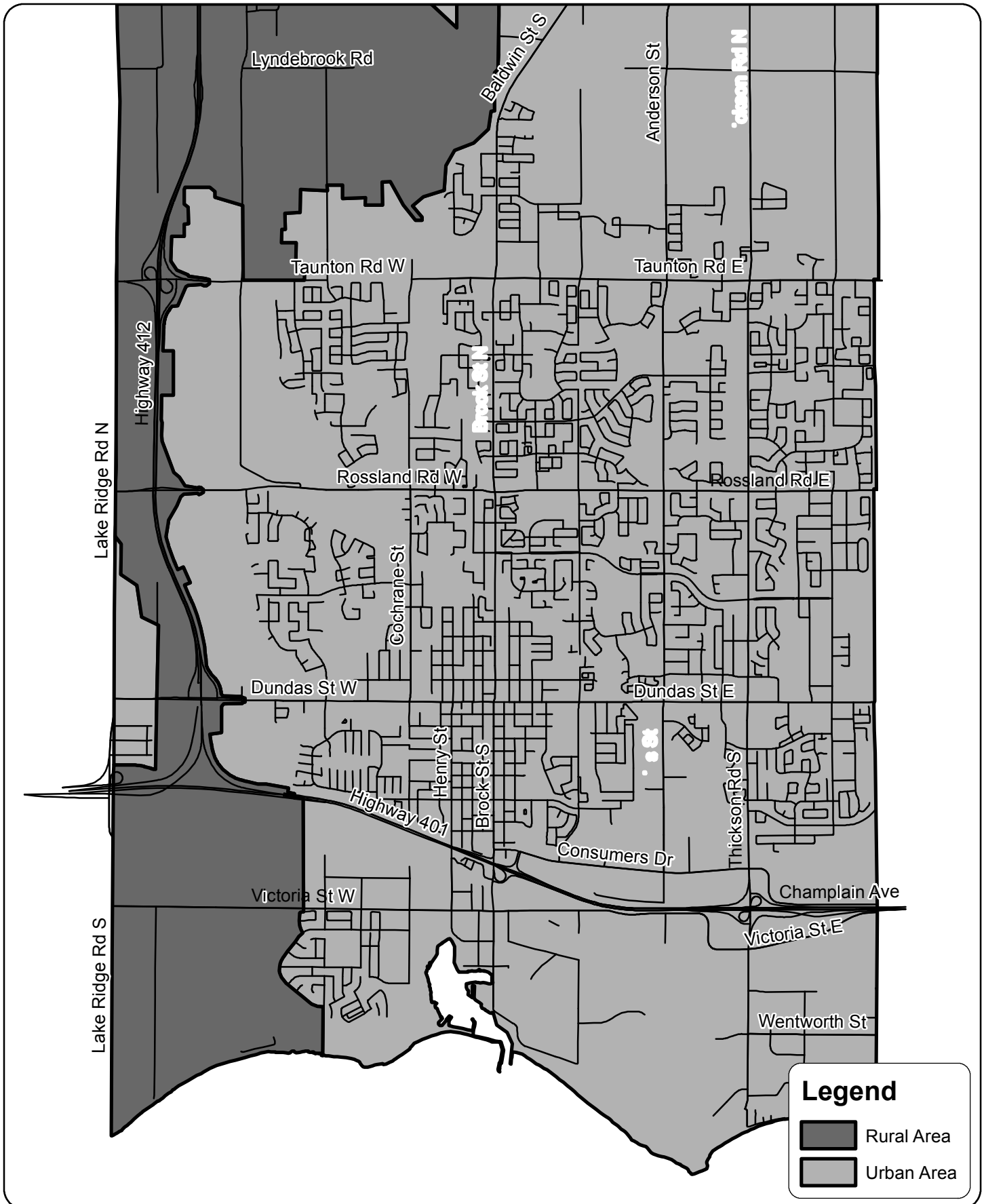
Class	Prohibited	Exceptions
Insecta (Insects)	All	<p>All non-venomous insect include non-venomous Arachnida (spiders) and Chilopoda (centipedes).</p> <p>Apoidea of the honeybee variety provided the keeping of the bees complies with the Bees Act, R.S.O. 1990, c. B.6., as amended</p>

Class	Prohibited	Exceptions
Salt and fresh water organisms	All venomous vertebrates and invertebrates	None

Schedule B - Urban and Rural Area

Attachment 4 to LS 12-23

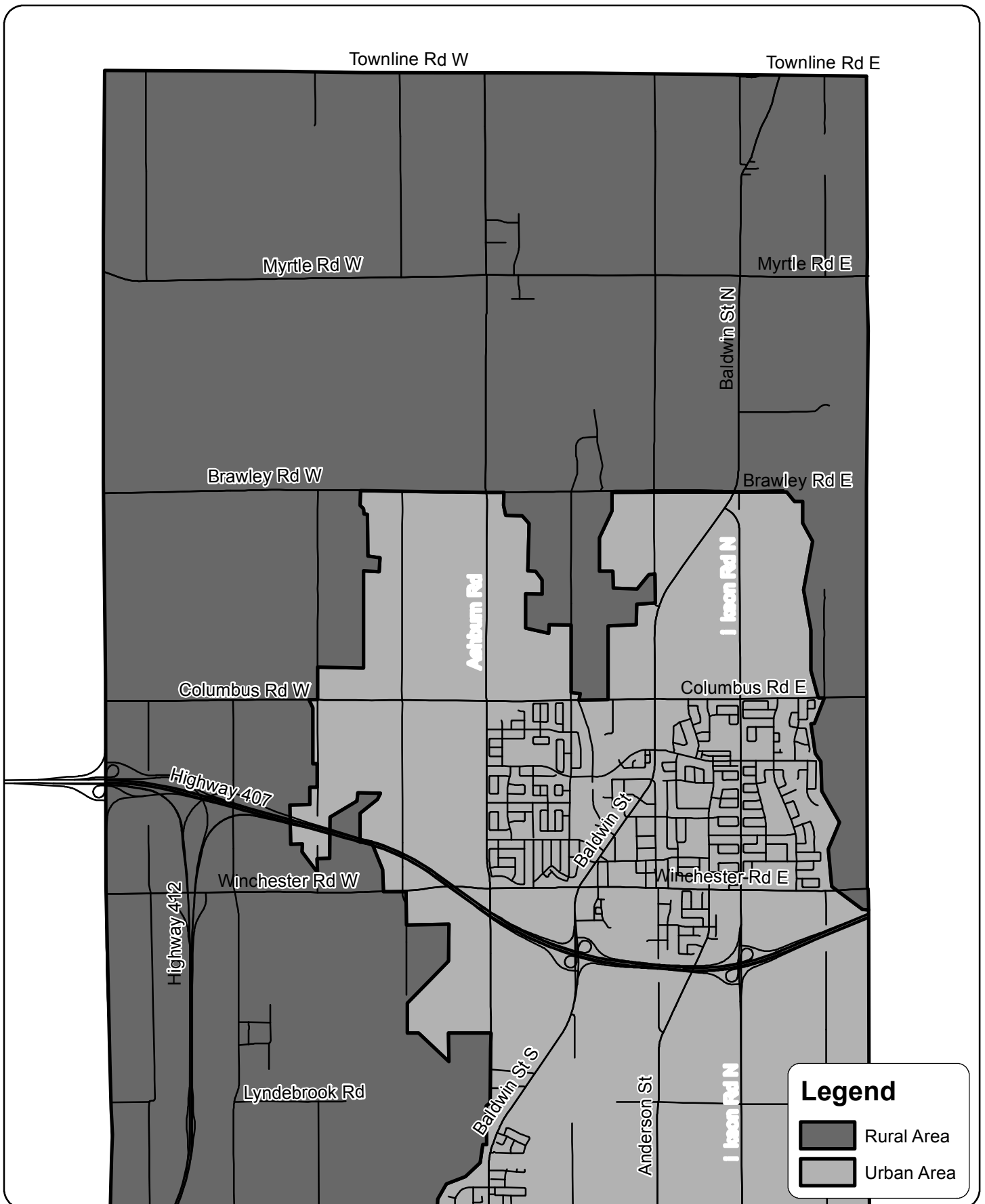
To By-law # 7392-18



Schedule B - Urban and Rural Area

Attachment 4 to LS 12-23

To By-law # 7392-18



Education Plan 2021

Background Information:

Nova's Ark is a registered charity (85916 1176 RR0001) located on a 10 acre property in Brooklin. Our unique, interactive, hands-on facility focuses on providing social and communication experiences and strategies for a wide range of individuals with varied abilities. One of the key components to the success of our programs is the integration of Assisted Animal Therapy.

Animals bring people together. Our unique and individualized programs create opportunities that foster "Out of the Box" thinking. Genuine connections are made on many levels that have a huge impact on all involved: our participants, their families, Nova's Ark staff, College and University mentors and our local community. Our programs incorporate the stories of our special animals and how their characteristics/personalities and traits are similar to all of us. Animals bring to life the values of a caring community: respect, dignity, empathy, trust, perseverance, choice, teamwork.

Supported by private, small business and service organization donations, Nova's Ark continues to provide relevant programs and activities that benefit our community. We have developed a strong, passionate and positive reputation for our devotion to those who have been marginalized and in many cases, ignored by society. Our passion to make a difference and a willingness to think outside the box has resulted in constantly modifying our programs to accommodate the unique needs of the individuals who desperately seek our support.

Our participants seek peace, normality and self-worth in a world that has become overwhelming to navigate and in many cases impersonal. Nova's Ark brings us back in connection with nature. The traditional and non-traditional animals of Nova's Ark provide positive and non-judgemental interactions that impact on our participant's social, emotional and cognitive being.



Program Focus Involving Animal Interactions:

Nova's Ark focuses on incorporating our natural environment with a variety of animals that provide therapy, to develop a unique and inclusive learning environment that fosters the development of all aspects of life. The strong multi-professional team provides many social, emotional and academic strategies to assist our participants in modifying their coping skills to become socially accepted in the community. We strive to improve the lives of our participants through education of Academic, Behavioural, Cognitive and Social Skills. As a registered charity and educational facility of officially 16 years, we have utilized the power of animals in various ways:

1. ***Animal Interactions:*** Facilitated by our Animal Care Mentors, who ensure the dignity and respect of our animal ambassadors. Animal Care Mentors share knowledge and assist in the interpretation of observations of animal behaviours. Information is shared in an informal, open-dialogue setting. Many participants assist in a supportive role to provide animal care.
2. ***Animal Focus:*** It is important to have teachers and therapists engage our participants to learn: to foster a partnership within families to become actively involved in programs and activities. Individual participants, utilize academic skills (surveys, interpersonal skills, receptive and expressive communication, research skills through technology, organization) to select an animal of interest with the goal of developing a mini presentation to share with the class.
3. ***Assisted Animal Therapy:*** a mutually beneficial and therapeutic experience for both the animal ambassador and the participant, which is always guided and interpreted by an Animal Care Mentor. The positive experience is based on a strong understanding of a model of self-regulation known as “Zones of Regulation” which is the Nova's Ark foundation for both human and non-human emotional regulation. This structured and internationally valued program ensures the dignity, respect and freedom of choice for all involved.



Animal Ambassadors:

From big to small, soft to scaly; animals are the common denominator for: social interactions, curiosity to seek knowledge, development of critical thinking skills, advocacy for self and others, and the awareness of social and environmental issues.

Nova's Ark has many animal ambassadors. All have come to us with a story and with purpose. There is a wide range of animals so as to accommodate the specific sensory, emotional, social and academic needs of our participants. Many of the individuals that come to Nova's Ark are extremely unique and require specific connections to our natural environment and our ambassadors to assist them with their own well-being.

Our animal ambassadors provide insights revolving around global interpersonal concepts that apply directly to each and every one of us. Our strong, inclusive philosophy connected with innovative, non-traditional teaching resources result in positive, emotional strategies to support mental health and wellness. Examples would include:

- Kangaroo/Wallaby/Wallaroo: Everyone needs a safe place. The pouch is a safe place for the joey. Where is our safe place? As individuals, we all have specific needs to create that safe place. As a result, we need to support others to acknowledge and respect the safe place created by human and non-human animals alike.
- Ferrets: Respect and Tolerance. Society views ferrets as a nasty, mischievous creature that as a member of the mustelidae family, possess an odor that aides in the species natural survival. When we can understand the reasons why non-human animals possess specific features we build tolerance and respect for their presence in the world. This is also true for human animals; answering the question 'Why?' builds understanding that leads to tolerance and respect within our communities.
- Guinea Pigs: Acceptance of all, inclusion. The physical characteristics of each guinea pig in a colony are unique. However, despite their physical differences, (hair colour, age, size, personality). guinea pigs care for each other as a family unit. At Nova's Ark we value total inclusion of our human participants.



- Capuchin and Squirrel Monkey: Human qualities, critical thinking skills. Observations of these New World primates allows us to reflect on the similarities that exist between non-human and human animals. Conversations regarding processes of learning, methods of communication and self-regulation are facilitated.
- Snakes: Viewed by many as slimy, repulsive creatures snakes provide our participants the opportunity for sensory exploration sessions and a strong “deep pressure” strategy to release stress and high anxiety moments. It is through in-depth dialogue that our snakes have been able to create awareness and appreciation for their role in both the natural environment and in the therapeutic world.

Justification of Specific Native Species:

As our world evolves and many become more engaged with media platforms, young people are being immersed in a competitive, judgemental society, we have lost touch with our core being: nature and the wildlife that lives within our backyards which had been elements of inner peace and awe. There are many misconceptions regarding the purpose of wildlife and the environment we share. Finally, there is a re-awakening of the value and need for our nature based roots through the appreciation of the indigenous culture and the strong drive towards environmental custodianship.

The inclusion of native species allows us to recognize the need to balance human and non-human requirements as we co-exist in environments. Having native species onsite opens up meaningful dialogue regarding uniqueness in physiology, adaptations to changing seasons and environmental inconsistencies, with a community lacking knowledge and awareness. The opportunity to interpret normal animal behaviours, dispel myths regarding the predatory nature of these animals for survival, fosters acceptance of native species in their natural environments.



Our participant demographics began to change to include a strong representation of individuals on the autism spectrum, who wanted to learn about the animals that live in our community and their relevance to us. In the last 3 years, captive bred native species ambassadors have come to Nova's Ark.

1. ***The Bald Eagle:*** central to the indigenous culture with stories that speak of respect and honour. Kracken, the Bald Eagle is our concrete visual that assists our participants with the rationale and understanding of her importance, not only to the indigenous culture, but how the eagle impacts on us. Her molted feathers are donated to the Mississaugas of Scugog Island First Nation as a sign of respect. Nova's Ark has expanded our desire to embrace the teachings by constructing a medicine wheel in our mixed forest a long side the stream so as to continue the journey of becoming more in tune with nature.

Additionally, Kracken demonstrates how even a powerful apex predator benefits from having a trusting relationship, founded in safety and mutual respect. Trusting relationships are paramount to the community success of our participants.

