Regular Council Meeting Revised Agenda

Monday, January 29, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

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

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

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

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

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

---

1. **Call To Order: The Mayor**
2. **Call of the Roll: The Clerk**
3. **Declarations of Conflict of Interest**
4. **Adoption of Minutes**
   Regular Council - December 18, 2023

   Special Council - January 19, 2024

   Special Council - January 22, 2024 (Confidential Minutes Under Sperate Cover)

Recommendation:
That the Regular Council Minutes of December 18, 2023, and the Special Council Minutes of January 19 and January 22, 2024 be approved.

5. Presentations

5.1 Carrie-Ann Williamson, Town of Whitby
Recognition: Info-Tech Research Group's Annual 2023 CIO Award

5.2 Jason Atkins, Chair (Virtual Attendance) and Kaila Dimopoulos, Manager (In-Person Attendance), 1855 Whitby
Re: 1855 Whitby Technology Accelerator Update

*5.3 MP Turnbull
Re: Oshawa Airport Noise Update

Note: This presentation has been withdrawn from the agenda and will be rescheduled to a future Council meeting.

5.4 Colin Thomson, Unit Leader, PARA Marine Search and Rescue (In-Person Attendance)
Re: PARA Marine Search and Rescue Annual Report and Strategic Plan

6. Delegations

7. Correspondence

*7.1 Correspondence
That the following requests be endorsed:

- Durham Region Hospice Awareness Day - January 29, 2024
- National 211 Day - February 11, 2024
- Scout-Guide Week - February 18 to 25, 2024 *
- Girl Guides of Canada - Flag Raising - February 16 to 20, 2024 *
- Scouts Canada - Flag Raising - February 21 to 26, 2024 *
- World Behaviour Analysis Day Alliance - March 20, 2024

Recommendation:
That the proclamations for Durham Region Hospice Awareness Day, National 211 Day, Scout-Guide Week, and World Behaviour Analysis Day Alliance and the flag raisings for Girl Guides of Canada and Scouts Canada be endorsed.

7.2 Memorandum from K. Palilionis, Climate Change Coordinator dated January 29, 2024 regarding 2024 Days of Environmental Significance for Proclamations (March-October)

Recommendation:
That the proclamations from March to October 2024 outlined in the Memorandum from K. Palilionis, Climate Change Coordinator, dated January 29, 2024, be endorsed.

8. Committee of the Whole Report - Planning and Development

Planning and Development - January 15, 2024

8.1 PDP 01-24, Planning and Development (Planning Services) Department Report Re: Delegation of Land Division Responsibilities from the Region of Durham to the Town of Whitby Committee of Adjustment

Recommendation:

1. That Council approve a By-law to permit the Town of Whitby Committee of Adjustment to grant approval of both Minor Variance and Consent Applications within the Town of Whitby, in accordance with the relevant provisions of the *Planning Act*;

2. That Council approve the revised Committee of Adjustment Terms of Reference, including to the added responsibilities for Consents to land severance under Section 53 of the *Planning Act*;

3. That Council approve the proposed amendments to the Fees & Charges By-law #7220-17 (as amended), to introduce new fees related to Consent applications; and,

4. That Council approve an increase in the remuneration for Committee of Adjustment members from $65 (sitting member) and $75 (Chair), to $125 (sitting member) and $150 (Chair) effective February 1, 2024.

8.2 PDP 02-24, Planning and Development (Planning Services) Department Report Re: DEV-23-23: Draft Plan of Subdivision and Zoning By-law Amendment Applications, See Path Group Inc. c/o Sakmet Developments Inc., 780 Garden Street, File Number: DEV-23-23 (SW-2023-02, Z-07-23)

Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-02), subject to the comments included in Planning Report PDP 02-24 and the conditions of draft plan approval included in Attachment #11;

2. That Staff be authorized to prepare a Subdivision Agreement;

3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;

4. That Council approve the amendment to Zoning By-law No. 2585 (File No. Z-07-23), as outlined in Planning Report No. PDP 02-24; and,

5. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval and the Commissioner of Planning and Development has issued Site Plan Approval.

9. Committee of the Whole Report - General Government

General Government - January 8 and 15, 2024

9.1 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

See also Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, dated January 8, 2024 regarding Update re LS 12-23: Follow up re Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

Recommendation:

1. That Council receive and accept Correspondence #2024-22 from Nova's Ark withdrawing its request for an exemption to the Prohibited and Regulated Animals By-law; and,

2. That Council refers Correspondence #2024-22 and Report LS 12-23 to Staff to manage in accordance with the July 13, 2023 Order to Comply.

9.2 Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 re: Joint Accessibility Advisory Committee and Diversity and Inclusion Advisory Committee Request to Participate in the Leading Equitable and Accessible Delivery Program

Note: This item was referred at Committee.

9.3 Memorandum from C. Chrus, Manager, Creative Communities and L. Toman, Program Manager, Events, Culture and Tourism, dated December 15, 2023 re: Staff Response to Downtown Whitby BIA Letter regarding 2024 Street Event

Recommendation:
Whereas Council appreciates the work and investment of the Downtown Whitby BIA and their request for a street event in Downtown Whitby to garner more exposure for local businesses and renew a sense of vitality into the downtown area; and,

Whereas Council recognizes the request from the Downtown Whitby BIA to consider allocating funding for the inclusion of a street event in the 2024 budget and planning; and,

Whereas Council has approved the Special Events Strategy 2022-2025 which outlines key actions the municipality shall undertake to support the planning, delivery, permitting, and implementation of a New Signature Event in the community including timelines; and,

Whereas Council recognizes that staff are currently starting the business plan phase for the New Signature Event, inclusive of community engagement; and,

Whereas Council understands that staff will be putting forward a budget request in 2024 to support the planning for the New Signature Event, subject to Council approval; and,

Whereas Council understands that the New Signature Event will take place in 2025;

Now Therefore it be Resolved:

That further to the Downtown Whitby BIA’s request, Council direct staff to consider hosting the New Signature Event in Downtown Whitby in 2025 as part of the Special Events Strategy 2022-2025.

9.4 Memorandum from K. Palilionis, Climate Change Coordinator, dated January 9, 2024 re: Whitby Sustainability Advisory Committee's 2023-2026 Work Plan and 2023 Annual Report

Recommendation:
That the Whitby Sustainability Advisory Committee's 2023 Annual Report be received for information.

9.5 Memorandum from J. Romano, Commissioner, Community Services, dated January 12, 2024 re: 2024 Days of Significance for Proclamations

Recommendation:
That the proclamations from January to December 2024 outlined in the Memorandum from J. Romano, Commissioner of Community Services, dated January 12, 2024, be endorsed.

9.6 CAO 01-24, Office of the Chief Administrative Officer Report
Re: Tourism Strategy Update - January 2024

Recommendation:
That Report CAO 01-24, Tourism Strategy Update – January 2024, be received for information.

9.7 CAO 03-24, Office of the Chief Administrative Officer Report
Re: Public Art Policy

Recommendation:

1. That Council approves the Public Art Policy as presented in Report CAO 03-24 and as appended in Attachment 1;
2. That the Public Art Policy, once approved, replace MS 040 Public Art Loan and Donation Policy; and,
3. That Staff be directed to bring a report to Council for the establishment of a new discretionary program reserve fund, the Public Art Program Reserve Fund, in accordance with Report CAO 03-24.

9.8 CAO 04-24, Office of the Chief Administrative Officer Report
Re: Economic Development Strategy Update

Recommendation:

1. That Report CAO 04-24 be received for information; and,
2. That the updates described herein be consolidated into an updated Economic Development Strategy.

9.9 CAO 02-24, Office of the Chief Administrative Officer Report
Re: Community Strategic Plan 2023 Progress Report

Recommendation:
That Report CAO 02-24 be received for information.

9.10 CLK 01-24, Office of the Town Clerk Report
Re: Ward Town Hall Meetings Policy

Recommendation:
That Council approve the Ward Town Hall Meetings Policy appended to Report CLK 01-24 as Attachment 1.

9.11 CLK 02-24, Office of the Town Clerk Report
Re: Council Participation at Community Events Protocol and Attendance Guidelines Policy

See also Memorandum from C. Chrus, Manager Creative Communities, dated January 29, 2024 regarding Response to Questions on Report CLK 02-24 Regarding Façade Grants

See also Memorandum from C. Harris, Town Clerk, dated January 15, 2024 regarding Council Resolution 183-23 re Council Attendance at Business Openings

Recommendation:
That Council approve the Council Participation at Community Events Protocol and Guidelines Policy appended to Report CLK 02-24 as Attachment 1.

9.12 CMS 01-24, Community Services Department Report
Re: Waste Collection Services on Private Residential Property

Recommendation:

1. That Report CMS 01-24 be received for information;
2. That NUB Item GG 0008 – “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” be removed from the New and Unfinished Business Listing; and,
3. That Staff be directed to include waste collection for private multi-residential and town home locations, through the use of Town Staff or other form, along with approval of the associated Draft Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property as a decision item in the 2024 budget process.

9.13 Request to the Province to Temporarily Remove Tolls on Highway 407 in Durham Region

Recommendation:
Whereas Highway 407 from Brock Road (Regional Road 1) in Pickering to Highway 35/115 is provincially owned and tolls are set by the province; and,

Whereas planned Regional road construction work to widen Winchester Road (Regional Road 3) from Anderson Street to Baldwin Street (Regional Highway 12) will necessitate reducing Winchester Road to one lane of traffic in one direction over an expected two construction seasons impacting travel times for residents and businesses; and,

Whereas the temporary removal of tolls on Highway 407 during Winchester Road construction work would improve overall travel times and alleviate the traffic impacts on surrounding Regional and local municipal roads.

Now therefore, be it resolved:

1. That the Province be requested to temporarily remove tolls on Highway 407 in Durham Region during the duration of the planned Winchester Road construction work; and,
2. That a copy of this request be sent to all Durham local area municipalities, Durham MPPs, and the Minister of Transportation.

9.14 Social and Economic Prosperity Review

Recommendation:

Whereas current provincial-municipal fiscal arrangements are undermining Ontario's economic prosperity and quality of life; and,

Whereas nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly $4 billion a year; and,

Whereas municipal revenues, such as property taxes, do not grow with the economy or inflation; and,

Whereas unprecedented population and housing growth will require significant investments in municipal infrastructure; and,

Whereas municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addictions crises; and,

Whereas inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity; and,

Whereas property taxpayers – including people on fixed incomes and small businesses – can't afford to subsidize income re-distribution programs for those most in need; and,

Whereas the province can, and should, invest more in the prosperity of communities; and,

Whereas municipalities and the provincial government have a strong history of collaboration.

Now therefore, be it resolved:

1. That the Province of Ontario commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario; and,
2. That a copy of this resolution be circulated to Premier Doug Ford, Durham area MPPs, Durham area municipalities, the Region of Durham, and the Association of Municipalities of Ontario.

*9.15 Canada Emergency Business Account (CEBA) Repayment Process

See also Correspondence # 2024-46 received from MP Turnbull regarding the Canada Emergency Business Account (CEBA) Repayment Process

Recommendation:
Whereas the repayment deadline for CEBA loans to qualify for partial loan forgiveness of up to 33 percent was extended from December 31, 2023, to January 18, 2024; and,

Whereas in conversations with the Federal Government, the President of the Canadian Federation of Independent Business (CFIB), Dan Kelly states that with over 900,000 small businesses holding CEBA loans and 22% not in a position to repay currently, the decision not to extend the deadline has huge implications for Canada's economy; and,

Whereas the CFIB has been flooded with calls from panicked small business owners who are struggling to repay their loans and getting inconsistent answers and little help from the Federal Government and banks; and,

Whereas as of January 19, 2024, outstanding loans, including those that are captured by the refinancing extension, will convert to three-year term loans, subject to interest of five per cent per annum, with the term loan repayment date extended by an additional year from December 31, 2025, to December 31, 2026.

Now therefore, be it resolved:

1. That the Town of Whitby urgently ask the Federal Government to provide small businesses with an additional year to repay their loan to keep the forgivable portion without any penalties; and,
2. That a copy of this motion and a letter outlining the request be sent to Prime Minister, Justin Trudeau, Minister Valdez, Minister of Small Business, Pierre Poilievre, Leader of His Majesty's Loyal Opposition, The Leaders of the NDP, Bloc Quebecois and Green Party and all Durham Region MPs.

10. For information only - Committee of the Whole Minutes of January 8, 2024 (Confidential Minutes Under Separate Cover) and January 15, 2024

11. Notice of Motion

12. New and Unfinished Business

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

See also Memorandum from A. Gratton, Manager of Enforcement Services, dated January 26, 2024 regarding Business Licensing By-law # 5545-04 exception request for a lodging home at 417 Byron Street North

Note: Consideration of this matter was deferred from the Committee of the Whole meeting on December 11, 2023 and the Council meeting on December 18, 2023 to the Council meeting on January 29, 2024. Council direction required.

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 March 18, 2024 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.

12.2 Memorandum from J. Romano, Commissioner of Community Services, dated January 29, 2024 regarding Update – CMS 09-23 James Rowe House Food and Beverage RFP

Recommendation:
That staff be directed to issue an Expression of Interest seeking proposals on future use of the James Rowe House and report back to Council with recommending next steps.

*12.3 CAO 05-24, Office of the Chief Administrative Officer Report
Re: Housing Accelerator Fund – Grant Management and Downtown Whitby Community Improvement Plan

Recommendation:

1. That Report CAO 05-24, be received as information;

2. That Council approve the recommended administrative changes to Appendix C Implementation Guidelines of the Downtown Whitby Community Improvement Plan (CIP), including the addition of $2,500,000 to support the Development Charge Partial Exemption for High Density Residential and Residential Mixed-Use Development as outlined in Section 4 of Report CAO 05-24 and included as Attachment 1;

3. That Council extend the Downtown Whitby Community Improvement Plan (CIP) By-law to December 31, 2027, as outlined in Attachment 2 to align with the funding parameters of the Housing Accelerator Fund;

4. That the Treasurer and the CAO be delegated authority to award all contracts related to Federal or Provincial grant-funded projects, including the Housing Accelerator Fund, that are within budget until December 31, 2027;

5. That staff be delegated the authority to submit all Federal or Provincial grants applications, normally requiring Council authorization before-hand, until December 31, 2027, subject to the agreement of Treasurer and CAO; and,

6. That staff report on grant applications submitted, grant agreements executed, and procurements awarded, that normally would require Council approval.

13. By-laws

Recommendation:

That leave be granted to introduce By-laws # 8041-24 to # 8046-24 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

13.1 By-law # 8041-24
Being a By-law to designate certain portions of a registered Plan of Subdivision (S-168-88) as not being subject of Part Lot Control.

13.2 By-law # 8042-24
Being a By-law to assume Ouellette Drive as show on Plan 40M-2674 as a public highway (Lack Lands Subdivision).

13.3 By-law # 8043-24
Being a By-law to assume Vanier Street, Kenneth Hobbs Avenue and Civic Centre Drive as show on Plan 40M-2554 as public highways (Triumph Subdivision).

13.4 By-law # 8044-24
Being a By-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 20-22, DEV-23-21: Draft Plan of Subdivision Application SW-2021-07, Zoning By-law Amendment Application Z-13-21, Winash Developments Limited (Phase 2), 145 Winchester Road West

13.5 By-law # 8045-24
Being a By-law to provide for the remuneration of members of the Committee of Adjustment.

Refer to PDP 01-24, Delegation of Land Division Responsibilities from the Region of Durham to the Town of Whitby Committee of Adjustment

*13.6 By-law # 8046-24
Being a By-law to Adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area.

Refer to CAO 05-24, Housing Accelerator Fund – Grant Management and Downtown Whitby Community Improvement Plan

14. Confirmatory By-law

Recommendation:
That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on January 29, 2024 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

15. Adjournment

Recommendation:
That the meeting adjourn.

Regular Council Minutes

December 18, 2023, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present:	Mayor Roy Councillor Bozinovski Councillor Cardwell Councillor Leahy Councillor Lee Councillor Lundquist Councillor Mulcahy (Left at 8:15 p.m., Returned at 8:17 p.m.) Councillor Shahid Councillor Yamada
Also Present:	M. Gaskell, Chief Administrative Officer M. Hickey, Fire Chief S. Klein, Director of Strategic Initiatives J. Romano, Commissioner of Community Services F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor R. Saunders, Commissioner of Planning and Development F. Wong, Commissioner of Financial Services/Treasurer M. Dodge, Executive Advisor to the Mayor C. Harris, Town Clerk K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk (Recording Secretary)

---

1. Call To Order: The Mayor

2. Call of the Roll: The Clerk

3. Declarations of Conflict of Interest

   There were no declarations of conflict of interest.

4. Adoption of Minutes

Regular Council - November 27, 2023 (Confidential Minutes Under Separate Cover)

Special Council - December 11, 2023

Resolution # 224-23

Moved by Councillor Lee
Seconded by Councillor Shahid

That the Regular Council Minutes of November 27, 2023, and the Special Council Minutes of December 11, 2023 be approved.

Carried

5. Presentations

5.1 Mateo Narvaez

Recognition: 2023 Whitby Junior Fire Chief

Mayor Roy attended the dais and was joined by M. Hickey, Fire Chief and all Members of Council. Mateo Narvaez was welcomed onto the dais and recognized for being the 2023 Whitby Junior Fire Chief.

5.2 Whitby Canadians 12U AAA Baseball Team

Recognition: 2023 12U AAA Ontario Baseball Association (OBA) Championship Winners

Mayor Roy attended the dais and was joined by Councillor Cardwell. Members of the Whitby Canadians 12U AAA Baseball Team and their coaching staff were welcomed onto the dais and recognized for winning the 2023 12U AAA OBA Championship.

5.3 Whitby Rush Lacrosse Team

Recognition: 2023 Women's Major Series Lacrosse Championship Winners

Mayor Roy attended the dais and was joined by Councillor Mulcahy. Members of the Whitby Rush Lacrosse Team and their coach were welcomed onto the dais and recognized for winning the 2023 Women's Major Series Lacrosse Championship.

6. Delegations

There were no delegations.

7. Correspondence

7.1 Correspondence

That the following requests be endorsed:

- Wear Red Canada Day - February 13, 2024
- Dominican Republic Independence Day - Flag Raising - February 27, 2024
- Amyloidosis Awareness Month - March 2024

Resolution # 225-23

Moved by Councillor Lundquist
Seconded by Councillor Mulcahy

That the proclamations for Wear Red Canada Day and Amyloidosis Awareness Month, and the flag raising for Dominican Republic Independence Day be endorsed.

Carried

7.2 Correspondence # 2023-618 received from A. Harras, Regional Clerk, Region of Durham, regarding Durham Region's response to the proposed Affordable Homes and Good Jobs Act (Bill 134)

Resolution # 226-23

Moved by Councillor Mulcahy
Seconded by Councillor Shahid

1. That Correspondence # 2023-618 from A. Harras, Regional Clerk, Region of Durham regarding Durham Region's response to the proposed Affordable Homes and Good Jobs Act (Bill 134) be endorsed by Council; and,
2. That a copy of this resolution be forwarded to the Region of Durham, area municipalities in Durham Region, Members of Provincial Parliament in Durham Region, the Minister of Municipal Affairs and Housing, and the Associate Minister of Housing.

Carried

7.3 Correspondence # 2023-616 received from J. McWilliam, Manager of Legislative Services/Deputy Clerk, Town of Ajax regarding the resolution for Support for Adults with Autism Spectrum Disorder (ASD)

Resolution # 227-23

Moved by Councillor Shahid
Seconded by Mayor Roy

1. That Correspondence # 2023-616 from J. McWilliam, Manager of Legislative Services/Deputy Clerk, Town of Ajax regarding the resolution for Support for Adults with Autism Spectrum Disorder (ASD) be endorsed by Council; and,

2. That a copy of this resolution be forwarded to Premier Doug Ford, Sylvia Jones, Minister of Health, Peter Bethenfalvy, Minister of Finance, Michael Tibollo, Minister of Mental Health and Addictions, Lorne Coe, Whitby MPP, the Region of Durham, area municipalities in Durham Region, local school boards, the Association of Municipalities of Ontario, and Autism Ontario.

Carried

8. Committee of the Whole Report - Planning and Development

Planning and Development - December 4 and 11, 2023

8.1 PDP 40-23, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Inuka Developer Inc., 1 Ferguson Avenue, File Number: DEV-25-22 (Z-17-22)

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

- timelines for Council to either approve or deny the Zoning By-law Amendment Application;
- the requirement to refund a portion of Planning fees if Council fails to render a decision regarding the application in accordance with prescribed timelines;
- the need to provide reasons for denying the application should Council decide to not support the Zoning By-law Amendment;

- concerns from residents about the ongoing Environmental Assessment (EA) being conducted by the Ministry of Transportation for Winchester Road and how the results of the EA may impact access to the proposed development;
- confirmation that the current access proposed onto Heber Down Crescent meets technical standards and is supported by Staff;
- the Official Plan designation for the property and confirmation that it was updated as part of the Brooklin Secondary Plan;
- removing driveway access from Heber Down Crescent and orienting units so driveway access is internal to the development;
- concerns about reducing on-site parking by reorienting driveway access from Heber Down Crescent;
- opportunities to have non-binding discussions with the developer about reducing the height of the units on the property from three storeys to two storeys;
- confirmation that applying a holding zoning designation is not appropriate for this development as infrastructure to support the development is already in place;
- reviewing traffic calming in the area immediately surrounding the development;
- the limited prospect for success should the applicant appeal a decision to deny the application to the Ontario Land Tribunal;
- reviewing traffic calming in the surrounding area in the future, noting that the design of the development will not prevent any solutions being evaluated through the Ministry of Transportation's ongoing EA;
- timelines associated with site plan approval; and,
- opportunities for Council to communicate with the Minister of Transportation to push for the ongoing EA to be advanced.

Resolution # 228-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-17-22), as outlined in Report PDP 40-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the Site Plan Application has been approved.

	For	**Against**	**Conflict**
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy		X	
Councillor Shahid	X		
Councillor Yamada		X	
Results	**7**	**2**	**0**

Carried on a Recorded Vote (7 to 2)

8.2 PDP 41-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Frontdoor Developments (Garrard) Inc., Garrard Road and Eric Clarke Drive, File Number: DEV-22-23 (SW-2023-01, Z-06-23)

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

- how construction impacts including noise, dust, and vibration would be managed during construction of the subdivision;

- the responsibility of the developer to prepare a construction management plan which would include monitoring of neighbouring properties; and,
- confirmation that the construction of a fence was included as a condition to approving the Draft Plan of Subdivision.

Resolution # 229-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2023-01), subject to the comments included in Report PDP 41-23 and the conditions of draft plan approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
4. That Council approve the amendment to Zoning By-law # 1784, (File Number: Z-06-23), as outlined in Report PDP 41-23;
5. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval; and,
6. That John G. Williams Architect be approved as the control architect for the subdivision.

Carried

8.3 Requiring mandatory consultation with the Town and Region of Durham on development matters

Resolution # 230-23

Moved by Councillor Lee
Seconded by Councillor Leahy

That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of enacting a planning by-law,

which the Durham Region shall comply with the Town of Whitby building codes, laws, rules, regulations, or requirements of any and all authorities having jurisdiction, irrespective of the Town of Whitby Zoning By-law 1784, Section 4 General Provisions, A (i) and (ii), B (i) and (ii) and C. With an emphasis on ensuring the Region must obtain building permits (if required), occupancy permits directly from the Town of Whitby (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.

Carried

8.4 Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders

Resolution # 231-23

Moved by Councillor Lee
Seconded by Councillor Leahy

That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of requiring Durham Region to consult with Town of Whitby Planning & Development Staff, CAO, and Council prior to a proposal of expropriation requests on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities, (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.

Carried

8.5 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

Resolution # 232-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule “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.

Carried

8.6 PDE 14-23, Planning and Development (Engineering Services) Department Report

Re: Update Traffic By-law 1862-85 - Pedestrian Crossovers

Resolution # 233-23

Moved by Councillor Lee
Seconded by Councillor Leahy

1. That Council approve the proposed amendment to Traffic By-law 1862-85, to incorporate the changes to Schedule “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.

Carried

8.7 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

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

- a recommendation to locate off-street parking at the rear of buildings in Downtown Whitby; and,

- designing structured parking facilities at the rear of properties so that the facilities have less impact on streetscapes.

Resolution # 234-23

Moved by Councillor Lee
Seconded by Councillor Leahy

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.

Carried

8.8 Port Whitby Pedestrian Crossovers

Resolution # 235-23

Moved by Councillor Lee
Seconded by Councillor Leahy

That Staff Report back on the need and feasibility of adding appropriate cross walks to Port Whitby in areas identified during the December 11, 2023 Committee of the Whole meeting in the first quarter of 2024.

Carried

9. Committee of the Whole Report - General Government

General Government - December 4 and 11, 2023

9.1 CAO 26-23, Office of the Chief Administrative Officer Report

Re: Climate Emergency Response Plan Phase 2: Mitigation

Resolution # 236-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

1. That Council endorse in principle the Whitby Climate Emergency Response Plan - Phase 2: Mitigation;

2. That the Whitby Climate Emergency Response Plan - Phase 2: Mitigation Implementation Plan be integrated into departmental work plans;

3. That Council direct staff to update the Whitby Climate Emergency Response Plan - Phase 2: Mitigation every five years; and,

4. That Council be advised that as a part of Implementation of Whitby Climate Emergency Response Plan - Phase 1: Resilience, the Town has entered into a formal agreement with Central Lake Ontario Conservation Area (CLOCA) for the delivery of a pilot Sustainable Neighbourhood Action Program (SNAP).

Carried

9.2 FS 23-23, Financial Services Department Report

Re: 2024 Budget Schedule, Engagement, Outlook, and Budget Target

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

- affordability concerns for residents, noting the increasing costs for necessities such as food and housing;
- identifying a budget target so that Staff are able to develop a budget for Council consideration;
- inflationary pressures facing the Town;
- confirmation that a 5% budget increase would represent a 1.8% overall increase to the average property tax bill;
- providing Council with options to reduce the budget increase below 5% when the budget is presented;
- clarification that deferring the approval of new positions effectively reduces service levels due to the Town's rapid growth; and,
- confirmation that requests for new positions will include information about the impact of not funding those positions.

Councillor Mulcahy left the meeting at 8:15 p.m.

Resolution # 237-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

1. That the 2024 Budget Process, Communication and Public Engagement Plan and Budget Calendar outlined in Report FS 23-23 be approved;
2. That the Budget Target for the Town's preliminary 2024 operating budget be 5% to provide staff guidance on finalizing details of a proposed 2024 budget for Council consideration in early 2024; and
3. That Item Number GG-0009 be removed from the New and Unfinished Business List.

	For	**Against**	**Conflict**
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell		X	
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Shahid	X		
Councillor Yamada		X	
Results	**6**	**2**	**0**

Carried on a Recorded Vote (6 to 2)

Councillor Mulcahy returned to the meeting at 8:17 p.m.

9.3 CAO 27-23, Office of the Chief Administrative Officer Report

Re: Culture Plan Update - December 2023

Resolution # 238-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Report CAO 27-23, Culture Plan Update - December 2023, be received as information.

Carried

9.4 Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East

A brief question and answer period ensued between Members of Council and Staff regarding future reports from Staff about installing lighting and replacing park playground surfaces in the area surrounding 1635 Dundas Street East. Staff confirmed that the future reports will examine the need and efficacy of these measures and options will be presented for Council's consideration.

Resolution # 239-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Staff be directed to report to Council on the cost and timelines to install lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East.

Carried

9.5 Replacing Town park playground surfaces within a 1-kilometre radius of 1635 Dundas Street East

Resolution # 240-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Staff be directed to report to Council on the cost and timelines to replace Town park playground surfaces with alternative surfaces within 1-kilometre radius of 1635 Dundas Street East.

Carried

9.6 Enacting an Encampment by-law

Resolution # 241-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Staff be directed to report to Council on the merits and feasibility of enacting an encampment by-law in the Town.

Carried

9.7 Prohibiting loitering, obstruction, panhandling, and resting/sleeping outdoors

A discussion ensued between Members of Council regarding:

- concerns about making homelessness illegal, noting that a by-law prohibiting loitering or resting/sleeping outdoors may disproportionately affect marginalized groups, including persons experiencing mental health or addictions challenges;
- the potential by-law and how it would not help address the root causes of poverty;
- clarification about existing legislation which prohibits loitering and aggressive panhandling, including the Town's Public Nuisance By-law; and,
- confirmation that a review by Staff will examine the Town's current by-laws and will review legislation in place in comparator municipalities.

Resolution # 242-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

That Staff be directed to report to Council on the merits and feasibility of enacting a by-law to prohibit loitering, obstruction, panhandling, and resting/sleeping outdoors in the Town.

Carried

9.8 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

Resolution # 243-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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;

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; and,

3. That the Report back include an appraised value for the donated land.

Carried

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

Resolution # 244-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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

2. That an exemption to the one (1) metre fence height maximum in Fence By-law # 4394-99, as amended, be provided for the existing fence located in the front yard on the west side of the property located at 1000 McCullough Drive.

Carried

9.10 FS 27-23, Financial Services Department Report

Re: 2024 Temporary Borrowing By-law

Resolution # 245-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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.

Carried

9.11 FS 29-23, Financial Services Department Report

Re: 2024 Interim Property Tax Billing

Resolution # 246-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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.

Carried

9.12 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

Note: Members of Council will resume consideration of Report LS 12-23 and hearing delegates registered prior to the December 11, 2023 deadline starting at 6:00 p.m. at the Committee of the Whole meeting on January 8, 2024.

9.13 LS 13-23, Legal and Enforcement Services Department Report

Re: Business Licensing By-law Exception Request - 417 Byron Street North

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

- upgrades required to the fire alarm system at the property should Council grant an exemption to the Business Licensing By-law to allow 17 residents at the property;

- granting an exemption to the by-law to allow 17 residents for a 12-month period subject to a review by Staff;
- confirmation that there have been limited visits to the property by the Durham Regional Police Service and the Town's Enforcement Services Division;
- concerns about providing an exemption to the by-law without knowing the past performance of the home, including information about Building and Fire Code compliance, and Social Services and Health Department compliance;
- the importance of providing interested parties with information about the home so they have an understanding of how the home operates;
- gaining a more thorough understanding of the home's operations, including the quality of care provided, including information on the physical space allocated to each resident; and,
- referring the matter to the Regular Council Meeting on January 29, 2024 to receive information from Staff regarding the fire alarm system upgrades needed, Building and Fire Code compliance, and to allow Staff to provide interested parties with information about the home.

Moved by Councillor Leahy
Seconded by Councillor Bozinovski

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 January 29, 2024 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.

See following motions

Moved by Councillor Leahy
Seconded by Councillor Bozinovski

That Item 3 of the main motion be amended by adding, 'save and except for condition 2' after, 'the January 29, 2024 Council Meeting'.

Note: The disposition of this matter, Item 9.13, LS 13-23, was determined through the referral motion below.

Resolution # 247-23

Moved by Councillor Mulcahy
Seconded by Councillor Yamada

That consideration of Report LS 13-23 be referred to the Regular Council Meeting on January 29, 2024.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski		X	
Councillor Cardwell		X	
Councillor Leahy		X	
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada		X	
Results	**5**	**4**	**0**

Carried on a Recorded Vote (5 to 4)

9.14 CMS 10-23, Community Services Department Report

Re: 2023-24 Winter Maintenance Service Improvements

Resolution # 248-23

Moved by Councillor Yamada
Seconded by Councillor Shahid

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

Carried

10. For information only - Committee of the Whole Minutes of December 4 and 11, 2023

11. Audit Committee Report

Audit Committee - November 30, 2023

11.1 FS 22-23, Financial Services Department Report

Re: 2022 Year End Communication and Audited Financial Statements

A brief question and answer period ensued between Members of Council and Staff regarding the 2022 increase in tangible capital assets.

Resolution # 249-23

Moved by Councillor Mulcahy
Seconded by Councillor Shahid

1. That Report FS 22-23 be received for information;
2. That the Corporation of the Town of Whitby's Audited Consolidated Financial Statements for the year ended December 31, 2022, Attachment 2 to Report FS 22-23, be approved; and,
3. That Deloitte LLP be engaged to perform the audit of the Town of Whitby's financial statements for the year ending December 31, 2023.

Carried

12. For Information only - Audit Committee Minutes of November 30, 2023

13. Notice of Motion

13.1 Condemning All Acts of Hate

Councillor Shahid introduced a motion regarding Condemning All Acts of Hate.

A discussion ensued between Members of Council regarding:

- support for the motion from the Whitby Diversity and Inclusion Advisory Committee;
- amending the motion to highlight the condemnation of various forms of hate, racism, and discrimination, in addition to condemning antisemitism and islamophobia;
- specifically condemning antisemitism and islamophobia at this point in time due to current world events;
- developing similar motions in the future to condemn other forms of hate, racism, and discrimination; and,
- Council making a statement condemning any act of hate, racism, and discrimination and the importance of Council serving as a voice for all residents.

Resolution # 250-23

Moved by Councillor Shahid
Seconded by Councillor Lundquist

Whereas the Council of the Town of Whitby vehemently condemns all acts of hate and any form of prejudice, including antisemitism and islamophobia; and,

Whereas any manifestation of racism or discrimination, be it through actions or speech that perpetuates such attitudes, is deemed abhorrent and unwelcome in our community and broader society; and,

Whereas Council, in its commitment to upholding the principles of the Charter for Inclusive Communities adopted during its meetings on January 30, 2017, and October 17, 2017, pledges to respect the dignity of every individual and actively calls for a concerted effort to combat prejudice and hate, including a broadened specific focus on the elimination of antisemitism and islamophobia; and,

Whereas the Council unequivocally condemns recent incidents of hate across Canada.

Now Therefore be it Resolved:

1. That Whitby Council, as leaders in the community, express their resolute belief that all acts of hate, racism, and discrimination, including antisemitism and islamophobia, are abhorrent and have no place in our community or society; and,
2. That Whitby Council calls on all levels of government, civil society, communities, and public officials to work together in developing policies, programs, and initiatives to reduce and eliminate all acts of hate, racism, and discrimination, with a specific focus on addressing antisemitism and islamophobia, and renew efforts to advance community safety; and,
3. That the Clerk be directed to send this resolution to the Whitby Diversity and Inclusion Advisory Committee, the Regional Municipality of Durham, Durham Area Municipalities, and all Durham MPs and MPPs.

	For	**Against**	**Conflict**
Mayor Roy	X		
Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	**9**	**0**	**0**

Carried Unanimously on a Recorded Vote (9 to 0)

14. New and Unfinished Business

There was no new and unfinished business.

15. Closed Session

Council did not move into closed session to consider the Memorandum from C. Harris, Town Clerk dated November 30, 2023 regarding Recommendation for Appointment to the Whitby Public Library Board.

15.1 Memorandum from C. Harris, Town Clerk dated November 30, 2023 regarding Recommendation for Appointment to the Whitby Public Library Board

Resolution # 251-23

Moved by Councillor Bozinovski
Seconded by Councillor Yamada

That Kate Campbell be appointed to the Whitby Public Library Board for the remainder of the 2022-2026 term.

Carried

16. Rising and Reporting Out

There were no matters considered in closed session. Therefore, Council did not rise and report.

17. By-laws

Resolution # 252-23

Moved by Councillor Cardwell
Seconded by Councillor Bozinovski

That leave be granted to introduce By-laws # 8032-23 to # 8038-23 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

17.1 By-law # 8032-23

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

Refer to FS 29-23, 2024 Interim Property Tax Billing

17.2 By-law # 8033-23

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.