Once near extinction, Bald Eagles are now thriving in the wild due to a conservation effort initiated by humans, reinforcing the need to balance both human and non-human needs in the world.

2. ***Raptors:*** We are all similar, but also unique. Our Gyrfalcons, Peregrine Falcons and Saker Falcon allow our participants to compare and contrast the unique features and skill set (plumage, size, method of hunting, etc.) that each raptor possesses, allowing them to be successful in the natural world. Our human participants also possess unique skill sets and strengths that when nurtured, allow them to be successful in their communities.

Additionally, our raptors provide an opportunity to teach about falconry, the importance of a balanced ecosystem and conservation; the balance between humans and the natural world.



Justification of Specific Native Species Continued:

3. ***Snowy Owls:*** Not all communication comes from words. Powerful yet patient, silent yet expressive, Snowy Owls are one of the most recognizable owls on the planet. Used to demonstrate that humans and non-humans exhibit different emotions and interact with the world in unique ways. Being attentive to the information conveyed non-verbally, fosters active listening skills; a foundational component to trusting relationships and self-regulation. Owl's large eyes are physiologically designed to support nocturnal activity in the wild. Focusing on the owl's eyes allows us to open conversations about non-verbal communication and eye contact with participants who struggle with aspects of social communication.

Owls carry with them a common misconception; "Wise old owl". In fact owls are not as wise as people believe. They are perfectly designed by nature to serve a specific role, but are not as intelligent as other raptors. The connection to the human world, are the assumptions and misconceptions that people have of one another that impact our relationships and success within the community.

4. ***Arctic Foxes:*** Shadow and Sundown demonstrate the importance of survival in their environment. The changing of color allows them to survive. Our participants are able to take this concrete concept and apply it to themselves in an abstract way. Our participants must learn how to survive in a community environment that in many cases is very cruel; that causes many to not survive emotionally and socially. We connect the qualities of the Arctic Fox and the strategies that our participants are acquiring as a way to camouflage, to become more adaptive of their surroundings.



Justification of Specific Native Species Continued:

5. **Red Foxes:** “Designer Foxes”; Platinum, Marble and Burgundy share their story of what their life would have been. Many of our participants are extremely literal thinkers. Concepts of empathy, advocacy and alternative points of view are abstract and may not appear rational. By observing, interacting, questioning and researching facts, our team provides scenarios on how others may think. The discussions regarding fur farms, fur coats, economic justifications, supply and demand verses life, purpose of the fox then ties into current discussions regarding environmental custodianship.

6. **Silver Foxes:** As a form of the Red Fox, we share with our participants that even though it is a fox, there can be visible differences. That is true for all of us. As many of our participants possess a logical, mathematical line of thinking, we share the concept of genetics that create the uniqueness in both the animals and in our selves. We celebrate our uniqueness. The silver foxes have also allowed participants to view foxes through a different lens. Being hand raised, they openly demonstrate their emotional state, wagging their tails with excitement; an observation that can be easily connected to a domestic pet dog, and yet so different in many ways.

7. **Timber (Gray) Wolves:** Nikita and Skye represent, once again, a living creature that throughout the world. There is more to the wolf than howling at the full moon, or being the villain as depicted in children's stories such as "Three Little Pigs" and "Little Red Riding Hood". has been persecuted over the centuries throughout the world . They are endangered in the wild due to fear and misunderstanding. Only education of the true facts will support their value to the ecosystem. Our education focus will also address the history of the role of the wolf through various folklore and cultures



Justification of Specific Native Species Continued:

Timber (Gray) Wolves: continued

The wolf represents loyalty and strong family ties which are also crucial to our children. The biology, appearance, ancestry, expressive behavior, and communication patterns of the wolf in many ways parallel many of the challenges that our special children live through on a regular basis. The wolf is highly valued by the indigenous culture which Nova's Ark is connected

8. **Bobcat:** Farley is best friends with Sasha, the Siberian Lynx. The observations, interactions and then interpretations of their actions directly transfer to our participants understanding of human body language. The cats often communicate with each other without a sound. Our participants observe as we interpret the emotions and then relate and translate what the participant's emotional responses might be. Sasha and Farley continually demonstrate the 4 levels of self-regulation as described in the "Zones of Regulations" program.

Another extremely crucial concept demonstrated by our cats is that it is ok to be different and to still be friends. Sasha and Farley are different in many ways and yet share similarities. So do our participants who struggle with friendships and social interactions. The concrete example of Sasha and Farley offer hope and therefore a willingness to learn. Bobcats are physiologically designed for hunting prey on the ground that move in quick bursts and unpredictable patterns. Bobcats are agile and quick to move. This design is in contrast to a Siberian Lynx who is physiologically designed to run in straighter paths of movement and leap to capture prey. Despite these differences, both felines demonstrate emotional similarity, functioning independently but also co-dependently. These biological observations are connected to our participants, with whom we encourage independence and respect as a natural requirement for a trusting relationship.



9. **Canadian Lynx:** Mowat will compliment much of the education plan created for and Farley the Bobcat. By comparing the Lynx and the Bobcat, the similarities pertaining to the feline species can be discussed. Mapping of the information will reinforce research that will focus on similarities and differences between Sasha the Siberian Lynx, Farley the Bobcat and Mowat the Canadian Lynx.

The traditionally shy personality of the Canadian Lynx demonstrates the value and necessity of a large personal space bubble to feel safe and calm. By practising respect, dignity and a true understanding of non-verbal body language, Mowat is able to interact within her small community. Another lesson is that the Canadian Lynx has an important role in maintaining a balanced ecosystem. As with other animals, our special children and their families greatly benefit from the social and environmental lessons that can be learned from various members of the cat family.

Of interest to many of our children are the stories: Farley the Bobcat and Mowat the Canadian Lynx are named in honor of our very own Ontarian author and environmentalist Farley Mowat. His phenomenal passion for our wildlife continues to have impact in the many stories that he has written. Our children and families hear the stories through our programs as we connect with our furry friends.

10. **Racoons:** Rosy and Ricky represent a concrete example of history repeating itself. The strong and realistic concern of the spread and profound impact of Rabies without the appropriate safety measures is parallel to the concerns of COVID. The current global pandemic can only be managed through research, accurate data collection and proven directives put in place nationally. The Racoons will be able to share their history, the importance of research, the documentation of accurate data and the proven directives put in place to protect both the human and non-human population from Rabies. The introduction to current resources pertaining to Rabies will be provided in a multiple intelligence platform so as to relate to our participant's wide range of learning styles



Justification of Specific Native Species Continued:

Racoons: continued

Racoons are a vital part of our natural environment. They are members of our immediate community. Many of our participants relate to the challenges of the Racoons, as they also feel misunderstood and unwelcomed. Through data based education, positive experiences and opportunities for in-depth dialogue, the perceptions can become more realistic.

11. ***Striped Skunks:*** Ying and Yang "Don't judge a book by its cover" is a key message for the community that connects closely with the individuals that we work with in a social/educational context and the misunderstood skunk. Skunks have gained a negative reputation of being smelly, unpredictable, detested mammals that have no valued worth. Much of the information that the general population focuses on pertaining to skunks is incorrect or misinterpreted through that Nova's Ark connects with. The skunk has been forced into adaptation due to loss of habitat and demonstrate resiliency and versatility. The community has not looked past the cover of the book (only what they see and have heard). Our educational focus is to provide information that goes deeper; to open up the book.

Through research, discussion and first hand observation and interactions our participants will share and educate the community, not only regarding the importance of the skunk to our ecosystem, their areas of strengths, behavioral communication, but provide a positive platform for our participants to be viewed as valued members of society. Skunks and our unique students are not to be feared but respected and given the space that they require to manage their anxiety.



12. ***Virginia Opossums:*** Sassofras and Quincy share the journey and challenges of immigration. It has taken decades for these unique creatures to adjust and persistently remain active in Southern Ontario. Their presence is now recognized and accepted as part of Ontario's wildlife community. As with many of our new families arriving from many countries, new patterns of life can be very challenging and confusing. Physically, Canadian winters can be a difficult adjustment. So too with the Opossum. Our children are extremely sensitive to the winter. Together, we focus on accommodations and modifications to support adjustments to survival.

Our Opossum friends have also taught us about communication, "playing possum" meaning "playing dead" as a coping mechanism regarding high anxiety/high risk situations. What do we do to cope? Is it the correct strategy? What may be a better solution? All these questions provide opportunities for dialogue, research and a deeper understanding.



Key Elements of the Care and Safety of Animal Ambassadors:

- ★ double door system for all enclosures with key access only with qualified animal care supervisors
- ★ all enclosures built with underground perimeter rebar fencing, layered with patio stone/flag stone and totally enclosed 9 gage rubberized fencing
- ★ consistent cleaning procedure of enclosures focusing on animal waste, debris removal, fresh water and exchanging of food dishes.
- ★ policy and procedure training regarding strategies eliminating cross-contamination
- ★ based on research and best practices, a detailed meal plan has been prepared for each animal that outlines specific dietary requirements. A combination of natural food items (Meat: quail, rabbits, rats, chicks; daily fresh fruits/vegetables) and commercial grade food items (Mazuri) are provided to ensure that the nutritional requirements for each animal are met. This information is shared with animal care mentors responsible for animal feeding, as well as our participants as a component of our education programs building awareness that human and non-human animals alike require specific food items to achieve a state of optimal being
- ★ consistent documentation of physical and emotional daily care plan for each animal that includes needs for rest times, enrichment opportunities, and unrestricted retreat areas
- ★ no open access to the public; participation only through pre-booked specialized programs
- ★ no off-site presentations such as petting zoos, carnivals, fairs, birthday parties
- ★ all animal ambassadors have purpose and intentionality regarding programming
- ★ animal ambassadors are not involved in breeding programs
- ★ Nova's Ark is not involved in the sale of animal ambassadors
- ★ Veterinarian: Doctor Michelle Travers (13 minutes away)

Claremont Veterinary Services
 2005 9th Concession Road
 Pickering, Ontario



Key Elements of the Care and Safety of Animal Ambassadors Continued:

- ★ hand sanitizing stations located at enclosure areas to minimize the possibility of disease transference
- ★ staff utilizes radio system for constant and immediate communication
- ★ animal ambassadors are monitored regarding levels of engagement and allowed free choice of interaction
- ★ animals that indicate that they are not prepared to interact are given the opportunity to not participate (each animal has a designated “safe place” which is out of bounds for any participant or mentor)
- ★ all participants accompanied by trained staff and/or mentors on a 1:1 ratio during the entire program day (6 hours)
- ★ participants interacting with animals categorized as a rabies vector species (foxes, racoons, skunks) will be directly supervised 1:1 by an animal care mentor who has demonstrated competency of Chapter 7 of the “Study Guide For The Ontario Wildlife Rehabilitation Exam: 2020)
- ★ all participants are provided with community accepted social skills education, prior to interacting with our animal ambassador

Summary

Nova's Ark is a registered charity that promotes advocacy for human and non-human rights for quality of life. With a focus on Assisted Animal Therapy principals, emotional connections are fostered between a range of animals and our participants, developing an appreciation for the natural world. The importance of positive physical, mental and emotional elements of relationships is enforced, creating a mutual respect between our human and non-human animals.

A handwritten signature in blue ink that reads 'Mary-Ann Nova'.

Mary-Ann Nova
Director



NOVA'S ARK: Livestock Inventory - Dec. 31, 2016

Attachment 3 to Report LS 16-21

Mammal, Bird, or Reptile	Sort By	QTY- Dec 2016	Livestock Description	Year Acquired	How Acquired
Bird	Exotics	1	Cockatoo, Moluccan - "Chrissy"	2013	Donation
Bird	Exotics	1	Cockatoo, Umbrella - "Oliver"	2013	Donation
Bird	Exotics	1	Macaw Parrot, Blue & Gold - "Boomer"	pre - '08	
Bird	Exotics	1	Parrot (Urie), Pionus White-capped	2015	Donation
Bird	Exotics	2	Cockatoo, Goffin - "Buddy" & Fred	2014	Donation
Bird	Farm	1	Chickens, Orange	2014	Donation
Bird	Farm	2	Rooster	2014	Donation
Bird	Farm	1	Duck, Brown	2014	Donation
Bird	Farm	1	Duck, Moscovy - "Sidewinder"	2014	Donation
Bird	Farm	3	Duck, Crested	2014	Donation
Bird	Farm	3	Duck, Running	2014	Donation
Bird	Farm	1	Emu - Harriett	2011	
Bird	Farm	1	Guinea Hens	2014	Donation
Bird	Farm	1	Peahen, Albino - "Angel"	2008	Donation
Bird	Farm	1	Pigeon	2014	x
Bird	of Prey	1	Eagle, Bald - "Kraken"	2012	Purchase
Bird	of Prey	1	Falcon, Peregrine - "Gannicus"	2013	Purchase
Bird	of Prey	1	Owl, Eagle - "Yeti"	2013	Purchase
Bird	of Prey	1	Owl, Spectacled - "Patrone"	2011	Purchase
Bird	of Prey	2	Hawk, Harris	2011	Purchase
Mammal	Exotics	1	Armadillo, Three-banded - "Arnie"	2014	Purchase
Mammal	Exotics	1	Bobcat, North American (male) - "Farley"	2016	Purchase
Mammal	Exotics	1	Caracal - "Khal"	2017	Purchase
Mammal	Exotics	1	Lynx, Eurasian Siberian - "Sasha"	2013	Purchase
Mammal	Exotics	1	Serval - 'Kaleesia'	2015	Purchase
Mammal	Exotics	1	Camel - "Google"	2009	Purchase
Mammal	Exotics	1	Camel, Dromedary (male) - "Bing"	2016	Purchase

NOVA'S ARK: Livestock Inventory - Dec. 31, 2016

Attachment 4 to LS 12-23

Mammal, Bird, or Reptile	Sort By	QTY- Dec 2016	Livestock Description	Year Acquired	How Acquired
Mammal	Exotics	2	Capybara (2 male) - "Carlos & Santana"	2015	Donation
Mammal	Exotics	4	Cavy, Patagonian	2013	
Mammal	Exotics	15	Chinchilla	2014	Born at Farm
Mammal	Exotics	2	Coatimundi, Mountain - "Elsa" & "Anna"	2014	Purchase
Mammal	Exotics	1	Coatimundi, White Nose - "D'Coata"	2014	Purchase
Mammal	Exotics	1	Coatimundi, White-Nosed Mountain - "Nevada"	2015	Purchase
Mammal	Exotics	3	Ferret	2014	Purchase
Mammal	Exotics	1	Fox, Red	2017	Purchase
Mammal	Exotics	1	Fox, Burgundy	2017	Purchase
Mammal	Exotics	1	Fox, Platinum	2017	Purchase
Mammal	Exotics	1	Fox, Marble	2017	Purchase
Mammal	Exotics	1	Fox, Arctic Shadow	2017	Purchase
Mammal	Exotics	1	Wallaby - "Abby"	2013	Purchase
Mammal	Exotics	1	Wallaby - "Ally"	2013	Purchase
Mammal	Exotics	1	Wallaby - "Sydney"	pre - '08	Purchase
Mammal	Exotics	1	Wallaby, Albino - "Avery"	2013	Purchase
Mammal	Exotics	1	Wallaby, Albino - "Fred"	2014	Born at Farm
Mammal	Exotics	1	Walleroo - "Gonzo"	2008	Purchase
Mammal	Exotics	1	Kinkajou - "Ewok"	2014	Purchase
Mammal	Exotics	1	Lemur, Black & White Ruffed (male) - "Lamont"	2016	Purchase
Mammal	Exotics	1	Lemur, Ringtail - "Leroy"	pre - '08	Donation
Mammal	Exotics	1	Lemur, Ring-tailed (male) - "Linus"	2016	Transfer
Mammal	Exotics	1	Monkey, Capuchin - "Chip"	2013	Purchase
Mammal	Exotics	1	Monkey, Squirrel (female) "Cha Cha"	2016	Purchase
Mammal	Exotics	1	Porcupine, African - "Shakespeare"	2013	Purchase
Mammal	Exotics	1	Porcupine, African - "Willam"	2015	Donation
Mammal	Exotics	1	Porcupine, North American - "Maple"	2015	Donation
Mammal	Exotics	1	Porcupine, Prehensile Tail - "Pocohantas"	2014	Purchase
Mammal	Exotics	1	Groundhog, North American - "Murray"	2017	Purchase

NOVA'S ARK: Livestock Inventory - Dec. 31, 2016

Attachment 4 to LS 12-23

Mammal, Bird, or Reptile	Sort By	QTY- Dec 2016	Livestock Description	Year Acquired	How Acquired
Mammal	Exotics	1	Opossum, Virginian - "Alf"	2017	Purchase
Mammal	Exotics	4	Skinny Pigs	2014	Purchase
Mammal	Exotics	1	Skunk, North American (Captive Bred)	2014	Purchase
Mammal	Exotics	1	Zebra - "Hunter"	2011	Purchase
Mammal	Farm	1	Alpaca	2013	Donation
Mammal	Farm	1	Alpaca - "Freeman"	2013	Donation
Mammal	Farm	1	Alpaca - "Marshmallow"	2008	Donation
Mammal	Farm	1	Alpaca - "Zippa"	2011	Donation
Mammal	Farm	1	Llama - "Cairo"	2011	Donation
Mammal	Farm	1	Cat, Maine Coon (Male) - "Hudson"	2016	Purchase
Mammal	Farm	1	Dog, Bouvier - "Kodiak"	2010	Purchase
Mammal	Farm	1	Dog, Bouvier - "Zeva"	2013	Purchase
Mammal	Farm	1	Donkey, Mammoth - "Fudge"	pre - '08	Donation
Mammal	Farm	1	Donkey, Mammoth - "Hershey"	pre - '08	Donation
Mammal	Farm	1	Donkey, Mini - "Jingles"	2015	Donation
Mammal	Farm	1	Donkey, Miniature - "George"	2009	Purchase
Mammal	Farm	1	Donkey, Miniature - "Smokey"	pre - '08	Purchase
Mammal	Farm	1	Donkey, Miniature - "Taco Bill"	pre - '08	Donation
Mammal	Farm	1	Mule - "Stormy"	2013	Born at Farm
Mammal	Farm	1	Goat - "Gary"	2009	Donation
Mammal	Farm	2	Goat, Cashmire - "Gooch" & "Gumbi"	pre - '08	Donation
Mammal	Farm	3	Goat, Pygmy	2012	Donation
Mammal	Farm	1	Goat, Spanish	2010	Purchase
Mammal	Farm	1	Horse - "Ally"	2013	Donation
Mammal	Farm	1	Horse - "Chase"	2015	Donation
Mammal	Farm	1	Horse - "Electra"	pre - '08	Purchase
Mammal	Farm	1	Horse - "Sundance"	pre - '08	Purchase
Mammal	Farm	1	Horse - "Tulip"	2012	Donation
Mammal	Farm	1	Horse, Miniature - "Napoleon"	2014	Donation

NOVA'S ARK: Livestock Inventory - Dec. 31, 2016

Attachment 4 to LS 12-23

Mammal, Bird, or Reptile	Sort By	QTY- Dec 2016	Livestock Description	Year Acquired	How Acquired
Mammal	Farm	1	Horse, Miniature - "Maverick"	pre - '08	Donation
Mammal	Farm	1	Horse, Miniature - "Nickel"	2010	Donation
Mammal	Farm	1	Horse, Miniature - "Thunder"	2013	Donation
Mammal	Farm	1	Pony - "Pepsi"	pre - '08	Donation
Mammal	Farm	1	Pig, Mini	2013	Donation
Mammal	Farm	1	Pig, Pot Belly - "Cookie"	2010	Donation
Mammal	Farm	1	Pig, Pot Belly - "Pip"	2009	Donation
Mammal	Farm	1	Pig, Potbelly - "Bacon Bits"	pre - '08	Donation
Mammal	Farm	1	Pig, Potbelly - "Marvin"	2011	Donation
Mammal	Farm	1	Pig, Potbelly - "Pippa"	2011	Donation
Mammal	Farm	1	Rabbit, Angora - "Olaf"	2015	Donation
Mammal	Farm	1	Rabbit, English Lop ear - "Penelope"	2017	Purchase
Mammal	Farm	5	Rabbit, Assorted	2015	Donation
Mammal	Farm	3	Sheep	2012	Donation
Mammal	Farm	1	Sheep, Jacob - "Tweedledee"	pre - '08	Donation
Mammal	Farm	1	Zebu - "Rambo"	pre - '08	Purchase
Mammal	Farm	1	Zebu, Miniature - "Star"	pre - '08	Donation
Reptiles	Insect	1	Scorpion, Asian Forest	2015	Purchase
Reptiles	Insect	1	Tarantula, Amazon Giant Blue-Legged Bird Eater	2015	Purchase
Reptiles	Insect	2	Tarantula, Chilean Rose Hair	2010 & 2011	Purchase
Reptiles	Insect	1	Tarantula, Mexican Blonde	2013	Purchase
Reptiles	insect	1	Tarantula, Scarlett Bird Eater	2015	Purchase
Reptiles	Lizard	1	Lizard, Banana Iguana	2016	Purchase
Reptiles	Lizard	1	Lizard, Blue Iguana	2016	Purchase
Reptiles	Lizard	1	Lizard, Frilled	2016	Purchase
Reptiles	Lizard	1	Lizard, Leachie Grand Terre Gecko (male)	2016	Purchase
Reptiles	Lizard	1	Lizard, Rhino Iguana	2016	Purchase
Reptiles	Lizard	3	Lizard, Uromastyx	2016	Purchase
Reptiles	Lizard	2	Monitor, Savannah	2016	Purchase

Mammal, Bird, or Reptile	Sort By	QTY- Dec 2016	Livestock Description	Year Acquired	How Acquired
Reptiles	Lizard	1	Skink, Blue Tongue - "Blue"	pre - '08	Donation
Reptiles	Lizard	1	Skink, Blue-Tongue - "Berry"	2009	Purchase
Reptiles	Lizard	1	Tegu, Black & White	2010	Purchase
Reptiles	Lizard	1	Tegu, Red	2015	Donation
Reptiles	Lizard	1	Tegu, Red - "Mac"	2008	Donation
Reptiles	Snake	1	Boa, Durmeal - "Pecan"	2011	Purchase
Reptiles	Snake	1	Boa, Emerald Tree	2015	Purchase
Reptiles	Snake	1	Boa, Hog Island - "Horizon"	2009	Purchase
Reptiles	Snake	2	Boa, Red Tail	2013	Donation
Reptiles	Snake	1	Boa, Red Tailed	2014	Donation
Reptiles	Snake	1	Boa, Sun Glow	2016	Purchase
Reptiles	Snake	4	Lizard, Bearded Dragon	2012	Purchase
Reptiles	Snake	4	Lizard, Crested Gecko	2015	Purchase
Reptiles	Snake	1	Lizard, Iguana (Green)	2015	Purchase
Reptiles	Snake	2	Lizard, Monkey Tailed Skinks	2015	Purchase
Reptiles	Snake	1	Lizard, Saharan Uromastyx	2015	Purchase
Reptiles	Snake	1	Lizard, Water Monitor	2014	Purchase
Reptiles	Snake	1	Python Matrix (Male)	2015	Purchase
Reptiles	Snake	1	Python, Albino Blood	2015	Purchase
Reptiles	Snake	1	Python, Ball - "Striker"	pre - '08	Donation
Reptiles	Snake	1	Python, Black Headed	2010	Purchase
Reptiles	Snake	1	Python, Blood - "Bane"	2013	Purchase
Reptiles	Snake	1	Python, Bredli	2014	Purchase
Reptiles	Snake	1	Python, Ivory (Female)	2015	Purchase
Reptiles	Snake	1	Python, Jungle Jaguar	2014	Purchase
Reptiles	Snake	1	Python, Olive - "Olive"	2013	Donation
Reptiles	Snake	1	Python, Pied Reticulated (Hep Albino)	2016	Purchase
Reptiles	Snake	1	Python, Platinum Reticulated	2016	Purchase
Reptiles	Snake	1	Python, Reticulated (Purple Albino)	2014	Purchase

NOVA'S ARK: Livestock Inventory - Dec. 31, 2016

Attachment 4 to LS 12-23

Mammal, Bird, or Reptile	Sort By	QTY- Dec 2016	Livestock Description	Year Acquired	How Acquired
Reptiles	Snake	1	Python, Scrub	2015	Purchase
Reptiles	Snake	1	Snake, California King - "Patty"	2012	Donation
Reptiles	Snake	1	Snake, California King - "Royal"	pre - '08	Donation
Reptiles	Snake	4	Snake, Corn	2011	Donation
Reptiles	Snake	1	Snake, Woma (male)	2016	Purchase
Reptiles	Tortoise	2	Tortoise, Burmese mountain	2015	Purchase
Reptiles	Tortoise	1	Tortoise, Elongated	2011	Purchase
Reptiles	Tortoise	1	Tortoise, Greek (male)	2016	Purchase
Reptiles	Tortoise	1	Tortoise, Gulf Coast	2016	Purchase
Reptiles	Tortoise	2	Tortoise, Leopard	2013	Donation
Reptiles	Tortoise	1	Tortoise, Pancake - "Flapjack"	2010	Purchase
Reptiles	Tortoise	1	Tortoise, Radiated	2015	Purchase
Reptiles	Tortoise	2	Tortoise, Red-Footed - "Sam" & "Ella"	pre - '08	Purchase
Reptiles	Tortoise	2	Tortoise, Red-Footed	2016	Donation
Reptiles	Tortoise	1	Tortoise, Russian (female)	2016	Purchase
Reptiles	Tortoise	1	Tortoise, Saculta - "Thor"	2010	Purchase
Reptiles	Tortoise	1	Tortoise, Sulcata	2015	Donation
Reptiles	Tortoise	1	Tortoise, Yellow Footed	2014	Purchase
Reptiles	Turtle	1	Turtle, Chinese Box - "Chuck"	2009	Purchase
Reptiles	Turtle	11	Turtle, Red-Eared Painted	2013+	Donation
Reptiles	Turtle	1	Turtle, Softshell Albino	2015	Purchase

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Attachment 4 to Report LS 16-21

NOVA'S ARK: Livestock Inventory - June 30, 2021

Quantity	Livestock Description	Year Acquired	How Acquired	Zoning/Prohibited and Regulated Animal By-law Permits
1	Chickens, Polish	2019	Donation	Yes
2	Chickens, Mini	2019	Donation	Yes
1	Chicken, Regular	2020	Donation	Yes
1	Cockatoo, Goffin - "Buddy"	2014	Donation	Yes
1	Cockatoo, Goffin - "Fred"	2017	Donation	Yes
1	Cockatoo, Moluccan - "Chrissy"	2013	Donation	Yes
1	Cockatoo, Moluccan "Mully"	2021	Purchase	Yes
1	Cockatoo, Umbrella - "Oliver"	2013	Donation	Yes
1	Military Maccaw, "Caesar"	2020	Donation	Yes
3	Ducks, Peaken	2019	Donation	Yes
3	Ducks, mini	2019	Donation	Yes
4	Ducks, common	2019	Donation	Yes
1	Macaw Parrot, Blue & Gold - "Boomer"	pre - '08	Purchase	Yes
1	Green Wing Macaw - "Calypso"	2021	Donation	Yes
1	Scarlett Macaw - "Tango"	2021	Donation	Yes
1	African Grey Parrot - "Rio"	2021	Donation	Yes
5	Pigeons	2019	Donation	Yes
4	White Ring Neck Doves	2020	Donation	Yes
4	Guinea Hens	2020	Donation	Yes
1	Alpaca - "Caramel"	2013	Donation	Yes
1	Alpaca - "Freeman"	2013	Donation	Yes
1	Alpaca - "Marshmallow"	2008	Donation	Yes
1	Cat, Maine Coon - "Hudson"	2016	Purchase	Yes
1	Cat, "Two Stroke"	2003	Donation	Yes
1	Cat, calico "Cali"	2004	Donation	Yes
1	Cat, Maine Coon - "Mitch"	2020	Donation	Yes
3	Cat, barn	2021	Donation	Yes
1	Cat, Sphynx (Black Tuxedo) - "ET"	2018	Purchase	No
1	Cat, Sphynx (Elf) - "Dobby"	2018	Purchase	No
1	Cat, sphynx "Lady Arwin"	2019	Purchase	No
1	Cat, sphynx, Bambino, "Socks"	2019	Purchase	No
1	Cat, Savannah - "Nix"	2020	Donation	No
9	Chinchilla	2018/20	Donation	Yes
1	Dog, Bouvier - "Kodiak"	2010	Purchase	Yes
1	Dog, Bouvier - "Zeva"	2013	Donation	Yes
1	Donkey, Mammoth - "Hershey"	pre - '08	Purchase	Yes
1	Donkey, Miniature - "George"	2009	Purchase	Yes
1	Donkey, Miniature - "Smokey"	pre - '08	Purchase	Yes
2	Donkey, Standard - "Murray & Maurice"	2020	Donation	Yes
4	Ferret, Beige	2016	Donation	Yes
1	Ferret, Chocolate Brown	2017	Purchase	Yes
2	Ferret, White - "Bonnie" & "Clyde"	2017	Donation	Yes
2	Goat - "Gary & Wylie"	2009/20	Donation	Yes
1	Goat, Cashmire	pre - '08	Purchase	Yes
4	Goat, Pygmy	2019	Purchase	Yes
115	Guinea Pigs	2014 - 21	Born at Farm	Yes
2	Hedgehog - "Thistle"	2015	Purchase	Yes
4	Hedgehog - "Sonic"	2018	Purchase	Yes
2	Hedgehog, Albino	2019	Purchase	Yes
1	Horse - "Sundance"	pre - '08	Purchase	Yes
1	Horse - "Tulip"	2012	Donation	Yes
1	Horse, Miniature - "Napoleon"	2014	Donation	Yes
1	Horse, Miniature - "Nickel"	2010	Donation	Yes
1	Horse - "Fritz"	2020	Donation	Yes
1	Llama - "Cairo"	2011	Donation	Yes
1	Mule - "Stormy"	2013	Donation	Yes