Refer to FS 27-23, 2024 Temporary Borrowing By-law

17.3 By-law # 8034-23

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

Refer to PDE 14-23, Update Traffic By-law 1862-85 - Pedestrian Crossovers

17.4 By-law # 8035-23

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

17.5 By-law # 8036-23

Being a By-law to authorize the use of mail-in ballots as an alternative method of voting for the 2026 Municipal Election.

Refer to CLK 07-23, 2026 Municipal Election Voting Method

17.6 By-law # 8037-23

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

Refer to PDE 12-23, Update Traffic By-law 1862-85, No Parking in Area Surrounding Brooklin High School

17.7 By-law # 8038-23

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

Refer to PL 29-21, Draft Plan of Subdivision and Zoning By-law Amendment Applications, 5095, 5125, and 5245 Anderson Street,

Conland Development Corporation, File Numbers: DEV-13-21 (SW-2021-03, Z-08-21)

18. Confirmatory By-law

Resolution # 253-23

Moved by Councillor Lee
Seconded by Councillor Lundquist

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on December 18, 2023 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

19. Adjournment

Moved by Councillor Leahy
Seconded by Councillor Cardwell

That the meeting adjourn.

Carried

The meeting adjourned at 9:05 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor

Special Council Minutes

January 19, 2024, 12:00 p.m.
Whitby Operations Centre
333 McKinney Drive

Present:	Mayor Roy Councillor Bozinovski Councillor Cardwell (Arrived at 12:20 p.m.) Councillor Mulcahy Councillor Leahy Councillor Lee (Arrived at 12:15 p.m., Left at 2:30 p.m.) Councillor Lundquist Councillor Shahid (Arrived at 12:11 p.m., left at 2:17 p.m., Re-joined at 3:00 p.m.) Councillor Yamada (Arrived at 3:00 p.m.)
Also Present:	M. Hickey, Fire Chief S. Klein, Director of Strategic Initiatives J. Long, Head of Organizational Effectiveness J. Romano, Commissioner of Community Services F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor R. Saunders, Commissioner of Planning and Development F. Wong, Commissioner of Financial Services/Treasurer M. Dodge, Executive Advisor to the Mayor C. Harris, Town Clerk K. Douglas, Sr. Legislative Specialist (Recording Secretary)

---

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

   There were no declarations of conflict of interest.
4. Facilitated Session by Rob Adams, Town Hall Consulting

Re: Overview of Customer Service Processes and Good Governance

4.1 Rob Adams, Town Hall Consulting

Re: Good Municipal Governance

Rob Adams, Town Hall Consulting, provided a PowerPoint presentation regarding Good Municipal Governance. Highlights of the presentation included:

- municipal relations and the impact on business operations;
- challenges impacting municipalities; and,
- strategies for fostering positive teamwork.

4.2 Chris Harris, Director of Legislative Services/Town Clerk

Re: MOC CityWorks

Chris Harris, Director of Legislative Services/Town Clerk provided a PowerPoint presentation regarding Members of Council (MOC) CityWorks. Highlights of the presentation included:

- CityWorks upgrades and next steps for improving functionality;
- the current MOC CityWorks process overview;
- responsibilities of staff and Members of Council;
- statistics regarding requests received and resolved; and,
- the Town's digital customer experience vision.

4.3 Paul Thistle, Director of Operational Services

Re: Operations Division - Customer Inquiries and Process Overviews

Paul Thistle, Director of Operational Services, provided a PowerPoint presentation regarding customer inquiries received by the Operations Division and process overviews. Highlights of the presentation included:

- statistics concerning the number of inquiries received by the Operations Centre;
- an overview of the Report a Winter Issue Dashboard;
- communication with residents regarding the resolution of their inquiry;

- the number and nature of requests received through Members of Council; and,
- an overview of the Forestry Program, tree pruning, and special collections.

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

Re: Enforcement Services Division - Customer Inquiries and Process Overviews

Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor provided a PowerPoint presentation regarding customer inquiries received by the Enforcement Services Division and process overviews. Highlights of the presentation included:

- achieving by-law compliance in a manner that is fair and equitable;
- the timeline for processing complaints received through MOC CityWorks;
- enforcement for non-compliant by-law violations;
- differences between animal and parking by-law enforcement; and,
- the roles and responsibilities of Staff and Members of Council.

4.5 Rob Adams, Town Hall Consulting

Re: Values of Municipal Leadership

Rob Adams, Town Hall Consulting, provided a PowerPoint presentation regarding the values of municipal leadership. Highlights of the presentation included:

- values and characteristics of strong leaders;
- various types of leadership styles;
- statistics concerning employee engagement in North America; and,
- establishing a vision and legacy as a leader.

5. Adjournment

Moved by Councillor Cardwell
Seconded by Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 4:02 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor

Special Council Minutes

January 22, 2024, 5:00 p.m.
Committee Room 1
Whitby Town Hall

Present:	Mayor Roy Councillor Bozinovski Councillor Leahy Councillor Lee Councillor Lundquist Councillor Mulcahy Councillor Shahid Councillor Yamada (Arrived at 5:26 p.m.)
Regrets:	Councillor Cardwell
Also Present:	M. Gaskell, Chief Administrative Officer F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor M. Dodge, Executive Advisor to the Mayor C. Harris, Town Clerk K. Douglas, Sr. Legislative Specialist (Recording Secretary)

---

1. Call To Order: The Mayor

2. Call of the Roll: The Clerk

3. Declarations of Conflict of Interest

   There were no declarations on conflict of interest.

4. Closed Session

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

   Moved by Councillor Leahy
   Seconded by Councillor Lundquist

That Council move in-camera in accordance with Procedural By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (3.1) and for the purpose of educating or training members.

Carried

4.1 Jeff Abrams, Principles Integrity

Re: Council Code of Conduct Refresher

5. Rising and Reporting

Motion to Rise

Moved by Councillor Lundquist
Seconded by Councillor Shahid

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received education and training regarding the Council Code of Conduct from the Integrity Commissioner.

6. Adjournment

Motion to Adjourn

Moved by Councillor Mulcahy
Seconded by Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:35 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor

Memorandum to Council

Office of the Chief Administrative Officer

Strategic Initiatives Division

To: Mayor and Members of Council

CC: Sarah Klein, Director, Strategic Initiatives; Junaid Khan, Project Manager, Sustainability & Climate Change

Acknowledged by M. Gaskell, Chief Administrative Officer

From: Kristin Palilionis, Climate Change Coordinator

Date: January 29, 2024

Subject: 2024 Days of Environmental Significance for Proclamations (March – October)

The purpose of this memorandum is to request Council to proclaim the following, as Environmental Days of Significance for 2024. In addition to this proclamation, Staff will organize special events for the community to get involved, to celebrate, and to help support the Town's environmental commitments. Event details will be shared through the Town's regular communication channels.

2024 Days of Significance for Proclamation

Awareness Campaign	Date	Description
World Sustainable Procurement Day	March 21, 2024	World Sustainable Procurement Day started in March 2022 during the spring equinox and continues to run each year. The purpose of this day is to empower and equip Procurement Practitioners with knowledge, best practices, and practical solutions to sustainable procurement challenges.
United Nations' International Day of Forests	March 21, 2024	The United Nations General Assembly proclaimed March 21 the International Day of Forests in 2012 to celebrate and raise awareness of the importance of all types of forests. The purpose of this day is to organize activities involving forests and trees, such as tree planting campaigns.

World Water Day	March 22, 2024	World Water Day is an annual observance on March 22 to celebrate water and raises awareness of the 2 billion people living without access to safe water. Theme varies every year.
Earth Hour	March 23, 2024	Earth Hour is an annual event on the last Saturday of the month of March from 8:30 p.m. to 9:30 p.m. Millions across the world choose to turn off their lights for one hour to celebrate their commitment to the planet. The objective is to spread awareness of environmental issues in our global and local communities.
Earth Month/Week/Day	April 2024	Earth Month is the entire month of April, Earth Week is April 21-27 and Earth Day is on April 22. These are annual celebrations of environmental action.
Provincial Day of Action on Litter	May 14, 2024	The Provincial Day of Action on Litter is celebrated on the second Tuesday of May each year in Ontario and promotes taking action to prevent and reduce litter and waste.
World Bee Day	May 20, 2024	World Bee Day is celebrated on May 20 each year to raise awareness of the importance of pollinators, the threats they face and their contribution to sustainable development.
International Day for Biological Diversity	May 22, 2024	International Day for Biological Diversity is celebrated on May 22 each year to increase understanding and awareness of biodiversity issues.
World Environment Day	June 5, 2024	World Environment Day is the United Nations Day for encouraging worldwide awareness and action to protect our environment.
Pollinator Week	June 17 to 23, 2024	Pollinator Week is a time to celebrate the important role pollinators like bees, birds, bats, and butterflies play in our local ecosystem and in supporting global food production. As a designated Bee City and a member of the Mayors' Monarch Pledge, Whitby is committed to protecting pollinators and their habitat through action and education.

National Forest Week	September 22 to 28, 2024	National Forest Week is celebrated during the third week of September to raise awareness about one of the most valuable and renewable resources – forests.
Energy Efficiency Day	October 2, 2024	Energy Efficiency Day is on the first Wednesday of October to raise awareness of the benefits of energy efficiency.
Waste Reduction Week	October 14 to 20, 2024	Waste Reduction Week is an annual campaign held during the third week of October that educates and promotes waste reduction while encouraging new and innovative ideas for dealing with Canada's waste.

If you have any questions, please do not hesitate to contact Kristin Palilionis, Climate Change Coordinator (palilionisk@whitby.ca).

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Delegation of Land Division Responsibilities from the Region of Durham to the Town of Whitby Committee of Adjustment

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **PDP 01-24**

Department(s) Responsible:

Planning and Development Department (Planning Services)

Submitted by:
Roger Saunders, Commissioner of Planning and Development x4309

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

John Taylor, Senior Manager of Zoning & Administration x2908

Justin Malfara, Principle Planner, Zoning & Administration x2930

1. Recommendation:

1. That Council approve a By-law to permit the Town of Whitby Committee of Adjustment to grant approval of both Minor Variance and Consent Applications within the Town of Whitby, in accordance with the relevant provisions of the *Planning Act*;

2. That Council approve the revised Committee of Adjustment Terms of Reference, including to the added responsibilities for Consents to land severance under Section 53 of the *Planning Act*;

3. That Council approve the proposed amendments to the Fees & Charges By-law #7220-17 (as amended), to introduce new fees related to Consent applications; and,

4. That Council approve an increase in the remuneration for Committee of Adjustment members from $65 (sitting member) and $75 (Chair), to $125 (sitting member) and $150 (Chair) effective February 1, 2024.

2. Highlights:

- The Town of Whitby Committee of Adjustment (CoA) is responsible for Minor Variance applications. The CoA is comprised of five members of the public who are appointed by Council to serve during the term of Council. The CoA is tasked with reviewing and rendering decisions on Minor Variance applications in accordance with Section 45 of the *Planning Act*. The CoA has an appointed Chair and Vice-Chair and is assisted by staff from the Planning and Development Department.

- The Region of Durham's Land Division Committee has historically had the delegated authority to consider Consent applications including, land severances, easements, lot line adjustments, title validations and leases or mortgages greater that 21 years.

- In 2022, the Province passed Bill 23. Bill 23 made several changes to the *Planning Act*, including removal of the Region's authority as it relates to Consents under Section 53 of the *Planning Act*. That authority is now delegated to lower tier Municipalities, including the Town of Whitby and all other Area Municipalities in the Region of Durham.

- It is appropriate that Consent applications be considered by the Town of Whitby CoA. As such, an update to the CoA Terms of Reference, Delegation By-law, Fees and Charges By-law, and Committee of Adjustment remuneration is proposed.

3. Background:

3.1 Town of Whitby Committee of Adjustment

The Town of Whitby has a Committee of Adjustment (CoA), consisting of five members of the public who have been appointed by Council at the beginning of each Council term. The CoA is authorized by Section 44 (1) of the *Planning Act* to consider requests for minor variances to the Town's Zoning By-laws.

The Committee provides a forum for the expeditious consideration of minor variances and permissions from the provisions of the Town's Zoning By-laws without the need for an amendment to the Zoning By-laws.

Currently, the CoA holds meetings every three weeks in a virtual format. The meetings are comprised of the Committee members, applicants, members of the public (interested parties), as well as Planning staff. On average, CoA meetings require 1-3 hours to conclude and approximately 2-10 applications may be heard at each meeting.

3.2 Bill 23, More Homes Built Faster Act 2022

In 2022, the Province passed Bill 23. Bill 23 made several changes to the *Planning Act*, including removal of the Region's authority as it relates to Consents under Section 53 of the *Planning Act*. That authority is now delegated to lower tier Municipalities, including the Town of Whitby and all other Area Municipalities in the Region of Durham.

3.3 Regional By-law 61-2023

In 1974, Durham Region Council delegated the authority for the granting of consents to the Regional Land Division Committee. Since that time, the Committee has processed Consent applications, with the assistance of Regional Planning staff providing intake/administrative support as well as technical planning/legal advice through the Secretary Treasurer and the Assistant Secretary-Treasurer.

In response to Bill 23, Regional Council passed By-law 61-2023 on October 25, 2023, thereby delegating Regional Council's Land Division responsibilities for Consents under the *Planning Act* to each of the Region's Area Municipalities, including the Town of Whitby.

The last day for accepting applications to the Region's Land Division Committee was October 20, 2023, and as of January 1, 2024, new consent applications must be considered by the Area Municipalities.

4. Discussion:

4.1 Consent Applications

Consents under the *Planning Act* allow for the subdivision or conveyance of land without the requirement of a plan of subdivision. Consent applications apply for the following:

- To create a new lot;
- To register a mortgage/charge or to discharge a mortgage on a parcel of land;
- To register a lease for a term of 21 years or more;
- To register an easement or a right-of-way;
- To undertake a correction of title;
- To undertake lot addition or lot line adjustment; or
- To undertake a Validate of Title, Power of Sale, or Foreclosure of Mortgage.

4.2 Delegation to the Town of Whitby Committee of Adjustment

As a result of Bill 23 and the subsequent passage of By-law 61-23 by the Region of Durham, the authority for Consents is now the responsibility of Town Council.

However, Section 54 of the Planning Act allows for the further delegation of the authority to an appointed officer or a committee of adjustment. Accordingly, it is recommended that the authority for Consents to land division be delegated to the Town's Committee of Adjustment and the Committee's Terms of Reference be updated to reflect the added responsibilities.

Consent applications are commonly delegated to Committees of Adjustment in many municipalities across Ontario

Most Greater Toronto Area (GTA) and surrounding lower-tier municipalities have delegated the authority for Consents to their respective Committees of Adjustment, including municipalities within York Region, Peel Region, Halton Region and Niagara Region.

The Town of Whitby Committee of Adjustment has experience in processing and evaluating planning applications

The Town of Whitby CoA members and staff have attended virtual and in-person training conducted by the Region of Durham Planning Department in Q4 of 2023.

The Committee is made up of members who are well versed in planning and/or have direct experience working in the planning profession. The Committee, as a whole, is often tasked with reviewing Minor Variance applications that are required to facilitate land division proposals.

As part of the Committee's role, members are required to review applications in accordance with the Town's Official Plan, Zoning By-laws, and other applicable standards. The Committee is also tasked with conducting site visits, providing input at public meetings, and corresponding with Town staff, applicants, and members of the public.

In consideration of the Committee's experience and current ability to successfully review and render decisions on Minor Variance applications, staff are of the opinion that the Consent application process can successfully be delegated to the CoA.

Certain Administrative matters such as notices, reports, site visits, meeting format, and decisions are similar in nature to the Minor Variance process

The *Planning Act* provides direction on how statutory requirements such as when notice of a hearing and notice of a decision must be provided, whereas other administrative matters including but not limited to report preparation/format, site visits, meeting format, etc. are generally subject to the Municipalities terms.

The CoA has previously held meetings every three weeks which was tailored to meet the statutory timelines regarding Minor Variance applications. However, the 2024 meeting schedule has been amended to have one meeting every four

weeks, which will allow the minimum 14 day notice of hearing requirement associated with Consent applications to be satisfied.

Consent applications require similar procedures as the current process for Minor Variance applications, including:

- notice sign preparation procedures undertaken by the Secretary Treasurer and Clerical staff;
- internal filing process;
- application review for completeness;
- site visits;
- agency circulation;
- report writing template and format;
- committee meeting format and decision protocol;
- notice of decision format to parties; and
- processing of appeals.

Challenges regarding staff resources

Prior to the passing of Regional By-law 61-2023, the Durham Region Planning Department was responsible for managing the review of Consent applications. Regional Staff resources included support from the Secretary Treasurer, Planning Clerk, Planner, and Manager of Planning.

One area of concern relates to requirements for deed and condition clearance in the Consent process. The Region of Durham Planning Department had a dedicated Law Clerk on a full-time basis who had a legal and planning background and was well versed in processing/reading transfer documents, encumbrances, mortgages, deed packages, PIN pages, legal acknowledgement and direction forms, and other similar tasks.

At this time, the Planning and Development Department does not have staff with a legal background or expertise in this area. In addition, the Town's Legal Division has staffing limitations to provide this function. The Legal Division will endeavour to assist the Planning in processing the legal aspects of the process, however, Planning and Legal will have to assess the type and volumes of consent applications to determine if additional staff resources are required or if external services may be required.

4.3 Updated Terms of Reference

The Town of Whitby CoA operates in accordance with an approved Terms of Reference. The existing CoA Terms of Reference will require certain revisions in order to reflect the added responsibilities for Consents. A revised Terms of Reference is included as Attachment 1 to this report, including a new Section (1.2), which outlines the legislated responsibilities for Consents and an update to

Section 2.0, which includes new responsibilities for processing and rendering decisions on Consent applications.

It is recommended that the revised Terms of Reference, pertaining to the expanded role of the CoA, be approved.

5. Financial Considerations:

5.1 Application Fee Update

It is recommended that the Fees & Charges By-law #7220-17 (as amended) be updated to introduce new fees related to Consent applications. Schedule M of the By-law currently includes a "Land Division Release Fee" of $938.24, which will be repealed and replaced in accordance with, and in addition to the other proposed fees listed below. The proposed fees are the same or similar to the current fees required by the Region.

Type of Fee	**Amount ($)**
Consent Application Fee	$1,350.00
Town Planning Fee Review	$500.00
Consent Release Fee	$961.70
Tabling by Applicant Fee	$300.00
Deed Stamping Fee	$1,000.00
Deed Re-Stamping Fee	$250.00

The above fees may be adjusted following the completion of the Development Application Approval Process (DAAP) Review that is currently under way.

5.2 Committee Remuneration

The Committee of Adjustment currently receives remuneration in the amount of $65 per meeting for sitting members, and $75 per meeting for the Chair. Prior to being dissolved, the Durham Region Land Division Committee earned $200 per meeting with an additional stipend to the Chair on an annual basis. The number of applications at the Regional level are typically higher and the distance to travel for site visits is typically further than for a local Committee. Other local Durham Region Committee of Adjustments have proposed the following remuneration:

- Clarington: $53.66 per meeting;
- Oshawa: $125 per meeting;
- Ajax: $65 per meeting and $70 per meeting for the chair;
- Pickering: $140/meeting (member) and $150/meeting (Chair) plus $0.61 per kilometer for mileage;

- Brock: $60 per meeting plus mileage

In light of the additional duties the Committee members will be required to undertake, it is recommended that remuneration be increased from $65 to $125 per meeting for sitting members, and from $75 to $150 per meeting for the Chair.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Not applicable.

8. Strategic Priorities:

The recommendations of this report advance the Town's Strategic Pillars and Actions, specifically Pillar 4, by promoting efficiency, effectiveness, and financial sustainability. Implementing the recommendations of this report will assist in the delivery of services that respond to community needs while balancing the impact to taxpayers.

9. Attachments:

Attachment 1: Draft Committee of Adjustment Terms of Reference

Town of Whitby
Committee of Adjustment
Terms of Reference

1.0 Enabling Legislation

1.1 Minor Variances

The authority for a municipality to appoint a Committee of Adjustment (CoA) is outlined in Section 44 of the Planning Act. The powers of the CoA are outlined in Section 45 of the Planning Act.

1.2 Consents

The authority for an upper-tier municipality to give a consent is outlined in Sections 51 and 53 of the Planning Act

The authority for an upper-tier municipality to delegate authority for the giving of consents to a lower-tier municipality is outlined in Section 54 (1) of the Planning Act.

The further delegation of authority for the giving of consents to a CoA is outlined in Section 54(2) of the Planning Act.

2.0 Responsibilities (Mandate)

2.1. The CoA is an independent quasi-judicial body appointed by the Council that considers applications from property owners. Council does not ratify and cannot appeal a decision of the CoA.

The CoA is responsible for considering the following types of applications:

- Minor Variances from the provisions of the Zoning By-laws.
- extension or enlargement of a building or structure that is considered to be a legal non-conforming use.
- permission for the use of any land, building or structure for a purpose that is similar to the purpose for which it was used on the day the Zoning By-law was passed.
- permission for the use of any land, building or structure that is more compatible with the uses permitted by the Zoning By-law than the purpose for which it was used on the day the Zoning By-law was passed.

- permission for the use of any land, building or structure where the uses of land, buildings or structures permitted by the Zoning By-law are defined in general terms.
- consent for matters such as severing a new lot from an existing lot, adding land to an existing lot, creating easements, and allowing mortgages or leases in excess of 21 years while having regard for the criteria outlined in subsection 51(24) of the Planning Act. While exercising the responsibilities outlined above, the CoA will abide any amendments to the Planning Act and other relevant Provincial Legislation and the Town's Official Plan.

2.2 In processing an application, the CoA shall:

- review the application and any supporting documents.
- review any related staff reports and written submissions.
- meet in a public forum and hear presentations by applicants and any other interested party.
- make a decision based on the reports, submissions, and public presentations to approve with or without conditions, refuse, or table the application.

3.0 Orientation and Training

3.1 CoA members will meet (in person or in a virtual format) for a mandatory orientation session with planning staff at the beginning of the Committee's term. The CoA will also attend training sessions with planning staff as necessary throughout the remainder of the term.

4.0 Composition

4.1 The CoA shall be comprised of five residents/property owners, appointed by Council, to hold office for the term of Council.

4.2 Where the CoA is composed of more than three members, three members constitute a quorum.

5.0 Term of Office

5.1 The CoA members term of office shall be concurrent with the term of Council or until their successors are appointed.

6.0 Committee Chair

6.1 The Chair shall be elected by a majority of CoA members for a one-year term at the first meeting of each calendar year. An individual shall only act as a Chair for a maximum of two consecutive years unless the CoA determines otherwise with the unanimous consent of its membership.

6.2 The Chair's role is to provide guidance and leadership to the CoA in the completion of its mandate. The Chair only votes to resolve any tie votes by CoA members.

6.3 The Chair shall ensure that decorum is maintained at each meeting and that the rules of procedure as per the current Town of Whitby Procedural By-law are observed.

7.0 Vice-Chair

7.1 The Vice-Chair shall be elected by a majority of CoA members for a one-year term at the first meeting of each calendar year. An individual shall act as Vice-Chair for a maximum of two consecutive years unless there is unanimous consent of the CoA's membership.

7.2 The Vice-Chair acts in the Chair's absence and assumes the roles and responsibilities of the Chair.

8.0 Committee Members

8.1 CoA members shall contribute time, knowledge, skill and expertise to the fulfillment of the CoA mandate; research issues relevant to their mandate as required; and attend regular meetings during the year.

8.2 CoA members must have the ability to understand and apply the provisions of the Town's Official Plan and Zoning By-laws and be impartial when fulfilling their responsibilities.

8.3 The appointment of a CoA member shall be rescinded should the member be absent from three consecutive meetings or absent from over 50% of the meetings in one year, unless excused by the CoA due to extenuating circumstances. The Town Clerk shall maintain the master record of member attendance.

8.4 Where a CoA member ceases to be a member before the expiration of their term, Council will appoint another person for the remainder of the term.

9.0 Town Staff

9.1 The CoA is administered by the Planning Division of the Planning and Development Department, including a Secretary-Treasurer position. An agenda shall be prepared for each CoA meeting and the minutes of each meeting shall outline the general deliberations and specific actions and decisions that result. The CoA shall provide its decision on each application in writing as required by the Planning Act. Notice of the decision must be given within 10 days of the making of the decision on a Minor Variance application and within 15 days of the making of the decision on a Consent application. Notices of the decision will be provided to the applicant and to any interested parties.

9.2 The Secretary-Treasurer will provide support services to the CoA as follows:

a) review all applications for processing.
b) distribute the meeting agenda.
c) prepare and distribute a public notice.
d) notify members of upcoming meetings.
e) attend each meeting to provide assistance and support.
f) record and circulate minutes.
g) issue decisions.
h) undertake administrative duties including correspondence, reports, providing assistance to applicants, answering questions from the public and CoA members.
i) maintain the Town of Whitby Committee of Adjustment Procedures and Guidelines Manual.

10.0 Reporting

10.1 The Committee will not be required to submit a work plan or year end report to Council due to its quasi-judicial nature.

11.0 Meetings

11.1 The CoA shall meet every third Thursday at 7:00 pm at the Town of Whitby Municipal Building, 575 Rossland Road East, Whitby and/or in a virtual format. However, additional meetings may be scheduled if needed. If no applications are received by the deadline for the scheduled meeting, the CoA meeting will be cancelled. The date and time of the meetings will be coordinated by the Secretary-Treasurer.

11.3 The CoA meeting schedule will be posted on the Town of Whitby website and at the Planning and Development Department. The meeting schedule will be updated on an annual basis.

12.0 Conflict of Interest

12.1 CoA members may have a conflict of interest due to their decision-making powers. Members should be aware of any direct or perceived conflict of interest, which may serve to benefit them personally. If deemed necessary, members should not participate in a hearing where there is a perceived conflict. The Municipal Conflict of Interest Act applies to the CoA members.

13.0 Budget

13.1 The Commissioner of Planning and Development shall be responsible for budgeting for the honorariums for the CoA members, which shall be submitted annually in accordance with established Town budget guidelines.

13.2 CoA members will be paid a per diem of $125 per meeting. The Chair will be paid a per diem of $150 per meeting. Per diems will be disbursed mid-year and at the end of each calendar year.

14.0 Committee Review

14.1 The Planning and Development Department shall undertake a review every four years to coincide with the term of Council, or undertake a review when a change to legislation influences the responsibilities of the CoA.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Draft Plan of Subdivision Application & Zoning By-law Amendment Application, 780 Garden Street File No. DEV-23-23 (SW-2023-02, Z-07-23)

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **PDP 02-24**

Department(s) Responsible:

Planning and Development Department (Planning Services)

Submitted by:
R. Saunders, Commissioner of Planning and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

M. Wianecki, Planner II, x. 2932

1. Recommendation:

1. **That Council approve the Draft Plan of Subdivision (File No. SW-2023-02), subject to the comments included in Planning Report PDP 02-24 and the conditions of draft plan approval included in Attachment #11;**
2. **That Staff be authorized to prepare a Subdivision Agreement;**
3. **That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;**
4. **That Council approve the amendment to Zoning By-law No. 2585 (File No. Z-07-23), as outlined in Planning Report No. PDP 02-24; and,**
5. **That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval and the Commissioner of Planning and Development has issued Site Plan Approval.**

2. Highlights:

- Draft Plan of Subdivision and Zoning By-law Amendment Applications have been submitted by Miller Planning Services on behalf of See Path Group Inc. c/o Sakmet Developments Inc. for land municipally known as 780 Garden Street.

- The Draft Plan of Subdivision Application proposes to create three (3) blocks. Block 1 encompasses the existing single-detached dwelling, which is proposed to be retained and utilized as residential and professional office space. Block 2 is to accommodate 7 townhouse blocks comprising 41 common element townhouse units. Block 3 is to accommodate a site triangle.
- The Zoning By-law Amendment Application proposes to change the current zoning from Institutional Zone (I) and Development Zone – Residential D(R), to appropriate Zone categories to accommodate the proposed development.

3. Background:

3.1. Site and Area Description

The subject land is located at the northwest corner of Garden Street and Manning Road. The subject land is municipally known as 780 Garden Street (refer to Attachment #1). The subject land is approximately 1.46 hectares (3.61 acres) in size.

The subject land is Zoned Institutional Zone (I) and Development Zone – Residential D(R) within Zoning By-law No. 2585. The surrounding land uses include residential uses to the north, south, east, and west (refer to Attachment #2).

Currently, the subject land contains a single-detached dwelling and a detached garage in the northwest portion of the site.

3.2. Applications and Proposed Development

Draft Plan of Subdivision and Zoning By-law Amendment Applications have been submitted by Miller Planning Services on behalf of See Path Group Inc. c/o Sakmet Developments Inc. to accommodate the proposed development of the subject land.

The Draft Plan of Subdivision application proposes to divide the subject property into three blocks (refer to Attachment #3). Block 1 encompasses the existing single-detached dwelling, which is proposed to be retained and utilized as residential and professional office space. Block 2 is to accommodate 7 townhouse blocks comprised of 41 common element townhouse units on an internal private road (refer to Attachment #4). Block 3 is to accommodate a site triangle at the corner of Manning Road and Garden Street.

The Zoning By-law Amendment Application proposes to change the current zoning from Institutional Zone (I) and Development Zone – Residential D(R) within Zoning By-law No. 2585, to appropriate Zone categories to accommodate the proposed development. There will be a total of 95 parking spaces on the subject land, which complies with the requirements of the Zoning By-law.

3.3. Documents Submitted in Support

The following documents were submitted in support of the applications:

- A Proposed Site Plan (SP-01) prepared by P Del Design, dated June 13, 2023 (refer to Attachment #4);
- An Architectural Grading Plan (GP-01) prepared by P Del Design, dated June 13, 2023;
- Building Elevations and Floor Plans prepared by P Del Design, dated July 18, 2023;
- A Functional Design & Line Painting & Signage Plan (FDP-2) prepared by Candevcon East Limited, dated June 15, 2023;
- A Removals, New Construction Line Painting and Signage Plan (FDP-1) prepared by Candevcon East Limited, dated February 28, 2023;
- A Site Grading Plan (SG) prepared by Candevcon East Limited, dated September 26, 2023;
- A Site Servicing Plan (SS) prepared by Candevcon East Limited, dated September 26, 2023;
- A Site Servicing and Stormwater Management Report prepared by Candevcon East Limited, dated April 2023, Revised September 2023;
- A Construction Management & Erosion Sedimentation Plan (CMP) prepared by Candevcon East Limited, dated September 26, 2023;
- A Construction Management Report prepared by Candevcon East Limited, dated April 2023, Revised September 2023;
- Landscape Plans (L1.1, L2.1, L2.2, L2.3) prepared by Trophic Design, dated August 29, 2023;
- A Traffic Management Plan (TMP) prepared by Candevcon East Limited, dated September 26, 2023;
- A Utility Coordination Plan (UCP) prepared by Candevcon East Limited, dated June 1, 2023;
- An Electrical Arrangement – Hydro Design prepared by Elexicon Energy;
- Architectural Colour Boards prepared by Sakmet Developments;
- A Draft Plan of Subdivision prepared by Miller Planning Services/ DFP Surveyors, dated December 2022 (refer to Attachment #3);

- A Cultural Heritage Impact Assessment prepared by AREA Architects, dated November 7, 2022;
- An Environmental Noise Assessment prepared by YCA Engineering Limited, dated July 2022;
- A Geotechnical Investigation Report prepared by GHD Limited, dated June 17, 2022;
- A Grading Cross Sections / Functional Grading Plan, Sections A-A and B-B prepared by Candevcon East Limited, dated November 2022;
- A Hydrogeological Assessment prepared by GHD Limited, dated June 2022;
- A Phase One Environmental Site Assessment prepared by GHD Limited, dated June 17, 2022;
- A Phase One ESA, Reliance Letter & Insurance Certificate;
- A Photometric Plan (PH-1) and Street Light Details (DN-1) prepared by Colm Electrical, dated March 10, 2023;
- A Planning Rationale Report prepared by Miller Planning Services, dated November 2022;
- A Retaining Wall Design prepared by Risi Stone Inc., Updated March 20, 2023;
- A Stage 4 Archaeological Assessment prepared by Parslow Heritage Consultancy Inc., dated June 22, 2022;
- A Sustainability Rationale Report with Green Standards Checklist prepared by Miller Planning Services, Updated April 2023;
- A Traffic Impact Brief prepared by Candevcon East Limited, dated September 7, 2022;
- An Addendum Letter to the Traffic Impact Brief prepared by Candevcon East Limited, dated April 25, 2023;
- A Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc., Updated August 28, 2023;
- A Vibration Monitoring Plan prepared by Cambium Inc., dated April 14, 2023.
- A Proposed Active Transportation Plan prepared by Candevcon East Limited, dated October 13, 2023 (refer to Attachment #5).

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

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated 'Living Areas' on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP).

The Regional Official Plan (8B.2.1) states that 'Living Areas' are intended to be used predominantly for residential purposes. Limited office and retail/commercial uses are also permitted.

The proposed development conforms to the (ROP).

4.2. Whitby Official Plan

The subject land is designated Residential on Schedule 'A' of the Whitby Official Plan (refer to Attachment #6), which "encourages residential intensification in appropriate locations while maintaining and enhancing the character and identity of established residential neighbourhoods" (4.4.2.2).

Both Manning Road and Garden Street are also designated as Type C Arterial Roads on Schedule 'D' of the Whitby Official Plan (refer to Attachment #7).

The Official Plan (4.4.3.5.1 b) further notes that medium density residential uses "not exceeding a height of 4 storeys, shall be permitted with a density range of greater than 30 and up to 65 dwelling units per net hectare". The construction of the proposed 41 three-storey common element townhouse units on Block 2 of the Draft Plan results in a net density of 51.26 units per net hectare.

The subject land is within the Mature Neighbourhood Boundary, as adopted through Amendment #130 to the Official Plan. Section 4.4.3.13.11 notes that Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods along arterial roads. Furthermore, new Medium Density Residential development are to be compatible with the surrounding context and provide a sensitive transition to adjacent Low Density Residential areas. The OPA is currently under appeal, however, the proposed development conforms to the Council adopted criteria.

The proposed development conforms to the Whitby Official Plan.

4.3. Zoning By-law

The subject land is currently zoned Institutional Zone (I) and Development Zone – Residential D(R) within Zoning By-law No. 2585 (refer to Attachment #8), which does not permit the proposed uses.

Therefore, a Zoning By-law Amendment is required to permit the proposed development.

4.4. Heritage

The subject land is listed on the Municipal Register as having cultural heritage value or interest under the Ontario Heritage Act. The Heritage Whitby Advisory Committee has recommended that 780 Garden Street be designated under Part IV of the Ontario Heritage Act.

A report (PDP 42-23) was considered by Committee of the Whole on November 13, 2023 recommending that a Notice of Intention to Designate (NOID) be published for a portion of the subject property occupied by the existing dwelling, consisting of Block 1 of the proposed draft plan of subdivision (refer to Attachment #3).

A Notice of Intention to Designate, which applies to the portion of the subject land occupied by the existing single-detached dwelling, was issued to the property owner and was posted on the Town's website. The objection period to Council ended at 4:00pm on January 3rd, 2024.

4.5. Whitby Green Standards

The submitted Whitby Green Standard Draft Plan Application Checklist was reviewed by Sustainability staff. The Checklist states that the proposed development is committed to achieve the Tier 1 Performance category.

4.6. Conclusion

The subject land is designated Residential on Schedule 'A' of the Whitby Official Plan. The proposed development represents an intensification opportunity within the built-up area of the Town of Whitby located within the 'Built Boundary', as defined by the Province. The proposed development provides an appropriate range and mix of housing types and densities to meet the needs of current and future residents. The development of the subject land for block townhouse dwellings is appropriate as it is situated within the built-up area, and it is along arterial roads with access to transit facilities.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 6.