NOVA'S ARK: Livestock Inventory - June 30, 2021

Quantity	Livestock Description	Year Acquired	How Acquired	Zoning/Prohibited and Regulated Animal By-law Permits
1	Pig, Potbelly "Winston"	2018	Donation	Yes
2	Pig, Potbelly, "Pepper & Salt"	2019	Purchase	Yes
1	Pony - "Pepsi"	pre - '08	Donation	Yes
2	Pony - "Gregory & Piper"	2019	Donation	Yes
4	Rabbit, Angora	2015	Donation	Yes
6	Rabbit, Outdoor	2017+	Donation	Yes
1	Rabbit, Netherland dwarf 'Harry'	2019	Purchase	Yes
1	Rat, Furred	2017	Donation	Yes
1	Sheep, babydoll Ram "Mulberry"	2019	Purchase	Yes
1	Sheep, Shetland	2019	Purchase	Yes
1	Sheep, Friesen ram lamb	2019	Purchase	Yes
1	Sugar Glider, Leucistic - "Joey"	2020	Purchase	Yes
11	Skinny Pigs	2018+	Donation	Yes
1	Iguana, Pied	2018	Purchase	Yes
1	Iguana, Blue Mystic	2019	Purchase	Yes
2	Lizard, Bearded Dragon	2019	Purchase	Yes
1	Lizard, Iguana (Green) - "Chopper"	2015	Purchase	Yes
1	Lizard, Leachie Grand Terre Gecko	2016	Purchase	Yes
1	Lizard, Monitor (American Water)	2017	Purchase	Yes
1	Boa, Hog Island - "Horizon"	2009	Purchase	Yes
1	Lizard, Monitor (White Throat)	2017	Purchase	Yes
2	Lizard, Monkey Tailed Skinks	2015	Purchase	Yes
1	Lizard, Rhino Iguana	2016	Purchase	Yes
1	Lizard, Water Monitor (Asian H20)	2014	Purchase	Yes
1	Python, Ball - "Striker"	pre - '08	Purchase	Yes
1	Python, Jungle Jaguar Bredli	2014	Purchase	Yes
1	Skink, Blue Tongue - "Blue"	pre - '08	Donation	Yes
1	Skink, Blue-Tongue - "Berry"	2009	Purchase	Yes
2	Tortoise, Burmese Mountain	2015	Purchase	Yes
1	Tortoise, Elongated	2011	Purchase	Yes
1	Tortoise, Gulf Coast	2016	Purchase	Yes
1	Tortoise, Leopard	2013	Donation	Yes
1	Tortoise, Pancake - "Flapjack"	2010	Purchase	Yes
1	Tortoise, Radiated	2015	Purchase	Yes
3	Tortoise, Red-Footed	pre - '08 & 20	Donation	Yes
1	Tortoise, Russian	2016	Purchase	Yes
1	Tortoise, Saculta - "Thor"	2010	Purchase	Yes
2	Tortoise, Sulcata	2015	Donation	Yes
1	Tortoise, Yellow Footed	2014	Purchase	Yes
1	Turtle, Chinese Box - "Chuck"	2009	Purchase	Yes
1	Python, Ivory	2015	Purchase	Yes
1	Python, Matrix	2015	Purchase	Yes
280				

Quantity	Prohibited Animal Description	Year Acquired	How Acquired	
1	Walleroo - "Gonzo"	2008	Purchase	No
2	Wolf - "Skye & Nikita"	2021	Donation	No
1	Zebra - "Hunter"	2011	Purchase	No
2	Raccoon - "Ricky & Rosy"	2020	Donation	No
1	Lynx, Eurasian Siberian - "Sasha"	2013	Purchase	No
1	Monkey, Capuchin - "Chip"	2013	Purchase	No
1	Monkey, Squirrel "Cha Cha"	2016	Purchase	No

NOVA'S ARK: Livestock Inventory - June 30, 2021

Quantity	Livestock Description	Year Acquired	How Acquired	Zoning/Prohibited and Regulated Animal By-law Permits
1	Fox, Arctic - "Shadow"	2017	Purchase	No
1	Fox, Arctic "Sundown"	2018	Purchase	No
1	Fox, Burgandy	2017	Purchase	No
1	Fox, Marble	2017	Purchase	No
1	Fox, Platinum	2017	Purchase	No
4	Fox, Silver	2020	Donation	No
1	Bobcat, North American - "Farley"	2016	Donation	No
1	Wallaby, Agile - "Wallace"	2018	Purchase	No
1	Wallaby, Albino - "Fred"	2014	Purchase	No
1	Wallaby, Bennett - "Paisley"	2019	Purchase	No
1	Wallaby, Bennett - "Abby"	2010	Purchase	No
1	Porcupine, African - "Shakespeare"	2013	Purchase	No
1	Porcupine, African - "Willam"	2015	Donation	No
1	Porcupine, North American - "Maple"	2015	Donation	No
1	Porcupine, Prehensile Tail - "Pocohantas"	2014	Purchase	No
1	Kangaroo, - "Roopert"	2015	Purchase	No
1	Kangaroo, - "Jonah"	2014	Donation	No
2	Kinkajou -Ewok & Chiquita	2020	Purchase	No
1	Lemur, Black & White Ruffed - "Lamont"	2016	Purchase	No
1	Lemur, Ringtail - "Leroy"	pre - '08	Donation	No
1	Lemur, Ring-tailed - "Linus"	2016	Donation	No
1	Capybara - "Carlos & Santana"	2015	Donation	No
1	Caracal, African - "Khal"	2017	Purchase	No
16	Cavy, Pategonian	2017	Purchase	No
2	Coatimundi, Mountain - "Elsa" & "Anna"	2014	Purchase	No
1	Coatimundi, White-Nosed Mountain - "Nevada"	2015	Purchase	No
1	Coatimundi, Mountain - "Jack"	2020	Donation	No
1	Groundhog - "Murray"	2017	Purchase	No
1	Camel, Bactrian - "Google"	2009	Purchase	No
1	Camel, Domedary - "Bing"	2016	Purchase	No
1	Owl, Eagle - "Yeti"	2013	Donation	No
1	Owl, Eagle - "Axel"	2020	Donation	No
1	Owl, Spectacled - "Patrone"	2011	Purchase	No
2	Owls, 2 Snowy - "Tundra & Blizzard"	2019	Donation	No
2	Peacock	2018	Purchase	No
1	Prairiedog "Siren"	2019	Purchase	No
2	Opossum - "Sassafras & Quincy"	2020	Donation	No
1	Eagle, Bald - "Kraken"	2012	Donation	No
1	Eagle, Golden - "Phoenix"	2018	Donation	No
3	Falcon - "Alaska, Tri, Naevia"	2019	Donation	No
1	Goshawk, Siberian - "Kara"	2017	Donation	No
2	Hawk, Harris - "Mickey & Mallory"	2011	Purchase	No
2	Javalina - "Frick & Frack"	2019	Purchase	No
1	Lizard, Monitor (Crocodile)	2017	Purchase	No
1	Python, Burmese (Caramel)	2017	Purchase	No
1	Python, Pied Reticulated (Hep Albino) - Medusa	2016	Purchase	No
1	Python, Reticulated (Phantom) "Phenom"	2017	Purchase	No
1	Python, Reticulated (Purple Albino) "Odin"	2014	Purchase	No
1	Python, Platinum Dwarf Reticulated	2016	Purchase	No
1	Python, Ultra Ivory Reticulated	2017	Purchase	No
1	Python, Sri Lankan	2018	Purchase	No
1	Python, Olive - "Olive"	2013	Donation	No
2	Scorpion	2018	Purchase	No
1	Serval - 'Kaleesia'	2015	Purchase	No
2	Skunks - "Ying & Yang"	2020	Donation	No
2	Snake, Corn	2011	Donation	No
1	Tarantula, Amazon Giant Blue-Legged Bird Eater	2015	Purchase	No
1	Tarantula, Chilean Rose Hair	2010 & 2011	Purchase	No
1	Tarantula, Scarlett Bird Eater	2015	Purchase	No

NOVA'S ARK: Livestock Inventory - June 30, 2021

Quantity	Livestock Description	Year Acquired	How Acquired	Zoning/Prohibited and Regulated Animal By-law Permits
1	Tarantula, Blonde Amazon	2015	Purchase	No
1	Tamandu (Anteater) "Tammy"	2018	Purchase	No
14	Turtle, Red-Eared Painted	2013+	Donation	No
1	Zebu - "Ferdinand"	2018	Purchase	No
1	Boa, Sun Glow	2016	Purchase	No
1	Boa, Sun Glow	2016	Purchase	No
1	Canadian Lynx, "Mowat"	N/A	N/A	No
118				

397 Total Animals

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Business Licensing By-law exception request 417 Byron Street North

Report to: Committee of the Whole

Date of meeting: December 11, 2023

Report Number: LS 13-23

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

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

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

For additional information, contact:

Andre Gratton, Manager of Legal and
Enforcement Services

1. Recommendation:

1. That this report be received for information.
2. That an exemption to Business Licensing By-law # 5505-04, as amended, be granted for 417 Byron Street upon the conditions set out in this Report;
3. That staff be directed to bring an amendment to the Business Licensing By-law # 5505-04, as amended, to codify this exemption and conditions for the December 18, 2023 Council meeting;
4. That Council direct staff to review the lodging house provisions within the Business Licensing by-law and report back on the merits of amending the By-law to ensure consistency with other applicable provincial legislation; and
5. That Council direct staff to review the merits of adding provisions/schedules to the Business Licensing By-law to regulate Rooming Houses in the Town of Whitby.

2. Highlights:

- After completing a renewal inspection at 417 Byron Street North, Enforcement Services did not renew the Lodging House licence due to contraventions of the Town's Business Licensing By-law #5545-04, as amended (the "Business Licensing By-law").
- Schedule 8 of the Business Licensing By-law restricts the total number of occupants living within a single Lodging House to ten (10) occupants.
- 417 Byron Street North has had a licence in good standing since 2016.
- Prior to 2016, the dwelling in question was not registered as a lodging house.
- Due to the refusal to renew, the owner of 417 Byron Street North filed an appeal to the Town's Municipal Licensing and Standards Committee with respect to the timeframe to achieve compliance (i.e., reduce the number of occupants).
- In addition to the above, the owner of 417 Byron Street North has submitted a formal request for an exemption to the Business Licensing By-law to permit an increase to the total number of occupants from ten (10) to seventeen (17) + one (1) live in employee.
- Staff do not oppose the request for an exemption, subject to the conditions set out in this Report LS 13-23.

3. Background:

Staff conducted a renewal inspection at the 417 Byron Street North property for a Lodging House. At the time of the inspection, contraventions of the Business Licensing By-law were found, including a total number of 17 occupants residing at the property. The Business Licensing By-law restricts the total amount of residents to ten (10) and each resident must be provided with a minimum of 9.29 square metres (100 square feet) of liveable space.

The site has been the subject of a request to investigate through the Mayor and Council Office (MOC), and the owner sent the Town exemption request, which was included in the July 7, 2023 Council Information Index (see Attachment 2). The item was pulled from the Council Information Index and staff provide this report for Council's background and recommendations.

4. Discussion:**Complaints Received regarding 417 Byron Street North**

In considering the exception request, staff reviewed department and corporate records for the operation and any complaints received about 417 Byron Street North. In 2023, staff received complaints related to unsupervised occupants during the night. Enforcement Services staff have requested confirmation of 24-hour staffing at the

property levels as required in Section 7a) & b) of the Business Licensing By-law. To date, the owner has not provided confirmation to Town staff to show it has staffing levels in compliance with the Business Licensing By-law. The request for an exception highlight that an improvement needs to be made to the operation of the lodging house. Prior to the 2023 complaint, Enforcement Services had not received any complaints about the property.

As noted above, the operation of a Lodging House at 417 Byron Street North has been in good standing with the Town of Whitby Enforcement Services since 2016. Prior to 2016, the operation was not licensed as a Lodging House and may be due to being regulated under separate legislation or being provincially inspected and funded.

Staff are concerned that refusing the exemption will increase the number of individuals experiencing homelessness in the Town

Staff have spoken with residents at the 417 Byron Street North property, as well as the owner, who have advised staff that this type of affordable housing is not readily available in the Town. If an exemption were not granted, it is likely that the seven occupants above the by-law limit would have to find alternative arrangements, failing which they may be forced to live on the streets.

Given the Town's ongoing experiences with people experiencing homelessness, staff recommend that a limited exemption be granted allowing for the seven additional occupants to remain at 417 Byron Street North, and as they leave the property, the number of occupants be reduced over time to comply with the Business Licensing By-law through attrition.

An exemption will not affect the Town's ability to address nuisances or other concerns.

The general provisions within the Town's Business Licensing by-law are designed to protect the community. These provisions (see Attachment # 1) Section 2-10 allow the Clerk to revoke, refuse to issue and suspend a license due to complaints and contraventions of provisions of the Business Licensing By-law.

The general powers under the by-law allow staff and Enforcement Services to address any problematic operations.

Upon revocation, suspension or refusal to issue, the applicant has the ability to appeal the suspension, revocation to the Town's Municipal Licensing and Standards Committee. The Committee after hearing from all parties may, for cause, revoke or suspend or refuse to issue or renew any licence to which this by-law applies. The Committee appeal has been put on hold for Council to consider this request.

Should Council wish to grant the exemption, staff recommend that any problematic conditions of the operation may be addressed through the above general licensing provisions and the conditions set out below.

In reviewing and discuss the requirements/provisions of the Business Licensing By-law with other departments involved with inspection, staff recommend that the Business Licensing By-law provisions in relation to Lodging Houses be reviewed and, if necessary, amended to ensure consistency with other applicable regulatory provisions such as the the *Fire Protection and Prevention Act, 1997*.

Should Council wish to grant the exception, staff recommend that the exception should be subject to the conditions outlined below

1. The total number of residents on the property shall not at any time exceed seventeen (17) residents and one (1) staff person on site twenty-four (24) hours per day and seven (7) days per week.
2. This Owner shall achieve compliance with the Business Licensing By-law through attrition by not replacing the seven (7) additional residents currently residing at 417 Byron Street over-and-above the Business Licensing By-law maximum of ten (10). For clarity, the total number of occupants permitted to reside at 417 Byron Street shall progressively decrease to ten (10).
3. The owner of the property shall provide to the Manager of Enforcement Services (or designate) a letter indicating the number of residents living on the site as part of its annual renewal and at any time requested by an Officer, demonstrating compliance with Section 7 a) & b) of the Business Licensing By-law and these conditions;
4. The Owner shall maintain insurance on the property with a minimum liability of five million dollars, and shall provide the Town with a Certificate of Insurance naming the Town as an additional insured, on the Town's standard certificate and to the satisfaction of the Commissioner of Financial Services and Treasurer (or designate).
5. That the owner produces written verification that the operation complies with Section 10.2 of Schedule 8 of the Business Licensing By-law (Lodging House provisions); and
6. The owner of the property shall provide and maintain emergency contact information for all employees to the Manager of Enforcement Services (or designate).

5. Financial Considerations:

There are no financial implications to this report.

6. Communication and Public Engagement:

Staff will review any proposed amendments to the Town's Business Licensing By-law with the current Lodging Houses licensed within the Town of Whitby.

7. Input from Departments/Sources:

Staff reviewed the contents of this report with the Towns Fire & Emergency Services Department.

8. Strategic Priorities:

This report generally supports Strategic Pillar 1, Objective 1.1 related to Improving Community Safety, Health, and Well-being through addressing concerns related to the use and not exacerbating issues related to homelessness in the Town.

9. Attachments:

Attachment 1 – Excerpts of the Business Licensing By-law

Attachment 2 – Legal and Enforcement Services Memorandum to Council
dated July 7, 2023.



THE CORPORATION OF THE TOWN OF WHITBY

Business Licensing

A by-law for licensing, regulating and governing certain businesses carried on within the Town of Whitby – Legal and Enforcement Services Department

This document has been reproduced for convenience only and is a consolidation of "Business Licensing By-law # 5545-04", adopted by the Council of the Town of Whitby on December 13, 2004.

Definitions

1. In this by-law,
 - a. "adult entertainment establishment" means any premises or part thereof in which,
 - (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided; or,
 - (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise qualified, licenced or registered to do so under the laws of the Province of Ontario;
 - b. "auctioneer" means a person who sells or puts up for sale goods, wares, merchandise, or effects by public auction, but does not include a sheriff or bailiff offering for sale goods or chattels seized under execution or distraint for rent;
 - c. "Chief of Police" means the Chief of Police of the Regional Municipality of Durham or his/her designate;
 - d. "Clerk" means the Clerk of the Corporation of the Town of Whitby or his/her designate;
 - e. "Corporation" means the Corporation of the Town of Whitby;
 - f. "Council" means the Council of the Corporation of the Town of Whitby;
 - g. "Fire Chief" means the Fire Chief of the Corporation of the Town of Whitby or his/her designate;
 - h. "food premises" includes any premises or part thereof where food intended for human consumption is made for sale, offered for sale or sold and includes a bakeshop, a butcher shop and a restaurant but does not include a lodging house or a refreshment vehicle;

- i. (Repealed by By-law No. 7398-18);
- j. "lodging house" means a nursing home and any house or other building or portion of it in which four or more persons are lodged for hire but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if it is licenced, approved or supervised under any act other than the Municipal Act, 2001, 5.0. 2001, c.25, as amended, or any successor legislation in substitution thereof;
- k. "Medical Officer of Health" means the Medical Officer of Health of the Regional Municipality of Durham or his/her designate;
- l. "municipal law enforcement officer" means a municipal law enforcement officer appointed by the Council of the Corporation of the Town of Whitby;
- m. "municipal licensing and standards committee" means the Municipal Licensing and Standards Committee appointed by Council;
- n. pawnbroker" means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon;
- o. "person" means an individual, firm, corporation, association or partnership;
- p. "police officer" means a Chief of Police or other police officer but does not include a municipal law enforcement officer;
- q. (Repealed by By-law No. 7125-16);
- r. "salvage yard" includes an automobile wrecking yard or premises and a salvage shop;
- s. "second hand shop" means a store or other place where second hand goods are purchased, sold or exchanged but does not include a pawn shop;
- t. (Repealed by By-law No. 7398-18);
- u. "Town" means the Corporation of the Town of Whitby.

Licences

2.

- (1) No person shall carry on within the Town any business listed in Schedule "1" attached to and forming part of this by-law, unless he/she has obtained from the Town a licence authorizing him/her to carry on the business.
- (2) Every person who holds a licence shall in carrying on the business for which the licence is issued comply with this by-law and the provisions of the schedules to this by-law that relate to the business and the schedules shall form part of this by-law.

Applications

3.

- (1) Every person who requires a licence under the provisions of this by-law for any business shall,
 - (a) apply to the Clerk upon such form or forms as may be prescribed from time to time by the Town;
 - (b) provide any documents required under the applicable schedule to this by-law; and,
 - (c) pay the applicable licence fee set out in the Fees and Charges By-law. (Amended by By-law No. 7220-17)
- (2) If for any reason a licence is not issued, the licence fee shall not be refunded.
- (3) The licence fee shall not be reduced or pro rated for any reason.
- (4) Where a partnership or an association applies for a licence, the names and addresses of each member of the partnership or association shall be set out in the application.

Processing and Issuance

4.

- (1) The Clerk shall, upon receipt of an application for a business licence, make or cause to be made all investigations considered necessary or which are required by law or by the Town relative to the application and,

without limiting the scope of this Section, the Clerk may ask for the written approval of any or all of the following:

- (a) the Medical Officer of Health;
 - (b) the Durham Regional Police Service;
 - (c) the Town Fire and Emergency Services Department;
 - (d) the Town Planning Department;
 - (e) the Town Public Works Department; and,
 - (f) the Town Treasury Department.
- (2) If the investigations made by the Clerk do not disclose any reason to believe the applicant's carrying on of the business may result in a breach of this or any other by-law or may be contrary to the public interest, the Clerk shall issue the business licence.

Refusal to Issue or Renew

5.

- (1) If the investigations made by the Clerk do disclose any reason to believe the applicant's carrying on of the business may result in a breach of this or any other by-law or may be contrary to the public interest, the Clerk shall refuse to issue the business licence.
- (2) If the applicant is not satisfied with the decision of the Clerk to refuse the licence, the applicant may appeal the Clerk's decision to the Municipal Licensing and Standards Committee by written notice delivered to the Clerk and the decision of the Clerk shall be effective until the appeal is disposed of by the Municipal Licensing and Standards Committee.

Renewal of Licences

6.

- (1) An application for renewal of a business licence made after the expiry date of the licence shall be treated as an application for a new business licence.
- (2) The term of a business licence shall be one year from the date of issue of the licence unless it is sooner surrendered, suspended or revoked.

Transfer of Licences

7.

- (1) All business licences issued under this by-law shall be personal to the holder of the licence and shall not be transferred.
- (2) No person shall enjoy a vested right in the continuance of a business licence and upon the issuance, renewal, surrender; suspension or revocation thereof, the value of the licence shall be the property of the Town.
- (3) No person owning or operating licenced premises under this by-law shall move the business from one location to another within the Town without first having obtained from the Town a new business licence in respect of the new location.
- (4) No person owning or operating a vehicle licenced under this by-law shall transfer the licence from one vehicle to another it being understood that a new business licence shall be required in respect of the new vehicle.

Posting of Licence

8.

Every person obtaining a licence under this by-law,

- (a) where the licence applies to premises, shall keep the licence posted up in a conspicuous place on the premises in respect to which the licence is issued;
- (b) where the licence applies to the person, shall keep on his/her person the licence; and,
- (c) where the licence applies to a vehicle, shall keep the licence in the vehicle and where plates are issued, shall mount the plates on the vehicle in the manner required by this by-law.

Investigations

9.

- (1) The Chief of Police, Clerk, Fire Chief, Medical Officer of Health, a municipal law enforcement officer or a police officer may at all reasonable times,
 - (a) inspect a building, place, premises or vehicle that is used for a business for which a person is licenced or is required to be licenced under this by-law; and,
 - (b) inspect the books, records or other documents of the business.
- (2) No person shall hinder or obstruct an inspection authorized by this by-law or cause such an inspection to be hindered or obstructed.
- (3) Every person who obtains a licence under this by-law shall produce the licence when requested to do so.

Revocation and Suspension

10.

- (1) The Clerk may suspend, for cause, any licence issued under this by-law until the next meeting of the Municipal Licensing and Standards Committee.
- (2) The Municipal Licensing and Standards Committee may, for cause, revoke or suspend or refuse to issue or renew any licence to which this by-law applies but before doing so the applicant/licensee shall be permitted either by himself/herself or his/her representative to appear before the Municipal Licensing and Standards Committee to show cause why he/she believes such licence should be granted.
- (3) The decision of the Municipal Licensing and Standards Committee respecting any licence required under this by-law shall be final.
- (4) On suspension or revocation of a licence issued under this by-law, the licensee shall return to the Town all licences and all plates where applicable issued by the Town with reference to such licence, and no person shall refuse to deliver the plates to the Clerk or a municipal law enforcement officer or shall, in any way, prevent or hinder such persons from receiving or taking the same.

Penalties

11. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation in substitution thereof.

Severability

12. In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

Short Title

13. This by-law may be referred to as the Business Licensing By-law.

Repeal of Existing By-laws

14. By-law No.s 4817-01, 4873-01, 4874-01 and 5156-02 are repealed.

Effective Date

15. The provisions of this by-law shall come into force and take effect on the final passing thereof.

By-law read a first, second and third time and finally passed this 13th day of December, A.D., 2004.

Original signed and sealed.

Schedule "1"
To By-Law No. 5545-04

Class of Business

Adult Entertainment Services Establishment

Adult Entertainment Body-Rub Establishment

Attendant

Operator

Owner

Auctioneer

Exhibition

Food Premises

Lodging House

Pawnbroker

Salvage Yard/Salvage Shop/Second

Hand Shop Licence

Schedule "8"

To

By-Law No. 5545-04

Relating to Lodging Houses

Whereas, the Council of the Corporation of the Town of Whitby considers it desirable to licence and impose conditions on lodging houses for the purposes of health and safety and consumer protection;

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

1. In this Schedule,
 - (a) "lodging house resident" means a person harboured, received or lodged for hire in a lodging house; and,
 - (b) "personal care" means care, supervision and assistance in the routines of daily life required due to the effects of age or disability of body or mind and includes, but is not limited to, assistance with dressing, care and cleanliness of the body, mobility needs and administration of medication.

Lodging House Licence

2. No person shall establish, operate, maintain or keep a lodging house within the corporate limits of the Town of Whitby except under the authority of a licence issued under this by-law.
3. Every keeper of a lodging house shall provide accommodation and furnishing in and about the house in accordance with the following standards:
 - (1) Bedroom
 - (a) Every bedroom shall comply with the Building Code Act, 1992, and regulations made thereunder as may be amended

from time to time and any successor legislation in substitution thereof;

- (b) Not more than four unrelated residents shall occupy any one bedroom;
- (c) Every bedroom shall be furnished with a bed, chair, closet and chest of drawers for each unrelated resident occupying the bedroom;
- (d) No bed shall be closer than 75 centimetres (30 inches) to any other bed and bunk-beds and cots shall not be permitted;
- (e) There shall be an adequate supply of clean linen and blankets for each bed. Bedsheets shall be changed at least once a week or with such greater frequency as may be necessary; and,
- (f) No cooking facilities shall be permitted in any bedroom.

(2) Dining Room

Every lodging house in which meals are provided shall contain a dining room which shall be separate from other rooms in the house and shall contain at least .95 square metres (10.2 square feet) of floor space for each resident to a maximum of 50% of the total number of permitted residents. Every dining room shall be capable of accommodating at one sitting at least 50% of the permitted residents of the house.

(3) Sitting Room

An indoor sitting room shall be provided in addition to bedroom space and dining room space.

(4) Outdoor Sitting Area

An outdoor sitting area shall be provided and such area shall be clean, accessible and partially shaded and contain seating

adequate to accommodate at least 50% of the residents at any one time.

(5) First Aid Equipment

At least one first aid kit approved by the Medical Officer of Health shall be provided in every lodging house.

(6) Washing, Bathing and Toilet Facilities

Washing, bathing and toilet facilities shall comply with the Building Code Act, 1992, and regulations made thereunder as may be amended from time to time and any successor legislation in substitution thereof.

(7) Heating

Every lodging house shall be provided with a heating system capable of maintaining a room temperature of 21 degrees Celsius at .9 metres (3 feet) above floor level and .9 metres (3 feet) from the exterior walls in all habitable rooms, bathrooms and toilet rooms when the temperature outside the lodging house is -21 degrees Celsius. A minimum temperature of 21 degrees Celsius shall be maintained in all habitable rooms, bathrooms and toilet rooms between the 1st day of October and the 31st day of May in each calendar year and a minimum temperature of 20 degrees Celsius shall be maintained in all such rooms at all other times of the year.

(8) Illumination

Every keeper of a lodging house shall provide and maintain illumination in accordance with the provisions of the Building Code Act, 1992, and regulations made thereunder as may be amended from time to time and any successor legislation in substitution thereof.

(9) Fire Safety

Every keeper of a lodging house shall ensure that the lodging house and equipment contained in the house comply with the Fire

Protection and Prevention Act, 1997 and regulations made thereunder as may be amended from time to time and any successor legislation in substitution thereof.

(10) Telephone

Every keeper of a lodging house shall provide a telephone which is accessible at all times to residents for emergency use.

Records

4. (1) Every keeper of a lodging house shall keep and maintain in the house written records with respect to each resident showing,
 - (a) the resident's full name;
 - (b) the last place of residence of the resident; and,
 - (c) the date the resident took up residence at the lodging house.
- (2) Where a resident stays in a lodging house for more than seven days, the keeper of the lodging house shall also keep a record showing,
 - (a) the name, address and telephone number of next of kin or, where there is no next of kin, the name, address and telephone number of a close family or personal friend;
 - (b) the resident's Social Insurance Number;
 - (c) the resident's Ontario Health Insurance Plan Number; and,
 - (d) the date the resident left the lodging house, if applicable, and the new address of the former resident.
- (3) Every keeper of a lodging house shall post in a conspicuous place in the house a list of emergency telephone numbers.

Health and Hygiene

5. Every keeper of a lodging house shall,
 - (a) ensure that every resident maintains a satisfactory level of personal hygiene; and,
 - (b) ensure the cleaning and disinfection of all rooms, equipment, etc., are carried out in accordance with the provisions of the Health Protection and Promotion Act and regulations made thereunder as may be amended from time to time and any successor legislation in substitution thereof.

Nutrition

6.
 - (1) Every keeper of a lodging house offering board shall provide each resident of the house with at least three meals per day which conform to the Canada Food Guide.
 - (2) Every keeper of a lodging house in which meals are provided shall post in the dining room a menu of meals for the seven days following the date of posting. Every such menu shall bear the date of posting and the meal times. Menus shall be kept for six months following the date of posting.
 - (3) The provisions of Subsection 6(1) of this Schedule are of general application and shall be modified by the lodging house keeper in individual cases when so instructed in writing by a physician.

Staff

7. Every keeper of a lodging house shall,
 - (a) have at least one person with a current first aid certificate on duty in the lodging house at all times; and,

- (b) have sufficient staff on duty in the house at all times to provide adequate care for the residents and to ensure the safety of the residents in emergencies and to maintain the house in a clean and sanitary condition.