Based on the detailed review of the applications and consideration of public and agency comments and requirements, it is concluded that the proposed development is consistent with the Provincial Policy Statement, and is in conformity with the Growth Plan, the Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications.

5. Communication and Public Engagement:

The consultant overseeing the applications held a Public Information Centre on June 6th, 2023 at the Whitby Curling Club. The consultant notified stakeholders within 120m of the subject land.

A Public Meeting was held on December 6th, 2023, in accordance with the Town of Whitby Official Plan and the Planning Act. This Public Meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Draft Plan of Subdivision and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #9. There were some members of the public who spoke at the Public Meeting. The concerns raised at the Public Meeting included the following:

- how the proposed development and the increase in density will impact local traffic; and,
- details regarding attendance of the Public Information Centre held on June 6th, 2023.

No written comments were received following the Statutory Public Meeting.

In response to the question related to the impacts on traffic, it is noted that the proponent has provided a Traffic Management Plan and Traffic Impact Brief, neither of which have identified any concerns related to significant traffic impacts in the area as a result of the proposed development. These reports have been reviewed and accepted by Transportation staff.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the January 15th, 2024 Committee of the Whole Meeting.

The oral submissions by the public have been considered in determining the recommendation for approval of the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications.

6. Input from Departments/Sources:

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

- Whitby Landscaping;
- Whitby Strategic Initiatives;
- Whitby Financial Services - Tax;
- Whitby Planning and Development;
- Bell Canada;
- Rogers Communications;
- Enbridge Gas Inc.;
- Durham Catholic District School Board;

Refer to Attachment #10 for Agency and Stakeholder Detailed Comments.

Refer to Attachment #11 for Conditions of Draft Plan Approval.

Internal Departments

Whitby Financial Services

The comments provided by Financial Services staff outline the requirements for the payment of development charges and cash-in-lieu of parkland. Refer to Attachment #10 for detailed comments.

Whitby Fire and Emergency Services

The comments provided by Whitby Fire and Emergency Services staff outline the requirement of designating fire access routes, that the location of fire hydrants be shown on the site plan, and that the location of firebreaks be shown on the site plan for review and approval. Refer to Attachment #10 for detailed comments.

Whitby Engineering Services

The comments provided by Whitby Engineering Services staff outline that there is no objection to the applications, subject to the Conditions of Draft Approval (refer to Attachment #11). Refer to Attachment #10 for detailed comments.

External Agencies

Region of Durham Planning and Economic Development

The comments provided by the Region of Durham Planning and Economic Development Department state that there is no objection to the applications, subject to the Conditions of Draft Approval (refer to Attachment #11). Refer to Attachment #10 for detailed comments.

CLOCA

The Central Lake Ontario Conservation Authority has no objection to the proposed development proceeding, subject to their requested Conditions of Draft Plan Approval being implemented (refer to Attachment #11). Refer to Attachment #10 for detailed comments.

7. Financial Considerations:

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

Asset	**Quantity**
Roads	N/A
Sidewalks	0.19 km
Storm Sewers	N/A
Ponds	N/A
District Park	N/A
Local Parks	N/A

8. Strategic Priorities:

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

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

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

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Draft Plan of Subdivision

Attachment #4: Proponent's Proposed Site Plan

Attachment #5: Proponent's Proposed Active Transportation Plan

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

Attachment #7: Excerpt from the Town of Whitby Official Plan – Schedule D

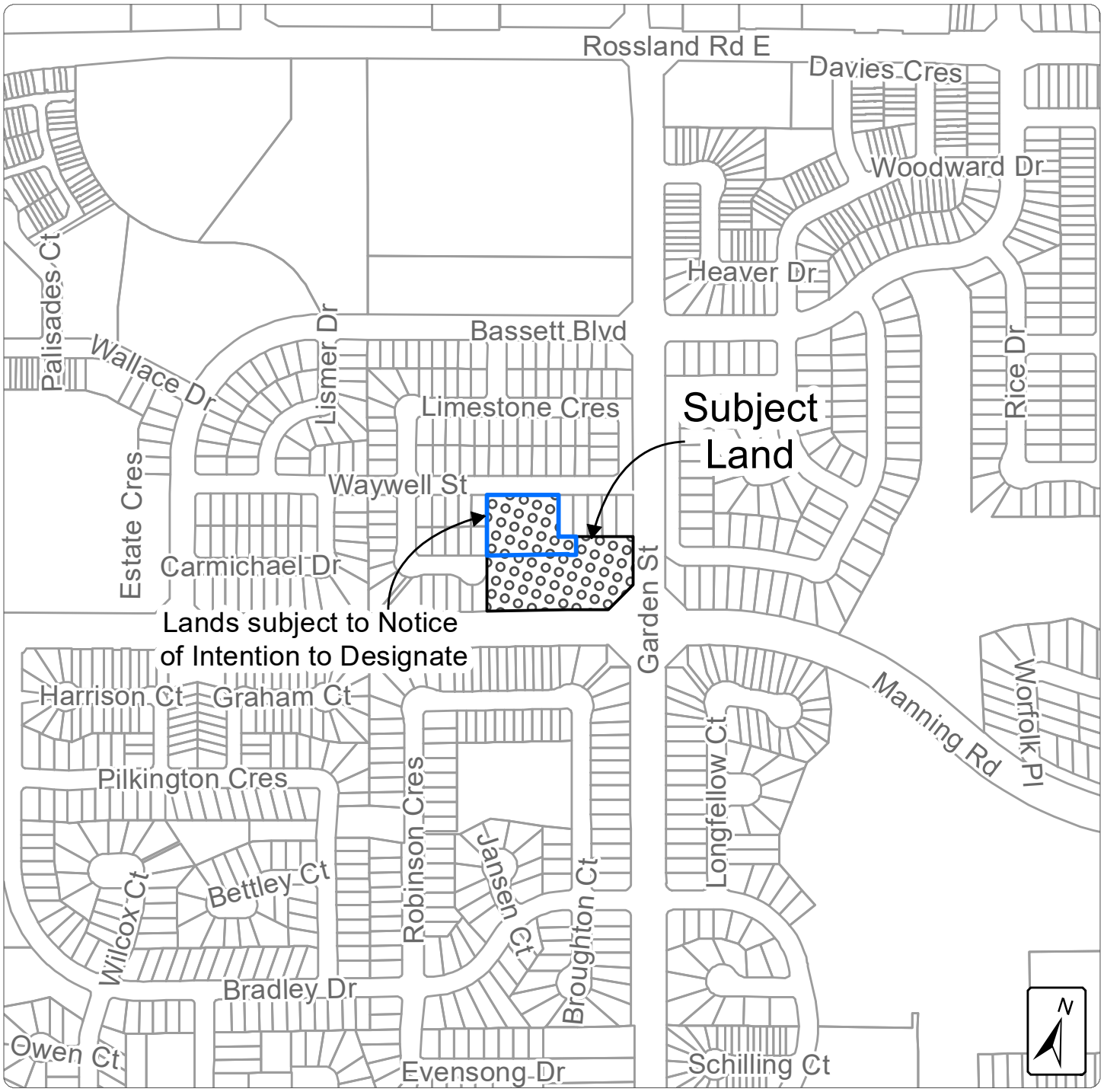
Attachment #8: Excerpt from Zoning By-law No. 2585

Attachment #9: Public Meeting Minutes

Attachment #10: Agency and Stakeholder Detailed Comments

Attachment #11: Conditions of Draft Plan – Subdivision Approval

Attachment #1
Location Sketch



Town of Whitby Planning and Development Department

Proponent:	File Number:	Date:
See Path Group Inc. c/o Sakmet Developments Inc.	DEV-23-23 (Z-07-23, SW-2023-02)	January 2024

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

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

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

Attachment #2
Aerial Context Map



Town of Whitby Planning and Development Department

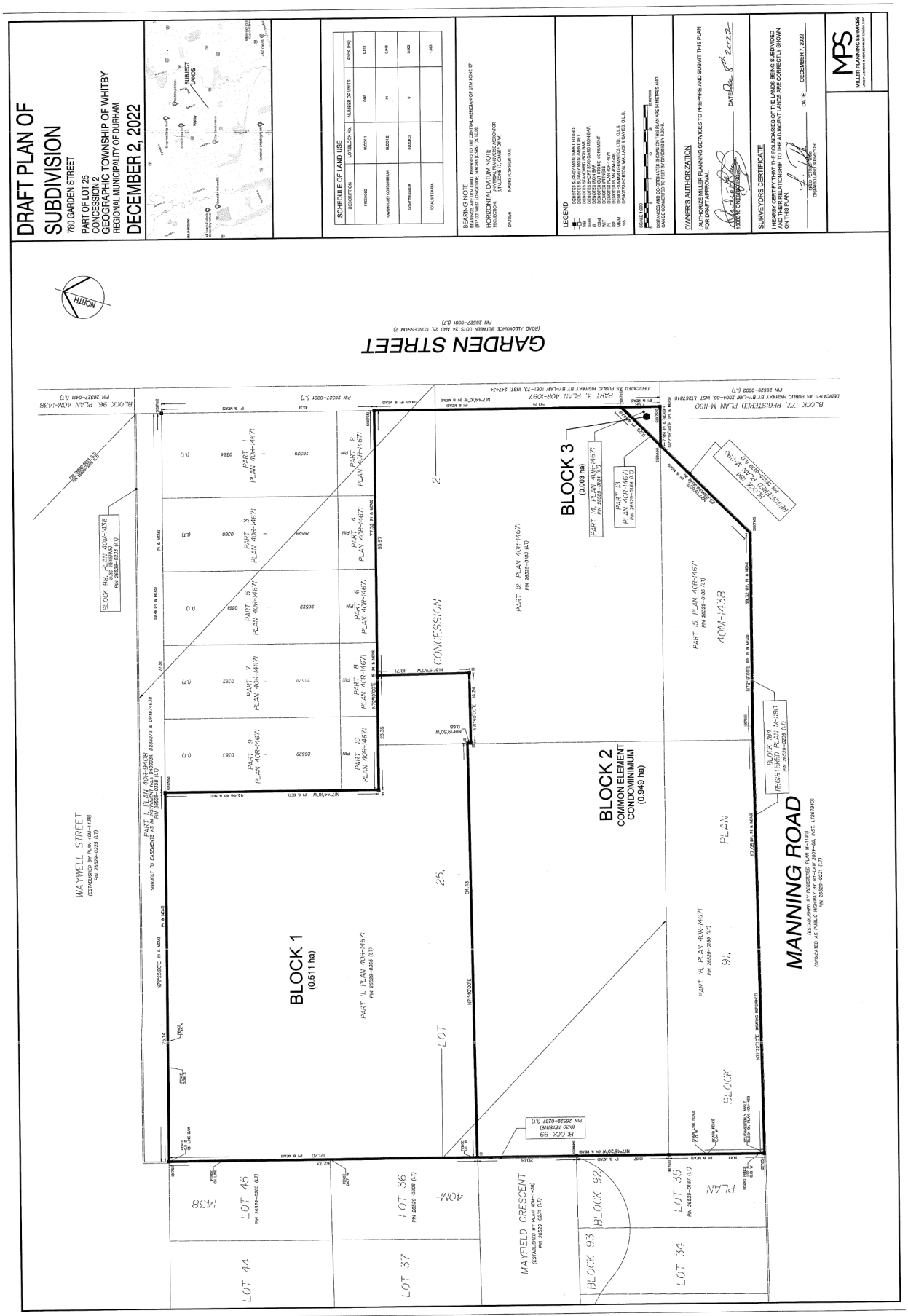
Proponent:	File Number:	Date:
See Path Group Inc. c/o Sakmet Developments Inc.	DEV-23-23 (Z-07-23, SW-2023-02)	January 2024

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

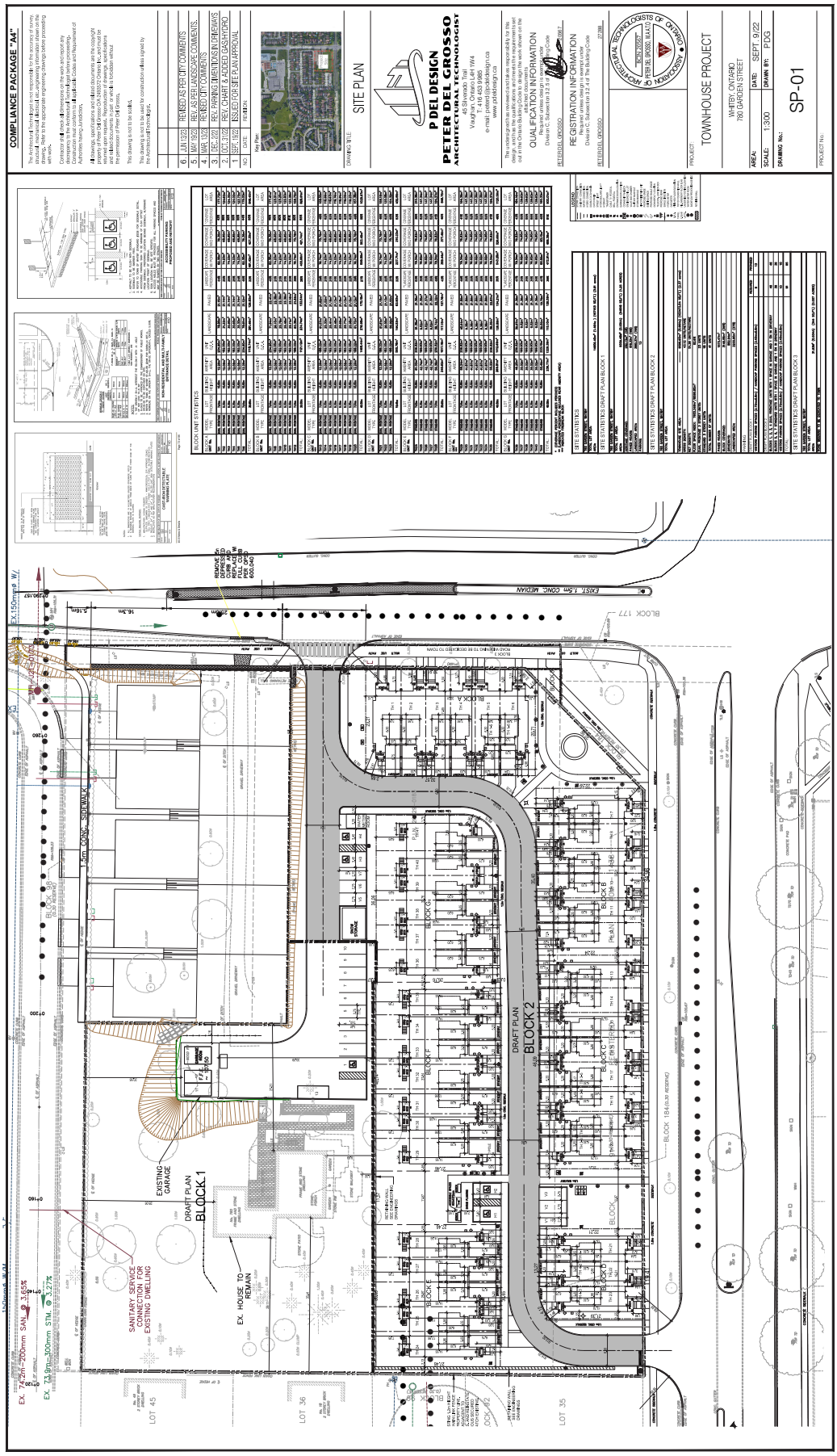
The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy,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

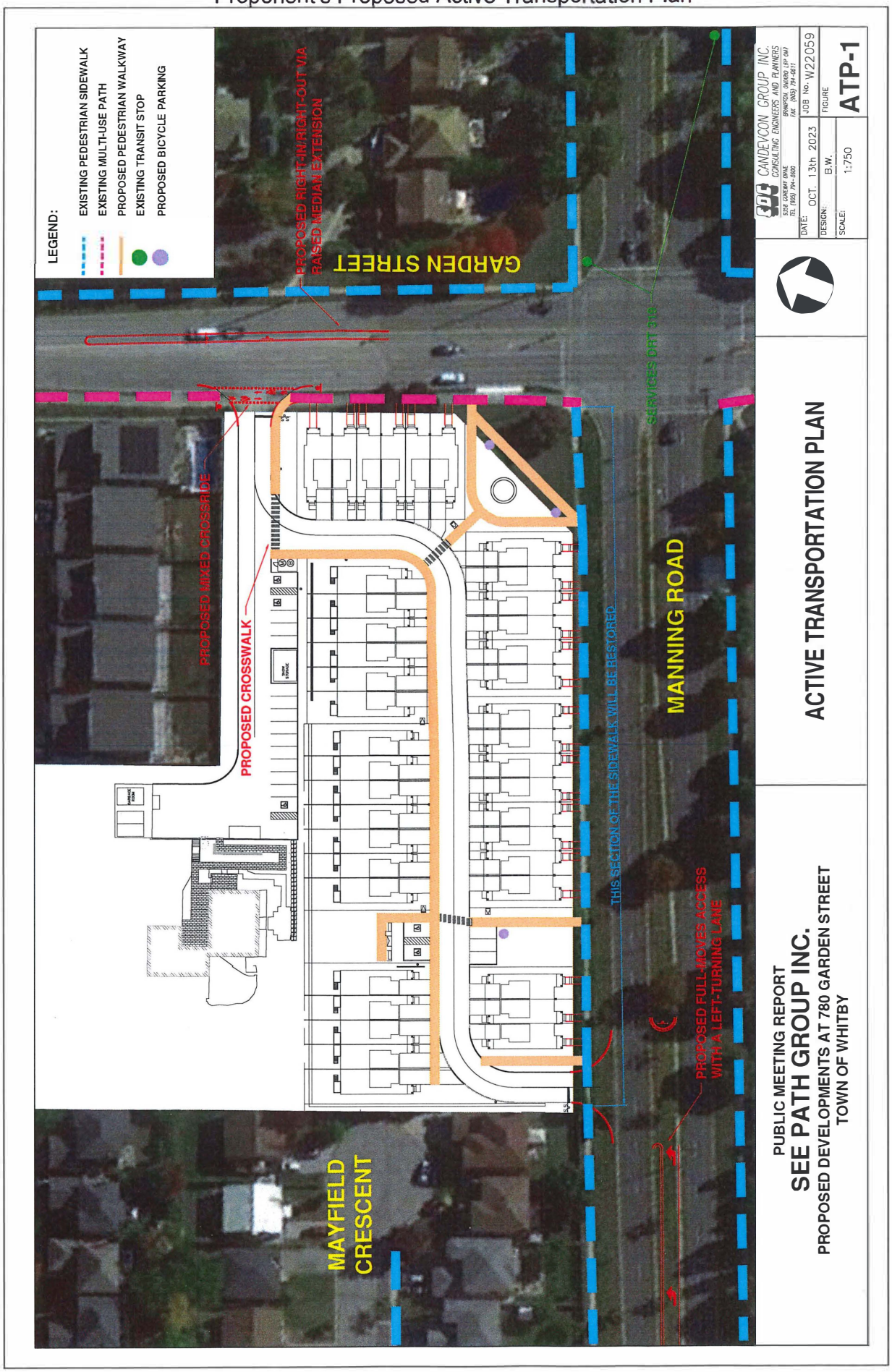
Digital cartography by The Corporation of the Town of Whitby, Planning Department. Copyright 2023 Town of Whitby. All rights reserved. May not be reproduced without permission.

Attachment #3
Proponent's Proposed Draft Plan of Subdivision

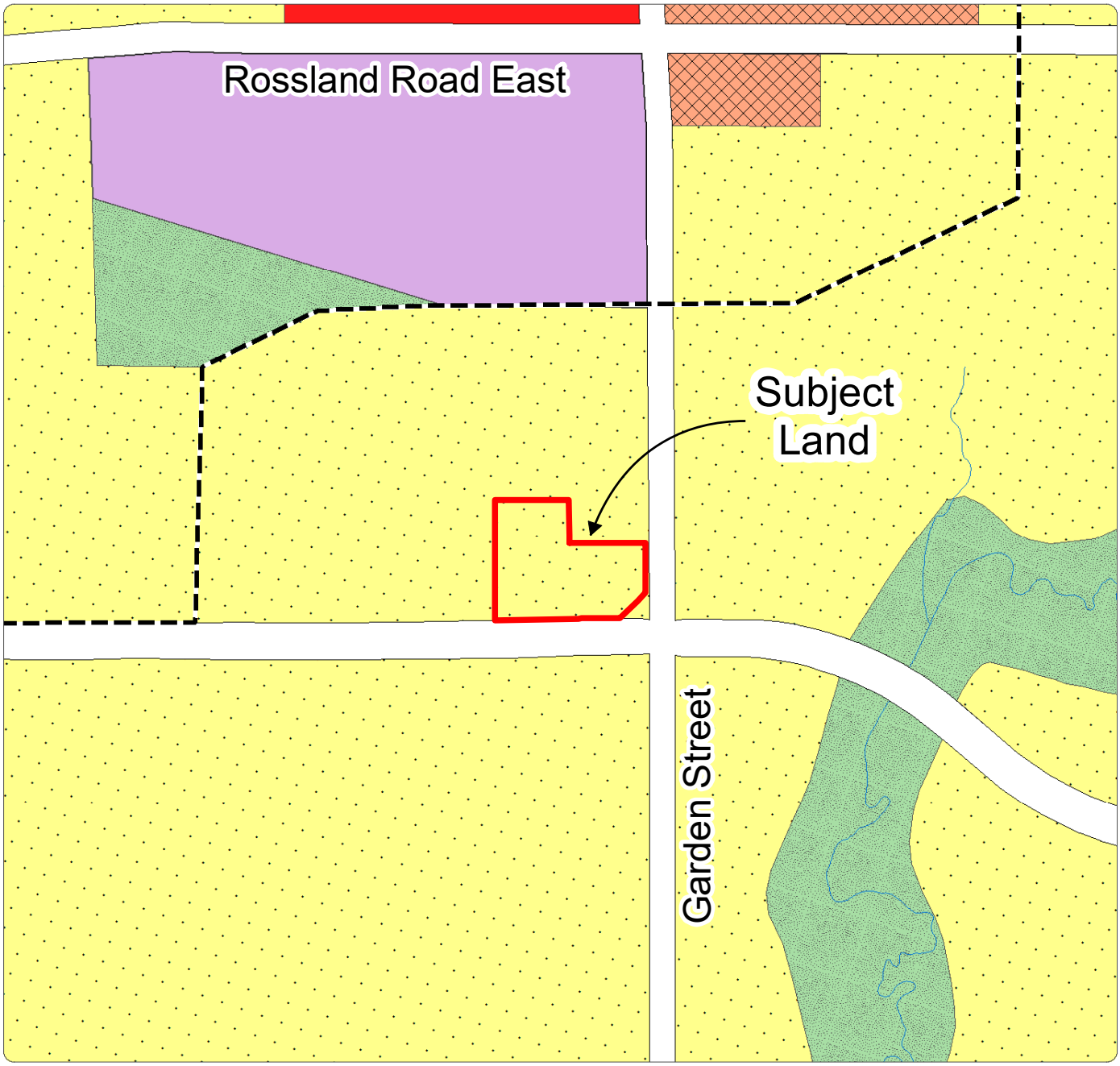


Attachment #4
Proponent's Proposed Site Plan




LEGEND:
EXISTING PEDESTRIAN SIDEWALK
EXISTING MULTI-USE PATH
PROPOSED PEDESTRIAN WALKWAY
EXISTING TRANSIT STOP
PROPOSED BICYCLE PARKING
GARDEN STREET
PROPOSED RIGHT-IN/RIGHT-OUT VIA RAISED MEDIAN EXTENSION
PROPOSED MIXED CROSSRIDE
PROPOSED CROSSWALK
SERVICES DRT 313
MANNING ROAD
THIS SECTION OF THE SIDEWALK WILL BE RESTORED
PROPOSED FULL MOVES ACCESS WITH A LEFT-TURNING LANE
MAYFIELD CRESCENT
CANDEVCON GROUP INC.
CONSULTING ENGINEERS AND PLANNERS
9358 CONDOMY DRIVE BRAMPTON, ONTARIO L6P 0W7
TEL: (905) 794-1800 FAX: (905) 794-1811
DATE: OCT. 13th 2023
JOB No. W22059
DESIGN: B.W.
SCALE: 1:750
FIGURE
ATP-1
ACTIVE TRANSPORTATION PLAN
PUBLIC MEETING REPORT
SEE PATH GROUP INC.
PROPOSED DEVELOPMENTS AT 780 GARDEN STREET
TOWN OF WHITBY

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



Legend

- Residential
- Major Commercial
- Community Commercial
- Special Purpose Commercial
- Mixed Use
- Prestige Industrial
- General Industrial
- Special Activity Node
- Institutional
- Major Open Space
- Agricultural
- Hamlet
- Estate Residential
- Special Policy Area Refer to section 11.5.31.6

- Lands Subject to Durham Regional Official Plan Policy 14.13.7 — D3 (Deferred by Region of Durham)
- D — Deferred by the Region of Durham
- LC — Local Central Area
- Resource Extraction Area (See Section 4.12)
- U — Utility
- 2031 Urban Area Boundary
- Community Central Area Boundary
- Future Urban Development Area Boundary
- Greenbelt Protected Countryside Boundary
- Hamlet Boundary
- Major Central Area Boundary
- Municipal Boundary
- Southern Boundary of Oak Ridges Moraine
- Urban Central Area Boundary

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

Official Plan - Town of Whitby

Excerpt from Schedule 'A' Land Use

Schedule **A**

Whitby

N

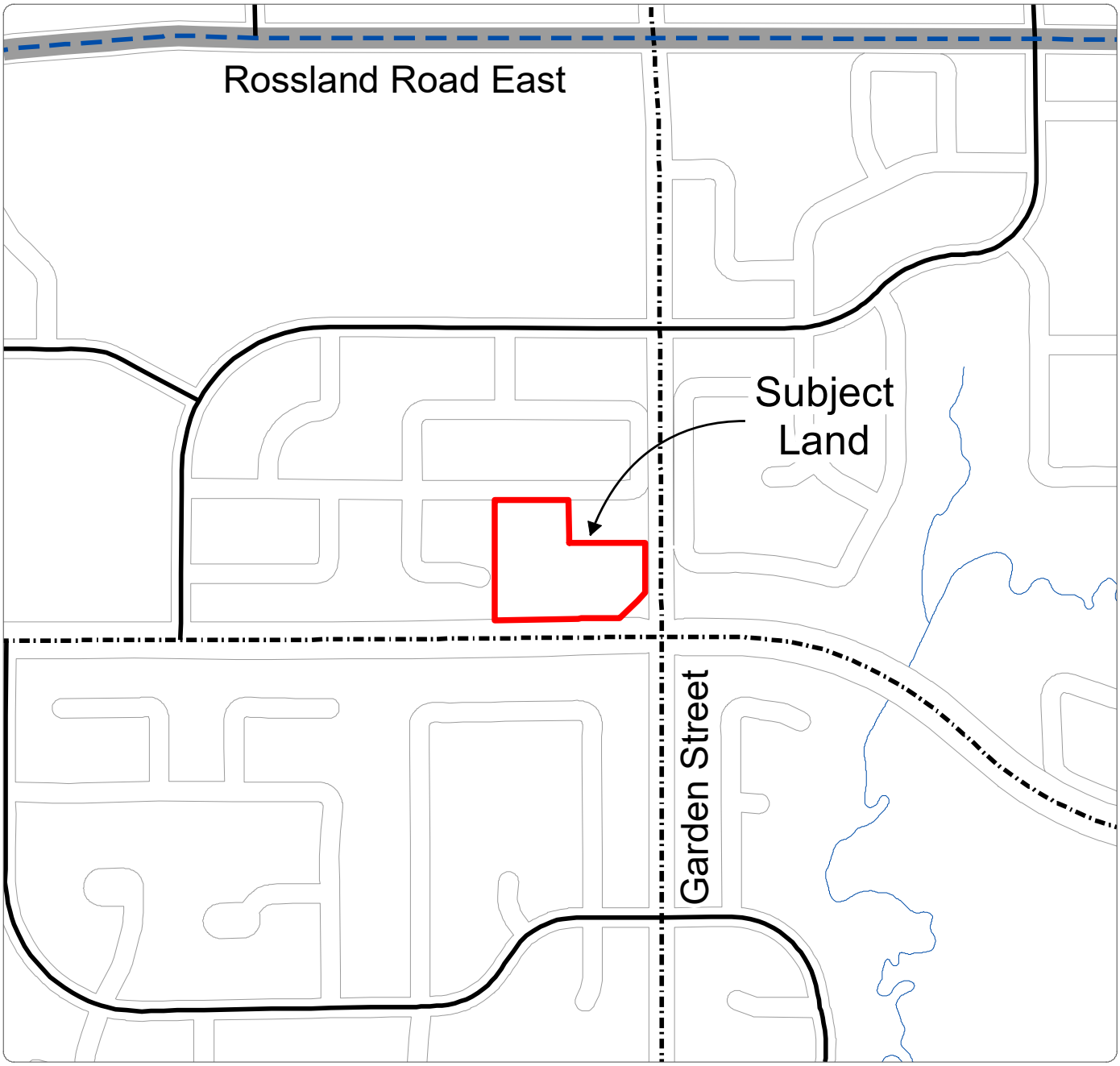
0 60 120

Metres

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

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

Attachment #7
Excerpt from the Town of Whitby Official Plan Schedule 'D'



Legend

- Existing Interchange
- Proposed Interchange
- Proposed Grade Separation
- Hydro Corridor
- Municipal Boundary
- Pipeline Corridor
- Railway Corridor
- Deferred by the Region of Durham

Transit:

- Future Transitway Station
- Major Transit Station
- Commuter Rail
- Future Commuter Rail
- Transit Spine

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

- Lands Subject to Durham Regional Official Plan Policy 14.13.7 — D3 (Deferred by Region of Durham)
- Special Policy Area Refer to section 11.5.31.6

Road Network:

Note: Refer to Section 8.1.3.1.6 regarding alternative route to Baldwin Street for goods and people movement.

- 7 Provincial Highway
- 4 Regional Road
- Controlled Access Highway (Freeway)
- Type A Arterial Road
- Type B Arterial Road
- Type C Arterial Road
- Collector Road
- Local Road
- Unopened Road Allowance

Official Plan - Town of Whitby

Excerpt from Schedule 'D' Transportation

Schedule **D**

N

0 60 120

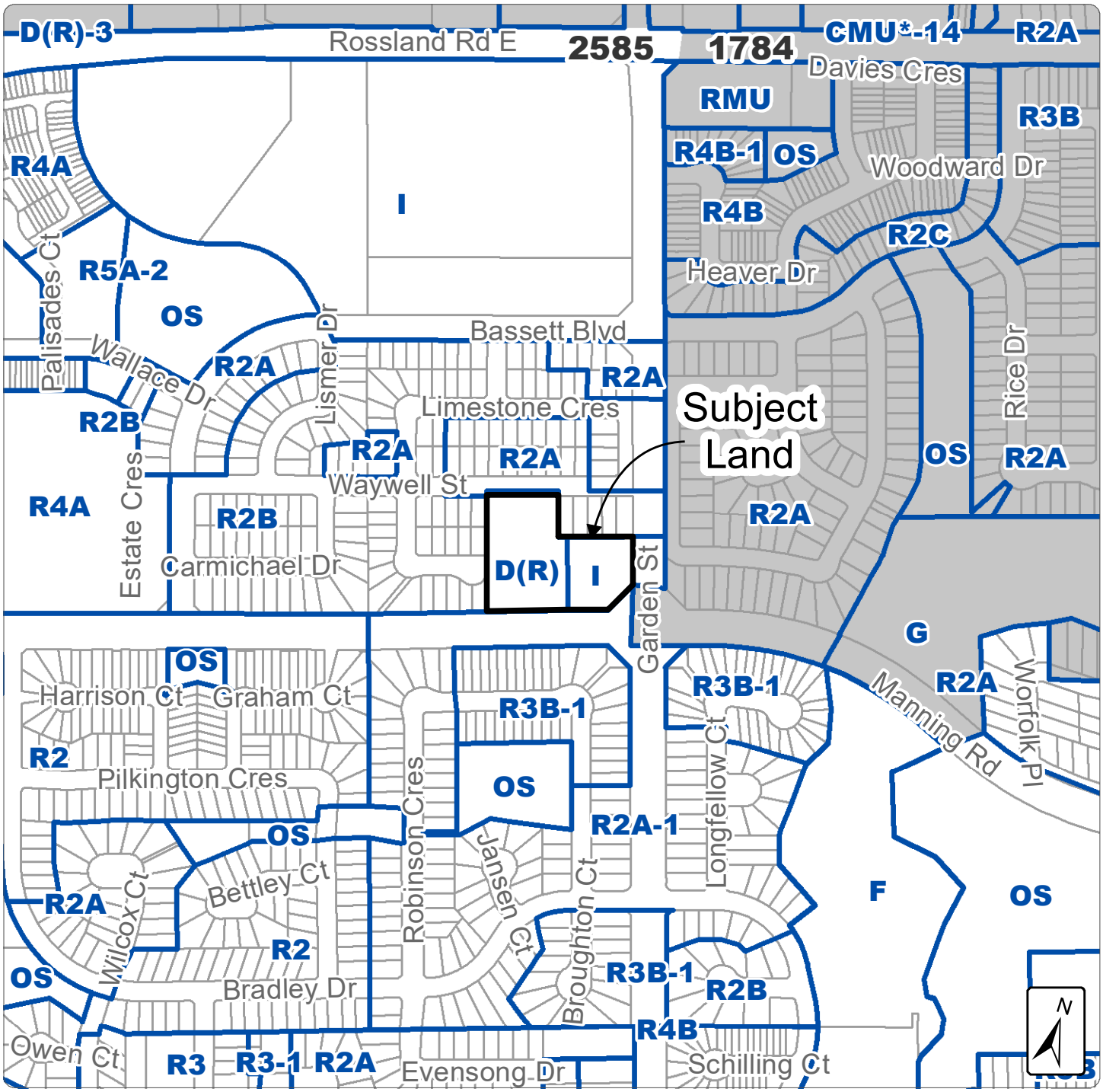
Metres

Whitby

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

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

Attachment #8
Excerpt from Zoning By-Law 2585



Town of Whitby Planning and Development Department		
Proponent: See Path Group Inc. c/o Sakmet Developments Inc.	File Number: DEV-23-23 (Z-07-23, SW-2023-02)	Date: January 2024

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

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

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

Attachment #9:

Public Meeting Minutes

DEV-23-23 (Z-07-23, SW-2023-02)

December 06, 2023 Public Meeting

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

Rodger Miller, representing See Path Group Inc., provided a PowerPoint presentation which included a detailed overview of the applications.

The Chair indicated that comments would now be received by members of the public.

Michael Twitchin, Resident, raised concerns regarding the impact of the proposed development on traffic in surrounding residential neighbourhoods.

Rodger Miller answered questions regarding the Traffic Impact Brief submitted to the Town for review and strategies to limit the impact of traffic in surrounding residential neighbourhoods.

Greg Rea, Resident, inquired about the number of Public Information Centre attendees.

Rodger Miller answered questions regarding the number of Public Information Centre attendees and households represented at the meeting.

There were no further submissions from the public.

Attachment #10

Agency and Stakeholder Detailed Comments

DEV-23-23 (Z-07-23, SW-2023-02)

Internal Departments

Whitby Engineering Services

The subject lands are currently zoned D(R), and I under Zoning By-Law 1784. The purpose of the proposed Zoning By-law Amendment application is to permit both residential as well as professional office space use within the existing single-detached house and to permit the construction of 41 common element townhouse units. The purpose of the Draft Plan of Subdivision is to create two (2) blocks. Block 1 on the Draft Plan will retain the existing single-detached house, which has been proposed to be utilized as residential and professional office space. Block 2 on the Draft Plan will consist of 7 townhouse blocks comprised of 41 common element townhouse units.