Refuse Disposal

- 8. Every keeper of a lodging house shall insure rubbish and garbage are stored in receptacles which are,
 - (a) insect and rodent proof
 - (b) water tight;
 - (c) provided with a tight fitting cover; and,
 - (d) maintained in a clean condition.

Personal Care

- 9. Every keeper of a lodging house in which personal care is provided to the residents shall,

Service Contract

- (a) enter into a written service contract with each resident, in a form approved by the Medical Officer of Health, which contract shall contain provisions respecting,
 - (i) the services the keeper provides to the residents;
 - (ii) the rates for accommodation and services; and,
 - (iii) admission and discharge requirements.

Financial Records

- (b) where the keeper provides financial services to a resident, keep a financial record which shall include,
 - (i) all sums received from or on behalf of the resident and the dates on which the monies were received;
 - (ii) all sums given to the resident by the keeper and the dates on which the monies were given; and,
 - (iii) itemized receipts and invoices for each expenditure made onand such keeper shall provide the resident with a copy of his/her financial record monthly.

Medical Records

- (c) where the keeper provides medical services to a resident, keep a medical record which shall include,
 - (i) the examination and medical history, to be made and taken on admission to the lodging house and at least annually thereafter, by a duly qualified medical practitioner;
 - (ii) the name, address and telephone number of the resident's personal physician;
 - (iii) all accidents and illnesses happening to or suffered by a resident while living in the lodging house together with the treatment prescribed and administered; and,
 - (iv) with respect to prescription drugs dispensed by the keeper, the name and address of the prescribing doctor and the times and dates when the drug was administered to the resident.
- (d) exercise control of storage and administration of medications and without limiting the generality of this Clause shall,
 - (i) keep all prescription drugs in one or more locked drug cabinets;

- (ii) ensure that prescription drugs are made available only to those residents for whom they have been prescribed, as directed by a physician; and,
 - (iii) ensure that all drug cabinets contain a detailed list of contents which is kept up to date on a daily basis and is available for inspection on request;
- (e) provide access to local home care programs to residents requiring minimal, short term bed care;
- (f) where a resident's condition deteriorates, or where a resident requires continuing care, ensure, where appropriate, such resident is transferred to a facility where his/her care needs can be accommodated;
- (g) ensure that all personnel working in the lodging house are tuberculin tested and/or chest x-rayed at the commencement of employment and thereafter at least once every two years.

Activity Programs

- (h) make newspapers, magazines, books, a radio, a television set, stimulating games and playing cards available to the residents;
- (i) encourage in the residents an interest in crafts, community recreation and activities;
- (j) arrange for residents to participate in appropriate community recreation, activity, and training programs; and,
- (k) refer residents to appropriate persons or agencies for such guidance, information and counselling as may be required.

Lodging House Capacity

10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house.
- (2) Every keeper of a lodging house shall provide a minimum of 9.29 square metres (100 square feet) of habitable floor space in the lodging house for each resident.

Exceptions

11. (1) The provisions of this by-law shall not apply to a lodging house in which less than four (4) residents are harboured, received or lodged.
- (2) Despite the provisions of Subsection 10(1) of this Schedule,
 - (a) a maximum of seventeen (17) residents shall be permitted at the lodging house located at 206 Byron Street South; and,
 - (b) a maximum of twenty (20) residents shall be permitted at the lodging house located at 425 Dundas Street East,provided the lodging house complies in all other respects with the provisions of this by-law governing lodging houses and it continues, without interruption, to be used as a lodging house.

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Francesco Santaguida, Commissioner,
Legal and Enforcement Services

Office of the Mayor and Council

From: Andre Gratton, Manager, Enforcement
Services

Date: July 7, 2023

File #: N/A

Subject: Business Licensing By-law # 5545-04
exception request for a lodging home at
417 Byron Street North

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

Background

The Town has received a request for an exception to the Town's Business Licensing By-law # 5545-04 (the "By-law") related to the restrictions for an existing lodging home. The request was made by Victoria Keane, the owner operator of a lodging home at 417 Byron Street North. The request came in response to a license renewal for a lodging home after staff had conducted an inspection and discovered that the maximum number of residents exceeded the total number permitted by the by-law. Schedule 8 of the By-law allows for a maximum of ten (10) residents in a lodging house.

As a result of the inspection and concerns/complaints received, staff did not to renew the license. Staff have also received complaints about the total number of occupants, disturbances at the property and that residents were being left unsupervised at night. Staff have addressed the complaints received with the property owner.

The exception request notes two other lodging houses which are listed within the exceptions provisions of the Business Licensing By-law. It should be noted that these properties were grandfathered into the 2004 By-law as they have existed since 1986.

Next Steps

As noted by the Commissioner of Legal and Enforcement Services in his email on July 4th, 2023, exception requests are placed on the Council Information Index for review and a Member of Council may request for the matter to be considered at Council. Should no request be received to consider the matter at the next Council meeting, the exception is deemed to be denied.

Based on a preliminary review and in principle, Enforcement Staff do not oppose the request for an exception to increase the number of residents to seventeen (17), subject to conditions and a review by the Planning and Building Sections of the Planning Department.

Should Council wish to consider the request, Enforcement staff would also consider conditions for the exception to address the complaints/concerns received from the surrounding community and the concerns of staff.

Any questions related to this matter may be directed to the author or the Commissioner of Legal and Enforcement Services/Town Solicitor.

June 27, 2023

Town of Whitby
575 Rossland Rd East
Whitby, ON L1N 2M8

To Mayor Elizabeth Roy and Members of Council,

My name is Nicole Keane, owner of company 12801701 Canada Inc. (Whitby Transitional Community Care) at 417 Byron St. North, Whitby, ON L1N 4N5. I want to appeal against the order to comply with **“Schedule 8 Section 10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house”** by August 4, 2023 (see attached Refusal Letter). I am kindly asking to be grandfathered onto the exceptions list.

The 17 occupants at 417 Byron St. North are male, living within the low socio-economic bracket coping with Mental Health challenges including Schizophrenia. I have owned this property for 2 years, but some of these men have lived together for approximately 10 years and consider it their home (longest resident 13 years). Most of them do not have family or friends visiting or caring about their well-being. In the short time that I have known them, I have witnessed their bond and how they support and look out for each other to the point where they will give their last dollar. I would like to acknowledge and celebrate their amazing personalities and kind hearts. This home is where they feel safe, accepted, and consider each member to be their family.

I purchased the home with 17 people residing in it and was unaware that any bylaws were broken. I thought I did my due diligence by requesting inspections be conducted by the Town of Whitby, Durham Region Health Department, Whitby Fire and Emergency Services, along with a comprehensive Home Inspection, to be completed before I purchased the property. The home is clean, spacious, and comfortably accommodates all the residents (see attached Floor Plan and Health Inspection Report). It is well organized and has a good reputation overall. Recently we received a new tenant that would scream, “Bang bang!” at the top of his lungs mimicking construction site noises. This caused our neighbours to file a complaint calling his behaviour, “A disturbance of the peace.” Currently, we are in the process of finding this tenant a new residence.

Forcing some of my residents to leave their home will exacerbate their mental health challenges. Unfortunately, society is not always kind and welcoming to individuals who fit the profile of my tenants (and these men are painfully aware of this reality). This is why it is important for them to stay together. I fear they will experience heightened anxiety due to being stripped away from a nurturing environment in which they thrive. What I am most concerned about is that this order may cause them to end up homeless because they cannot afford to live anywhere else. I take pride in providing low and

affordable rents in a time with growing costs due to inflation. I personally supplement the extra costs by working an additional job to ensure they enjoy a high quality of life. I am doing the community a great service by keeping these vulnerable men off the streets.

My clients are unable to live independently. They require much-needed support such as; prepared meals, medication reminders, money management assistance, and someone to help book medical appointments. We have weekly visits from Nurses, Social Workers, and the Assertive Community Treatment Team (ACTT Team) to provide medical services and assessments within the home. These men pose no threat to anyone in the community, as they are quiet individuals who stick to themselves.

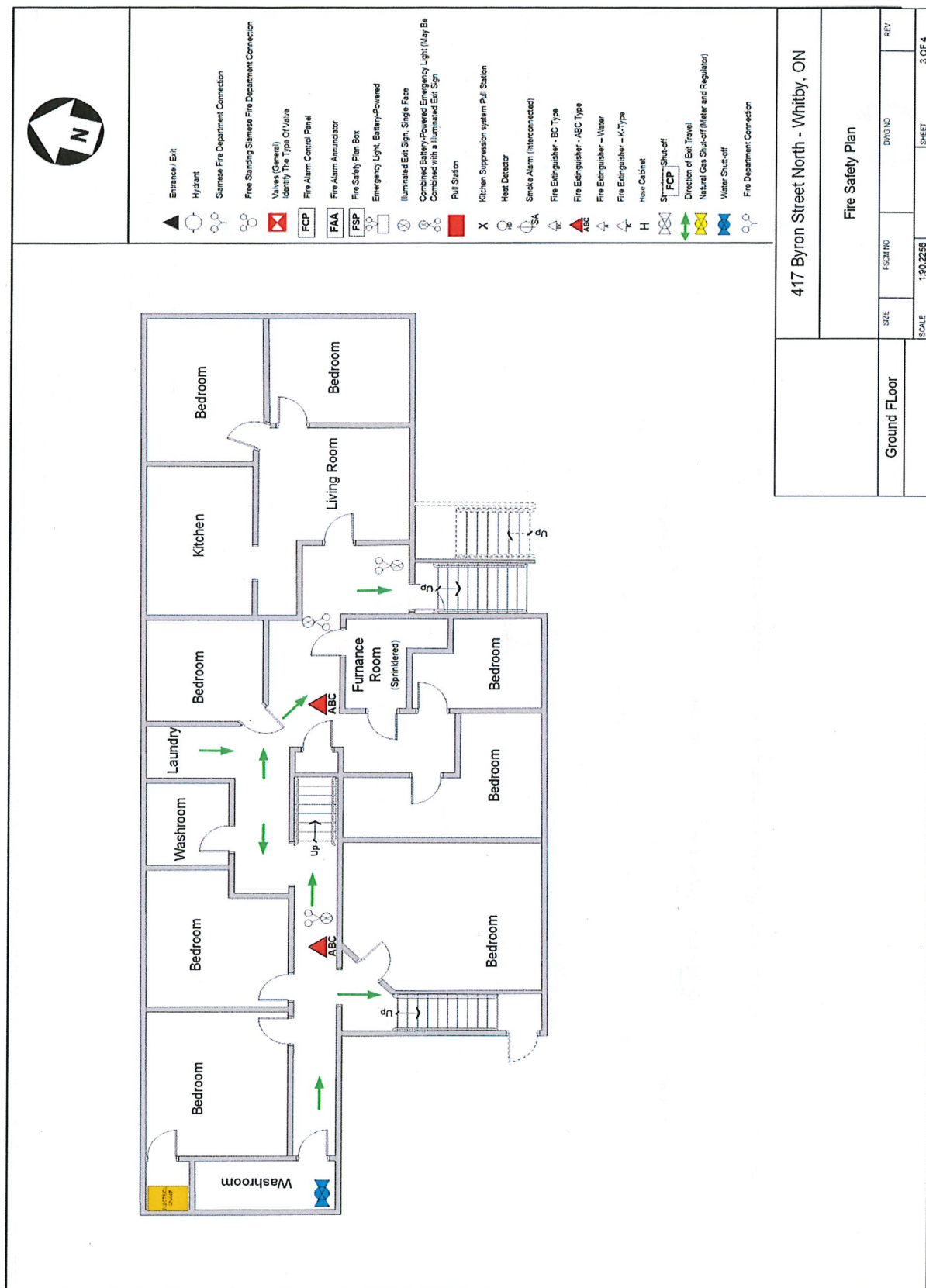
Ontario Shores will not take these men because they are stable and thriving in this home. Appropriate homes that can care for their needs are limited and most are full with a waitlist, like us.

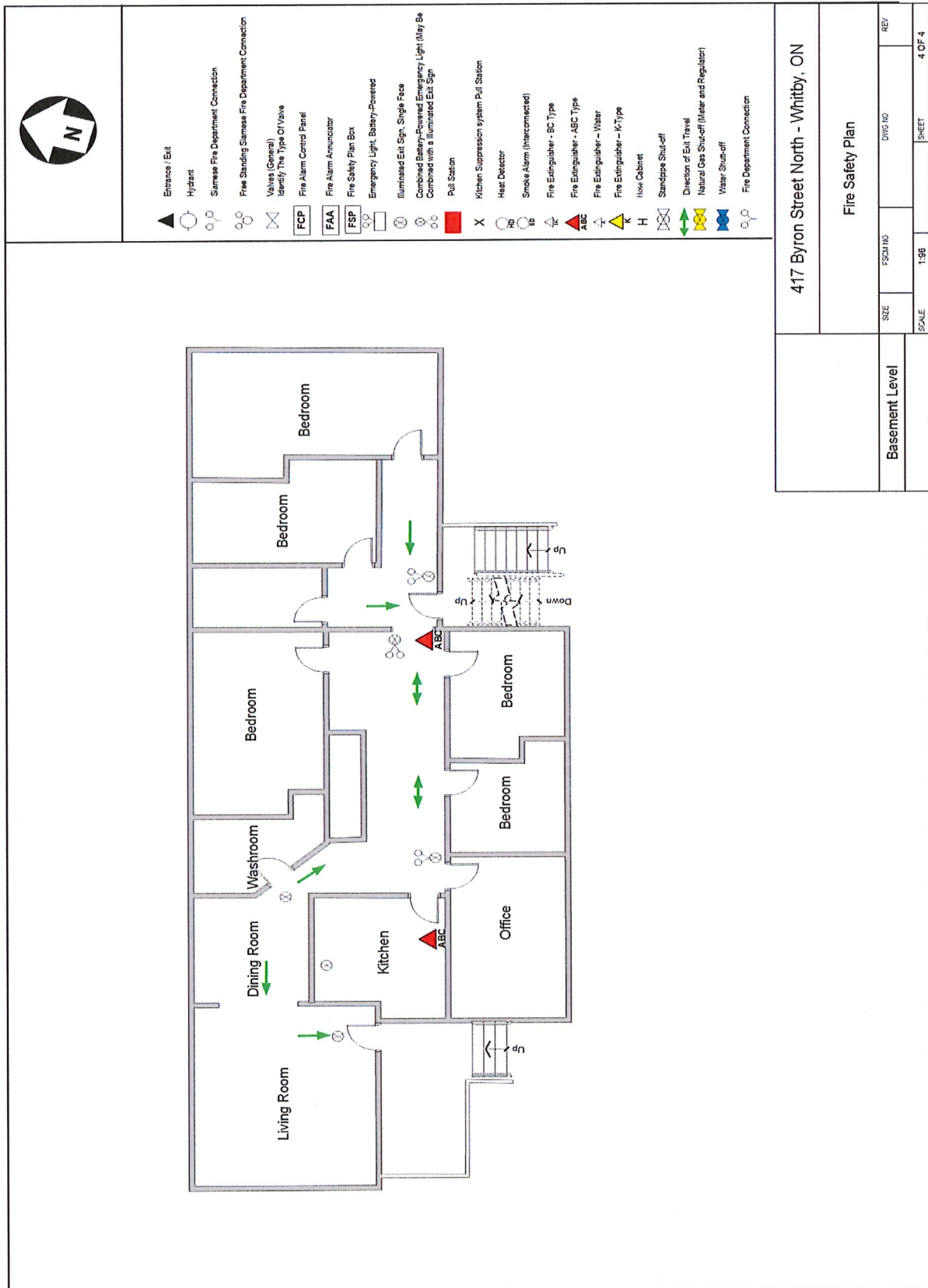
I am respectfully asking to be added to the exceptions list to allow 17 men and one employee to live at 417 Byron St. North. Currently, there are two homes on the exceptions list, 206 Byron St. South with a maximum of 17 residents, and 425 Dundas Street East with a maximum of 20 residents. If this is not possible, is there anything that can be done to allow these men to continue living together as a family? Can I be classified as something else that can have this many tenants? If you have any questions or suggestions, please contact me at 647-239-2606 (cell).