The Engineering Services, Development Engineering and Environmental Services Section, has conducted a preliminary review of the circulated materials outlined below for the draft plan of subdivision and zoning applications:

- Draft Plan of Subdivision, Part of Lot 25, Concession 2, by Miller Planning Services, dated December 2, 2022;
- Architectural Site Plan (Drawing No. SP-01), by P Del Design, dated June 13, 2023;
- Site Servicing and Stormwater Management Report, by Candevcon East Limited, dated April 2023, revised July 2023, and September 2023;
- Traffic Impact Brief, by Candevcon East Limited, dated September 7, 2022; and,
- Addendum Letter to the Traffic Impact Brief, by Candevcon East Limited, dated April 25, 2023.

We have reviewed the drawings and reports, and Engineering Services does not object to the proposed Draft Plan of Subdivision and Zoning By-Law Amendment provided that:

A. Conditional Comments

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

To address the Town’s Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision’s mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1.0 highlighting the anticipated locations of sidewalks, multi-use trails, multiuse paths and dedicated biking facilities for reference.

Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report:

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

Asset	**Quantity**
Roads	N/A
Sidewalks	0.19 km
Storm Sewers	N/A
Ponds	N/A
District Park	N/A
Local Parks	N/A

Engineering Services requires several Conditions of Draft Approval. Please refer to Attachment #11.

B. Informational Comments

The following items can be addressed through the Engineering Submission and Subdivision/Site Plan Agreement process:

- Site Plan Engineering Fee - Tier 3 fees will apply to the development in accordance with Fee and Services By-Law at time of Site Plan Agreement execution.
- Security will be required at time of Site Plan Agreement execution as per Engineering Services accepted Construction Cost Estimate: 50% for onsite engineering work and 100% for engineering work within road right of way.
- To address lot level low impact development (LID) recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.
- Noise fence/barrier design may need to accommodate surface drainage outlets depending on the lot type and grading design. At the design stage, once detailed grading information is available, a letter will be required from the noise consultant to confirm that the recommendations of the Noise Report provided for the development remain relevant to the accepted grading. Any transition in height of the noise barrier is to occur at lot lines so that the noise barrier height across individual lots is consistent. Currently, the environmental noise assessment does not require any noise barriers.

- The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.
- Per the recommendation within the Site Servicing and Stormwater Management Report, topsoil thickness for landscaped areas within the development is to be increased to 300 mm.
- The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.
- The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

Whitby Planning and Development

The Planning and Development Department has reviewed the submission materials and are satisfied, subject to addressing revisions and requirements outlined by other commenting agencies.

Whitby Landscaping

No comments on the ZBA and Draft Plan of Subdivision.

Whitby Fire and Emergency Services

- Private lanes shall be designed as fire access routes in accordance with OBC 3.2.5.6
- Indicate location of fire hydrants on site plan.
- Fire hydrants shall be spaced at intervals of not more than 90 m.
- Fire hydrants shall be installed at each end of private lanes designated as fire access routes.
- Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
- Submit a site plan indicating designated fire breaks for review and approval prior to construction.

Whitby Strategic Initiatives

The Creative Communities team appreciates the raised planter with seating wall as shown on the Landscape Plan to provide a focal point for the intersection. Through email correspondence dated June 15, 2023 with Nathan Thomas of Sakmet Developments, the images provided for the site art feature also included a central art piece within the middle of the seating wall. Please confirm if this is still intended to be part of the design so as to showcase the space and highlight the public art.

Sustainability Staff acknowledge and appreciate the sustainability considerations outlined in the Whitby Green Standard (WGS) Checklist and provided in the Sustainability Rationale Report. However, we will require that the WGS Checklist and

Sustainability Report be updated based on comments below to demonstrate that the requirements of Tier 1 have been satisfied:

- Please submit the Whitby Green Standard Checklist for Draft Plan of Subdivision Application as this review is for Draft Plan of Subdivision Application and not Site Plan Application.
- CC1.1 – Please confirm that L2.1 is the correct plan/drawing for this criterion as well as the location described in the applicant's comments column.
- CC1.2 – Please confirm details of the public square and landscape feature.
- SW1.1 – Please provide further details as to how the proposed development meets the Ministry of the Environment, Town Design Criteria and Master Drainage Plans, and Central Lake Ontario Conservation Authority Guidelines.
- SW1.2 – Please include any plans and drawings in the correct column.
- SW1.5 – Please explain how the proposed development meets the Central Lake Ontario Conservation Authority's requirements and guidelines and the Town Design Criteria and Master Drainage Plans.
- TT1.3 – Please explain how the proposed development meets the compact development goals, objectives, and policies in Whitby's Official Plan.
- TT1.5 – Please provide further details of how the proposed development off-street surface parking is designed in accordance with the policies of the Official Plan and the Town's Design Criteria and Engineering Standards.

Lastly, please update the Sustainability Rationale Report to reflect the Whitby Green Standard Draft Plan of Subdivision Checklist and to ensure compliance with the Whitby Green Standard, the report can be submitted in the following format:

1. Executive Summary: Overview of the project and declaration of performance tier commitment.
2. Purpose of the Application: Detailed description of the project.
3. Sustainability Overview: Summary of the project's sustainability vision and objectives.
4. Sustainability Declaration: Provide the performance tier that will be achieved by the project.
5. Mandatory Performance Measures: List all mandatory performance measures and their related reference document(s) in a table format.
6. Voluntary Performance Measures: Where a higher performance tier is being pursued, list all core, voluntary performance measures, and their related reference document(s) in a table format.
7. Innovation: If applicable, provide an overview of any innovation performance measures being pursued by the project.

Whitby Financial Services – Tax

There is an outstanding balance for the subject land. All taxes are to be paid prior to the issuance of a Building Permit.

Whitby Financial Services – Development Charges

The following pertains to Town of Whitby Development Charges **only**, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at https://www.whitby.ca/en/work/development-charges.aspx?_mid_=3457.

This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

Development Charges

- Will be owing for the residential development.
- Under Section 26.2 of the Development Charges Act.
    - The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
    - Interest will accrue on the base DC rate(s), from the date of Zoning By-law Amendment application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
    - The applicant has 2 years from the date of Zoning By-law Amendment application approval to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.
- If this development is a condo, development charges are payable prior to the issuance of the 1st building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.3 of the DC Act allows for development charges to be paid in equal annual installments beginning upon occupancy.
- If this development includes rental housing, Section 26.2 (1.1) of the DC Act allow for additional development charge reductions based on number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for the residential development.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.
- If CIL has previously been applied, a reduction in the amount owing will be applied.
- If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

External Agencies

Durham Region Planning and Economic Development Department

We have reviewed this proposal and the following comments are offered with respect to compliance with the Durham Regional Official Plan (ROP), Provincial Policies, the Region's delegated Provincial Plan review responsibilities, Regional services, transportation, and transit.

The purpose of the subdivision application is to permit the creation of three subdivision blocks – a heritage block, a common-element condominium block and a site-triangle block. This will facilitate the development of 41 common-element townhouse units.

The purpose of the proposed Zoning By-law Amendment application is to change the zoning to an appropriate zone category to accommodate the proposed subdivision.

Regional Official Plan

The subject site is designated "Living Areas" in the Regional Official Plan (ROP). Living Areas shall be predominantly used for housing purposes.

A new ROP was adopted by Regional Council in May 2023, and forwarded to the Province for approval. The subject site is designated "Community Areas" in the new ROP. Community Areas shall be planned for a variety of housing types, sizes and tenures within connected neighbourhoods that include population-serving uses such as commercial, retail, personal service uses, home businesses, recreational uses, public service facilities, institutional uses and office uses, provided such uses are appropriately located and compatible with their surroundings.

The proposed development will add an array of housing to the area and conforms with the ROP.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

Policy 1.1.3.2 a) of the Provincial Policy Statement (PPS) encourages development within settlement areas that support densities and a mix of land uses that efficiently use land, resources and planned infrastructure. Policy 1.4.3 states that planning authorities shall provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable needs of current and future residents. The proposed development includes a mix of unit types. The proposed development is consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan contains policies to guide land use planning and development. Policy 1.2.1 of the Growth Plan, in part, includes a policy related to housing, which emphasizes, “to support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.” The proposed residential subdivision contributes to providing greater housing options for the community and maintains the objectives of the Growth Plan.

Additionally, the subject site is located within the Built Boundary for the Town of Whitby. The proposed development will assist the Town in meeting its intensification allocation as per Schedule “E” – Table “E9” of the ROP.

The proposed development, which, through intensification, will add an array of housing to the area conforms to the policies of the Growth Plan.

Provincial Plan Review Responsibilities

Archaeology

A Stage 4 Archaeological Assessment, prepared by Parslow Heritage Consultancy Inc (June 2022) was submitted in support of the proposed development. The archaeological site is known as the Thompson site. The Stage 4 mitigation was undertaken through mechanical topsoil removal and photo documentation was undertaken. No artifacts were collected and no cultural features were observed. The Assessment concluded that no further cultural heritage value or interest from an archaeological perspective remains.

The Archaeological Assessment must be submitted to the Province for review and their clearance letter should be provided to the Region. This can be addressed as a condition of draft approval.

Potential Site Contamination

A Phase One Environmental Site Assessment (ESA) Update report, prepared by GHD (June 2022), was submitted in support of the application. This report was an update from a 2017 Phase One ESA. GHD stated that there are no new environmental concerns, and the property is suitable for residential use.

Additionally, the Regional Reliance Letter and Certificate of Insurance were also submitted and are acceptable to the Region.

In accordance with the Region’s Soil and Groundwater Assessment Protocol all ESA work is valid for up to 18 months. As such, an updated Phase One ESA Update Report will be required as a condition of draft approval.

Noise

The Environmental Noise Assessment prepared by YCA Engineering (July 2022) was reviewed. The report provides for noise mitigation measures and warning clauses and is acceptable to the Region. The warning clause should be included in the Town of Whitby Subdivision Agreement. This will be addressed as a condition of draft approval.

Municipal Servicing - Water Supply

The subject property is located within the Zone 1 water pressure district of the water supply system for Whitby. The estimated static water pressure is within the maximum allowance of 550 kpa (80 psi); therefore, private pressure reducing valves will not be required.

The Region would prefer that the Applicant use the existing 200 mm dia. PVC water service plugged at the Garden Street property line. If the existing 200 mm dia. water service is not suitable then the applicant shall abandon the service and plug it at the existing 300 mm DI watermain along the east side of the Garden Street right of way.

Water servicing is also available via a connection to the existing 150 mm dia. PVC watermain plugged at the west property line of the subject site at the Mayfield Crt. R.O.W. The Applicant shall note, the Region will not permit a service connection to the existing 600 mm dia. CPP feedermain within the Manning Road right-of-way.

Municipal Servicing - Sanitary Servicing

Servicing is available via a connection to the existing 200 mm dia. sanitary sewer within the Mayfield Crt. R.O.W. at the southwest corner of the site, or the existing 200 mm dia. PVC sanitary sewer at the property line of the Garden Street.

In accordance with the Region of Durham Sewer Use By-Law, we will not permit foundation drains to connect to the sanitary sewer system. The applicant shall note that sanitary drainage capacity is allocated on a first come first serve basis at the time of signing a development agreement.

Transportation

The portion of the sight triangle, shown as Block 3 of the draft plan, is to be dedicated free and clear of all encumbrances as a condition of the draft plan of subdivision.

Site Servicing and Stormwater Management Report

The subject development is proposing to release 49 L/s storm water to the Regional storm sewer on Manning Road, which is close to a 5-year pre-release rate allowed for this development in the original sewer design. On-site storage of 362 m3 will be provided through pipes with a 105 mm orifice to control a 100-year post-development flows to the above noted release rate seems reasonable and this stormwater management proposal is acceptable to the Region. Please note that the Region has no liability for any backflow resulting from capacity on the Regional or downstream storm system.

Traffic Engineering Design Plan (Manning Road)

The preliminary design on the Manning Road left turn lane is generally acceptable. It meets our design standards for the bay taper, deceleration and storage for a 60 km/h design speed (posted speed 50 km/h).

The Region agrees with the Town’s requirement on the Garden Street access to be controlled by an extension of the median northwards from the intersection of Garden

Street and Manning Road, as the small island within the access is not only ineffective at restricting left-turns, but also provides a barrier to the MUP through the access.

Waste Management

The Region of Durham provides recycling and waste collection service to draft plans of subdivision residential lots and freehold townhouse blocks in the Town of Ajax, City of Pickering, Townships of Scugog, Brock and Uxbridge and the Municipal of Clarington. Only Blue Box recycling collection is provided by the Region in the City of Oshawa and Town of Whitby.

On June 3, 2021, Ontario filed O.Reg. 391/21 under the Resource Recovery and Circular Economy Act that will make product producers responsible for the Blue Box program including collection. Once transition occurs, The Regional Municipality of Durham will no longer be the service provider for the Blue Box program. The transition of responsibility of the Blue Box program to product producers in Durham Region is expected to occur in 2024. Please see O.Reg. 391/21 for full details.

Any dead-end municipal road(s) must be designed and built with a permanent or temporary, cul-de-sac. If the residential development is built in stages or by multiple builders, municipal waste service may be delayed to completed homes due to access availability. All municipal road networks will be reviewed through the draft plan approval process and through the detailed design of any phase limits to ensure it complies with the Waste By-law 46-2011. All municipal roads, including rear laneways, must be built to a Regionally approved, area municipal standard road cross sections.

Waste Management collection for residential blocks (other than freehold townhouse blocks) including any units within these blocks which will front onto a municipal road will be assessed for waste collection through the Site Plan approval process.

Transportation Planning

The application was reviewed from a Transportation Planning perspective and there are no comments.

Durham Region Transit

Durham Region Transit reviewed the applications and advised that there are no comments.

Conclusion

Based on the forgoing, the Region has no objection to draft approval of the subdivision application. The attached conditions of approval shall be complied with prior to clearance by the Region for registration of this plan. Please refer to Attachment #11 to review Conditions of Draft Approval.

In addition to sending the Region copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, please e-mail me a digital copy of the conditions of draft approval and the signed draft plan.

Central Lake Ontario Conservation Authority

The Central Lake Ontario Conservation Authority has no objection to the proposed development proceeding, subject to the below Conditions of Draft Plan Approval being implemented.

1. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:

    a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management facilities must be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.

    b) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works.

    c) The intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.

2. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.

3. The subdivision agreement between the Owner and the Town of Whitby shall contain, among other matters, the following provisions:

    a) The Subdivider agrees to carry out the works referred to in Condition 1 to the satisfaction of the Central Lake Ontario Conservation Authority.

    b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.

    c) In order to expedite clearance of Condition 3 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed development of 41 common element townhouse units.

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

Bell Canada

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

Bell Canada Condition(s) of Approval

1. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
2. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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

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

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

Concluding Remarks:

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

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

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

Rogers Communications

Rogers Communications Canada Inc. ("Rogers") has reviewed the application for the above Subdivision and has determined that it intends to offer its communications services to residents of the Subdivision. Accordingly, we request that municipal approval for the Subdivision be granted subject to the following conditions:

1. The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the “Communications Service Providers”) to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
2. The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.
3. The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
4. The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

In addition, we kindly request to, where possible, receive copies of the following documents:

1. the comments received from any of the Communications Service Providers during circulation;
2. the proposed conditions of draft approval as prepared by municipal planners prior to their consideration by Council or any of its committees; and
3. the municipal planners’ report recommending draft approval before it goes to Council or any of its committees.

Enbridge Gas Inc.

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

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

The applicant shall use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.

(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fe nbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

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

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

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Attachment #11

Conditions of Draft Plan – Subdivision Approval

DEV-23-23 (Z-07-23, SW-2023-02)

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of Subdivision, prepared by Miller Planning Services, identified as project 780 Garden Street, dated December 22, 2022, which illustrates 3 blocks.

2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.

3. The Subdivider shall submit plans showing the proposed phasing to the Region for review and approval, if this subdivision is to be developed by more than one registration.

4. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.

5. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham, and are to be completed prior to final approval of this plan.

6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.

7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.

8. The Subdivider shall convey to the Region, free and clear of all encumbrances, sight triangle at Manning Road and Garden Street shown as Blocks 3 on the Draft Plan.

9. The Subdivider shall carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.

10. Prior to the finalization of this plan of Subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.

11. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the recommendation of the report, entitled "Environmental Noise Assessment" prepared by YCA Engineering dated July 2022, which specifies noise attenuation measures for the development. The measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date and any revisions/addenda) and shall include warning clauses identified in the study.

12. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
    a. The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management facilities must be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
    b. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works.

c. The intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.

13. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.

14. The subdivision agreement between the Owner and the Town of Whitby shall contain, among other matters, the following provisions:
    a. The Subdivider agrees to carry out the works referred to in Condition 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
    b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
    c. In order to expedite clearance of Condition 14 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

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

    a. Block 3 for road widening on Garden Street.

16. That an easement shall be registered on Block 2 to permit both vehicular and pedestrian easement to Block 1 through future land division applications.

17. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:

    a. 1.8m-wide concrete sidewalk along the frontage of Manning Road including the diagonal section adjacent to the sight triangle. Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.

18. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town’s satisfaction. This is to be reviewed further when information regarding the timing of the townhouse construction.

19. Construction access shall be limited to Garden Street.

20. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as

required to accommodate recommended noise control measures prior to registration.

21. All non-regulatory fencing shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.

22. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.

23. All community mailboxes for the private developments shall be located within private properties.

24. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement. See Section J of Town of Whitby Design Criteria for Site Plan submission requirements.

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

26. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.

27. Any concerns raised through future re-submissions of the geotechnical and hydrogeotechnical reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need / thickness of the impervious membrane or synthetic clay lining, foundation

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

28. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.

29. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

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

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

32. The Subdivider shall submit a land appraisal to the Planning and Development Department for review and approval to determine the Parkland Dedication / Cash-in-Lieu of the subject land. Please note that the calculation for the Parkland Dedication / Cash-in-Lieu will be for the new residential units only. The land appraisal is required at the cost of the Subdivider and will remain current for a maximum period of one (1) year. The land appraisal for the Parkland Dedication / Cash-in-Lieu shall be submitted for review and approval at the Site Plan Application stage.

33. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mail Boxes. The Subdivider will indicate these locations on the appropriate servicing plans.

34. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be

responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.

35. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.

36. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.

37. Through the Site Plan Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the proponent.

38. That the new home construction be designed to meet the Energy Star standards or equivalent.

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

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

40. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage and other local services.

41. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

    a) The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 have been satisfied.

b) The Central Lake Ontario Conservation Authority, how conditions 12, 13, and 14 have been satisfied.

Note

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of request, shall apply.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

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/harbouring 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 in 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 Bantom	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, Domedary - "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 - Peregin	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 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/harbouring 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 though 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 though 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.

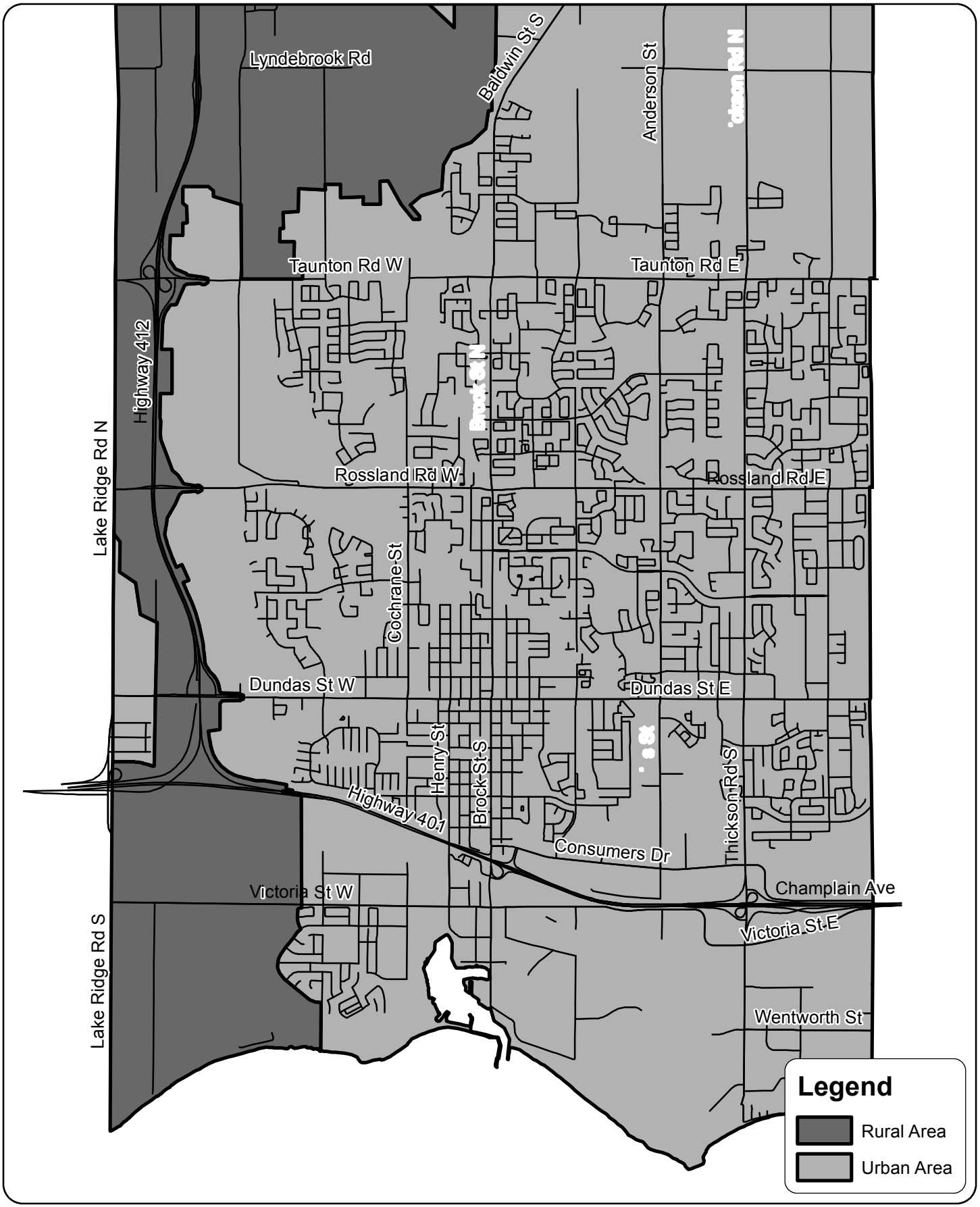
Class	Prohibited	Exceptions
Aves (Birds)	All	Orders of birds kept as livestock on an agricultural property in the rural area which is at least five (5) acres in size. Orders of birds kept as household pets including Columbidae (pigeons and doves), Passerifromes (perching birds and song birds), and Psittaciformes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

Class	Prohibited	Exceptions
Insecta (Insects)	All	All non-venomous insect include non-venomous Arachnida (spiders) and Chilopoda (centipedes). 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

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

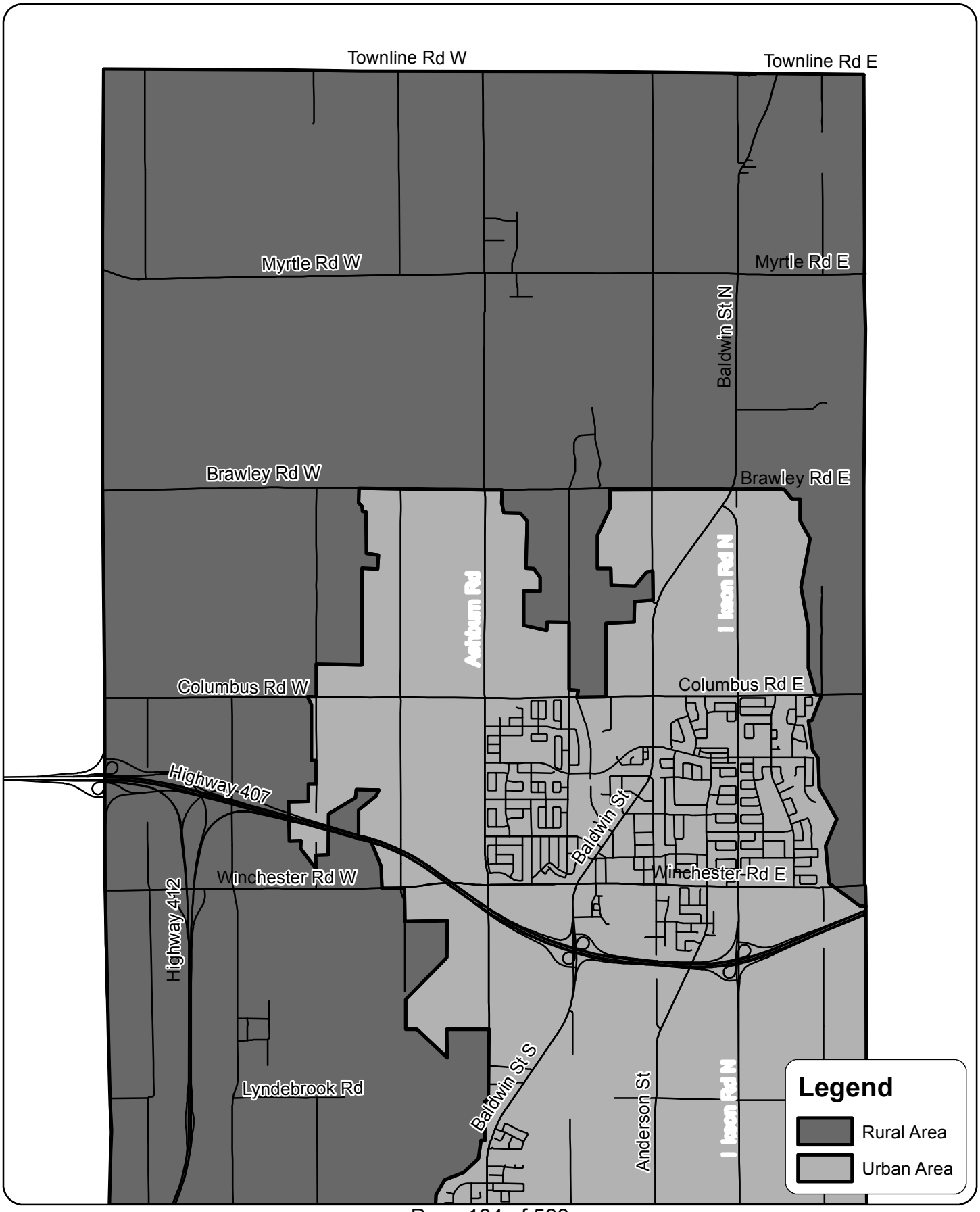
Schedule B - Urban and Rural Area

To By-law # 7392-18



Schedule B - Urban and Rural Area

To By-law # 7392-18



Nova's Ark
Where Special is Welcome

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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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/Wallaoo: 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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

- 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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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. ***Artic 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 Artic Fox and the strategies that our participants are acquiring as a way to camouflage, to become more adaptive of their surroundings.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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) Wolfs:*** 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

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

Justification of Specific Native Species Continued:

Timber (Gray) Wolfs: 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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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 Racoon, 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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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.

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

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.

Mary-Ann Nova
Director

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

Nova's Ark
Where Special is Welcome

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1009 • novasark@sympatico.ca • www.novasark.ca

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, Domedary (male) - "Bing"	2016	Purchase

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

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

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, Minature - "Napoleon"	2014	Donation

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

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 Lopear - "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 Iquana	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, Savanah	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, Iquana (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

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

233
QTY

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, Minature - "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, Iquana (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

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division

To:	Mayor and Members of Council
CC:	
From:	Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor. Andre Gratton, Manager of Enforcement Services
Date:	January 8, 2024
File #:	LS 12-23
Subject:	Update re LS 12-23: Follow up re Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

Acknowledged by M. Gaskell, Chief Administrative Officer

Background

Over the weekend, staff had discussions with Nova's Ark regarding their Order to Comply to re-home all prohibited animals issued on July 13, 2023 (the "**Order**"), today's Committee of the Whole meeting, and Report LS 12-23. The Order is set to expire on January 12, 2024.

Nova's Ark have indicated that they would be willing to comply with the Order and the Prohibited and Regulated Animals By-law No. 7392-18 (the "**PRA By-law**") subject to some additional time to comply.

Discussion

Nova's Ark, as well as Mary-Ann and Geoff Nova in their capacity as the landowners of 7505 Cedarbrook Trail, have provided the attached letter to Council outlining their withdrawal of their request for an exemption to the PRA By-law, as well their willingness to comply with the PRA By-law (see Attachment 1 to this Memorandum, Correspondence # 2024-22). They have also indicated to staff that they intend to comply with the Town's PRA By-law through re-homing prohibited animals.

Conclusion

Enforcement Staff's aim continues to be compliance with the PRA By-law.

Staff will be working with Nova's Ark and Mary-Ann and Geoff Nova to achieve compliance with the PRA By-law. Should Council accept the correspondence and withdrawal of the request for an exemption of the PRA By-law from Nova's Ark and Mary-Ann and Geoff Nova, staff suggest that the following recommendations be considered:

1. That Council receive and accept Correspondence #2024-22 from Nova's Ark withdrawing its request for an exemption to the Prohibited and Regulated Animals By-law; and,

2. That Council refers Correspondence #2024-22 and Report LS 12-23 to Staff to manage in accordance with the July 13, 2023 Order to Comply.

Attachment 1 – Correspondence #2024-22 received from Nova's Ark dated January 7, 2024 regarding Prohibited and Regulated Animals By-law

Nova's Ark
Where Special is Welcome

January 7, 2024

To: Whitby Mayor Roy and and Members of Whitby Council

Regarding: Prohibited and Regulated Animals By-law

Nova's Ark is withdrawing our requested exemption from the By-law effective immediately.

We will comply with the By-law as soon as possible.

Sincerely,

Mary-Ann Nova
Director – Nova's Ark
Property Owner

Geoff Nova
Treasurer – Nova's Ark
Property Owner

7505 Cedarbrook Tr. • Brooklin, ON • L1M 1L9 • 905-706-1609 • novasark@sympatico.ca • www.novasark.ca

Memorandum to Council

Office of the Town Clerk

To:	Mayor and Members of Council	
CC:	J. Romano, Commissioner of Community Services C. Harris, Director of Legislative Services, Town Clerk K. Narraway, Sr. Manager, Legislative Services/Deputy Clerk	**Acknowledged by M. Gaskell, Chief Administrative Officer**
From:	H. Ellis, Council and Committee Coordinator	
Date:	October 13, 2023	
File #:		
Subject:	Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee Re: Request to participate in the Leading Equitable and Accessible Delivery Program	

During their meeting held on October 5, 2023, the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee passed the following motion:

> *That the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee recommends that Council direct Staff to participate in the Leading Equitable and Accessible Delivery (LEAD) program for the Town of Whitby, in partnership with the Abilities Centre prior to the end of 2024.*

The LEAD program is a self-assessment process, facilitated by Abilities Centre which helps municipalities evaluate their accessibility and inclusion practices in areas such as leadership, governance structure and strategy, suppliers and partnerships, HR, communications and technology, programs, services, and facilities. A customized improvement plan is developed from the self-assessment to support municipalities in embedding accessibility and inclusion in every department and at every level.

Municipal participants in the LEAD program include the Region of Durham, Pickering, Ajax, Oshawa, Clarington, Scugog, Uxbridge, Brock, Brighton, and Cobourg.

The LEAD program is a funded program and it facilitated at no cost to municipalities.

Additional information about the LEAD program is available in the attached brochure.

The Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee recommendation is being provided to Council for information due to the fact that carrying out the recommendation requires direction to Staff. In accordance with the Town's Procedure By-law, should a Member wish to include this correspondence on a future Committee of the Whole agenda for consideration, please notify Christoper Harris, Town Clerk.

Abilities Centre™



LEAD Canada™

Lead your sector into an accessible and inclusive community.

LEAD Canada™

LEAD is a top-down approach to accessibility and inclusion that helps organizations set clear targets for your business needs and provides a welcoming environment for the people you serve.

Through the LEAD Canada process, Abilities Centre staff helps organizations develop the confidence, and capability to serve the needs of all, regardless of age, ability or background, and lay the foundation for your organization to embrace inclusion and accessibility as important strategies for success. LEAD is an approach designed to generate both economic and social return on investment.

Who we help

Every organization is unique, and this process is designed to be flexible and adaptable to support your organization's needs.

1. **Municipalities**
2. **School Boards**
3. **Universities / Colleges**
4. **Healthcare Organizations**
5. **Non-Profits**
6. **Businesses**

100%

of the population will experience disability in their lifetime.



Build an accessible future for you and your community!



22.3%

of Canada's households contain at least one member living with a disability; the consumer spending of those households equals

$215.7 billion



Since 2012, the population age 15+ with disabilities has grown from 3.8 million to

6.2 million.

LEAD Process will help improve:

- Leadership
- Strategy
- Policies
- Finances
- Human Resources
- Programs & Services
- Communications and Marketing
- Facilities
- Digital Technology



Are you ready to LEAD the way?

LEAD Canada™





Our Vision:
A better, barrier-free life for all Canadians

LEAD Canada™

Accessibility & Inclusion are innovation.
Start leading the way today.

What's Next? Contact Us

Every organization's journey to inclusion and accessibility is unique; so too is each organization's LEAD process. If you are interested in learning more, please contact us.

Phone: 1-866-639-1858
Email: lead@abilitiescentre.org
www.abilitiescentre.org

Source – Statistics Canada:
Canadian Survey on Disability, 2017 and 2012
Survey of Household Spending, 2017;
Labour Force Participation of Adults with Disabilities, 2012 13-1003-48

LEAD Process and Timeline

Activity	Purpose	Time Involved	Staff Involved
Visioning Document	Fill out a brief document to give an overview of your organization's structure, vision, mission, and aspirations to Abilities Centre LEAD facilitators.	30 mins form filling, and 30 mins discussion with AC	1-2 staff members familiar with the whole organization
Disability Inclusion Workshop	Establish a common understanding of accessibility and inclusion terms and concepts used in LEAD	One-hour virtual /in-person session	A cross-representation of staff from various departments and levels; about 10 – 15 individuals but can be less or more depending on size of org; these should be the same individuals who would complete the self-assessment
Self-Assessment	Go through the seven LEAD themes and indicators to assess your organization's strengths and improvement areas, using an evidenced-based rating system	Two 3.5-hour virtual /in-person sessions	A cross-representation of staff from various departments and levels; about 10 – 15 individuals but can be less or more depending on size of org; same individuals who have completed the Inclusion workshop
Improvement Planning	Meet with Abilities Centre staff to review the Improvement Plan developed, prioritize, and assign Project Leads to implement the plan	About a 60-90 minute virtual /in-person	Individuals heading up LEAD implementations & any other Managers and/or Directors you want present.
Follow-ups	Meet with Abilities Centre staff to review progress and secure assistance needed	One hour up to 3 times within the year	Individual at the Region heading up LEAD implementations & any other Managers and/or Directors you want present.

Memorandum to Council

Office of the Chief Administrative Officer

Strategic Initiatives Division

To:	Mayor and Members of Council
CC:	Sarah Klein, Director Strategic Initiatives
From:	Christy Chrus, Manager Creative Communities; Lara Toman, Program Manager Events, Culture and Tourism
Date:	December 15, 2023
File #:	N/A
Subject:	Staff Response to Downtown Whitby BIA Letter regarding 2024 Street Event

Acknowledged by M. Gaskell, Chief Administrative Officer

The purpose of this memo is to advise Council that Town Staff recommend declining the Downtown Whitby BIA's request to consider the implementation and funding of a street event in 2024.

The Town of Whitby received the attached letter from the Downtown Whitby Business Improvement Area (BIA) requesting the Town's consideration in allocating funding for the inclusion of a new street event in the 2024 budget and planning.

In the letter, the BIA indicates that the Downtown Whitby BIA Board of Directors, comprised of Downtown Whitby business owners, have discussed, and emphasized the importance of reinstating a street event with a closure like Heritage Day, to garner more exposure for local businesses and infuse a renewed sense of vitality into the downtown area. While Town staff support this objective, staff do not recommend this approach due to budget constraints, staffing capacity constraints and a Council endorsed Plan to develop a new signature event in 2025.

Currently, the Downtown Whitby BIA organizes two major events annually including Beer Fest held at Celebration Square in September and the Christmas Market held at Celebration Square and The Promenade in November. In addition, other smaller scale events such as a ladies shopping night have been organized. The BIA develops an annual budget, like the Town of Whitby, and once approved by the BIA Board of Directors and Town of Whitby Council, a special property tax levy is collected from property owners within the BIA boundaries based on the BIA budget. The special property tax levy is in addition to the Town's property tax levy and is transferred to the BIA Board to fund the BIA's budgeted events and other expenditures. While the BIA

letter notes that their noteworthy events (Beer Fest and the Christmas Market), are funded by sponsorship and ticket sales, any shortfalls between event revenue and costs are offset by the special (BIA) tax levy revenues. The BIA may also proceed with their proposed street event by incorporating the costs of this event into their 2024 budget and special (BIA) tax levy. Costs related to road closures include staffing costs for the installation of signage and barricades, pay-duty police officers and Town staff for the duration of the event. In accordance with the Special Events policy, a request for a road closure requires a minimum of 120 days in order for appropriate consultation by the Special Events Review Team (which includes outside agencies) to ensure the closure is safe and does not conflict with construction and other events.

In 2022, Council approved the Special Events Strategy 2022-2025 which outlines several key actions the municipality shall undertake to support the planning, delivery, permitting and implementation of special events in the community.

One of the key actions of the Strategy is the development and launch of a new signature event in 2025. In addition, the development of a new signature event was identified in the Community Strategic Plan as a 2025 action.

In the Special Events Strategy, Strategic Priority 2 - Grow the Town's signature events, includes three action items as follows:

- 2.10 Develop a business plan to host a new signature event that showcases the diversity and uniqueness of Whitby with a timeline of 2023.

- 2.11 Planning of signature event (budget, sponsorship, grants, partners, operational plans) with a timeline of 2024.

- 2.12 Delivery and promotion of new signature event with a timeline of 2025.

With the labour disruption this fall, the timelines for the business plan have slightly shifted and staff are currently in the business planning stages and community engagement component of the new signature event plan. Staff will be launching a public survey in early 2024 to receive feedback from the community on the type of event they would like to see, possible locations and opportunities to ensure Whitby's diversity is showcased as part of the new event plan. Staff will report back to Council on the status of the business plan for the new signature event.

As part of the 2024 capital budget, staff have put forward a capital budget request of $30,000 to support the planning for the new signature event, while the 2025 capital budget will include a proposed budget to support the implementation of the new signature event, subject to Council approval. The introduction of a new event takes time and proper planning to ensure the needs of the community are being addressed while responsibly allocating resources to achieve the desired outcome.

Creative Communities staff have advised the BIA Board of the plans for the 2025 signature event and the potential of this event being in downtown Whitby subject to community engagement results.

Town Staff will continue to seek opportunities to partner with the BIA to achieve their objective of increased exposure for local businesses and infusing vitality into the downtowns. This could include, but not be limited to supporting smaller event pop ups, third party partnerships in Downtown Whitby. Staff will continue to consult and engage with the BIA as part of the signature event planning process and look for opportunities to partner.

Given the information provided in this memo, Town Staff recommend declining the BIA's request for a 2024 street closure and event budget. Creative Communities staff will continue to work through the timelines as noted in the Council approved Special Event Strategy, the Community Strategic Plan and our current work plans to plan, build out and budget for a new signature event in 2025 to ensure its success within the community.

Clorraine Dennie
Executive Director
Downtown Whitby Business Improvement Area (DWBIA)
209 Dundas St. E., LL5 (Suite B4)
Whitby, ON L1N 7H8

December 6, 2023

Mayor Elizabeth Roy
575 Rossland Road East
Whitby, Ontario Canada L1N2M8

Subject: Formal Request for Inclusion of Funding for Street Event in 2024 Budget

Dear Mayor Roy,

I am writing to you on behalf of the Downtown Whitby Business Improvement Area (DWBIA), an organization that has been diligently working since its establishment in 2017 to enhance the appeal and prosperity of the downtown core.

The DWBIA operates within a designated zone in the downtown core, and businesses within this area contribute through a mandatory municipal tax. The funds collected are utilized to transform Downtown Whitby into a preferred destination through various initiatives, including events, beautification efforts, tourism endeavors, business support, and more. Our overarching mission is to create a vibrant and thriving community, achieved through place-making attractions and signature events.

Over the years, the DWBIA has made significant strides in putting Downtown Whitby on the map as a destination of choice. Noteworthy events such as Beer Fest and the Christmas Market, which attract a combined 2,000 visitors annually, have become integral traditions in our community. It is crucial to highlight that these events are not funded by the budget but are made possible through sponsorship dollars and ticket sales.

Currently operated by two dedicated full-time staff members, the DWBIA is not only responsible for executing event programming to drive traffic but also provides essential services to our members. These include public consultation and member relations, safety initiatives in collaboration with the town and DRPS, beautification and streetscaping programs, and engagement with government agencies and community partners to offer support for the downtown and the wider region.

As we embark on the planning of our 2024 initiatives and budget, the DWBIA voluntary Board of Directors, comprised of downtown Whitby business owners have extensively discussed and emphasized the importance of reinstating a street event with a closure similar to Heritage Days. Resilient business owners, who form the core of our thriving downtown, have also voiced their support for this endeavor. This event, they believe, will not only garner more exposure for our local businesses but also infuse a renewed sense of vitality into the downtown area.

In light of the above, the DWBIA is formally requesting the Town of Whitby's consideration and support in allocating funding for the inclusion of a street event in their 2024 budget and planning. We believe that this collaboration will not only bolster the economic landscape of our downtown but also contribute to the overall well-being and satisfaction of our residents.

We would be more than willing to provide additional details, engage in discussions, and address any inquiries you may have regarding this request. The DWBIA looks forward to the opportunity to work closely with the Town of Whitby in making this street event a reality and reinforcing the sense of pride and community spirit that defines our town.

Thank you for your time and consideration. We eagerly await a positive response and the prospect of collaborating for the betterment of our community.

Sincerely,

Clorraine Dennie

Clorraine Dennie, Executive Director
Downtown Whitby Business Improvement Area (DWBIA)
209 Dundas St. E., LL5 (Suite B4)
Whitby, ON L1N 7H8
905.431.3271
info@whitbybia.org
www.whitbybia.org

Memorandum to Council

Office of the Chief Administrative Officer

Strategic Initiatives Division

To:	Mayor and Members of Council	
CC:	Sarah Klein, Director of Strategic Initiatives and Junaid Khan, Project Manager, Sustainability and Climate Change	**Acknowledged by M. Gaskell, Chief Administrative Office**
From:	Kristin Palilionis, Climate Change Coordinator	
Date:	January 9, 2024	
Subject:	Whitby Sustainability Advisory Committee's (WSAC) 2023-2026 Work Plan and 2023 Annual Report	

The purpose of this memorandum is to present the Whitby Sustainability Advisory Committee's (WSAC) 2023-2026 Work Plan and 2023 Annual Report to Council for their information.

Staff will continue to work with the WSAC on items within their 2023 to 2026 Work Plan. Updates to Council will be provided through the annual reporting process.

Should you have any questions regarding the information, please do not hesitate to contact the undersigned.

Kristin Palilionis, Climate Change Coordinator

Telephone: 905.767.3946

Email: palilionisk@whitby.ca

Whitby Sustainability Advisory Committee's

2023 – 2026 Work Plan

The Whitby Sustainability Advisory Committee (WSAC) is pleased to present its 2023 – 2026 Work Plan which has collaboratively been developed by the Committee.

The first meeting of this term's WSAC was on February 1, 2023. There are 13 members, including a member of Council as the Mayor's designate.

According to their Terms of Reference, the Whitby Sustainability Advisory Committee advises Council on sustainability, environmental management and climate change response.

The Committee's functions include:

1. Providing advice, support and guidance to Council on sustainability, climate change and environmental management issues;

2. Supporting education, awareness and stewardship of sustainability in the community through engagement, outreach and advocacy; and,

3. Helping the Town of Whitby identify, develop and implement plans, programs and policies, strategies and action around sustainability.

The Committee's mandate will be furthered through the following focus areas:

- Education - Providing information and advice to support understanding of sustainability, climate change and environmental management issues.
- Awareness - Promoting awareness and stewardship regarding climate change and the built and natural environment through engagement, outreach and advocacy.
- Advice - Providing input and guidance for the preparation and prioritization of plans, programs, policies, strategies, actions, corporate operations and decision making.

The WSAC 2023-2026 Work Plan follows their mandate and incorporates specific aspects of the Town's Sustainability Plan and can be measured against the goals laid out in the Sustainability Plan Annual Reports.

The Sustainability Plan includes:

- Nature, Trees and Greenscaping
- Sustainable Transportation
- Waste, Litter and Recycling
- Local Food
- Climate Changes and Extreme Weather
- Water Quality, Storm Management and Flooding

Whitby Sustainability Advisory Committee 2023 achievements include the following:

- Creation of WSAC 2023-2026 Work Plan.
- A WSAC member was directly involved with the implementation of the “Help Choose the Town of Whitby’s Official Tree” campaign.
- A WSAC member acted as a judge for the Roebuck Street Art Project event.
- WSAC members reviewed and provided feedback for the Town of Whitby’s Climate Emergency Response Plan: Phase 2 Mitigation.
- WSAC discussed the Durham Meadoway project in detail. This discussion brought new ideas to consider regarding the current design plan.
- The WSAC made a presentation and recommendation to Council to endorse a one-time funding request for zero carbon projects in the 2023 budget in the amount of $721,080. This recommendation was approved in the 2023 budget and the total estimated GHG emissions savings resulting from these projects is 165,373 KgCO2e. This funding encourages the continued support of the Zero Carbon Whitby plan.

The Work Plan will be revisited each year through the annual report of the Committee to ensure work plan items are being met and to address any new items that should be added for upcoming years.

Attachments: Whitby Sustainable Advisory Committee’s 2023-2026 Work Plan

Attachment 1: WSAC's 2023-2026 Work Plan

Sustainability Plan	Advice, Support & Guidance to Council	Education & Awareness	Assist Development of Plans, Programs, Strategies, Actions
Nature, Trees and Greenscaping Nature provides important, environmental, social and economic benefits. These benefits include the air we breathe, helping us fight climate change and beautifying our community.	• Provide recommendation to Council to adopt tree and natural ground cover preservation policies and regulations. • Consider a recommendation to Council to limit residential use of artificial turf.	• Increase awareness regarding invasive plant species and benefits of natural ground cover including preservation of old growth trees. • Attend Town events to promote sustainability such as Local Enhancement & Appreciation of Forest (LEAF) Community Greening Program.	• Develop a community gardeners' program. • Host educational events. • Look at what other municipalities are doing in this area.

Sustainability Plan	Advice, Support & Guidance to Council	Education & Awareness	Assist Development of Plans, Programs, Strategies, Actions
Sustainable Transportation Transportation is the largest contributor to greenhouse gas emissions and poor air quality. In order to reduce this impact, the Town is committed to encouraging the transition to more sustainable modes of transportation.	• Provide recommendation to Council to require all new developments in Whitby to include infrastructure for sustainable modes of transportation.	• Promote and/or increase awareness of sustainable transportation in Whitby such as EV chargers, public transportation, biking, and carpooling.	• Collaborate with the Active Transportation Committee. • Host educational events.

Sustainability Plan	Advice, Support & Guidance to Council	Education & Awareness	Assist Development of Plans, Programs, Strategies, Actions
Waste, Litter and Recycling The Town of Whitby provides curbside residential waste collection services to Whitby residents. This includes garbage, green bin organics, yard waste, and a special collection program for bulky items, metal goods, porcelain and electronic waste. The Town is committed to keeping the community clean, litter free and promoting the reduction of waste.	• Provide advice to Council on working with the Region of Durham to establish a compost pick-up program for multi-residential properties and provide more public litter containers (e.g., to existing and former bus stops).	• Use Whitby Waste Buddy tool to create awareness around good waste practices and waste reduction events.	• Develop initiatives to promote environmentally sustainable practices in multi-unit residences.
Local Food Whitby is dedicated to supporting local food opportunities. By supporting local food-sourcing, we can become more self-sufficient as well as support local farmers and increase access to healthy food.	• Provide advice to Council on Town-run events that encourage the use of local food vendors and locally sourced food including plant-based options.	• Community education program about supporting local food sourcing and the benefits of a plant-based diet.	• Support the United Nation's recommendation to reduce meat consumption by encouraging residents to explore and enjoy plant-based foods through local vendors.

Sustainability Plan	Advice, Support & Guidance to Council	Education & Awareness	Assist Development of Plans, Programs, Strategies, Actions
Climate Change and Extreme Weather The Town of Whitby has declared a climate emergency and is working to develop policies to combat climate change.	• Provide recommendations on prioritization of actions in Whitby's Climate Emergency Response Plan, Phase 1 and Phase 2.	• Develop a high-level education program on Whitby's Climate Emergency Response Plan, Phase 1 and Phase 2 including residential actions. • Educate residents on Zero Carbon Whitby.	• Use the UN recommendations as a base and promote them at regular intervals using social media to educate, highlight benefits etc.
Water Quality, Storm Management and Flooding Whitby delivers a number of initiatives to improve and maintain the health of our natural waterways as well as helping to protect our natural based hazards: • Flooding • Stormwater management ponds • Source water protection	• Support Council in improving the Town's stormwater infrastructure through advocating the implementation of 1 to 2 action items in CERP, Phase 1 Implementation Plan.	• Create a stormwater education campaign to encourage residents to consider alternatives such as rain gardens, bioswales etc.	• Look at natural ways to reduce localized flooding and improve stormwater infiltration.

Memorandum to Council

Community Services Department

Recreation Services Division

To:	Mayor and Members of Council	
CC:	Sharon Meredith, Senior Manager Recreation; Kim Evans, Manager, 55+ Recreation, Accessibility, Diversity	**Acknowledged by M. Gaskell, Chief Administrative Officer**
From:	John Romano, Commissioner, Community Services	
Date:	January 12, 2024	
File #:		
Subject:	2024 Days of Significance for Proclamations	

Annually, the Whitby Diversity and Inclusion Advisory Committee (WDIAC) recommends to Council days of significance for proclamations to raise awareness of culturally significant days and create community recognition, acceptance and support the development of an inclusive community. The Committee selected dates based on the Government of Canada's identified commemorative days and group consensus.

While WDIAC does not actively promote dates, save and except for working with the Town to promote events hosted by WDIAC (example: supporting the Region's Black History Month event), the Town actively promotes dates of significance through a variety of channels. These include the Town's website, social media, eNews, print advertising and other channels, as appropriate. Approved dates of significance are also specifically recognized on the Town's Flag Raising and Proclamations webpage.

The Committee has reviewed the 2024 days of significance and are advancing the attached dates (Attachment 1) for proclamation by Council.

2024 Dates of Significance

January 2024

Date	Observance	Overview
January	Alzheimer's Awareness Month	To encourage individuals and organizations across Canada to learn more about dementia and its impact on Canadians.
January	Tamil Heritage Month	To increases awareness about the Tamil culture and to honour the contributions and achievements of Tamil people.
January 4	National Ribbon Skirt Day	National Ribbon Skirt Day commemorates the experience of Isabella Kulak, a member of Cote First Nation in Saskatchewan who was shamed for wearing a handmade ribbon skirt to a formal day at her elementary school. Ribbon skirts have been worn by First Nations and Métis women, girls, and gender-diverse people for generations. With their vibrant colours, bold patterns, and intricate designs, they are a symbol of pride and offer a deep connection to Mother Earth. Isabella's story reminds us of the ongoing challenges Indigenous Peoples face, including racism and inequity, and of the work we need to continue doing, together, on the shared path of reconciliation.
January 4	World Braille Day	World Braille Day reminds us of the importance of accessibility and independence for those who are blind or visually impaired.
January 17	Raoul Wallenberg Day	To remember Raoul Wallenberg, Canada's first honorary citizen, who saved thousands of persecuted Jews during the Second World War. This day is an opportunity to reflect on the atrocities of the Holocaust and honour the millions of victims, survivors and their families.
January 21	Lincoln Alexander Day	Pays tribute to Canada's first Black Member of Parliament, Cabinet Minister, and Lieutenant-Governor of Ontario.

January 24	World Day for African and Afrodescendant Culture	Celebrates the many vibrant cultures of the African continent and African Diasporas around the world and promotes them as an effective lever for sustainable development, dialogue, and peace.
January 24	International Day of Education	Celebrates the role of education for peace and development.
January 27	International Day of Commemoration in Memory of the Victims of the Holocaust	Pays tribute to the memory of the victims of the Holocaust and reaffirms unwavering commitment to counter antisemitism, racism, and other forms of intolerance.
January 29	National Day of Remembrance of the Quebec City Mosque Attack and Action Against Islamophobia	A day to honour the memory of victims of the Islamic Cultural Centre of Quebec attack and to denounce Islamophobia and all other forms of racism, hate and religious discrimination.

February 2024

Date	Observance	Overview
February	Black History Month	During Black History Month, Canadians celebrate the many achievements and contributions of Black Canadians and their communities who, throughout history, have done so much to make Canada a culturally diverse, compassionate, and prosperous country.
February 4	World Cancer Day	A day to come together to honour and remember everyone affected by cancer and take action to change the future of cancer forever.
February 10	Lunar New Year	The Lunar New Year also known as the Spring Festival, Chinese New Year, Tet Nguyen Dan for Vietnamese Canadians, or Seollal for Korean Canadians and is celebrated in Canada and around the world.
February 13	Wear Red Canada Day	Celebrated annually across Canada to raise awareness about women's heart health.

February 15	National Flag of Canada Day	Celebrating our national flag as a symbol that unites Canadians and reflects the common values, we take pride in — equality, freedom, and inclusion.
February 20	World Day of Social Justice	Recognizes the efforts of the international community in poverty eradication, promotion of full employment and decent work, gender equity and access to social well-being and justice for all.
February 21	International Mother Language Day	Recognizes that languages and multilingualism can advance inclusion, and the Sustainable Development Goals' focus on leaving no one behind.
February 22	Human Trafficking Awareness Day	Focuses on understanding healthy relationships and raises awareness about Human Trafficking.
February 28	Pink Shirt Day	Aims to raise awareness about the impact of bullying.

March 2024

Date	Observance	Overview
March	Greek Heritage Month	An opportunity to recognize and celebrate the many achievements and contributions of Greek Canadians to Canada, and an occasion to mark and enjoy the history of Greek culture.
March	Irish Heritage Month	Celebrates the contributions of Irish Canadians to the story of Canada and serves as an opportunity to learn more about Irish-Canadian history.
March	Bangladeshi Heritage Month	Honours the many significant contributions Bangladeshi Canadians have made, and highlights their important role in strengthening Canada's multi-cultural fabric.
March 1	Zero Discrimination Day	A call to action to eradicate discrimination in all forms and promote social inclusion and tolerance.

March 8	International Women's Day	A global day celebrating the social, economic, cultural, and political achievements of women.
March 17	Irish Heritage Day	Celebrates Irish Heritage.
March 20	International Francophonie Day	Celebrates the French language and Francophone culture.
March 21	International Day for the Elimination of Racial Discrimination	A day to re-commit our efforts to combat all forms of racial discrimination, injustice, systemic racism and hate to ensure a world where everyone is respected, safe, and has equitable access to contribute meaningfully to all aspects of society.
March 21	World Down Syndrome Day	Encourages awareness about Down Syndrome and showcases the abilities of people with Down Syndrome.
March 25	International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade	A time to pay tribute to the millions of Africans who were torn from their homelands and communities through slavery and to stand up in solidarity against racism everywhere.
March 23	Earth Hour	A symbolic event to show collective support for the planet.
March 31	International Transgender Day of Visibility	Dedicated to celebrating trans people and raising awareness of discrimination faced by transgender people worldwide.

April 2024

April	National Volunteer Month	Celebrates the impact volunteers have on our lives and encourages active volunteerism in generations to come.

April	Genocide Remembrance, Condemnation and Prevention Month	To honour the memory of the victims of genocide and reflect on the root causes of these tragedies, so that they never happen again.
April	Sikh Heritage Month	To recognize the many past and current contributions of the Sikh community in Canada.
April 2	World Autism Awareness Day	To raise awareness about Autism and recognize those on the Autism spectrum, their families, caregivers, and communities.
April 9	Vimy Ridge Day	To remember Canadians who fought in the battle of Vimy Ridge in northern France during the First World War.
April 10	International Day of Pink	A day to wear pink as a sign of solidarity and to stand against bullying.
April 22	Earth Day	Honors the achievements of the environmental movement and raises awareness of the need to protect Earth's natural resources for future generations.
April 28	National Day of Mourning	The National Day of Mourning is not only a day to remember and honour those lives lost or injured due to a workplace tragedy, but also a day to collectively renew our commitment to improve health and safety in the workplace and prevent further injuries, illnesses and deaths.
April 30	Journey to Freedom Day	The commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War

May 2024

May	Asian Heritage Month	An opportunity to learn more about the many achievements and contributions of Canadians of Asian heritage.

May	Mental Health Awareness Month	An opportunity to learn about mental illnesses, the effect on people's lives and learning more about how to reduce the stigma around mental illnesses.
May 5	Dutch Heritage Day	To honour the sacrifices made by past members of the Canadian armed forces in the liberation of the Netherlands during the Second World War and an opportunity to celebrate the many contributions that generations of Dutch Canadians have made.
May 5	National Day of Awareness for Missing and Murdered Indigenous Women and Girls	Also known as Red Dress Day, it is encouraged for people to wear red or display red clothing to honor and commemorate missing and murdered Indigenous women, girls and two-spirit people.
May 17	International Day Against Homophobia, Transphobia and Biphobia	To celebrate sexual and gender diversity and to condemn the discrimination, violence, and stigma that members of 2SLGBTQ+ communities continue to experience in Canada and globally.
May 21	World Day for Cultural Diversity for Dialogue and Development	Provides an opportunity to deepen understanding of the values of cultural diversity and to advance the four goals of: 1) Supporting sustainable systems of governance for culture; 2) Achieving a balanced flow of cultural goods and services and increase mobility of artists and cultural professionals; 3) Integrating culture in sustainable development frameworks; and 4) Promoting human rights and fundamental freedoms.
May 26 – June 1	National AccessAbility Week	An opportunity to celebrate Canadians with disabilities and raise awareness of the critical need for accessibility and inclusion for all in our communities and workplaces.

June 2024

June	Filipino Heritage Month	A time to recognize and highlight the many contributions Canadians of Filipino heritage make to Canada.
June	Italian Heritage Month	A time to showcase the rich culture and heritage of Italian Canadians.
June	National Indigenous History Month	A time to recognize the rich history, heritage, resilience and diversity of First Nations, Inuit and Métis Peoples across Canada.
June	Portuguese History and Heritage Month	To highlight the many past and ongoing contributions of Portuguese Canadians, and to learn more about their traditions and culture.
June	Pride Month	Refers to the wide range of Pride events that take place over the summer (June to September) when 2SLGBTQI+ communities and allies come together to spotlight the resilience, celebrate the talent, and recognize the contributions of 2SLGBTQI+ communities.
June	Seniors Month	A time to recognize older Ontarians and the contributions they have made in communities across the province.
June	Recreation and Parks Month	A movement that promotes the benefits of recreation and parks for physical, social, and environmental health.
June 15	World Elder Abuse Awareness Day	A day that acknowledges the significance of elder abuse as a public health and human rights issue.
June 20	World Refugee Day	An international day designated by the United Nations to honour refugees around the globe. It celebrates the strength and courage of people who have been forced to flee their home country to escape conflict or persecution.

June 21	National Indigenous Peoples Day	A day for all Canadians to recognize and celebrate the unique heritage, diverse cultures and outstanding contributions of First Nations, Inuit and Métis peoples.
June 21	Summer Solstice	The summer solstice is the day of the year with the longest light. It is a day with spiritual significance for many people and is a good time to celebrate Indigenous people and cultures. Activities for National Indigenous Peoples Day are organized across Canada every year.
June 27	Canadian Multiculturalism Day	A day to honour the many cultural communities that help build a strong and vibrant Canadian society.

July 2024

July 1	Canada Day	Canada’s national holiday for citizens to celebrate being Canadian.
July 18	Nelson Mandela International Day	To honour the legacy of Nelson Mandela, South Africa's former President, and his values, through volunteering and community service.
July 30	World Day Against Trafficking in Persons	A day set aside to raise awareness of the plight of human trafficking victims and to promote and protect their rights.

August 2024

August 1	Emancipation Day	Marks the actual day, in 1834, that the Slavery Abolition Act of 1833 came into effect across the British Empire. A time to reflect, educate and engage in the ongoing fight against anti-Black racism and discrimination.
August 9	International Day of the World’s Indigenous Peoples	Marks the day of the first meeting, in 1982, of the UN Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights. To raise awareness and protect the rights of the world's Indigenous population.

August 12	International Youth Day	A day for bringing youth issues to the attention of the international community and celebrating the potential of youth as partners in today's global society.
August 22	International Day Commemorating the Victims of Acts of Violence Based on Religion of Belief	A day to condemn continuing violence and acts of terrorism targeting individuals, including persons belonging to religious minorities, on the basis of or in the name of religion or belief.
August 23	International Day for the Remembrance of the Slave Trade and its Abolition	A day to honour and remember those who suffered and died at the hands of slavery.

September 2024

September 7	Ukrainian Heritage Day	To celebrate the contributions of Ukrainians to economic, political, social and cultural life across Ontario.
September 10	World Suicide Prevention Day	Focuses attention on death by suicide to reduce stigma and raise awareness among organizations, government, and the public, giving a singular message that suicide can be prevented.
September 21	International Day of Peace	A day devoted to strengthening the ideals of peace, through observing 24 hours of non-violence and cease-fire.
September 25	Franco-Ontarian Day	A time to celebrate the Franco-Ontarian community and its history.
September 30	National Day for Truth and Reconciliation	Honours the children who never returned home and Survivors of residential schools, as well as their families and communities. Public commemoration of the tragic and painful history and ongoing impacts of residential schools is a vital component of the reconciliation process.

September 30	Orange Shirt Day	In recognition of the harm the residential school system did to children's sense of self-esteem and well-being, and as an affirmation of people's commitment to ensure that everyone around us matters.

October 2024

October	German Heritage Month	A celebration of the contributions Canadians of German heritage have made and continue to make in Canada.
October	Hispanic/Latin American Heritage Month	Recognizes the Latin American community's contribution to Canadian society.
October	Islamic Heritage Month	Recognizes the Muslim community's contribution to Canadian society.
October	Somali Heritage Month	Recognizes the contributions of the Somali Canadians have made in Canada.
October	Women's History Month	A celebration of the outstanding achievements of women and girls throughout Canada's history.
October 1	International Day of Older Persons	Celebrates and thanks older adults for the role they play in our communities.
October 4	National Day of Action for Missing and Murdered Indigenous Women and Girls	To honour the lives of missing and murdered Indigenous women, girls and gender diverse people by creating change and committing to ending the violence that disproportionately impacts their communities
October 10	World Mental Health Day	To raise awareness of mental health issues around the world and to mobilize efforts in support of mental health.

October 11	International Day of the Girl Child	A day dedicated to celebrating the voices and power of girls, championing their rights worldwide, and reflecting on the challenges they continue to face because of their gender.

November 2024

November	Albanian Heritage Month	Recognizes Albanian Heritage and the contributions that the Somali Canadians have made in Canada.
November	Hindu Heritage Month	Recognizes Hindu Heritage and the contributions of that the Hindu community has made in Canada.
November 5 – 11	Veterans Week	An opportunity to honour all the brave Canadians who have served the country and defended the values Canadians hold dear.
November 11	Remembrance Day	Marks the end of hostilities during the First World War and an opportunity to recall all those who have served in the nation's defense.
November 20	National Child Day	To celebrate the rights of children.
November 20	National Transgender Day of Remembrance	An annual observance that honors the memory of the transgender people whose lives were lost in acts of anti-transgender violence.
November 25 - December 10	16 Days of Activism Against Gender-based Violence	An annual international campaign that begins on November 25, the International Day for the Elimination of Violence Against Women, and goes until December 10, the Human Rights Day. This campaign started in 1991 to call out and speak up on gender-based violence, and to renew our commitment to ending violence against women, girls, and 2SLGBTQI+ individuals.
November 23	Holodomor Memorial Day	In remembrance of the millions of innocent people in Ukraine who suffered and died at the hands of Joseph Stalin's totalitarian Soviet regime during the Holodomor.

November 25	International Day for the Eliminations of Violence Against Women	A time to reflect on, renew, amplify, and strategize to achieve commitments to eliminate violence against women by 2030.

December 2024

December 1	World AIDS Day	An opportunity to raise awareness of HIV/AIDS, support those living with HIV, and remember those who have passed away.
December 3	International Day of Persons with Disabilities	To promote the rights and well-being of persons with disabilities at every level of society and development, and to raise awareness of the situation of persons with disabilities in all aspects of political, social, economic, and cultural life.
December 6	National Day of Remembrance and Action on Violence Against Women	To remember those who have experienced or loss their lives to gender-based violence and to educate people and communities on gender-based violence and speak up against harmful behaviours.
December 10	Human Rights Day	To recognize the day when, in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights to guarantees human rights without distinction of nationality, place of residence, gender, national or ethnic origin, religion, language, or any other status.
December 18	International Migrants Day	A day set aside to recognize the important contribution of migrants while highlighting the challenges they face.
December 21	Winter Solstice	The winter solstice is the shortest day and longest night of the year. In the Northern Hemisphere, it takes place between December 20 and 23, depending on the year. (The reverse is true in the Southern Hemisphere, where the shortest day of the year occurs in June.) Cultures around the world have long held feasts and celebrated holidays around the winter solstice. Fire and light are traditional symbols of celebrations held on the darkest day of the year.

December 26 – January 1	Kwanzaa	An African American cultural holiday that has been adopted around the world, including in Canada, to celebrate African family, community and culture.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Tourism Strategy Update – January 2024

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CAO 01-24**

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:
Sarah Klein, Director Strategic Initiatives

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Lara Toman, Program Manager, Events, Tourism and Culture 905-706-1706

1. Recommendation:

1. **That Report CAO 01-24, Tourism Strategy Update – January 2024, be received for information.**

2. Highlights:

- Destination Whitby, 2022 – 2025 Whitby Tourism Strategy, adopted in May of 2022, is a four-year strategy that provides a framework for businesses, local government, and residents to leverage the visitor economy and grow Whitby as a visitor-ready and welcoming destination. It is a strategy to guide the municipality in future tourism support, promotion, planning, and destination development.

- The Tourism Strategy includes a vision, three key objectives with eight goals and 33 action items. Since the adoption of the Strategy, a total of 16 actions have been completed or are underway. Some of the actions have multiple projects associated with them.

- Tourism Strategy actions have been undertaken in collaboration with staff from various municipal departments (Economic Development, Legal and Enforcement Services and Communications and Creative Services), Central

Counties Tourism, Culinary Tourism Alliance, Durham Tourism and key stakeholders and businesses in the community.

- Whitby's Food Guide was nationally recognized by the Economic Developers Association of Canada (EDAC) for the top Marketing Canada award for a publication.

- Promoting tourism has been recognized as a top priority within the 2023-2026 Community Strategic Plan. This involves a specific action under Whitby's Neighbourhoods, aimed at strengthening the culinary and live music scenes through collaborative partnerships. Additionally, there is an action item under Whitby's Economy that focuses on advancing Whitby's tourism sector, with particular focus on the waterfront.

- Report CAO 01-24 provides an overview of the action items completed since May 2022.

3. Background:

Ontario defines a tourist or visitor as someone who travels more than 40 km for leisure, business, or other purposes. Tourism is one of the only sectors that employs Canadians in every area of the country. This includes provinces, territories, and electoral ridings. A thriving tourism industry in a community can act as a positive economic driver and support businesses. In fact, the retention of businesses and services in many communities throughout Durham Region depends more and more upon visitor spending.

The tourism industry in Ontario represents over 200,000 businesses and in 2019, the industry in Ontario generated revenue of over 36 billion dollars, which at that time was higher than the combined total from agriculture, forestry/logging, commercial fishing/hunting, and mining industries. In addition to making a significant economic contribution, a prosperous tourism sector benefits a community both culturally and socially.

Whitby's Tourism Strategy examines and provides clear directions as to how Whitby's unique tourism opportunities and businesses can contribute to economic development and growth by offering experiences for visitors and residents alike. The Strategy provides a guide for the municipality in tourism support, promotion, planning and destination development.

The **Vision** for the Tourism Strategy is:

The Town of Whitby will create a visitor-friendly, welcoming, inclusive, vibrant, and accessible destination rooted in economic, social, and cultural connectivity.

The Tourism Strategy includes three key Objectives:

1) **Character** – Elevate Whitby through destination development.

2) **Connectivity** – Collaborate and connect with businesses, organizations, and residents to develop tourism offerings, products, and packages.

3) **Content and Communication** – Develop marketing assets to generate authentic Whitby stories; increase Whitby's unique tourism offerings; create a network of tourism partners that support collaboration, coordination, and information sharing.

Tourism development is a new priority for Whitby and now identified as a potential area of economic growth in the Community Strategic Plan. When the Tourism strategy was developed, it was important to acknowledge Whitby's wealth of assets. Whitby is one of Canada's fastest growing communities and combines a small-town welcoming atmosphere with the amenities of a larger urban centre. Whitby is known for its built and natural heritage, including the waterfront, parks, trails, and greenspaces, two historic downtowns, and well-respected creative community and growing culinary scene. Whitby currently has a variety of tourism assets including places like Station Gallery, Port Whitby Marina, the largest entertainment centrum east of Toronto, Abilities Centre, Iroquois Park Sports Centre, numerous award-winning events, golf courses, and the Canadian owned wellness attraction, Thermea Spa Village.

Knowing these strengths and attractions, the Tourism Strategy identifies why people visit Whitby and the six tourism sectors that define Whitby including:

- Nautical Tourism;
- Sports Tourism;
- Family Tourism;
- Culinary Tourism;
- Wellness Tourism; and,
- Cultural Tourism.

Successful implementation of the Tourism Strategy is being realized through collaboration across the organization and within the community by connecting key partners including Central Counties Tourism, Culinary Tourism Alliance, Durham Tourism and Sport Durham, tourism businesses, events, and attractions, and aligning financial resources.

4. Discussion:

The following information provides a highlight of the action items and accomplishments that have been implemented since the adoption of the Tourism Strategy. A more detailed list of action items completed since May 2022 can be found within **Attachment 1** – Tourism Strategy Action Plan Updates.

Objective 1: Character

Goal 1: **Differentiate Whitby as a Unique Destination within Ontario**

Collaborated with private sector tourism businesses to help promote and market tourism in Whitby. An example of this included providing 5 Paddles Brewery with canvas bags

featuring the @explorewhitby branding on them for the Royal Winter Fair. Thermea Spa Village and other business partners continue to donate prizing for Instagram contests and prize packs at tourism booth trade shows.