Thank you for your consideration and wishing you a great day,

Nicole Keane

12801701 Canada Inc.
Whitby Transitional Community Care
Nicole Keane
Director
647-239-2606





PASS

Current inspection results on June 23, 2023
Month/Day/Year

Previous inspection results on October 24, 2022
Month/Day/Year

☒ **Pass**

☐ **Conditional Pass**

☐ **Closed**

Whitby Transitional Community Care
Name


417 Byron St. N., Whitby
Address

This establishment has been inspected by Durham Region Health Department in accordance with the Ontario Food Premises Regulation

A copy of the most recent inspection report is available for review upon request at this establishment.

For further information contact Durham Region Health Department at 1-800-841-2729 or visit durham.ca/CheckandGo




Dr. Robert Kyle
Medical Officer of Health
Durham Region Health Department

DineSafe
D U R H A M



This placard is the property of Durham Region Health Department and shall not be removed or altered in any way. Durham Region Health Department cannot guarantee the same conditions are maintained after this inspection date. It is the sole responsibility of the operator to maintain this establishment in accordance with the Ontario Food Premises Regulation.

durham.ca/checkandgo

If you require this information in an accessible format, contact 1-800-841-2729.



The Regional Municipality of Durham

101 Consumers Dr 2nd Floor, Whitby ON L1N 1C4

Phone Number: (905) 723-3818

Fax Number: (905) 666-1887

FOOD SAFETY INSPECTION REPORT

Facility Inspected: Whitby Transitional Community Care Primary owner: Nicole & Ferron Keane Site Address: 417 Byron St N Whitby ON L1N 4N5 Site Phone: (905) 666-9494	Inspection #: 188-28476-92247 Inspection Date: 23-Jun-2023 Inspected By: Lisa Smirnova, CPHI(C) Facility Type: Group Home/Home for Special Care (>9) Inspection Type: Routine Inspection Reasons: Compliance Inspection
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Opening Comments and Observations:
 Items in compliance with Ontario Food Premises Regulation (O. Reg. 493/17):

- Cold holding: both coolers observed <4C.
- Freezer: foods observed in a frozen state.
- surface sanitizer: 200 ppm bleach/water sanitizer.
- Certified food handler on-site: Claudia Como exp. April 11, 2024.
- Pest control: Fast Pest Control Exterminator. No issues observed or recorded. Service is provided once/yearly.
- Food sources: Wholesale Club, Freshco. Reminder to keep all food receipts on site.

NO = Not In Compliance

Inspection Summary

Compliance

Action(s) Taken

Results of Inspection:

Satisfactory - No Action Required

DineSafe Posting:

Operator - Ensure GREEN Disclosure Sign is posted

Certified Food Handlers:

Certified FHT - Staff On-site



Closing Comments:

Inspection report emailed to keaneliving@outlook.com.

Whitby Transitional Community Care [188-28476]**FOOD SAFETY INSPECTION REPORT**

Facility Contact: Nicole & Ferron Keane
Facility Address: 417 Byron St N, Whitby ON L1N 4N5
Report Date: 23-Jun-2023

Note: CURRENT/REPEAT infractions may result in legal actions.

I have read and understood this report:	Public Health Inspector
	
Nicole Keane	Lisa Smirnova, CPHI(C) (905) 723-3818 ext.4690

Personal information is collected under the authority of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, s. 5 (as amended). This information is collected and used for the purpose of preventing, eliminating and/or decreasing the effects of a health hazard. Questions about this collection of information should be addressed to the Durham Region Health Department, Manager, Health Information, Privacy and Security at 605 Rossland Rd. E., P.O. Box 730, Whitby, ON, L1N 0B2, (905) 668-7711.

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

Whitby Transitional Community Care
o/a Whitby Transitional Community Care
c/o Nicole Keane
53 Styles Cres
Ajax ON L1Z 1S5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS
ADDRESS OF LICENSED PREMISES
(IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 200.00

DATE OF ISSUE

April 28, 2022

DATE OF EXPIRY

April 28, 2023

Receipt No. 256993

**NON-TRANSFERABLE
LICENCE NO. 256993**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

Ashley Collins
Town of Whitby
3050 Garden Street Unit 102
Whitby, Ontario L1R 2G7
905.430.4907
licensing@whitby.ca

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

Whitby Transitional Community Care
o/a Whitby Transitional Community Care
c/o Nicole Keane
53 Styles Cres
Ajax ON L1Z 1S5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS
ADDRESS OF LICENSED PREMISES
(IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 200.00

DATE OF ISSUE

April 28, 2021

DATE OF EXPIRY

April 28, 2022

Receipt No. 248556

**NON-TRANSFERABLE
LICENCE NO. 248556**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

Ashley Collins
Town of Whitby
3050 Garden Street Unit 102
Whitby, Ontario L1R 2G7
905.430.4907
licensing@whitby.ca

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

o/a Whitby Transitional Community Care
c/o Eswaran Visvalingam
417 Byron St N
Whitby ON L1N 4N5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS
ADDRESS OF LICENSED PREMISES
(IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 200.00

DATE OF ISSUE

December 30, 2020

DATE OF EXPIRY

December 30, 2021

Receipt No. 245850

**NON-TRANSFERABLE
LICENCE NO. 245850**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

Ashley Collins
Town of Whitby
3050 Garden Street Unit 102
Whitby, Ontario L1R 2G7
905.430.4907
licensing@whitby.ca

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

o/a Whitby Transitional Community Care
c/o Visvalingam Eswaran
417 Byron St N
Whitby ON L1N 4N5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS
ADDRESS OF LICENSED PREMISES
(IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 200.00

DATE OF ISSUE

December 30, 2019

DATE OF EXPIRY

December 30, 2020

Receipt No. 236801

**NON-TRANSFERABLE
LICENCE NO. 236801**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

**Marisa Dillon
Town of Whitby
3050 Garden Street Unit 102
Whitby, Ontario L1R 2G7
905.430.4907
licensing@whitby.ca**

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

o/a Whitby Transitional Community Care
c/o Visvalingam Eswaran
417 Byron St N
Whitby ON L1N 4N5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS ADDRESS OF LICENSED PREMISES (IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 200.00

DATE OF ISSUE

December 30, 2018

DATE OF EXPIRY

December 30, 2019

Receipt No. 223106

**NON-TRANSFERABLE
LICENCE NO. 223106**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

Marisa Dillon
Town of Whitby
3050 Garden Street Unit 102
Whitby, Ontario L1R 2G7
905.430.4907
licensing@whitby.ca

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

o/a Whitby Transitional Community Care
c/o Visvalingam Eswaran
417 Byron St N
Whitby ON L1N 4N5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS
ADDRESS OF LICENSED PREMISES
(IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 200.00

DATE OF ISSUE

December 30, 2017

DATE OF EXPIRY

December 30, 2018

Receipt No. 208889

**NON-TRANSFERABLE
LICENCE NO. 208889**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

**Marisa Dillon
Town of Whitby
575 Rossland Road East
Whitby, Ontario
L1N 2M8
905.430.4315
licensing@whitby.ca**

CORPORATION OF THE TOWN OF WHITBY LICENCE

LICENCEE

o/a Whitby Transitional Community Care
c/o Visvalingam Eswaran
417 Byron St N
Whitby ON L1N 4N5

TYPE OF LICENCE

Lodging House

IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS
ADDRESS OF LICENSED PREMISES
(IF APPLICABLE)

Whitby Transitional Community Care
417 Byron St N
Whitby, ON L1N 4N5

FEE

\$ 120.00

DATE OF ISSUE

December 30, 2016

DATE OF EXPIRY

December 30, 2017

Receipt No. 192850

**NON-TRANSFERABLE
LICENCE NO. 192850**

**THIS LICENCE MUST BE
DISPLAYED IN A
PROMINENT LOCATION**

Marisa Dillon
Town of Whitby
575 Rossland Road East
Whitby, Ontario
L1N 2M8
905-430-4315
licencing@whitby.ca

From: Gratton, Andre <grattona@whitby.ca>
Sent: June 19, 2023 9:27 AM
To: Nicole Keane
Cc: Internet, Council; Leahy, Chris; Narraway, Kevin; Harris, Chris
Subject: RE: 417 Byron St. North Lodging Home Exception List Request

Hello Mrs. Keane,

I hope you had nice weekend; Essentially your letter is circulated to Council internally and a member of Council may choose to request that the your letter/exemption request be placed on an upcoming agenda for discussion.

You will be notified if a member of Council requests to do the above. No, I don't think its necessary for a lawyer to make this request on your behalf.

Thanks

Andre Gratton
M.L.E.O. (C), C.P.S.O., CMMIII
Manager of Enforcement Services

The Town of Whitby
3050 Garden Street, Unit #102, Whitby, ON L1R 2G7
T- 905-430-4902

whitby.ca



Together we deliver services that make a difference in our community.

From: Nicole Keane <keaneliving@outlook.com>
Sent: Sunday, June 18, 2023 6:36 PM
To: Gratton, Andre <grattona@whitby.ca>
Cc: Internet, Council <council@whitby.ca>; Leahy, Chris <leahyc@whitby.ca>; Narraway, Kevin <narrawayk@whitby.ca>; Harris, Chris <HarrisC@whitby.ca>
Subject: RE: 417 Byron St. North Lodging Home Exception List Request

[EXTERNAL EMAIL]

Hello Mr. Gratton,

Thanks for asking my week was great and I hope the same for you.

As this is my first time going through this process, I want to make sure that I understand this clearly so I correctly do the next steps that are required. I will author a letter to Major Mrs. Elizabeth Roy and all 8 Members of Council (Mrs. Rhonda Mulcahy, Mr. Chris Leahy, Mr. Steve Yamada, Mrs. Maleeha Shahid, Mr. Steve Lee, Mr. Matt Cardwell, Mrs. Niki Lundquist, and Mrs. Victoria Bozinovski). I will then send the letter in an e-mail to the Major and all Members of Council. Once they receive it, one of them will request the letter be placed on an upcoming Committee of the Whole agenda for consideration by Council.

Please let me know if that is correct.

How will I know if a Member of Council has requested that the letter be placed on an upcoming Committee of the Whole agenda for consideration by Council? Should this letter be written by a lawyer or do people usually write it themselves? What does open a CW mean, from Mr. Chris Leahy's e-mail below?

Thanks,

12801701 Canada Inc
Whitby Transitional Community Care
Nicole Keane
647-239-2606

From: Gratton, Andre <grattona@whitby.ca>
Sent: Friday, 16 June 2023 15:39
To: Nicole Keane <keaneliving@outlook.com>
Cc: Internet, Council <council@whitby.ca>; Leahy, Chris <leahyc@whitby.ca>; Narraway, Kevin <narrawayk@whitby.ca>; Harris, Chris <HarrisC@whitby.ca>
Subject: FW: 417 Byron St. North Lodging Home Exception List Request

Hello Mrs. Keane,

I hope you are having a nice week; I have been advised that you have reached out to Councillor Leahy through the below email thread. To ensure your request is properly actioned, please follow my instructions in the attached email and author a letter addressed to the Mayor and all Members of Council requesting the exemption.

Please feel free to respond to this email threading attaching the above. Please let me know if you have any additional questions.

Thanks

Andre Gratton
M.L.E.O. (C), C.P.S.O., CMMIII
Manager of Enforcement Services

The Town of Whitby
3050 Garden Street, Unit #102, Whitby, ON L1R 2G7
T- 905-430-4902

whitby.ca



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From: Leahy, Chris <leahyc@whitby.ca>
Sent: Friday, June 16, 2023 10:38 AM
To: Internet, Council <council@whitby.ca>

Subject: Fwd: 417 Byron St. North Lodging Home Exception List Request

Please open a CW.

Thanks,

Chris Leahy BA, MBA
Regional Councillor, Town of Whitby
(905) 706-0720
leahyc@whitby.ca

Begin forwarded message:

From: Nicole Keane <keaneliving@outlook.com>
Date: June 15, 2023 at 4:24:20 PM EDT
To: "Leahy, Chris" <leahyc@whitby.ca>
Subject: 417 Byron St. North Lodging Home Exception List Request

You don't often get email from keaneliving@outlook.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Hi Chris,

My name is Nicole Keane, my company is 12801701 Canada Inc. The property in question is 417 Byron St. North, Whitby Ontario, L1N 4N5. I want to appeal the Order to comply with **"Schedule 8 Section 10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house"** by August 4, 2023 (see attached Refusal Letter).

The 17 occupants at 417 Byron St. North are low-income men with Mental Health issues and Schizophrenia. I have owned the property for 2 years but these men have lived together for approximately 12 years and consider this their home. Most of them have no family or friends visiting or caring about their well-being. This home is where they feel safe and accepted and they consider each other to be family.

I purchased the home with 17 people in it and I was unaware that any bylaws were being broken. I thought I did my due diligence when I requested that the Town of Whitby, Health Department, Fire Department, and a Home Inspection be completed before I bought it. The home is clean, spacious, and comfortably accommodates all the residents (see attached Floor Plan). It is well organized and has a good reputation. Recently we received a new tenant that would scream bang bang at the top of his lungs mimicking construction. This caused our neighbors to file a complaint stating disturbance of the peace. Currently, we are in the process to evict this tenant.

Forcing the other residents to leave their home will cause them to have a mental breakdown. Their anxiety will elevate because they are aware of how poorly they are treated, disrespected, and discriminated against in society. My fear is that this order may cause them to become homeless. They cannot afford to live anywhere else. I give low rents and work an extra job to ensure their needs are met. I am doing the community a service and keeping these vulnerable men off the streets.