Goal 2: **Use Quality Research to Drive Tourism Development**

Working with Central Counties Tourism, the Geofencing Research tool was used to provide a deeper understanding of Whitby's tourists through mobility data. By creating specific geofences (a virtual geographic boundary around a particular area) the Town was provided with an accurate estimate of the number of people who entered within a specified timeframe, where they came from, the average number of times locals vs non-locals visited as well as visitor profile information. Locals are known as residents living in Whitby while a non-local is considered a tourist living more than 40 km away. The three locations listed below highlight the information obtained through the Geofence Research. The first larger number represents the total number of visits over the timeframe and the breakdown below each of these represents the unique visitor. Most of the unique visitors are repeating four to five times.

- Whitby Entertainment Centrum (including Reptilia, Flying Squirrel and Aspire)
  - June to December 2022 saw **2,899,320 visits** (locals and non-locals).
  - 196,667 were **unique** local visitors and 78,551 were tourists (from over 40+km away).

- Downtown Whitby
  - June to December 2022 saw **2,625,884 visits** to the Downtown (locals and non- locals).
  - 195,615 were **unique** local visitors and 36,702 were tourists (from over 40+km away).

- Whitby Waterfront and Marina
  - May to September 2022 saw **442,328 visits** (locals and non-locals).
  - 84,378 were **unique** local visitors and 16,407 were tourists (from over 40+km away).

Goal 3: **Build Capacity for Community Tourism**

Since May of 2022, Creative Communities worked closely with its partners in tourism and collaborated on many projects and initiatives including:

- Culinary Tourism Alliance partnership and participation in the Great Taste of Ontario (GTOO) Passport resulted in Globe and Mail Exposure **(Attachment 2)** for Whitby's food scene.
- Tourism and Economic Development staff attended a "Meet the Tourism Investment Dragons" event in October 2023 hosted through Investment and Development Office (IDO), Ministry of Tourism, Culture and Sport to promote a hotel investment at Whitby's waterfront.

Goal 4: Grow Local Economic Development for the Tourism Sector

Creative Communities Division supported a Durham College tourism student internship from January to April of 2023 to assist with Food Guide research.

Objective 2: Connectivity

Goal 1: Develop Visitor Readiness

Product or destination development refers to the tourism assets and associated stakeholders that will attract visitors to Whitby and help to create the visitor experience. In 2023, one of the key priorities was collaborating and connecting with tourism businesses and attractions to start to develop tourism offerings, products, and packages to be visitor ready. Actions accomplished included:

- Development of the second edition of the national award-winning Whitby Food Guide.
- Hosting the first Destination Development networking event at Town Brewery designed to engage and pursue partnerships and collaboration.
- Helping local businesses and stakeholders become “tourism or visitor ready” through the promotion of online resources, training, and workshops.
- QR Code Window Clings, bookmarks and copies of the Food Guide distributed to arenas and community centres and linked in their welcome packages during the annual Silver Stick Tournament.
- Creation of an up-to-date tourism stakeholder contact list.

Goal 2: Engage Industry Partners in Community Tourism Economic Development

- Launched the first b2b (business to business) newsletter in June and a second edition in October.
- Memberships with the Tourism Association Industry of Ontario (TIAO), Central Counties Tourism, Culinary Tourism Alliance (CTA) and the Durham Tourism Leadership Team.
- A staff member currently sits on the Board of Directors for RTO6 (Regional Tourism Organization 6 - Central Counties Tourism).
- Tourism staff in partnership with Economic Development hosted a tourism booth at the Canadian National Exhibition in August 2023.

Objective 3: Content and Communication

Goal 1: Develop Digital Content and Optimize Communications with Residents and Visitors

- Launch of Whitby’s new tourism website www.whitby.ca/tourism.
- Launch of Whitby’s tourism brand “Discover Something New to Enjoy” **(Attachment 3)**.
- Contracted photographer and videographer to grow Whitby’s image bank, available to all departments.
- Economic Developers Association of Canada (EDAC) Awards Submission for the Whitby Food Guide and subsequent win as the top Marketing Canada Award.

- Development of the Events Teaser video and two new Tourism teaser videos to be used over the next year to promote Whitby's amazing tourism destinations.
- Design of various marketing assets including postcards, signage, and bookmarks to promote Whitby Tourism and the Whitby Food Guide **(Attachment 3)**.
- Partnership ads and features with Central Counties Tourism and Culinary Tourism Alliance.

Goal 2: Develop an Audience of Visitors

- Launch of Instagram @explorewhitby and Social Media content calendar. Whitby has 733 followers and as of December 11 the tourism team has posted 133 times.
- QR Code Window Clings for both tourism and the Whitby Food Guide designed and delivered to businesses, accommodations and food and beverage providers.

2024 Tourism Strategy Initiatives

To harness the advantages of thriving tourism growth and investments, as well as the broader visitor economy, the primary emphasis for 2024 should remain on maintaining a holistic approach that includes active community participation, engaging stakeholders, coordinated strategic planning, fostering collaboration, ongoing visitor service enhancement, and strategic preparation for future visitor infrastructure. Community buy-in impacts the visitor experience, from the service they receive at local shops and restaurants to the general spirit of the destination.

In 2024, subject to budget approval, the following initiatives and actions will be undertaken to support the Tourism Strategy and Whitby's visitor economy:

- Continuation of the marketing and promotion of Whitby as a tourism destination through social media @explorewhitby, Facebook, and the tourism website. Encouraging user-generated content that encourages visitors to share their experiences across the Town's platforms.

- Participation in the "Do Something Delicious" campaign through the Globe and Mail in partnership with the Culinary Tourism Alliance.

- New print assets to include tear off maps of Whitby and larger printed maps in identified key locations.

- Working with our partners at Central Counties Tourism to host Influencers in Whitby. By collaborating with influential personalities focused on travel experiences to expand our reach to a wider audience. These influencers have shared their personal experiences, effectively endorsing our destination and our stakeholders to their dedicated followers.

- Leverage the "Discover Something New to Enjoy" brand for tourism advertising and promotion with engaging storytelling of our community.

- Launch of two tourism teasers in the Spring and Summer and production of a winter Tourism teaser.

- Implementation of a quarterly b2c (business to consumer/visitor) e-newsletter starting in June 2024.

- Implementation of a Municipal Accommodation Tax (subject to Council approval) as a new revenue stream for tourism and the Town.

- Continue to communicate, collaborate, and build relationships with all partners, tourism businesses, food and beverage and key stakeholders through the hosting of two Destination Development events, b2b (business to business) newsletter distribution (quarterly), QR Window Cling program; stakeholder training workshops; sport tourism opportunities and itinerary building (Stay and Play packaging).

- Implementation of a Waterfront Pop-up Project to promote destination development along Whitby's waterfront, including a temporary visitor centre (pending funding source or budget approval).

- Implementation of a Tourism Ambassador Program by way of the hiring of a summer student (pending funding source or budget approval).

- Development and launch of culinary experiences related to the Whitby Food Guide including a Food Tour and Brewery Tour.

- Use of Visitor Metrics and data to identify target markets and visitor profiles. Collection of postal codes with tourism partners to help further define visitor analytics.

5. Financial Considerations:

For 2023, the Tourism Strategy initiatives are included within the operating budget for Creative Communities at a total of $20,430, funded from property taxes. The estimated costs for all 33 actions identified in the plan is approximately $290,000 over four years.

The base operating budget will be adjusted for inflationary pressures and growth. Further, staff will continue to investigate alternate funding sources, including submission of grant applications as grants become available and implementation of a Municipal Accommodation Tax (MAT) to support the Town's investment in tourism including marketing, destination development and event support. Details regarding tourism initiatives that may be eligible for funding through a MAT will be included in a 2024 report on the feasibility of a Whitby Municipal Accommodation Tax.

6. Communication and Public Engagement:

Community and stakeholder engagement was undertaken to support the development of the Tourism Strategy. The implementation of the Tourism Strategy includes ongoing discussions with many businesses and organizations such as Central Counties Tourism, Durham Tourism and Sport Durham, Downtown Whitby BIA, Whitby Chamber of Commerce, Tourism Association Industry of Ontario (TIAO), and the Culinary Tourism Alliance (CTA).

Going forward, staff will continue to work in collaboration with these key partners, stakeholders and tourism businesses and attractions and are committed to forging new relationships not only with the businesses but the visitors to Whitby to become tourism ambassadors of our community.

7. Input from Departments/Sources:

The Tourism Strategy is built on an understanding of collaboration and connection, and Creative Communities will continue to engage in ongoing conversations with key departments and stakeholders.

8. Strategic Priorities:

In Whitby's Community Strategic Plan (CSP) 2023 – 2026, tourism is identified in the vision statement with the word explore. Improving the waterfront was highlighted by residents as the most important action to support the Whitby Economy. Action 1.2.2 in Strategic Pillar 1: Whitby's Neighbourhoods, the plan focuses on the need to enhance Whitby's culinary and live music sectors through collaborative partnerships. Action 3.1.3 implements actions to enhance Whitby's tourism sector, with a focus on the waterfront. The Tourism Strategy builds upon these existing priorities and work plan alignment to ensure the pillars of the CSP are advanced.

Tourism efforts in Accessibility and Sustainability are outlined in specific actions of the Tourism Strategy including Goal 3 – Building capacity for community tourism. Specific examples include investing and establishing a well signed, publicly accessible washroom in Downtown Whitby. The Whitby Food Guide was digitalized to allow for better accessibility. Action 2.1.4 under Objective 2, Goal 1 building Visitor Readiness identifies the need to invest in helping local businesses and stakeholders become "tourism ready" through online resources and training including the Safe Travels Stamp certification and the Green Step Sustainable Tourism certification program.

9. Attachments:

Attachment 1: Tourism Strategy Action Items Update Report – January 2024

Attachment 2: Globe and Mail Article – Great Taste of Ontario Passport

Attachment 3: Overview of Brand – Discover Something New to Enjoy and Whitby Food Guide Promotions

Whitby Tourism Strategy
Action Plan Updates



January 2024

iFly Whitby

OBJECTIVE 1: CHARACTER

Elevate Whitby through destination development.

GOAL 1: Differentiate Whitby as a Unique Destination within Ontario

Item #	Action	Timing	Accomplishments	Status
1.1.1	Develop the tourism profiles including identifying the attractions, insights, partners, travel characteristics and market segments for each of Whitby's six key tourism industry sectors (Nautical Tourism, Sports Tourism, Family Tourism, Culinary Tourism, Wellness Tourism, and Cultural Tourism).	2022	-Descriptions of each of the six key tourism sectors completed. -Identifies the user profiles for each sector and what the visitor is looking for and who they are.	In Progress - updates in 2024.
1.1.2	Collaborate with private sector tourism businesses twice a year to help promote and market tourism products and offerings to differentiate Whitby as a destination in Ontario.	2023/ 2024/ 2025	-Collaborated with Town Brewery to host the first Destination Development Networking Event. -Provided 5 Paddles Brewery with canvas bags featuring the @explorewhitby branding on them for the Royal Winter Fair. -Thermea Spa Village and other business partners continue to donate prizes for Instagram contests. -Hosted launch of 2023 Whitby Food Guide at The Springwood.	Complete for 2023 – will continue to collaborate with private sector tourism businesses in 2024.

GOAL 2: Use Quality Research to Drive Tourism Development

Item #	Action	Timing	Accomplishments	Status
1.2.1	Develop tourism metrics through visitor data provided by Central Counties Tourism, Destination Ontario, and other resources to determine opportunities for expanding and measuring future market growth and how Whitby markets itself.	2023	-Six Geofence Dataset Reports acquired from Central Counties Tourism for 2022 and 2023 for comparative purposes (Waterfront/Marina; Downtown Whitby; and Whitby Entertainment Centrum). -Data will help with 2024 marketing and understanding who visits Whitby.	Complete and Ongoing
1.2.2	Complete a tourism asset gap analysis to determine what opportunities for products/experiences and infrastructure (conference centre, hotels etc.) can be enhanced or developed by existing businesses/operators.	2025		2025 Project
1.2.3	Partner in a First Impressions Community Exchange (FICE) program https://www.ontario.ca/page/first-impressions-community-exchange-program to discover how well Whitby serves its visitors.	2025		2025 Project

GOAL 3: Build Capacity for Community Tourism

Item #	Action	Timing	Accomplishments	Status
1.3.1	Establish an annual Tourism Operating budget	2022	-Secured $20,000 annual operating budget in 2023	Complete - Secure
	to support initiatives identified in the Tourism Strategy.	2023		budget increase for 2024
1.3.2	Secure a full-time culture and tourism-focused staff person to support the implementation of the Tourism Strategy and the Culture Plan.	2022	-Full time staff (Culture and Tourism Coordinator) hired in August 2022.	Complete
1.3.3	Consult the Investment and Development Office [IDO] and seek out opportunities for collaboration, partnerships, and/or financial support and grants.	2023	-Attended the "Meet the Tourism Investment Dragons" event in October 2023 hosted through IDO (Investment and Development Office, Ministry of Tourism, Culture and Sport) to promote a hotel investment at Whitby's waterfront to 10 potential developers/hoteliers. -Partnered with Culinary Tourism Alliance and participated in the Great Taste of Ontario (GTOO) Passport which resulted in Globe and Mail advertisement for Whitby's food scene.	Complete for 2023 and ongoing future project
1.3.4	Establish an informal, external Tourism Coalition consisting of tourism operators and key stakeholders to leverage the skills, resources, and	2024		2024 Project

	expertise for tourism development.			
1.3.5	Enhance cycle and trail tourism infrastructure (rest stops/signage and maps) on Whitby's Waterfront.	2023/ 2024		In Progress for 2024
1.3.6	Invest in existing or temporary infrastructure to support a temporary or seasonal Visitor Centre service location (or pop up location) including directional signage.	2025		2025 Project
1.3.7	Utilize the current Wayfinding and Signage Plan to design tourism wayfinding signage for Whitby.	2025		2025 Project
1.3.8	Invest and establish well signed, publicly accessible washroom in Downtown Whitby.	2025		2025 Project

GOAL 4: Grow Local Economic Development for the Tourism Sector

Item #	Action	Timing	Accomplishments	Status
1.4.1	Work with post-secondary institutions for potential placement student partnerships in tourism, marketing, photography, graphic design, horticulture, project management.	2023/ 2024/ 2025	-Durham College Tourism Destination Marketing student intern hired and worked with Creative Communities from January to April 2023. -Main focus was research for the Whitby Food Guide.	Complete – 2023

OBJECTIVE 2: CONNECTIVITY

Collaborate and connect with businesses, organizations, and residents to develop tourism offerings, products, and packages.

GOAL 1: Develop Visitor Readiness

Item #	Action	Timing	Accomplishments	Status
2.1.1	Develop a digital Whitby Food Guide and related culinary experiences within Whitby, including food tours (walking, cycling, or driving).	2022/ 2023/ 2024	-Food Guide (First Edition) completed in 2022 (3,200 views on webpage). -Food Guide (Second Edition) completed in 2023 (over 11,000 views since late May). -Publication won top Marketing Canada Award from Economic Developers Association of Canada.	Complete. Food Tours planned for 2024.
2.1.2	Work on destination development and create tourism itineraries with a focus on the six key tourism sectors for Whitby.	2023/ 2024/ 2025	Winter itineraries posted in December 2022.	In Progress – 2024 Itineraries to be posted in January.
2.1.3	Host Whitby Tourism Ambassador training sessions, offered through Central Counties Tourism. https://centralcounties.ca/central-counties-tourism-ambassador-program/	Ongoing	-Downtown Whitby Steering Committee and staff participated in Tourism Ambassador Training Program. -Promoted through business to business (b2b) channels and newsletter.	Ongoing

Item#	Action	Timing	Accomplishments	Status
2.1.4	Invest in helping local businesses and stakeholders become "tourism ready" through online resources, training and workshops including the use of the *Safe Travels* stamp. https://www.tiaontario.ca/cpages/safetravelsstamp And the Green Step Sustainable Tourism certification program. https://www.tiaontario.ca/cpages/sustainabletourism2030	2023/ Ongoing	-Promoted online resources, training, and workshops to business database through the business to business (b2b) newsletter. -Currently 591 businesses on the email list. -Topics included a feature business article; information on Town Tourism products; website launch; Destination Development; upcoming grants; training sessions on items such as the Safe Travels stamp as well as upcoming conferences.	Complete
2.1.5	Host two stakeholder education workshops a year on destination development for Whitby tourism businesses and attractions on creating tourism packages.	2023/ 2024/ 2025	-Hosted the first Destination Development Networking event at Town Brewery in April 2023. Over 100 attendees represented tourism attractions, restaurants, municipalities, events, and businesses.	Hosted one event in 2023
2.1.6	Identify and support seasonal opportunities where stakeholder-led packaged products can be distributed at local tournaments (pilot with Ontario Lacrosse Festival on a 'Family Fun Package' or 'Explore Downtown Between Games').	2024	-QR Code window clings and Food Guide cards distributed to arenas and community centres.	Ongoing

GOAL 2: Engage Industry Partners in Community Tourism Economic Development

Item#	Action	Timing	Accomplishments	Status
2.2.1	Create a digital newsletter to communicate tourism information and resources to tourism attractions and business owners utilizing Constant Contact.	2023	-Launched two business to business (b2b) newsletters (June and October) featuring articles/resources and links to 591 businesses, attractions, food and beverage, and accommodations. -55% open rate for the newsletter. -Created an up-to-date tourism stakeholder contact list (currently 591 contacts).	Complete
2.2.2	Partner with Whitby Chamber of Commerce and Downtown Whitby BIA for business networking events with a tourism focus.	2023	-The BIA Chair and the Executive Director of the Whitby Chamber of Commerce have attended the Destination Development Networking event and the Food Guide Launch event and shared resources through their social media channels. Both the BIA and Chamber follow @explorehwhitby and post regularly.	Complete
2.2.3	Partner with the Downtown Whitby BIA, Whitby Chamber of Commerce, and other tourism partners	2023	-Whitby is a member of the Tourism Association Industry of Ontario (TIAO), Central Counties Tourism, Culinary Tourism Alliance	Complete

Item#	Action	Timing	Accomplishments	Status
2.2.3 (cont'd)	to promote Central Counties Tourism business to business (b2b) resources with 'The Landing Pad' https://whitbybia.org/the-landing-pad/ to their memberships and other monthly tourism industry updates.		(CTA) and the Durham Tourism Leadership Team. -Tourism staff in partnership with Economic Development hosted a tourism booth at Canadian National Exhibition (CNE).	Complete
2.2.4	Partner with Sport Durham to develop an inventory of existing regional sports tourism events and develop a strategy on how Whitby Tourism could support sporting events, and benefit stakeholders.	2024		2024 Project

OBJECTIVE 3: CONTENT AND COMMUNICATION

Develop marketing assets to generate authentic Whitby stories; increase Whitby's unique tourism offerings; and create a network of tourism partners that support collaboration, coordination, and information sharing.

GOAL 1: Develop Digital Content and Optimize Communication with Residents and Visitors

Item #	Action	Timing	Accomplishment	Status
3.1.1	Invest in Whitby's photos and video assets to capture high-resolution imagery including the four seasons and diverse market	2022 - 2025	-Contracted photographer and videographer to grow Whitby's image bank	Complete

Item #	Action	Timing	Accomplishments	Status
3.1.1 (cont'd)	segments.		and tourism video promotions. -Over 500 new images/ three teaser videos and collection of b-roll that have been used to build out Whitby's tourism website and social media. -Two new tourism teaser videos were created for 2024 season: • Teaser 1 • Teaser 2 -Creation of Events Teaser video.	
3.1.2	Develop and launch a dedicated tourism microsite.	2023	-Launched Whitby's new tourism website www.whitby.ca/tourism . Website has seen 2,698 visits since end of May 2023. -Launched Whitby's tourism brand "Discover Something New to Enjoy" (Attachment 3).	Complete - updates made to the website regularly.
3.1.3	Raise the profile of Whitby with media through press release distribution, travel writers, travel bloggers, and influencers by leveraging our partnerships to generate local content for outlets.	Ongoing	-Awards submission to Economic Developers Association of Canada (EDAC) receiving the Top Marketing Canada Award for the Whitby Food Guide.	Complete and Ongoing

Item #	Action	Timing	Accomplishments	Status
3.1.3 (cont'd)			-Partnership with Culinary Tourism Alliance to highlight Whitby's Food Scene through the Great Taste of Ontario Passport program and profile for Whitby featured on their website. Article in the Globe and Mail and in their online newsletter. -Worked with Central Counties Tourism to promote food scene through press release distribution and content provided to hire influencers creating stories on the York, Durham, and Headwaters area.	Complete and Ongoing
3.1.4	Develop and outsource Tourism Destination Marketing Plan for Whitby including a framework that can be adapted annually or as needed.	2023	Promotions created including design of various marketing assets such as postcards, signage, shopping bags and bookmarks to promote the 'Discover Something New to Enjoy' Whitby brand.	In Progress – move to 2024
3.1.5	Host a FAM Tour (Familiarization Tour) inviting media and travel trade professionals to Whitby to provide a sampling of what Whitby offers as a destination.	2024		2024 Project

Goal 2: Develop an Audience of Visitors

Item #	Action	Timing	Accomplishment	Status
3.2.1	Create a database of email addresses for consumer communication of tourism e-blasts, blogs, stories, and newsletters.	2022	-Collection of Visitor/Tourist and local emails to help with promotion of tourism in Whitby.	In Progress
3.2.2	Enhance Whitby's online social presence #explorewhitby and develop a Social Media Strategy for tourism promotion.	2023	-Launched @explorewhitby and social media content calendar. As of December 11, there are 733 followers and 133 posts. Staff post at least six to eight posts weekly to support all tourism projects and initiatives.	Complete. Social Media Strategy and 2024 content calendar in progress.
3.2.3	Develop, launch, and distribute a QR Code sticker for tourism businesses, accommodations, restaurants, and attractions linked to the Whitby tourism microsite.	2022	-QR window clings for both Food Guide and Tourism site distributed through Town facilities, local restaurants and tourism attractions and businesses (total of 105 window clings distributed).	Ongoing

GREAT TASTE OF Ontario



FALL FAMILY FUN

From cutting your own bouquet of wildflowers to taking an enchanting stroll with alpacas, getting lost (temporarily) in a corn maze, tasting the season's flavours and picking (almost) your weight in apples and pumpkins, Ontario is ripe with fall family activities

Weekends are the perfect time to round up the whole family – kids, grandparents, aunts, uncles, cousins – and hit up a local destination for some play, laughs and seasonal bounty. From strolling with alpacas in Lakefield to apple-picking in Thorndale, visit one or all of these destinations (all of which can be found on Great Taste of Ontario passports) and make it an autumn to remember.

Barrie Hill Farms
2935 Barrie Hill Rd., Springwater
SIMCOE COUNTY PASSPORT

A multigenerational trip to this second-generation-run farm is an obvious fit. The Gervais family offers reasonable rates for the u-pick operation, which spans the farm's 200-plus acres, because as they see it, visitors are helping them harvest their crops. September and October are the perfect time to pick apples for fall baking, pumpkins for carving, popping corn for Halloween movie nights or squash and beans for cozy soups and holiday recipes. You can pack a lunch and enjoy it in the designated picnic area, but for the full experience, hit up the on-site Silo Cafe. The menu utilizes locally-sourced ingredients along with farm-grown produce. Their frozen yogurt is legendary, and the apple cheddar panini is a must-try. Open May through Halloween, and BYOB (bring your own basket).

Arrowwood Farm and Harvest Table
6460 Riverside Dr., Melbourne
MIDDLESEX, SARNIA, LAMBTON PASSPORT

Blueberry season – Arrowwood's specialty – is a summer thing, but the powerful antioxidant-packed berries are available frozen and in baked goods year-round at Kathy and Phil's sprawling property. Plan a fall visit to this charming spot to shop for frozen berries or a cut-your-own-bouquet from the farm's field of wildflowers, zinnias, snapdragons and gladiolus. Or join owners Kathy and Phil for a monthly meal at the harvest table or weekly lunches on the patio with tasty, laid-back grub like in-season soups and grilled sandwiches. And if you want a tour, just ask. Someone will be happy to show you around.







Above: The pumpkin patch at Barrie Hill Farms makes for perfect fall photos. Clockwise from far left: Everyone can make some adorable new friends at Wanderlight Alpaca Experience; apple picking is an autumn activity that's fun for the whole family; it's all in gourd fun at Barrie Hill Farms.

Wanderlight Alpaca Experience
874 Lynchs Rock Rd., Lakefield
PETERBOROUGH & THE KAWARTHAS PASSPORT

Ever wanted to spend some quality time with fluffy alpacas? Wanderlight Alpaca Experience is the way to do it. Situated on rolling hills just outside of Peterborough, this family-run experience allows young and old (kids aged two to five will need to walk with an adult) to spend 60 magical minutes bonding and trail-walking with one of the 11 on-site alpacas. Do note, though, that there is no food or washrooms on-site, but guests are welcome to bring litterless snacks. Availability varies, book your tickets online.

Sainte-Marie Among the Hurons
16164, Highway 12 East, Midland
ROUTE CHAMPLAIN PASSPORT

Take a step back in history to the 1600s with a visit to Sainte-Marie Among the Hurons, a museum and original French settlement. Enjoy an interactive tour with captivating storytelling and demonstrations by costumed interpreters that illuminate the lives of the Huron-Wendat People, as well as their culture, practices and ways of life. The award-winning museum engages touch, sound and smell with 750 loaned, donated and purchased artifacts. And while the on-site restaurant is temporarily closed, refreshments are available at the retail store, Flint & Timber Co., for those who worked up an appetite exploring. Open daily until October 8.

Thames River Melons
775530 Blandford Rd., Innerkip
OXFORD COUNTY CHEESE TRAIL PASSPORT

What began as an experimental acre of cantaloupes has blossomed into a thriving 100-plus-acre family-run farm serving the Innerkip community and beyond since 1984. The famous melons and summer produce are finished come fall, but pick-your-own veggies and pumpkins are available up until Halloween – and when we say veggies, we mean *veggies*. The farm offers tons of good-for-you foods, including beans, carrots, cauliflower and okra. You can even dig up your own potatoes! Family members of all ages can reward their labour with a pit stop at the Farm Kitchen, which sells baked goods like pies and scones, as well as several ready-to-eat meal options, using farmed ingredients. Or, head to the on-site food truck, which serves up delicious eats made from the farm's own ingredients, including fresh-cut fries, milkshakes, and smash burgers made from their Black Angus beef. There are take-home treats, too, including uniquely flavoured melon honey (the bees pollinate in the melon fields!), strawberry BBQ sauce and candied jalapeños. The farm is open daily from 8 a.m. to 6 p.m. from September to Halloween, and by appointment in November and December.

Apple Land Station
329 Richmond St., Thorndale
MIDDLESEX, SARNIA, LAMBTON PASSPORT

With a name like Apple Land, there's no question that this southern-Ontario farm takes its commodity seriously. Depending on the time, up to 18 varieties of apples – like sweet-but-a-bit-tart Paula Reds, crisp-and-juicy Cortlands and sweet-honey-flavoured Ambrosia – are available for picking. But nothing pairs with apples quite like family fun, which is why admission includes playing all day with a train ride to explore the farm, animals to greet, a playground and a corn maze. The pumpkin patch is where you can find your family's next great gourd for carving or eating. And the delicious smells wafting from the shop will lure you into some amazing culinary purchases like a turkey pot pie, garlic and chive biscuits and apple-cinnamon-you-name-it baked goods. Apple season starts September 2.

Fall in love with the Great Taste of Ontario again and again. Visit **ontarioculinary.com/great-taste** to download curated passports to our province's most delicious destinations.

Ultimate Foodie Fanatic

ROAD TRIP

Savour the flavours of **York Durham Headwaters**! Let adventure guide you as you discover new food experiences in unexpected places. Tempt your taste buds with delectable baked goods, sinful confections, international cuisine and incredible fine dining in our rural town and urban cities. Reconnect with family and friends this harvest season as you explore open-gate farms, local markets, specialty shops, and restaurants committed to locally sourced meats, produce and baked goods. Journey back in time in our charming towns on a historical tour walking tour or podcast. Meet the makers and learn about what makes our award-winning wines, brews, ciders and spirits so exceptional. End the day relaxing at a local B&B, hotel or resort, or head home to enjoy a feast that celebrates the bounty of our regions.

Celebrate Fall in YDH!

ADAMO
estate winery

WINE & UNWIND FRIDAYS
TOURS & TASTINGS
SATURDAY ALL DAY MENU
SUNDAY BRUNCH





WEDDING & SPECIAL EVENT VENUE - RETAIL SPACE
adamoestate.com



Visit CALEDON

A tall pint of fall memories is just a short drive away.

VISITCALEDON.CA | VISITCALEDON

MAIN STREET MARKHAM
WHERE TIMELESS HERITAGE MEETS MODERN DELIGHTS

UPCOMING EVENTS



EVERY SATURDAY
FARMERS MARKET
MAY 13 - OCT 7TH
9AM - 1PM

MAIN ST. TRICK-OR-TREAT
SPOOKTACULAR FAMILY FUN!
12PM - 2PM
OCT 28





NOV 24
FESTIVAL OF LIGHTS
A DAZZLING EVENING OF HOLIDAY CHEER!
6PM - 9PM

SANTA CLAUS PARADE
11AM - 1PM
NOV 25



SCAN ME!

FOR MORE INFORMATION VISIT
WWW.MAINSTREETMARKHAM.COM

PADDLE ON

Since opening in 2013, 5 Paddles Brewing Co. has become known as an innovator, creating an incredible number of beer styles over the years — from classic lagers and ales, to our coffee blonde and coconut cream pie beer. Check out our draft beer and food in the taproom, beer cans to go, online ordering and free local delivery.



WEEKLY SPECIALS | BEER ON TAP & CANS TO GO | FREE LOCAL DELIVERY
FUN EVENTS | BREWMASTER TOURS & TASTES

5PADDLES.CA
beer@5paddles.ca

1390 Hopkins Street Unit 3, Whitby ON

5 PADDLES BREWING Co.

Share your experience with us on Social!
Follow us @VisitYDH

For fall fun adventure, road trip ideas, blog inspiration and more, visit **yorkdurhamheadwaters.ca**.

YORK DURHAM HEADWATERS
ONTARIO'S ROAD TRIP DESTINATION

CENTRAL COUNTIES TOURISM

Ontario

Ontario's sweetest treats

If you're looking for fall flavours, this province is bountiful – especially when it comes to desserts

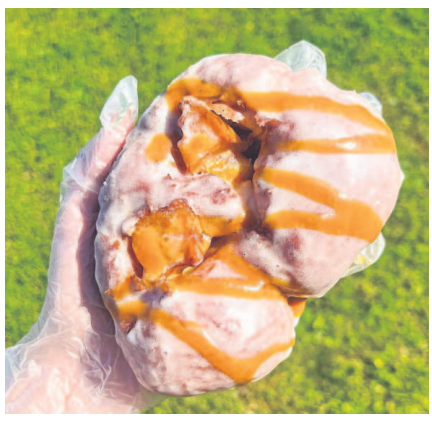
The last few days of summer can feel melancholy, but any end-of-season blues will definitely be soothed by the flavours of fall – pumpkin spice everything, cinnamon apple goodness and buttery, melt-in-your-mouth pastries. Trade the summer sun in for the soothing warmth of autumnal spices that'll carry you through to the next sign of light in spring by traveling around Ontario this fall. From London to Campbellford, here's where to find your next favourite fall treat.













For a delicious apple galette, head to Isabella's Chocolate Café in Oshawa

The galette is a quintessential French pastry named for its flat shape. But don't mistake the simplicity of its looks for a basic flavour or construction – the apple galette, especially the one you'll savour at Isabella's Chocolate Café, is far from ordinary, with some even calling it "magical." Similar to a tart, the apple galette takes on a freeform shape, normally a circle, and is topped with sliced fruit. Unlike a pie, this pastry features an open top, allowing the fruit and its juices to caramelize as it bakes. Get to Isabella's early (they often sell out) and enjoy yours with a hot gourmet coffee.

For ooey gooey pumpkin spice butter tarts, head to Kitchen's Buttertarts in Bracebridge

You can't get much more Canadian than a flaky, gooey, deliciously sweet butter tart. A staple in Canadian pioneer cooking, the first published recipe dates back to 1900 in Barrie, Ont., but is believed to originate much further back, with some sources claiming this quintessentially Canadian treat was being enjoyed as early as late 1600s. Kitchen's Buttertarts has its own sweet history – the two founders met in George Brown's culinary program, married and started a family, and are now making jumbo sweet and savory butter tarts in the heart of Muskoka. Try their Canadian classic infused with the modern-day flavour twist of pumpkin spice, topped off with a dollop of whipped cream.

For sweet and sophisticated maple-bacon cheesecake sandwiches, head to Sweet C's Cookie Creations in Chatham

Nothing says fall quite like maple and bacon, two ingredients in one of Sweet C's Cookie Creations' most popular seasonal treats. Reminiscent of a whoopie pie, the shop's maple-bacon cheesecake sandwiches feature two from-scratch graham cracker cookies held together with their signature cheesecake filling for the perfect soft and chewy bite every time. If you really love cheesecake, you'll want to try out their other fall offerings before you leave; we're partial to their pumpkin pie cheesecake bars, pumpkin cheesecake cinnamon fritters and pumpkin cheesecake cookies (see a pattern?).

For the ultimate caramel apple fritter, head to Crave Doughnuts in Whitby

When you bite into a dense, luscious apple fritter, you're biting into a slice of medieval history. The first iteration of the fried doughnut dates back as far as medieval England, but they were staples at Christmas markets from Italy to Germany. It starts with a cored and sliced apple that's battered, fried and sprinkled with powdered or cinnamon sugar. Crave Doughnuts dials this traditional sweet treat up to 11 with its caramel apple fritter, a brioche fritter filled with local apples dipped in a light vanilla glaze and drizzled with caramel.

For a Polish Szarlotka, head to London's Unique Food Attitudes

Love apple pie but looking for a new way to enjoy the traditional treat? Try Unique Food Attitudes' hugely popular Szarlotka, a Polish dessert consisting of sweet, spiced stewed apples inside a buttery pastry and often topped with crumble. Back in the Middle Ages, when it was first made, the dessert would contain an abundance of fruit, from figs to pears, alongside the apples. Today, the apple is a core (pun intended) component of Polish cuisine and the Szarlotka, just one of Unique Food Attitudes' owner Barbara Czyz's delicacies, is a must-try.

For a classic pumpkin pie, head to Dooher's Bakery in Campbellford

Close your eyes and picture a classic pumpkin pie. You probably envision a buttery, flaky crust filled with rich pumpkin pie filling and topped (or not) with a swirl of frothy whipped cream. Would you believe us if we told you the first-ever pumpkin pie was a topless pumpkin, seeds removed, filled with milk, spices and honey? While fancy, inventive desserts are always fun to try, there's something to be said for a simple classic – like Dooher's Bakery's pumpkin pie, one of 13 pies they have on the extensive roster of desserts they've been whipping up since 1949.

Five outdoor adventures to help work up an appetite this fall

Whether you're looking to go hiking, camping, birdwatching or horseback riding, there's an outdoorsy adventure on offer somewhere in Ontario



Top: The lookout at Devil's Rock Trail Head in Temiskaming offers stunning views of the changing leaves and Lake Temiskaming. Middle: Sunset at Rondeau Provincial Park makes for a perfect photo opportunity. Bottom: There's no better way to spend a fall weekend than hiking in Thunder Bay's Sleeping Giant Provincial Park.





Autumn is a great time to explore Ontario. There are so many options for day trips and weekend getaways, whether you're looking for a hike among gorgeous fall foliage, a place to learn about nature and local culture, or an unforgettable camping experience. Plan your best fall yet with these five fun options.

Gamiing Nature Centre, Kawartha Lakes

Spend a day immersed in nature while learning about environmental issues at Gamiing. The natural heritage conservation education centre, located on Pigeon Lake in the territory of the Michi Saagiig Nishnaabeg, is home to more than 180 species of flora and fauna along seven kilometres of recreational trails. Take a stroll or sign up for a guided workshop where you can learn skills like bird calling, seed collecting and mushroom foraging. Then, after you've worked up an appetite, take a 15-minute drive to Kawartha Dairy in Bobcaygeon for a refreshing post-walk ice cream cone. Try a classic option like Moose Tracks, or go for newer flavour, like Campfire S'mores.

Devil's Rock Trail Head, Temiskaming

This two-kilometre hike is easy to follow and leads to a lookout from Devil's Rock, a 2.2-billion-year-old fault cliff that rises 300 feet above water level. The stunning 180-degree view from the top is worth the hike. Picture yellow, orange and red leaves dotting the landscape, sparkling Lake Temiskaming below, and Quebec in the distance. At dinnertime, head to family-friendly restaurant 28 on the Lake. Order up some deep-fried cheese curds or a margherita pizza to share, or go for the pan-fried pickerel. There's also a kids' menu with crowd-pleasing options like pasta and grilled cheese.

Sleeping Giant Provincial Park, Thunder Bay

Spend a weekend hiking with friends at Sleeping Giant. Reserve a cabin through Ontario Parks that can accommodate six people and is equipped with electric heat, a kitchen, bathroom and more. With over 100 kilometres of trails, there's lots to explore. Check out the rugged Lake Superior shoreline and scenic landscapes bursting with autumn colours, and spot wildlife like deer, wolves and foxes. Take a break from your outdoor adventures with a visit to Sleeping Giant Brewing Company's Tap Room where you can enjoy a pint of the Northern Logger, a light and easy to drink golden ale that's lightly hopped for a hint of bitterness, and tasty snacks like burgers, pizza and hand pies. Visit during the evening when you can often catch live music.

Rondeau Provincial Park, Chatham-Kent

More than 330 species of birds have been recorded at this park, known worldwide for its amazing birdwatching. Even better, fall is one of the best times to see migrating birds, such as warblers, flycatchers and other song birds. You'll also see thousands of ducks and Tundra swans in Rondeau Bay. When it's time for a break, check out the Chatham-Kent Bakery Trail, a sweet adventure featuring 19 bakeries and cafes in the area. Download the Chatham-Kent passport for a list of mouthwatering stops. (Or take our suggestions: We love the pecan pie from Big Ricky's Little Bake Shoppe, French macarons from Homebaked Kitchen Company, and blueberry white chocolate scones from Park's Blueberries & Country Store.)

Texas Longhorn Ranch, Middlesex Sarnia Lambton

Whether you've never been on a horse or you're a seasoned rider, you can book an unforgettable one-hour horseback ride at this family-owned ranch in Strathroy, which is open until the end of November. You and up to five pals can ride together along the scenic Sydenham River, up hills, across creeks and through the cattle, depending on which trail you take. You might even see deer and other wildlife along the way. Celebrate afterwards with a glass of wine or cider in the tasting room at Shale Ridge Estate Winery & Cidery in nearby Thedford. Try the Pear Apple Hard Cider and a gourmet pizza topped with smoked prosciutto, Grana Padano and balsamic reduction.



Plenty of perfect fall moments in these three food-loving regions

Brampton, Whitby and Perth County have outdoorsy adventures, arts and culture and – of course – lots of delicious eats on offer

With colourful foliage to admire, crisp fall air to invigorate your senses and the season's harvest adding fresh flavours to restaurant menus, there's no better time than autumn to get out of town for a mini-break. Whether you're looking to explore a nearby place you've never visited before or to see a new side of a familiar favourite, Brampton, Whitby and Perth County have got you covered with engaging activities, delicious culinary experiences and top-notch accommodations that will turn your weekend getaway into a true adventure. Get started planning your escape with these ideas for how to spend an action-packed 48 hours in these local destinations. (And be sure to download Great Taste of Ontario passports for each region and check in along the way!)

BRAMPTON

Once a greenhouse hub known for exporting flowers around the world, Brampton continues to bring visitors closer to nature through its many gardens and conservation areas. The city rewards foodies as much as outdoor enthusiasts, with its multicultural population helping to shape a diverse dining scene.

Fuel up for exploring the city with a cup of joe from Segovia. Run by a husband-and-wife team from Nicaragua, this coffee shop imports and roasts ethical, single origin green beans. Pick up an espresso-based beverage to warm both your soul and your stomach and choose from a variety of Latin American-style bites like fresh empanadas.

Other spots to add to your Brampton food bucket list include Food Fight Barbecue Bar, where barbecue classics like pulled pork and beef brisket get a local spin that includes slow smoking over Ontario wood. If you're craving globally-influenced cuisine, fill up on a savoury kebab platter at Royal Kabob Afghan Cuisine or tuck in to Sri Lankan and South Indian vegetarian fare at Vinayagar Vilas.

Have a sweet tooth? Don't miss Holy Shakes. This Brampton-born restaurant offers more than 100 different milkshakes piled high with sweet toppings, along with other indulgent treats.

What to do

Take in a breath of fresh air at Gage Park, a beloved municipal park where you'll find gardens and shady trails. Heart Lake Conservation Park is another beautiful place to get outside and get moving, with picturesque hiking trails, glacial lakes and a daring treetop zipline course. If you're more of a culture vulture, don't miss the Peel Art Gallery Museum and Archives, which features wide-ranging exhibitions dedicated to the region's art and heritage.

Where to stay

Located a short drive from downtown Brampton, Newton Villa feels secluded from the hustle and bustle. Homey rooms come with mini-fridges and Smart TVs, plus rates include a continental breakfast.

WHITBY

Whitby blends the appeal of a small town with the urban conveniences of a larger city. A sweeping waterfront, two historic downtown areas and a budding restaurant scene further enhance the allure of this under-the-radar spot.

For a taste of Whitby's homegrown cuisine, book a table at Bistro '67, a unique student training restaurant at Durham College. Dine while overlooking the lush grounds, where much of the produce used in the kitchen is harvested. The Springwood, a brand-new addition to Whitby's dining scene, is another superb option for visitors in search of farm-to-table fare, with hyper-seasonal dishes joining a Canadian wine and beer list in a stylishly cozy space. Bonus: both restaurants are Feast On® certified!

Beer lovers will want to stop by Brock Street Brewing to sample locally-produced brews, seltzers, spirits and hard ice teas. Sign up for a brewery tour for an insider perspective on how Brock Street's drinks are made, or turn your visit into an evening and stick around to enjoy crowd-pleasing gastropub fare at the on-site restaurant, 12welve Bistro and Tapwerks.

Homestyle-cuisine meets cultural space at the Food & Art Café, which is known by a tongue-in-cheek acronym (the 'Fart' café). View works by co-owner and resident artist Alison Galvan and other Whitby-based creators while munching on a hearty sandwich or scone.

Carve out some time to swing by One More Cocoa for chocolate bars and bonbons with flavour inspirations spanning from nostalgic treats to the owner's Jamaican heritage. Exotic Knacks is another worthwhile destination for snacks you can take home or nibble on during your stay. This quirky shop carries an array of delicious and hard-to-find sweet and savoury goodies.







Top: Brampton's Heart Lake is a pretty place for a hike. Clockwise from above left: Enjoy a pint at Brock Street Brewing in Whitby; The Springwood is a new addition to Whitby's dining scene; One More Cocoa features sweet treats inspired by the owner's Jamaican heritage; at Hōm in Perth County, local ingredients are the stars of the menu; the famous "broasted" chicken at Anna Mae's Bakery & Restaurant.





What to do

Pop by the Whitby Farmers' Market, which runs until October, to browse items ranging from farm-fresh produce and unpasteurized honey to cold-pressed juice and upcycled crafts. Unwind at Thermëa Spa, a Nordic-style day spa where you can take a dip in baths with varying temperatures, relax in peaceful rest areas as well as enjoy massages and body care treatments.

Where to stay

Whitby is home to many tried-and-true hotels, including Holiday Inn Express Whitby Oshawa, which includes a pool, fitness centre and free breakfast. If you're looking for a home-away-from-home for a longer stay, some rooms include full kitchens with stovetops and fridges.

PERTH COUNTY

Charming small towns and dreamy rural scenery make Perth County a delightful destination for an autumn getaway. Visitors are spoiled for choice when it comes to places to shop for the best of Perth County's culinary bounty.

In Perth East, Wild Hog Country Market brings a farm-to-table approach to groceries, sourcing its produce and meats locally – including pork supplied by the family-owned market's own farm and meat business. Or, head to Appleflats in Wellesley, where guests can take a guided, 45-minute tour of North America's "only explorable orchard" to learn what owners Glen and Alex Smyth say will help you learn "more about apples (and crab apples) than you ever imagined." Afterwards, guests can sample some of the farm's products, such as their signature crabapple jelly.

Call ahead to reserve the coveted "buggy booth" at Anna Mae's Bakery and Restaurant in Millbank. Known for its Mennonite cooking and baking, this popular spot churns out dozens of different pies, pastries and doughnuts each day, many of which incorporate ingredients from nearby farms and suppliers. If you stop by for lunch, their "broasted" chicken, which is seasoned in a secret spice mixture before being both broiled and roasted, is a must-try. And don't leave without indulging in one of their Sweet Janes, delicious doughnuts that come with a creamy filling.

Local ingredients also take centre stage at Hōm restaurant in Listowel. Chef/owner Chris Campbell taps into French and other international culinary influences to create aesthetically-plated seasonal dishes. The five-course tasting menu, which is available on Thursdays, is worth planning your visit around.

What to do

Take a stroll through any of Perth County's cute small towns, which look especially beguiling against a backdrop of fall foliage. Admire St. Marys historic limestone buildings or head to Shakespeare to shop for vintage treasures at Glen Manor Galleries or Land & Ross Antiques. For a more active afternoon, hop on your bike and discover the Perth County section of the Guelph to Goderich Rail Trail, a multi-use trail that runs along former CPR railway land.

Where to stay

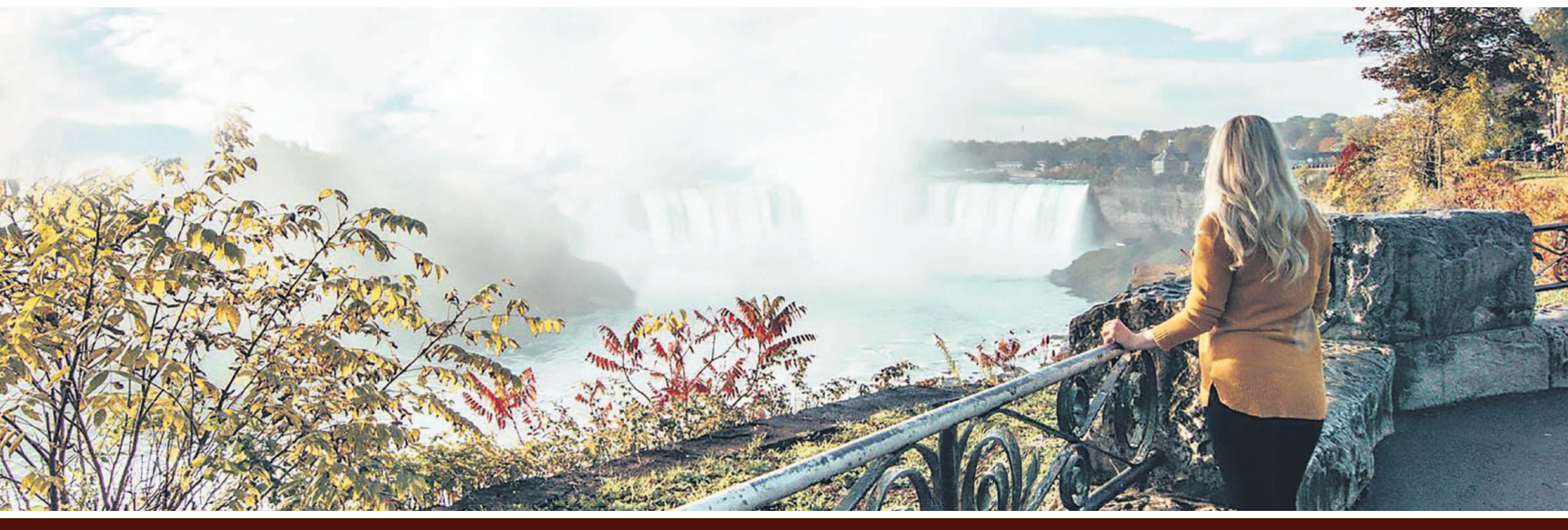
Golf and nature enthusiasts alike will appreciate The Guest House at River Valley Golf & Country Club, which is set in the scenic River Valley, surrounded by pine trees. River Valley's excellent 18-hole course is located less than 30 metres away. Or, book a restful retreat at Wild Rose Sanctuary, where you can glamp in a luxe yurt, or relax in a cozy cabin.

TAKE ME TO
Niagara









Where The Scenery Becomes The Scene

Our roots run deep, from our rolling vineyards to the stunning natural wonder of the Niagara Falls. Explore Niagara from the ground up in Niagara's South Coast, St. Catharines, Niagara Benchlands & Niagara-on-the-Lake. You'll find a host of wineries and dining experiences just waiting to be discovered, your way.

TOURISM NIAGARA CANADA

VisitNiagaraCanada.com



Bench Brewing offers breweries a blueprint for going green

The Niagara Benchlands brewery has prioritized sustainability from the very beginning. Here's how

His kids are going to laugh at him for saying this, but nothing gives Matt Giffen a thrill quite like irrigation. Specifically, the drip system that waters the three acres of hops and 12 acres of apples that grow in the fields around Bench Brewing, the independent brewery he founded in 2018. What makes it so exciting? All that water – eight to 10 million litres per year – is re-purposed wastewater from the brewing process that's been purified. The organic matter that's removed as part of that process, mostly hops and malt, also gets a second life as fertilizer.

"Beer is water-intensive," explains Giffen. "And to repurpose that in agriculture, as an example, is just a great way of closing that circle."

When Giffen was planning to open Bench Brewing, he began with a reverence for place. The facility is located in Lincoln. Situated right in the heart of the lush Niagara Benchlands, the town is home to picturesque villages and verdant vineyards and orchards.

"We have neighbours on either side of us who have been here for 225 years," says Giffen, who had previously grown grapes in the area. "Generations of their families have depended on this land to continue to thrive through sustainable practices. Talk about quintessential mentors for being stewards of the land."

Sustainability was a core Bench value from the very beginning, built into the foundations of the operation. Literally: Its tap and tasting room is in the converted Maple Grove Public School, a heritage building that held tremendous sentimental value to the community around it.

They've since converted an old stone church, also located on the property, into an event space. As Giffen says, "The most sustainable building you can build is the one that's already built."

The Bench team's commitment to sustainability was so innate, in fact, that they didn't shout their sustainability credentials from the rooftop until one of their lenders not-so-gently nudged Giffen.

"One of our finance partners said, 'You're doing all this stuff – you're B Corp certified, you have a zero-waste water footprint and you're carbon neutral and you're not telling anyone? What are you, an idiot?'" says Giffen.

These days, he's more than happy to show off the daily sustainability work they're doing at Bench Brewery: the spent grain that goes to feed livestock, the tanker that goes straight from their facility to apply fertilizer, the retention pond that stores purified water when it's not needed for irrigation, fed by a pipe that goes under a neighbour's property.

On the carbon neutrality front, which became a real focus as they worked to become a certified B Corporation in 2020, this work encompasses everything from encouraging people to carpool to work to buying carbon offset credits to insulating pipes, putting motion sensors on their lights and fixing a leak in one of their cold storage units. (Not-so-fun fact: Refrigerants are one of the worst greenhouse gas emissions.)

"We cut our emissions by 60 per cent from year one to year two, and then we brought it down another five per cent in 2021, and that's with increasing volumes," says Giffen, who's eyeing EVs for the sales team, and would use solar panels if the building's roof supported them.



Bench also does what is called "farmhouse style brewing," which is inspired by the way that ye olde Belgian brewers would get the majority of their supplies – water, barrels, fruit, malt – from within five kilometers of their brewery.

"I love that style of brewing," says Giffen, who fell in love with Belgian beer when he lived overseas. "And I just really thought there's not a better place in Niagara than the town of Lincoln to create that farm-style aspect."

All their barrels are from neighbouring wineries, and they use a coolship – essentially a shallow open vat for fermentation – which requires you to open the windows at night to bring in airborne yeast. "It really is a terroir of beer, because that yeast would be different than what's outside of your window right now," says Giffen, noting that the cherries, peaches, plums and other fruit they use are also from producers located within five kilometres of their brewery.

It is, Giffen emphasizes, a team effort, and one that requires authentic commitment, and not just lip service.

"It is a journey that happens day by day," he says. "All of our decisions are made with the environment in mind."

Three Ontario chefs on their favourite fall ingredients

Need some fall flavour inspiration? Here's how to make the most of cranberries, squash and artichokes

Now that cooler weather is on the horizon, it's time to start cooking with the vibrant flavours of fall. We asked three bakers and chefs around Ontario to share how they prepare their favourite autumnal ingredients.

CRANBERRIES

Warren Dix, founder of Big River Baking Co. in Bracebridge, says the business's signature loaf, a cranberry brie sourdough, is a hit with his customers throughout the year, not just in the fall – that said, it makes a pretty good addition to any Thanksgiving table.

Dix opened Big River Baking Co. to fill a needed gap in the town's baking space – there hadn't been a fully-operational bakery there since 1988. With a variety of different loaves (including a delectable-sounding honey walnut), it's the cranberry brie that customers salivate for. Why is that? Dix says, "in conversation with our customers, it seems the mild flavour of this sourdough with the creaminess of the brie cheese against the tartness of the cranberries when you bite into it just works."



Cranberry season runs from late August to the end of October in Ontario, and those tart, ruby-hued berries often make it to the table in the form of a side as a sauce – something to cut through yummy butter and starch on a bright Thanksgiving table. But Big River Baking Co.'s cranberry brie sourdough loaf can be the star of any meal. Dix suggests using this loaf for breakfast, lunch, or dinner, as toast with something slathered on top or for "a next-level grilled cheese!"

SQUASH

Squash is the quintessential fall ingredient. There are many different types of winter squash including butternut, acorn, buttercup, delicata, spaghetti, pumpkin; but John Black, chef de cuisine at the Feast On-certified Miijidaa in Guelph, says delicata is his favourite. "It has such nutty and sweet flavours that pair so well with those classic fall flavours. When roasted, its characteristics are enhanced and it lends itself to so many flavour profiles," Black says.



Miijidaa, from the Ojibway language meaning "let's eat," focuses on where Canadian food began – with First Nations, Black says – followed by European influences. Squash is vital to that approach, and Miijidaa sources it at the Guelph Farmers' Market from "local purveyors that grow all the varieties we come to love and look forward to within the fall season," he says.

"Ontario squash is an integral menu item that is a staple for Miijidaa every fall season – we look forward to building menu items around. Similar to a protein, it can be the star of a dish and what we build our flavour profiles around for appetizers, salads, and vegetarian main course menu items."

The restaurant's 3 Sisters Salad is a perfect example of how squash can shine in a dish; made with roasted butternut squash, marinated chickpeas and corn, it's served with toasted pumpkin seeds, puffed wild rice and a maple mustard vinaigrette. Butternut squash also adds a hint of sweetness to the restaurant's soppressata pizza, which is topped with caramelized onions, mozzarella, chili flakes, rosemary honey and arugula.



Black says the best way to use squash to its fullest flavour this season is by roasting it with its skin on. Another way is to "shave [the squash] paper thin and drop it into a pickling liquid surrounded with fall spice flavours such as nutmeg, cinnamon, allspice and clove." At home, Black likes to make butternut squash soup for his children, which sometimes sneaks in other autumn faves like apple and pear.

ARTICHOKES

There's just something about artichokes. Pickled, fried, poached, this nutty-tasting vegetable is delicious no matter how it's prepared. Yet, big artichokes are intimidating, and a dreaded prep job, says Matthew Simpson, executive chef of The Springwood in Whitby. You have to pull the leaves off through a process called turning, then get them to water before they oxidize. So, Smith suggests cooking small artichokes, especially if you're a first-timer with this ingredient.

It's worth the learning curve, though. Artichokes are one of those great foods for seasonal transition. "All of those things that are kind of quintessentially fall aren't quite there as the summer's dwindling down – so it's kind of exciting to get something that is at its prime in this kind of grey area window between summer and fall," says Simpson.

The Springwood, which opened in May 2023, is intensely focused on using seasonal produce, sourcing nearly everything from the local farms and producers in the province, getting spirits and chocolate, and a few other ingredients, from around the country. Artichokes hit their stride from August through October, with September as a good sweet spot to grill a few with salt, pepper, and oil before packing up the barbecue for winter.

But, Simpson says, you really can't go wrong with a fried artichoke, either.

SEEING RED

This fall, cranberry is all over cocktail menus. Here are three seasonal sips that make good use of this tart ingredient

Wellington Brewery in Guelph
The brewery's Good Odds cranberry and orange sour is flavoured with cranberries, keeping it seasonal, while a splash of citrus makes for what the brewery calls a bright, playful drink.

Muskoka Brewery in Bracebridge
Muskoka Brewery's Winter Stout is a perfect cool-weather brew. Featuring cranberry and chocolate flavours with subtle notes of roasted coffee, this seasonal stout is rich and full-bodied.

The Black Horse Pub in Peterborough
Mojitos are typically summertime drinks, but the Black Horse Pub brings this tipple into the fall by adding cranberry and soda.



Say cheese!

Here are some can't-miss Ontario destinations for those who believe it's always a *gouda* time to eat cheese

You don't have to fly all the way to France or Italy to get your fill of amazing artisanal cheeses. From a full-on, day-long cheese trail in Oxford County to a historic cheddar factory and even a plant-based cheesemaker, here are the six best destinations in Ontario to visit if you're a fan of cheese (though, let's face it, who isn't?)

St-Albert Cheese Co-operative, St. Albert, on the Route Champlain
This fromagerie in the town of St-Albert is one of the oldest co-operatives in Canada. Founded in 1894, the village of St-Albert had been home to Franco-Ontarian cheesemakers since the early 19th century. At the time, the village was already home to a high-quality namesake cheddar: The St-Albert. As the years wore on, other local cheese factories shuttered, but St-Albert Cheese remained in business, churning out high-quality cheddar. Now, nearly 130 years since opening, St-Albert is a must-visit for gastronomic history buffs and fans of squeaky cheese curds and cheddar alike – and a must-visit stop on the Route Champlain, which is based on Samuel de Champlain's 1615 to 1616 expedition and highlights Francophone culture through food, historical attractions and outdoorsy activities.

Oxford County Cheese Trail
Located a 90-minute drive west of Toronto, the Oxford County Cheese Trail is a self-guided tour with more than 30 stops, all featuring cheese and dairy. With picturesque towns like Ingersoll, Woodstock and Tillsonburg in the county, this cheese adventure will have you driving (or cycling) through gorgeous pastoral landscapes to visit local dairy farms and cheese shops where you can stock up on deliciously fresh products for your next wine and cheese night. Stop by sustainable beef and dairy farm/shop Greener Pastures in Woodstock, gouda specialists Mountainoak Cheese in New Hamburg, Swiss-inspired cheesemakers at Gunn's Hill just outside of Woodstock, Red Dragon Dairy, which makes sheep milk cheeses in a shop with Welsh influences, and Bright Cheese and Butter, one of the country's first cheddar factories.

Of course, it's not all cheese; get in some R&R at Elm Hurst Inn & Spa, and pick up a souvenir or two at Patina's Gifts of Art and Craft, which prides itself on sourcing unusual and eye-catching handicrafts from Canadian and international artisans. Artsy types will love Ottercreek Woodworks' award-winning Tree to Table experience, where guests can work with woodworker David Schonberger to create their own live-edge charcuterie board. And get the inside scoop (pun very much intended) on farm life thanks to Udderly Ridiculous' Taste of Farm Life experience. The business, which is known for its delicious (and Feast On-certified) ice cream made from goat milk sourced from the company's goat and alpaca farm and local ingredients from nearby producers, also offers an entertaining – and honest – introduction to life on a farm, with plenty of chances to interact with the animals, and enjoy a snack or two. And don't leave without having a meal at the Feast On-certified SixThirtyNine, a modern fine-dining restaurant where the local-focused menu includes delicious eats, including apple-smoked duck breast, dry-aged beef tartare and an indulgent milk chocolate tart.

Stonetown Artisan Cheese, St. Marys, Perth County
Specializing in handcrafted alpine-style cheese, Stonetown Artisan Cheese is a must-visit for Swiss cheese lovers. The cheese farm and plant use unpasteurized milk with no additives (from their own herd of cows!) to create a final product that's similar to the cheeses that have been made for centuries in the Swiss Alps. Stop by for award-winning cheeses like their Grand Trunk, which is a firm Farmstead Gruyere, and Amazing Grey, an aged and sweet goat's milk parmesan.

Thornloe Cheese, Thornloe
Located in the northern part of the province, Thornloe Cheese is a farmer-run cheese plant specializing in heritage-style cheddars and pure cow and goat milk products, and a must-visit stop on the Great Taste of Ontario Temiskaming Shores passport. Founded in 1940, Thornloe sells a wide variety of cheeses, curds and ice cream, making it a perfect stop for generalists looking for high-quality cheeses to add to their board. Some standout cheeses to try include their Devil's Rock Creamy Blue, a milder blue cheese ideal for salads, sauce and pastas that was named after Devil's Rock Trail Head, grass-fed mozzarella and balsamic with caramelized onion-flavoured block.

Green Goddess Fromagerie, Guelph
Green Goddess is an artisan vegan fromagerie in Guelph that makes all its cheeses with cashew. Using traditional cheese-making techniques (like rack aging and natural culturing), Green Goddess creates soy-free, dairy-free and plant-based cheeses that are perfect for vegans or lactose intolerant folks – or even traditionalists who are looking to try a thoroughly untraditional cheese. Try the plant-based cheddars, which are just as creamy as dairy cheddar, and their vegan halloumi, which can be pan-fried or seared and used as the finishing touch to any sandwich or salad.





Top and above left: Visitors can enjoy ample Alpine-style cheese at Stonetown Artisan Cheese. Above right: Stock up on all the local cheese your heart desires at Woodstock's Greener Pastures, a stop on the Oxford County Cheese Trail.

Empire Cheese Co-operative, Campbellford, Northumberland County
Empire Cheese is a manufacturing plant owned by local dairy farmers. The co-op, which began operations in the 1870s, uses traditional cheese-making methods, including open-style vats that give the cheese and curd a better flavour. The plant also uses no additives and preservatives. Now around 150 years old, Empire Cheese is a must-visit for cheese lovers who are into flavoured cheeses, cheddar, mozzarella and Havarti, all of which is made on-site. Empire also produces fresh flavoured cheese curds that are the perfect poutine toppers.

Wine time!

Wine and cheese are the most natural of pairings; here's where to go for top-tier wine tastings in Ontario's wine regions

Prince Edward County
On the shores of Lake Ontario, Prince Edward County's warm lakeside climate is home to almost 40 wineries. Lighthall Vineyards is one of the only vineyards in Canada that also crafts its own cheese, which is made from local ewe's milk sourced from a single farmer. Whether you opt for farmhouse-style hard, alpine-style, bloomy rind, feta, blue or cream cheese, each type is crafted to pair with a Lighthall wine. Hinterland Wine Company in Hillier is well-known for its delicious sparkling wines that are made using ancestral methods. Meanwhile, Traynor Family Vineyard is a certified vegan and organic winery that specializes in handmade wines like pét-nat, orange wine, vermouth and piquette. And, if you're more of a cocktail drinker, Traynor also offers fun recipes for using its wines to create mixed drink concoctions.

Niagara Benchlands
This area, located in the Niagara region, is home to a number of terroir-driven vineyards producing unique and delicious wines. Malivoire Wine Company is certified under Ontario's Sustainable Winemaking Program. Its wines aren't just created with eco-friendly farming practices in mind – they also use traditional methods like skin contact to create complex bottles of vino. Or, head to the Feast On-certified Vineland Estate Winery. Not only does Vineland produce a number of award-winning wines, like its Cabernet Franc, it's also home to one of the best restaurants in the region. Diners eat inside the 1845 farmhouse, take in the views of the rolling vineyards and eat meals made by the internationally trained chefs.

North Shore of Lake Erie
Located at the southern tip of the country, the wineries in this part of Ontario are located at the same latitude as Tuscany, Napa Valley and France's Bordeaux, making this region's wine output impressive. Oxley Estate Winery makes award-winning, small-batch, fruit-forward wines that are as unique as the region itself. Spend the day at this picturesque winery for a day of tastings, a game of cornhole and beautiful views. And Colio Estate Wines is one of Canada's oldest wineries. Founded by Italian bricklayers who sought advice from wine experts, the beautiful brick winery still uses some of the original techniques taught to them.



THE GREAT TASTE OF Ontario

TRY THIS ON VISIT GUELPH'S PASSPORT!

SCAN HERE TO DOWNLOAD YOUR PASSPORTS!

CURATED PASSPORTS TO ONTARIO'S MOST DELICIOUS DESTINATIONS

including the epic flavours, Indigenous influences, and incredible craft beer scenes in Northern Ontario!



A THOUGHTFULLY CURATED GASTRONOMIC EXPERIENCE

FEAST ON® the farm

MADE POSSIBLE BY RBC

SEPTEMBER 17
AT BISON DU NORD
IN TEMISKAMING SHORES

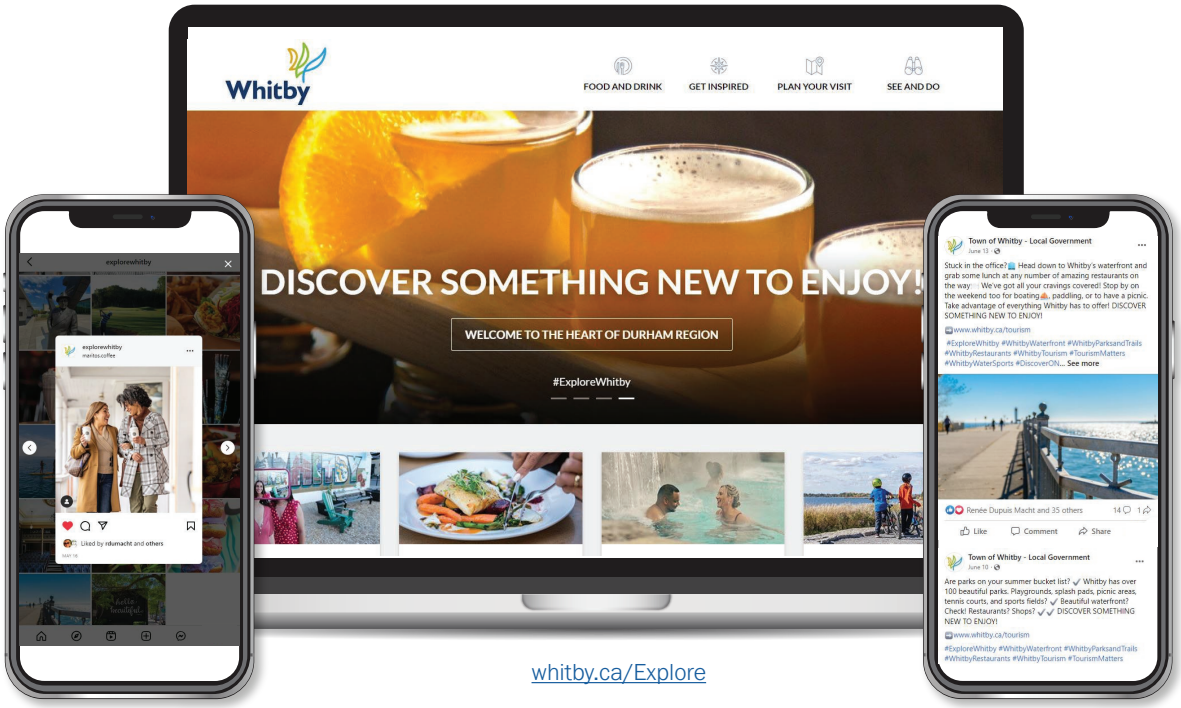
OCTOBER 1
AT THATCHER FARMS
IN WELLINGTON COUNTY

OCTOBER 15
EDDINGTON'S FARM
IN HURON COUNTY

GET TICKETS!

Discover Something New to Enjoy - Whitby Tourism Brand

DIGITAL

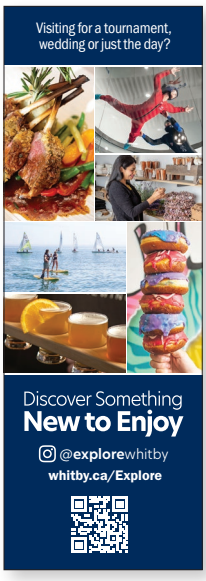


whitby.ca/Explore

@ExploreWhitby

@TownOfWhitby

PRINT



Bookmark



Rack Card



Newspaper Ad

PRINT DISPLAYS & SWAG



Window Clings



Tote Bag







Pop-up Banners

DIGITAL

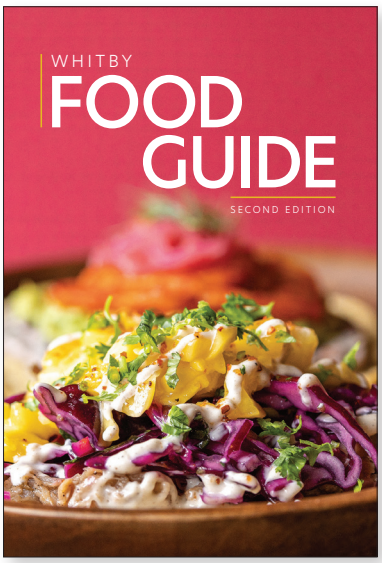


[@ExploreWhitby](#)

[whitby.ca/FoodGuide](#)

[@TownOfWhitby](#)

PRINT



Postcard



Bookmark



Window Cling

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Public Art Policy

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CAO 03-24**

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:
Sarah Klein, Director of Strategic Initiatives

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Andria Louca, Culture and Tourism Coordinator, 905.955.1723

Christy Chrus, Manager, Creative Communities, 289.314.4517

Lara Toman, Program Manager, Events, Culture and Tourism, 905.706.1706

1. Recommendation:

1. **That Council approves the Public Art Policy as presented in Report CAO 03-24 and as appended in Attachment 1;**
2. **That the Public Art Policy, once approved, replace MS 040 Public Art Loan and Donation Policy; and,**
3. **That Staff be directed to bring a report to Council for the establishment of a new discretionary program reserve fund, the Public Art Program Reserve Fund, in accordance with Report CAO 03-24.**

2. Highlights:

- The development of a Public Art Policy was identified in the Town's Official Plan under Section 6 - Community Development and subsequently as an action item in the Town's Culture Plan and the Community Strategic Plan.

- The purpose of the Public Art Policy is to outline the processes and responsibilities of the Town of Whitby to support new art commissions, art donations and loaned art. The Policy will help to grow the Town's Public Art Collection through projects that reflect Whitby's history and culture. The procurement of public art for the Town's Public Art Collection will contribute to the identity of place, social well-being, economic vitality, and civic pride in creative and symbolic ways to support the Town's cultural goals.

- The Public Art Policy Framework was initiated in September 2022 and included four phases for the development of the Public Art Policy:

    - Phase 1 - Environmental Scan;
    - Phase 2 - Comparator Analysis;
    - Phase 3 - Community Engagement; and,
    - Phase 4 - Development of the Public Art Policy.

- Community engagement was a key component to completing the Public Art Policy, including the creation of a Steering Committee which provided valuable feedback and input on the policy.

- The Public Art Policy (**Attachment 1**) includes sections on guiding principles, definitions, responsibilities, site selection, acquisition, installation, maintenance, storage, donations, de-accessioning, and general funding.