These men cannot live on their own. They require a supportive home that will help with all their meals, medication reminders, money management, and booking of medical appointments. We have weekly visits from

Attachment 16-13-22
Nurses, Social Workers, and the Assertive Community Treatment Team (ACTT Team) to provide medical services and assessments within the home. These men pose no threat to anyone in the community, they are quiet and stick to themselves.

Ontario Shores will not take these men because they are stable and thriving in this home. Appropriate homes that can care for their needs are limited and most are full with a waitlist, like 417 Byron St. North.

I am kindly asking to be added to the exceptions list to allow 17 men and one employee to live at 417 Byron St. North. Currently, there are two homes on the exceptions list, 206 Byron St. South with a maximum of 17 residents and 425 Dundas Street East has a maximum of 20 residents. If this is not possible is there anything that can be done to allow these men to continue to live together as a family? Can I be classified as something else that can have this many people? If you have any questions, please contact me Nicole Keane at 647-239-2606 (cell).

Thanks,

12801701 Canada Inc
Nicole Keane
647-239-2606

Confidentiality Warning: This e-mail contains information that is confidential and is intended only for the use of the named recipient(s). If you are not the intended recipient, you are hereby notified that any review, copying or distribution of this transmission is strictly prohibited. Please contact the Town of Whitby immediately if you have received this transmission in error and delete this message.

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Received May 26, 2023

Attachment 2 to Report LS 13-23



Town of Whitby

Legal and Enforcement Services, Enforcement Services

Division Office Address: 3050 Garden Street, Unit 102, Whitby, ON L1R 2G7

Mailing Address: 575 Rossland Road East, Whitby, ON L1N 2M8
www.whitby.ca

Refusal of Licence Renewal- Lodging House

Business Licensing By-law 5545-04, as amended

Date: May 19, 2023

File Number: 21-103924

Sent by Registered Mail

12801701 CANADA INC.
53 STYLES CRES
AJAX ON
L1Z 1S5

Address to which Order Applies: 417 Byron Street North, Whitby ON

Legal Description: PLAN H-50030 PT LOT 16,17,20 21 NOW RP 40R10588 PART 1
IRREG 0.22AC 51.92FR D

As described in PIN: 265380129 Registered in the Land Registry Office for Durham (No. 40)

The Town of Whitby's Enforcement Services Division conducted an inspection of the above noted property on April 4, 2023 and found the below contravention(s) of Business Licensing By-law #5545-04;

Schedule 8 Section 10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house.

As a result of the breach of the Business Licensing By-law #5545-04 provisions, your application for renewal of a lodging house licence for 417 Byron Street North has been refused.

Compliance Date: August 4, 2023

Refusal to Issue or Renew

5. (1) If the investigations made by the Clerk do disclose any reason to believe the applicant's carrying on of the business may result in a breach of this or any other by-law or may be contrary to the public interest, the Clerk shall refuse to issue the business licence.

(2) If the applicant is not satisfied with the decision of the Clerk to refuse the licence, the applicant may appeal the Clerk's decision to the Municipal Licensing and Standards Committee by written notice delivered to the Clerk and the decision of the Clerk shall be effective until the appeal is disposed of by the Municipal Licensing and Standards Committee.

If you are not satisfied with the compliance date on this Order, you may submit a request to appeal in writing with accompanying appeal fee of \$113 (tax included) to the Municipal Licensing and Standards Committee within **14 days** of receipt of this notice.

To submit your appeal, please attend our Legal and Enforcement Services Office located at;

3050 Garden Street, unit 102

Whitby, On L1R 2G7

Open- Monday to Friday 830am to 430pm. (Excluding holidays)

Payment can be made by cash or debit.

Please be advised we do not accept credit card payments at this time.

Upon acceptance of your appeal, you will receive correspondence advising of the date of your appeal and additional information regarding the appeal hearing.

Please be advised appeals are held virtually.

The final date for giving notice of appeal for this Property Standards Order is May 17, 2023

If you have any questions about this notice, please contact the undersigned.

Sincerely,



Kate Novia

Supervisor, Bylaw and Animal Services

Legal and Enforcement Services

Town of Whitby

575 Rossland Road East, Whitby, ON L1N 2M8

905-430-4913

whitby.ca

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Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: 2023-24 Winter Maintenance Service Improvements

Report to: Committee of the Whole

Date of meeting: December 11, 2023

Report Number: CMS 10-23

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, 905.430.4333

Hector Moreno, Manager, Operations -
Roads & Traffic 905.430.4335

1. Recommendation:

1. That Report CMS 10-23, 2023-24 Winter Maintenance Service Improvements be received for information.

2. Highlights:

- An additional three ploughing routes have been added through the expansion of contracted services. These additional routes will help ensure minimum maintenance standards are achieved.
- The department will be testing a new liquid de-icer, aimed to improve de-icing during the coldest months.
- A new platform for road weather forecasting will be implemented this winter, which provides enhanced functionality and will help improve winter maintenance operations.

- Changes achieved through collective bargaining allows for the extension of the workday without initiating a full callout procedure, increasing efficiency in service delivery, and maximizing available drivers' hours.
- Will conduct a post significant winter event debrief, including staff from all areas involved in the operation, to review the operation and identify opportunities for improvement.

3. Background

Following each winter season, the Department conducts an annual operational review of all Town winter-related activities including communications, routing, materials, training, the Seniors' Windrow Program, and weather forecasting. Past improvements include re-enforcing web-based communications such as online reporting platform accessible 24/7, uploaded general development site map and updated *Find My Street* tool to include winter maintenance contact information for unassumed roads and services provided by the Town. Have created a single point of contact to monitor and respond to all communications from Mayor and Council during significant storm events. Have increased staff depth and versatility by extending training to staff from other operational services and developed an Equipment Research and Innovation Committee.

4. Discussion

To improve service for the 2023-24 winter maintenance season, staff are planning several changes that are aimed at improving service delivery for residents. The changes are categorized in the following areas: communications, routing, materials, staffing and training, and the Seniors' Windrow Program.

A) Communications

- Communications and Creative Services will be updating the Town website providing timely messaging before, during and after a snow event.
- Operational Services will be monitoring the web-based reporting form, which is available 24/7 for external stakeholders, to report winter related issues. The Map also includes a dashboard for staff to pull, view and run reports on submission activities.
- Communications and Creative Services has updated the Town's website and social media with images and videos to show visitors what they can do to help during a severe winter storm (e.g. move parked cars from roadways, where to place waste receptacles, clear snow off fire hydrants, etc.).

B) Routing

- In an effort to meet recent growth and maintain existing levels of service, road salting and ploughing routes have been increased from 22 to 25 routes averaging 45 lane kilometres each.

- Each of the 25 routes has been further broken down into quadrants. This will aid the salting and ploughing operators to complete the route in a sequential order.
- Moving forward, the quadrants will be completed on a rotational basis to ensure that customers are receiving a more equitable level of service regarding route completion. The route quadrant rotation will be scheduled based on storm type and the feasibility of continuous salting/ploughing activities per event.

C) Materials

- Along with conventional salt brine, regular and treated salt, and sand the department will be piloting the use of ProMelt liquid de-icing during the coldest months of the year (January and February). This product is a versatile de-icing liquid enhanced with magnesium chloride that can be used for anti-icing, on board pre-wetting, pre-treating salt or to enhance the regular salt brine freeze point from -9 C to -26 C. This product will work longer and resist re-freeze for longer periods of time, especially when applied on hills, bridge decks, high collision intersections and rural open areas.

D) Staffing and Training

- Additional staff from other divisions of Operational Services have been cross trained on a variety of types of winter equipment in an ongoing effort to increase staff depth and versatility.
- Increased flexibility was achieved, during the recent contract negotiations which extends the workday without having to initiate the callout process. This will improve utilization of available driver hours and increase our efficiency.
- After each significant weather event, staff will conduct post storm debriefs with operators, forepersons, and management representatives to identify efficiencies and to enhance service levels for the community.
- Staff (in-house and contracted) are scheduled to conduct dry runs through assigned routes to ensure operators familiarize themselves and to help identify potential problem areas such as overhanging wires, tree branches, road/sidewalks deficiencies, obstacles, etc.
- To assist with winter overnight illegal parking issues, the midnight winter maintenance staff will be trained by Bylaw Services to issue overnight parking tickets as needed.

E) Seniors Windrow Program

- In 2002, the number of residents enrolled in the Seniors' Windrow Program more than doubled from 519 at the beginning of the season to 1100 participants by the end of the winter. The increase made it challenging to ensure adequate resources were in place to service our customers; required continual rerouting of the work; and led to increased frustration for some residents. As a result, a review of the Seniors' Windrow Program has been conducted including:
 - Renewal letter/email
 - Application - in person/online
 - Confirmation of acceptance Letter/Email
 - Frequently Asked Questions brochure
- The current process allows applicants to enroll from August 1 until March 31 of the following year. This year a deadline of October 31 to enroll in the program was promoted. However due to the strike residents are permitted to enroll at anytime throughout the season.
- A hard deadline of October 31 will be implemented for the 2024-2025 season.
- Current levels of service for the seniors' windrow program begins between 24 to 36 hours after the end of a 10cm (4") snowfall.
- For the 2023-2024 season the Town of Whitby is implementing an email notice for the start and end of the Seniors' Driveway Windrow Program. This feature will provide seniors, that are included in the program, with notice of when the snow clearing has started and when it has been completed.
- The 55+ Recreation, Accessibility & Diversity and Communications and Creative Services Departments have enhanced the online experience by updating the Town of Whitby's online "Windrow Snow Program Application Form" making it more user friendly for residents.

F) Weather Forecasting

The Town has engaged in a new three-year contract with MeteoGlobale, a Quebec company that specialises in Road Weather Forecasting. Their Meteo-Routes app is a tool used to anticipate problematic winter weather events and assist the department in the decision-making process for each road classification and offers the following enhancements to our previous service:

- It includes weather forecasting for atmospheric conditions, as well as forecasting for road surface conditions.
- It can be uploaded to mobile devices for staff to view and obtain real time updates of changing weather and road conditions.
- It helps to identify the type of treatment materials needed, spread rates, and will assist with the prioritization of routing across the various road classifications.
- It provides information in real time integrating the Town's own Road Weather Information Station (RWIS) located at Brawley Road.

- A live on-duty meteorologist validates all reports and forecasts.

These additional enhancements will provide real time data to improve the Town's ability for proactive winter maintenance, thereby, increasing efficiency and improved service to residents.

5. Financial Considerations:

The financial impacts of the improvements discussed in this report have been incorporated into the existing operating and capital budgets.

6. Communication and Public Engagement:

Community Services Staff will work with the Communications and Creative Services Division of Organizational Effectiveness to promote changes in service delivery and key messages related to winter maintenance.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

The improvements highlighted for the 2023-24 winter maintenance season and the changes to our service delivery for residents, identified within this Report, align with Pillar 4: Whitby's Government - Accountable and Responsive from the Community Strategic Plan, specifically the following objectives:

- Deliver exceptional customer service and community engagement;
- Identify, establish, and report on service levels of interest to the community.

9. Attachments:

N/A

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	04 Mar 2024	
GG-0002	Community and Marketing Services Department Report, CMS 35-18 Re: Cullen Central Park Master Plan	2. That Council direct staff to commence the development of the Cullen Central Park Master Plan with the final Master Plan to be brought forward for Council approval in Q4 2019; and, 5. That Staff identify options to recognize former mayor Marcel Brunelle in Cullen Park.	25 Jun 2018	18 Nov 2019	04 Mar 2024	In the Whitby Sports Complex Construction Tender Results & Project Budget Approval - Parks projects (originally planned for 2024 in the 10-year forecast) will be impacted by this, includes the Cullen Central Park Redevelopment Phase 2. This project will be budgeted in 2025.
GG-0004	Correspondence # 2020-77 from Karey Anne Large, Executive Director, Downtown Whitby Business Improvement Area, dated January 2, 2020 regarding the Downtown Whitby Business Improvement Area's Annual Report, the 2020 Proposed Budget, and Disbursement Schedule.	That the Commissioner of Corporate Services/Treasurer be directed to report back on the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring, in order to ensure grants are based on needs and targeted outcomes.	09 Mar 2020	21 Sep 2020	15 Jan 2024	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21 Jun 2021	13 Jun 2022	15 Apr 2024	Planning & Development & Community Services Staff prepared a joint memo that went on the Aug 11 CII to update Council on the status of the Park. A report from will come forward once all issues have been resolved and the park is moving forward.
GG-0006	Financial Services Department Report, FS 37-21 Re: Town-Owned Land Strategy	That the properties at Part of Lot 25, 26, Conc. 4, Portion of PIN 26569 0285 (LT), Broadleaf and McKinney, as shown on Attachment #15 and Part Lot 25, Con. 2, now 40R-1655, Part 6, PIN 26532 0244 (LT), known municipally as 500 Garden Street, as shown on Attachment #3 be referred to staff to investigate zoning opportunities that would maximize the land value.	27 Sep 2021	05 Jun 2023	15 Apr 2024	
GG-0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	15 Apr 2024	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0008	Public Works (Operations) Department Report, PW 35-21 Re: Proposed New Waste Collection By-law	3. That Staff report to Council on townhouses, multi-residential and other properties that are not currently serviced for waste collection by the Town of Whitby and report on the feasibility and cost implications of including these properties in the Town's waste collection service to ensure that there are no gaps with respect to the implementation of upcoming extended producer responsibility legislation from the Province of Ontario.	29 Nov 2021	13 Jun 2022	11 Dec 2023	Draft Design Standards have been completed and are being circulated to various depts. and will be used to determine eligible properties in preparation of costing and completion of report for COW.
GG-0018	CAO 03-23, Office of the Chief Administrative Officer Re: Public Art Policy Framework	3. That Staff be directed to prepare a final Public Art Policy to be presented to Council in Q4 2023	20 Mar 2023	13 Nov 2023	15 Jan 2024	
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20 Mar 2023	25 Mar 2024		
GG-0020	School Zone Parking Enforcement Staff	That Staff be directed to review the opportunity for enhanced school zone parking enforcement through additional staffing resources, and include an analysis of whether such resources would be revenue neutral.	27 Feb 2023	25 Sep 2023	04 Dec 2023	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20 Mar-23	04 Dec 2023	04 Mar 2024	
GG-0022	Gateway Maintenance Program	That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.	24 Apr 2023	20 Nov 2023	15 Apr 2024	
GG-0023	CMS 06-23, Community Services Department Report Re: Bill 23 Parkland Dedication Framework	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.	19 Jun 2023	25 Sep 2023	04 Mar 2024	
GG-0024	LS 07-23, Legal and Enforcement Services Department Report Re: Proposed Amendments to the Town of Whitby Towing By-law # 6887-14	2. That Council direct staff to review current municipal regulations regarding the licensing and governing of tow truck drivers and tow truck businesses, activities, and undertakings in the Town of Whitby.	19 Jun 2023	13 May 2024		
GG-0025	Council Education and Training Program	That consideration of the Council Education and Training Program be referred to Staff to prepare a Report to Council about the program in November	02 Oct 2023	15 Jan 2024		