- To support new public art in the community, a Public Art Program Reserve Fund financed through the budget is recommended. Staff will develop a Policy to establish a Public Art Maintenance Reserve Fund.

3. Background:

In March 2021, Council adopted the Town's First Culture Plan, Culture Connects Whitby (2021- 2031), which outlines actions to promote and enhance Whitby's cultural assets, attract new cultural activities, demonstrate commitment to local art and spur economic development. The creation of a Public Art Policy was a specific action under Direction 3, Goal 4, Action B, stating:

- Implement Official Plan Policy 6.2.3.19.5, 'develop a Public Art Policy and guidelines, in consultation with the community, to guide the acquisition, funding, location and integration of public art in public and private spaces in the community. Art policies and guidelines shall involve artists and the community in the decision-making process.'

Furthermore, the newly adopted Community Strategic Plan includes the following actions:

- 1.2.3 Invest, promote, and strengthen the local arts, culture, heritage, and creative sector. The measure of progress defining this action includes the approval of a Public Art Policy.
- 2.2.3 Invest in public art. The measure of progress defining this action includes approval of the Public Art Policy and one public art installation annually.

Public art adds value to a community by reflecting on the uniqueness of a given place. At its core, public art is free and accessible, encouraging community members of different abilities, backgrounds, and identities to engage with art. Local pride, community identity and a sense of belonging are strengthened through shared experiences of public art. Public art transforms the built environment, inviting the community to connect with spaces in new and unexpected ways.

The existing MS 040 Public Art Loan and Donation Policy provides guidelines for the selection and display of donated or loaned artwork only. The policy did not address how the municipality could acquire its own public art through new art commissions to support its collection. An update to this policy was needed to support and reflect the direction, development, and growth of the Town of Whitby. The updated Public Art Policy will replace the old policy and has been prepared in alignment with identified action items in the Town's Culture Plan, the Town's Official Plan, and the Community Strategic Plan.

The purpose of the Public Art Policy is to outline the processes and responsibilities of the Town of Whitby to support new art commissions, art donations and loaned art. The Policy will help to grow the Town's Public Art Collection through projects that reflect Whitby's history and culture. The procurement of public art for the Town's Public Art Collection will contribute to the identity of place, social well-being, economic vitality, and civic pride in creative and symbolic ways to support the Town's cultural goals.

The Public Art Policy Framework was initiated in September 2022 and includes 4 development phases.

Phase 1 - Environmental Scan

From September 2022 to December 2022, the Town's Creative Communities team conducted an Environmental Scan and Background Research to understand the current state of Whitby's public art program and connections to relevant municipal strategies, and plans including the Official Plan, Culture Plan, and existing Public Art Loan and Donation Policy. The Environmental Scan Report outlines project background, a review of Whitby's existing public art inventory, alignment to key strategies, plans, and reports, and an overview of Town resources related to public art.

The Environmental Scan was shared with Council on February 10, 2023, through the Council Information Index.

Phase 2 - Comparator Analysis

From October 2022 to December 2022, 17 individuals who represented 14 municipalities in Canada (with emphasis on those located in Ontario) were interviewed to complete a Comparator Analysis. Communities included Ajax, Barrie, Burlington,

Durham Region, Halton Hills, Hamilton, Kingston, Mississauga, Oshawa, Ottawa, Peterborough, Pickering, Toronto, and Winnipeg.

Consideration was given to municipalities located in Durham Region to understand the regional context and insights related to public art. The Town will ensure that its Public Art Policy will align to the Regional Policy and that conversations and collaboration between the Town and Region regarding public art continue.

The interviews provided best practice insights and key findings related to how public art is defined in policies, project initiation, locations of public art, the formation of boards, working groups, and juries, public engagement in the development of Public Art Policies and projects, funding sources, and overall learnings.

The Comparator Analysis was shared with Council on February 10, 2023, through the Council Information Index.

Phase 3 - Community and Stakeholder Engagement

From March 2023 to September 2023, Community and Stakeholder Engagement was undertaken to support the development of the Public Art Policy.

A Steering Committee was established and invited to three meetings which provided feedback and helped inform the creation of the Policy. The three meetings included an introduction to the research, the development of the Strengths, Weakness, Opportunities, and Threats Assessment and another to provide feedback on the draft Public Art Policy.

A Connect Whitby survey was created to gather public feedback and to understand how community members define public art and what they would like to see in terms of themes, locations, and mediums. Survey findings helped inform areas of improvement for Whitby's public art program and existing elements that should remain unchanged.

Interviews with external stakeholders were conducted which included members of the art and art adjacent communities such as artists, academics, art-based business owners, art council coordinators, public art managers and arts focused community hub managers. In addition, interviews with the Mayor and Council took place to gather feedback, and ideas related to public art.

Lastly, Town staff were consulted from departments such as Planning and Development, Financial Services, Community Services (Facilities and Parks Planning), Legislative Services, Operations and Legal Services to gather detailed knowledge of processes, protocols, and implementation of day-to-day policies, plans, and strategies related to public art.

The Community and Stakeholder Engagement Summary was shared with Council on December 15, 2023, through the Council Information Index.

Phase 4 - Development of the Public Art Policy

The development of the Public Art Policy took place from September 2023 to December 2023 and considered the findings and recommendations from all previously completed

phases. The final policy was circulated for review to the Policy Review Committee and the Senior Leadership Team.

Included in this report is Attachment 1 - Public Art Policy.

4. Discussion:

Public art creates livable, thriving, diverse and inclusive communities. Public art that is incorporated into public spaces benefits the community. This includes cultural expression and identity, beautification, economic development, social engagement, education value and a sense of belonging. Public art boosts community engagement and Town pride, stimulates local economic growth by attracting tourists, new businesses, and investors. Public art also encourages artistic expression, engages local artists, and enhances the esthetic appeal of public spaces.

The Public Art Policy as presented in **Attachment 1** includes guiding principles, definitions, responsibilities, site selection, acquisition, installation, maintenance, storage, donations, de-accessioning, and general funding sections. Highlights of the Public Art Policy described below will help guide the municipality with a clear and consistent framework for decision-making and acquiring pieces of public art.

Guiding Principles

Guiding Principles provide the clarity of vision and the parameters within which the present and future direction of the Public Art Policy is informed. The Guiding Principles of the Public Art Policy were developed with input from the Steering Committee to ensure that the policy is reflective of and aligns with the Town of Whitby's culture. These principles are:

- Flexible and Imaginative
- Sustainable and Resilient
- Collaborative and Engaged
- Diverse and Inclusive
- Accessible and Equitable

Definition of Public Art

According to the Culture Plan, Culture Connects Whitby (2021-2031), public art is defined as "any media that has been produced by an artist for publicly accessible space and is intended to engage the public. It can take the form of permanent, temporary, or socially engaged art". Public art as defined in the proposed Public Art Policy is, but not limited to original sculptures, murals, monuments, mosaics, photography, paintings, graphic arts, landscaping/earthworks, tableaux, vignettes, kinetic works, or creative displays and exist on publicly accessible property (indoor or outdoor).

Public Spaces

Much discussion has taken place around the definition of public spaces and the selection and placement of public art. Public spaces are defined as municipally owned public spaces that are available and frequently used by the public including but not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges,

gateways, streetscapes, exterior and interior public areas associated with Town-owned buildings and civic squares.

Public Art Policy Over-Sight

The Public Art Policy will be overseen by Creative Communities staff in collaboration with the following groups:

- Town Working Group
- Public Art Community Group
- Public Art Jury Panel

Town Working Group

A Town Working Group will be established and made up of designated staff from various Town Departments such as Strategic Initiatives, Communications and Creative Services, Community Services, Planning and Development, and other departments as deemed appropriate. The Town Working Group will be chaired by Creative Communities staff.

The role of the Town Working Group is to advocate for public art, bring forward opportunities and ideas for projects across the municipality, site selection and budget. In addition, select members from the Town Working Group will form part of the Public Art Jury Panel to provide feedback and final recommendation for artists and art selection related to a Call for Artists.

Public Art Community Group

A Public Art Community Group will be established, selected, and chaired by Creative Communities staff to provide expert community input on public art policies, projects, and procedures. It is an informal group comprised of rotating members of the community with varying areas of expertise and disciplines which may include artists, curators, art educators and art historians, landscape architects, architects, urban planners, engineers, designers, members of the business community, members of local arts council or arts collectives. The Public Art Community Group will meet on a bi-annual basis with rotating members being invited from time to time to sit on a Public Art Jury Panel.

Public Art Jury Panel

A Public Art Jury Panel will be organized by the Creative Communities team on a project-by-project basis. The composition of the Public Art Jury Panel will include both members from the Town Working Group and the Public Art Community Group. The role of the rotating members on the Public Art Jury Panel will be to provide feedback and final recommendation for artists and art selection related to a Call for Artists. The composition, duration, and terms of reference of any Public Art Jury Panel will be dependent on the nature of the public art project identified.

Art Selection

The selection process will be outlined in a Public Art Procedure and will include developing Calls for Artists via Expression of Interest or a Request for Proposal, will

take into consideration site suitability, context, durability and resilience, maintenance requirements, financial implications, public safety, and liability, consistency with the Town's Urban Design Plan, and other Town policies and initiatives, as appropriate. The Creative Communities team will lead and develop the Call for Artists and coordinate the selection process for the Public Art Jury Panel. The Public Art Jury Panel will be responsible for reviewing artists proposals and making the final selection decision.

Education

Education and training program opportunities will be investigated to offer support to local artists. These programs may include courses, seminars, and workshops, as well as webinars, aligning with the Culture Plan. Education and training programs may be proposed by Town staff, artists, artist groups and the educators/facilitators of such programs.

Next Steps

- A Public Art Procedure will be drafted to help implement the Public Art Policy by providing more details and step by step information for defining and creating the processes to support the Public Art Policy. For example, the procedure will include items such as how to put out a "Call for Artists" or a process related to the maintenance of public art.

- A Public Art Community Group will be established by Creative Communities staff. The Public Art Steering Committee members that were part of Phase 3 Community and Stakeholder Engagement for this project, have expressed interest in being considered for the Public Art Community Group.

- Public spaces will be further reviewed and assessed based on feedback received from the public, the Steering Committee, stakeholders, and Council to create a list of locations where public art could be installed and displayed within the municipality.

- Subject to Council approval of this policy and approval of property tax-based funding, staff will bring forward a report for the establishment of a new discretionary program reserve for future acquisitions.

- In 2024 a review of the public art inventory will be undertaken to establish a baseline for the on-going maintenance which will be requested as part of the 2025 operating budget.

- Staff will also investigate alternate funding sources to support the Town's Public Art program.

5. Financial Considerations:

The Town does not have an on-going/annual source of funding for public art initiatives in the budget. In the past, public art was funded through sponsorship, private donations, grants or on an ad-hoc basis.

To implement the Public Art Policy, additional property tax-based funding will be required to acquire public art in the future and pay for public art maintenance. Staff recommend the establishment of a discretionary program reserve fund related to public art:

> **Public Art Program Reserve Fund**: a reserve that will be used to acquire Public Art and support the Public Art Policy. Subject to Council approval of future budgets, on-going property tax-based funding will be allocated to this program reserve to accumulate funds for future Public Art acquisitions and Public Art projects. This reserve may also be funded from financial donations, grants, or net proceeds from events or the sale of other Public Art items.

For Council's consideration as part of the 2024 budget process, a $50,000 annual contribution to the Public Art Program Reserve Fund (e.g. for future acquisitions of public art) will be a Budget Decision Item. If the budget is approved, the reserve will grow by $50,000 annually until public art is acquired – e.g. If no public art is acquired in 2024, $100,000 will be available for public art acquisition(s) in 2025. As noted above, these amounts may be supplemented by grants and private (monetary) donations.

For 2024, $3,000 has been included in the Culture Plan operating budget to undertake an assessment of the existing public art to develop a maintenance plan that can be used to support future maintenance work. This assessment report will be used to establish annual contributions into a Public Art Maintenance Reserve Fund for ongoing and future maintenance costs. A Public Art Maintenance operating budget will be requested in 2025 to support ongoing maintenance of the Public Art Inventory.

6. Communication and Public Engagement:

Community and stakeholder engagement was undertaken to support the development of the Public Art Policy. Four main audiences were engaged as part of this phase:

- Key stakeholders from Whitby's arts community;
- Town Staff;
- Mayor and Council; and
- Public.

The input as part of the Community Engagement phase has been instrumental to drafting the Public Art Policy and will also be used to support the creation of the Public Art Procedures. The Community and Stakeholder Engagement Summary was shared with Council on December 15, 2023, through the Council Information Index.

The implementation of the Public Art Policy involves ongoing discussions, collaborations and partnerships with many Town departments, organizations and stakeholders including the Station Gallery, Durham Region Tourism, Downtown Whitby BIA, Whitby

Chamber of Commerce, the public, community leaders, and the broader arts and culture community such as artists, creators, arts councils, and arts focused organizations.

7. Input from Departments/Sources:

The Public Art Policy has been developed collaboratively, with a commitment to creating meaningful connection and producing meaningful public art. Creative Communities will oversee the implementation of the Public Art Policy and the drafting of the Procedures and continue to engage in ongoing conversations with key stakeholders and Town departments including Planning, Finance, Purchasing, Community Services, Economic Development and Facilities, Region of Durham, Station Gallery and others in keeping with this commitment.

8. Strategic Priorities:

In Whitby's Community Strategic Plan (CSP) 2023 – 2026, the Public Art Policy is identified in **Strategic Pillar 1:** Whitby's Neighbourhoods, Objective 1.2, Increase Opportunities to acknowledge and celebrate the diversity of the community under Action 1.2.3, Invest, promote, and strengthen the local arts, culture, heritage, and creative sector with the measure of progress identified as, "Public Art Policy approved".

The Public Art Policy is also identified in **Strategic Pillar 2:** Whitby's Natural & Built Environment, Objective 2.2 Enhance community connectivity and beautification under Action 2.2.3, Invest in public art with the measures of progress identified as "Public Art Policy approved", "One public art installation annually".

The Public Art Policy includes several guiding principles to ensure that the policy is reflective of and aligns with the Town of Whitby's culture, two of which relate to accessibility and sustainability:

- Sustainable and Resilient
- Accessible and Equitable

9. Attachments:

Attachment 1 - Public Art Policy

Town of Whitby Policy

Policy Title:	Public Art Policy
Policy Number:	MS 040
Reference:	Resolution #
Date Approved:	Click here to enter a date.
Date Revised:	Replaced MS 040 Public Art Loan and Donation Policy
Approval:	Council
Point of Contact:	Manager, Creative Communities

Policy Statement

The Town of Whitby recognizes and promotes the value of art and culture through the integration of artwork in public places.

Purpose

The purpose of the Public Art Policy is to outline the processes and responsibilities of the Town of Whitby to support new art commissions, art donations and loaned art. The Policy will help to grow the Town's Public Art Collection through projects that reflect Whitby's history and culture. The procurement of Public Art for the Town's Public Art Collection will contribute to the identity of place, social well-being, economic vitality, and civic pride in creative and symbolic ways to support the Town's cultural goals.

Scope

This Policy applies to all current and future Public Art purchased, Commissioned, or Donated to the Town of Whitby for municipally owned Public Spaces. The Policy is intended to provide Town Staff and the community with a clear and consistent framework for decision-making and acquiring pieces of Public Art through a Public Art program.

Guiding Principles

Flexible and Imaginative

- Seek to enliven public spaces and infrastructure to add character, promote discovery and create spaces for connection.
- Be open to new forms of creative expression and embrace unique, challenging, or thought-provoking pieces.

- Foster an environment that promotes creativity and the importance of access to those experiences for everyone.
- Be risk-taking, creative, and innovative.
- Be flexible and find innovative solutions to support action when opportunities arise.
- Be unique to Whitby.

Sustainable and Resilient

- Prioritize sites based on potential impact, both high profile and under-serviced areas.
- Encourage investment in the program from a wide variety of sources.
- Cultivate the local arts sector, including a wide variety of art forms and practices.
- Preserve and enhance cultural identity.
- Follow best practices.
- Be resilient to climate change impacts.

Collaborative and Engaged

- Provide opportunities for emerging, mid-career and established professional artists.
- Seek opportunities to collaborate with artists, communities, municipal departments, other levels of government and the private sector.
- Engage residents in dialogue about their community.
- Be transparent.
- Partner or engage with residents, businesses, community groups and Indigenous communities early into projects, where possible, to understand local priorities and integrate diverse voices and perspectives.
- Respect artists as contributors and value the significant role of artists in our society. We will pursue opportunities to bring artists into the decision-making process.

Diverse and Inclusive

- Be inclusive.
- Showcase local artists as much as possible to reflect the diversity of the community, including marginalized people and groups.
- Encourage participation from First Nations, Inuit, Métis, Francophone, and new Canadian artists.
- Encourage participation from lesbian, gay, bisexual, transgender, queer, and/or questioning (LGBTQ+) and Black, Indigenous, and people of colour (BIPOC) artists.

Accessible and Equitable

- Ensure Cultural Equity.
- Ensure that art is accessible to all.
- Be responsive to community needs.
- Leverage strengths and knowledge to identify opportunities and advance public art and creative placemaking initiatives.
- Pay artists fairly.

Index

1. Definitions 5
2. Policy Objectives 7
3. General 9

1. Definitions

1.1. **Art /Artwork** means artwork that includes but is not limited to original sculptures, murals, monuments, mosaics, photography, paintings, graphic arts, landscaping/earthworks, tableaux, vignettes, kinetic works, or creative displays and exist on publicly accessible property (indoor or outdoor).

1.2. **Artist** means an individual who is the designer or creator of Art/Artwork and includes but is not limited to emerging, mid-career and established professional artists, graphic designers, collaborative teams, architects and landscape professionals.

1.3. **Call for Artists** means an issued notice of opportunity to Artists that contains the selection criteria and information about an upcoming project and describes the selection and award process.

1.4. **Commissioned** means an artwork created by artist(s), or in collaboration with artist(s), through a public process and existing in a publicly accessible Town-owned or managed location.

1.5. **Council** means the municipal council, or the governing body of the Town of Whitby made up of the Mayor and Councillors.

1.6. **Cultural Equity** means embodying the values, policies, and practices that ensure that all people—including but not limited to those who have been historically underrepresented based on race/ethnicity, age, ability, sexual orientation, gender, socioeconomic status, geography, citizenship status, or religion - are represented in the development of arts policy; the support of artists; the nurturing of accessible, thriving venues for expression; and the fair distribution of programmatic, financial, and informational resources.

1.7. **De-accessioning** means the process of permanently removing an artwork from the Town's Public Art Inventory.

1.8. **Donation or Donated Art** means the voluntary transfer of ownership of Art or Artwork to the Town, via written agreement, without consideration and where the Town is provided the right, in the Town's sole discretion, to determine whether, where, and how to maintain, display, and store the art, as well as the right to transfer, sell, recycle, or discard the art when it is no longer required, or it has reached end of use.

1.9. **Expression of Interest** means a written short document which shows the intention of an artist(s) to apply for a particular announced project. It includes a brief description of the artist and their work. It is the first stage in the commissioning process.

1.10. **Integrated Art** means art in the form of a physical part of a building, structure, or landscape. If the site were to be redeveloped, the art would be as well.

1.11. **Lifecycle** means from the initial concept to selection, fabrication, maintenance, and de-accessioning of an artwork.

1.12. **Loaned Art** means artwork loaned for a defined period and ownership of the art will remain with the artist/lender of the art.

1.13. **Permanent Art** means Public Art including sculptures, monuments, and Integrated Art and are Commissioned by the Town through a formal selection process.

1.14. **Private Spaces** means any property, building or structure in the municipality not owned or managed by the Town.

1.15. **Public Art** means Artwork that includes but is not limited to original sculptures, murals, monuments, mosaics, photography, paintings, graphic arts, landscaping/earthworks, tableaux, vignettes, kinetic works, or creative displays and exist on publicly accessible property (indoor or outdoor).

1.16. **Public Art Collection** means the body of work or collection on display including original art created for, acquired by, or loaned to the Town.

1.17. **Public Art Community Group** will be chaired by the Strategic Initiatives (Creative Communities) Department and will be comprised of rotating members of the community with varying areas of expertise and disciplines which may include Artists, curators, art educators and art historians, landscape architects, architects, urban planners, engineers, designers, members of the business community, members of local art councils or art collectives.

1.18. **Public Art Inventory** means the processing, documenting, and cataloguing of information that is used to identify and track the Public Art Collection, both archived and on display.

1.19. **Public Art Jury Panel** is a group of rotating members that will be comprised of representatives from the Town Working Group and the Public Art Community Group. The composition, duration, and terms of reference of any Public Art Jury Panel will be dependent on the nature of the public art project identified.

1.20. **Public Art Procedure** means a description of the operational processes necessary to implement the Public Art Policy which includes step by step instructions and best practices.

1.21. **Public Art Program Reserve Fund** means an established fund to support the Public Art Policy and sourced from a designated budget allocation,

donations or grants from private sources, community donations, developer fees and other levels of government.

1.22. **Public Spaces** means municipally owned public spaces that are available and frequently used by the public including but not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges, gateways, streetscapes, exterior and interior public areas associated with Town-owned buildings and civic squares.

1.23. **Request for Proposal** means an open process for any artist to create and submit plans for the production of a specific concept or desired public artwork requested by the Town.

1.24. **Strategic Initiatives (Creative Communities)** is the Town staff team responsible for leading special corporate and community projects, serving as an intergovernmental relations advisor and delivering programs and services related to Sustainability, Economic Development, and Creative Communities (i.e., Downtowns, Culture, Events and Tourism).

1.25. **Temporary Art** means an Artwork intended to be installed for a limited amount of time.

1.26. **Town** means The Corporation of the Town of Whitby.

1.27. **Town Staff** means employees of the Town of Whitby.

1.28. **Town Working Group** means designated staff from various Town Departments such as Strategic Initiatives, Communications and Creative Services, Community Services, Planning and Development, and other departments as deemed appropriate.

2. Policy Objectives

2.1. Establish roles and responsibilities for the administration of the Public Art Policy.

2.2. Provide a process for accessing and accumulating the funding necessary to finance future Public Art projects, by way of donation, purchase, or commission.

2.3. Establish a standardized and transparent process that outlines the Lifecycle of Public Art for the Town of Whitby from acquisition, consultation, selection, maintenance, de-accessioning, tracking and display of Permanent Art, Donated Art, and Temporary Art.

2.4. Establish guidelines for accepting art donations.

3. Responsibilities

3.1. **Council to:**

- Act as an advocate for Public Art in the Town.
- Approve the Public Art Policy and updates, as needed.
- Approve any annual budget allocation as needed.

3.2. **Strategic Initiatives (Creative Communities) to:**

- Oversee and manage the Public Art Policy and updates, as needed.
- Develop and implement the Public Art Procedure related to the Public Art Policy.
- Report to Council on the Public Art Policy, Public Art Inventory, use of all funds to the Public Art Reserve Fund and related initiatives.
- Initiate, implement and over-see the Public Art projects.
- Establish and maintain the Public Art Inventory recording, cataloguing, and tracking, including Donated Art and Loaned Art.
- Develop Public Art maintenance program (e.g., method, timing/frequency, and cost of maintaining Public Art Inventory) and targets for the Public Art Maintenance Reserve.
- Determine appropriate storage of Public Art Inventory, as required.
- Lead and select members of the Town Working Group, Public Art Community Group, and the Public Art Jury Panel.
- Coordinate any Call for Artists or Expression of Interest including liaising with Artists, installation, and agreements.

3.3. **Town Working Group to:**

- Advocate for Public Art and help to bring forward opportunities and ideas for Public Art projects across the municipality.

- Provide recommendations on matters related to site selection, budget, Artist, insurance and selection process to the Strategic Initiatives (Creative Communities) team.

- Form part of the Public Art Jury Panel to provide feedback and final recommendation for artists and art selection as invited or required related to Call for Artists.

3.4. **Public Art Community Group to:**

- Provide assistance/expertise to staff as required.

- Advocate for Public Art.

- Meet on a bi-annual basis to provide expert community input on the Public Art Policy, projects and procedures.

- Make recommendations to the Strategic Initiatives (Creative Communities) team regarding Artists who may be considered for Commissioned Art.

- Form part of the Public Art Jury Panel to provide feedback and final recommendation for artists and art selection as invited or required related to Call for Artists.

3.5. **Public Art Jury Panel to:**

- Evaluate art against criteria which will be outlined within the Public Art Procedure.

- Provide feedback and final recommendation for artists and art selection related to a Call for Artists.

- Ensure there is no conflict of interest through the review and evaluation process.

4. General

4.1. Exclusions

The Town of Whitby Public Art Policy does not pertain to the following:

- Directional elements such as signage, except where these elements are integral parts of the original work of Art or Public Art project and literary artworks and books.

- Work on Private Spaces.

- Graffiti Management.
- Special Event (Public or Private).
- Engineering or architectural features that are extensions of design in architecture, landscape, or development.
- Heritage plaques.
- Interpretive plaques.

4.2. **Call for Artists**

- In all cases, purchasing or commissioning will involve a fair and transparent process, at which time it will be determined if/whether an Expression of Interest or a Request for Proposal will be issued, depending on the nature of the Artwork and project.
- The criteria for selection will be available to all participants prior to the commencement of the acquisition and will be outlined within the Public Art Procedure.
- The procurement or purchasing process for Public Art projects will be conducted in accordance with the Town's Procurement Policy.
- Call for Artist opportunities may also be periodically created and offered exclusively for Whitby's local Artists to amplify local voices and perspectives.

4.3 **Art Selection**

- The selection process will be outlined in the Public Art Procedure and will include assessing the artistic merit of a project, aesthetic response in relation to site and perceived ability of the Artwork to engage the public.
- The selection process as outlined in the Public Art Procedure will also include developing Calls for Artists via Expression of Interest or a Request for Proposal, will take into consideration site suitability, context, durability, and resilience, maintenance requirements, financial implications, public safety, and liability, consistency with the Town's

Urban Design Plan, and other Town policies and initiatives, as appropriate.

- The Strategic Initiatives (Creative Communities) team will lead and develop the Call for Artist and coordinate the selection process for the Public Art Jury Panel.

- The Public Art Jury Panel will be responsible for reviewing artists proposals and making the final selection decision.

4.4 **Site Selection**

- The site selection of appropriate locations for the installation of Public Art on Public Spaces will be coordinated through Strategic Initiatives (Creative Communities) team with recommendations from the Town Working Group.

- The Town Working Group will identify opportunities for Public Art in architecture, building and/or landscape designs of public infrastructure.

- Public Art sites will be publicly accessible, and consideration given to locate projects in both high traffic/high-profile sites as well as lower traffic/lower profile sites including municipal buildings and sites, parks and open spaces, walking paths, alleyways, streetscapes, right of ways, new or major upgrades to bridges, fences, walls and barriers and gateways/municipal entrances.

- The final decision will be made by the Town Working Group.

4.5 **Acquisition**

The Town of Whitby may acquire ownership of original Artwork(s) for the Town of Whitby's Public Art Inventory through:

- Purchasing of Artwork directly.

- Purchasing of Artwork through a competition or Call for Artists or Request for Proposal.

- Commissioning of Artwork through an Expression of Interest or a Request for Proposal.

- Accepting donations as defined in this policy and subject to the Town's Art selection procedures.

- Incorporating Integrated Art through the planning and development review process.

- Acquisition of Loaned Art for a defined period of display (i.e., Town Hall Front Lobby).

4.6 **Installation**

- All Art installations will be coordinated and agreed upon as set out in the contractual agreement with the Artist, donor or lender, and the Town. The Town of Whitby will make all final decisions.

- The Town of Whitby is responsible for the coordination and installation of all donated and loaned works of art, however, in some circumstances, the Artist, donor or lender (ex. The Station Gallery) may be asked to participate in the installation, or a professional installer may be contracted. This would be identified, in advance, through the agreement of purchase, donation or exhibition contract.

- The condition of all acquired Artwork will be reported upon receipt, and any problems found will be addressed in consultation with the Artist, donor, or lender for resolution.

4.7 **Maintenance**

- It is the responsibility of the Town of Whitby to maintain all Permanent Art within the Public Art Inventory in accordance with the approved maintenance plan and/or conservation plan. Development of the maintenance plan and/or conservation plan, in consultation with the Town Working Group, is the responsibility of the Artist, donor or lender and must be submitted prior to the Town accessioning each piece, at the time it is being reviewed and considered.

- Maintenance and/or conservation plans will include, but not be limited to maintenance and/or conservation specifications; shop drawings; and key elements, including Artist, donor or lender contact information and maintenance budget.

- The Strategic Initiatives (Creative Communities) team will monitor the existing Public Art Inventory for maintenance requirements. The appropriate Town Department will undertake an inspection of the artwork according to a predetermined schedule. The Town may choose to retain a qualified professional to undertake the inspection, where deemed necessary.

- The Strategic Initiatives (Creative Communities) team in consultation with the Town Working Group will oversee the maintenance, conservation, and restoration of Artwork in Public Spaces.

- Public Art maintenance guidelines will be developed by the Strategic Initiatives (Creative Communities) team as part of the Public Art Procedure.

4.8 **Storage**

- The Town will ensure appropriate short-term or long-term storage, as needed for all Artworks within the Public Art Inventory by working with stakeholders such as Town facility managers and with the Station Gallery.

4.9 **Insurance**

- All Permanent Art or Temporary Art owned by the Town through purchase, commission and/or donation are the property of the Town and are insured under the Town's Insurance Policy.

- For Loaned Art, the Town of Whitby will be responsible for insurance coverage of the Artwork while it is in the care of the Town.

4.10 **Relocating and De-accessioning**

- When appropriate or necessary, the Strategic Initiatives (Creative Communities) team along with the Town Working Group will consider candidates for relocating or De-Accessioning of Permanent Art and Temporary Art and will report findings and staff recommendations to the Public Art Community Group and Council for their information. The Art may be moved, sold, returned to the Artist, or destroyed with any net proceeds from the sale of Public Art to be transferred to the Public Art Program Reserve Fund.

- Art may be De-Accessioned under any of the following circumstances or as otherwise determined by the Town:
    - the Art is deteriorating, and restoration is not feasible;
    - the Art is no longer relevant to the Town's Public Art Inventory;
    - the Art endangers public safety;
    - the art is too costly to insure or maintain;
    - the site is no longer accessible to the public and an alternative location cannot be found;

- the art is discovered to have been stolen or was offered to the Town using fraudulent means.

5. Funding

- The funding necessary to support Public Art in the Town under this Policy shall be subject to Council approval and as part of the budget process.

- A Public Art Program Reserve Fund will be established and used to acquire Public Art and support the Public Art Policy. Subject to Council approval, on-going property-tax based funding will be allocated to this program reserve to accumulate funds for future Public Art acquisitions and Public Art projects. This reserve may also be funded from the net proceeds from fundraising events, net proceeds from the sale of Public Art items, financial donations, or grants.

- When the balance of the Public Art Program Reserve Fund is sufficient, Public Art projects will be initiated.

- A Public Art Maintenance Reserve will be established through the annual operating budget and/or a dedicated number of new projects, set aside for maintenance of the Public Art Inventory.

6. Donations

- Donations of Public Art considered for the Public Art Inventory will be subject to a selection process. All donations will have an accompanied maintenance plan provided by the donor that must meet the satisfaction of the Town as listed in the Public Art Procedure. All donations must be unencumbered. No Art will be accepted if the donor requires the Town to locate the Art in a specific location in perpetuity.

- The Town is not required to accept donations of Public Art that are offered.

- Donations of Public Art could include a donation of funds for the maintenance and conservation, or restoration of the work being donated.

- The donor and the Town shall be responsible for meeting Government of Canada criteria to receive a tax credit/issue a tax receipt for the Public Art. All donations of Public Art should be appraised by a certified appraiser at the time the donation is being considered to determine fair market value. The donor will be responsible for obtaining and paying

for the appraisal. An official receipt for income tax purposes will be issued by the Town as per regulations of the Canada Revenue Agency.

7. Policy Review

- It is the responsibility of the Strategic Initiatives (Creative Communities) team to regularly monitor the effectiveness of this Policy.

This Policy is hereby approved by Council Resolution #Resolution Number from Council Meeting Minutes. **on this** Day Number. **day of** Month**, 20**Last Two Digits of Year Number.**.**

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: 2023 Economic Development Strategy Update

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CAO 04-24**

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:
Sarah Klein, Director, Strategic Initiatives

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Paul Pirri, Senior Manager of Economic Development, x. 4312

1. Recommendation:

1. **That Report CAO 04-24 be received for information; and**
2. **That the updates described herein be consolidated into an updated Economic Development Strategy.**

2. Highlights:

- As part of the 2022-2026 Economic Development Strategy, staff had included an action item to review the strategy every 18 months.
- This report provides that update and incorporates the economic development action items identified in the Town's Community Strategic Plan.
- The report highlights a list of recommended updates to the strategy that would discontinue, shift or add action items based on feedback mechanisms.
- The proposed updates include the addition of an action item to develop a Business Webinar Series to support community learning as identified as a key theme across multiple Business Retention and Expansion Surveys.

3. Background:

In November 2021, the Town of Whitby adopted a new 5-year Economic Development Strategy, "Shaping the Future: 2022 to 2026 Economic Development Strategy". As part of this strategy, action item 15 under Pillar 1: Strengthening Economic Development Capacity recommended the establish of an 18-month Economic Development Strategy review. This review is undertaken to ensure that the strategy continues to meet the needs of the community and Council. This report constitutes the Economic Development Strategy Review.

4. Discussion:

Strategy Review

Developed over the course of 2021, the Town of Whitby's Economic Development Strategy identified the following Mission, Vision, Sectors of Interest, and Strategic Pillars for the work undertaken by the economic development team.

Mission
"To Inspire a strong local economy and economic growth which is vibrant, sustainable, diverse and inclusive."

It is not contemplated that the Mission be changed at this time. It continues to be reflective of the work undertaken by the economic development team.

Vision
"The Town of Whitby will create a strong local economy through collaboration to facilitate innovation, productivity, inclusion and balanced economic growth."

It is not contemplated that the Vision be changed at this time. It continues to identify an aspirational community that the economic development team will work towards.

Sectors of Interest

- Information and Communications Technology (ICT);
- Professional and Technical Services;
- Advanced Manufacturing; and
- Downtowns and Lifestyle.

A minor administrative change is being recommended to rename Professional and Technical Services to Professional, Scientific and Technical Services to better align with the established nomenclature used by Statistics Canada.

Strategic Pillars

- PILLAR 1: Strengthen Economic Development Capacity
- PILLAR 2: Become Storytellers
- PILLAR 3: Embrace and Inspire Community Economic Development
- PILLAR 4: Foster Municipal Innovation

No changes are being contemplated with regards to the Strategic Pillars identified in the strategy.

Action Items

The 18-month review primarily focuses on the Action Items contained within the Economic Development Strategy. This work was driven by three key feedback mechanisms: the Town of Whitby's 2023 Community Strategic Plan, Council interviews and Business Retention and Expansion surveys administered by Economic Development staff. In addition, staff are recommending some administrative changes to the strategy described below. The final consolidated changes are included in Attachment 1: Economic Development Action Plan Update.

Town of Whitby's 2023 Community Strategic Plan (CSP)

The development of a Community Strategic Plan was identified as a top priority for Whitby Council. The CSP provides a roadmap for how Town Council and staff work together to deliver on community priorities over the next four years. It was developed with feedback provided by over 3,000 individuals both online and in person. Identified in the Community Strategic Plan are 11 actions which fall primarily within *"Pillar 3: Whitby's Economy – Innovative & Competitive".* Below is an overview of the action items, and where they will be incorporated within the updated Economic Development Strategy.

CSP Action Item	**Recommended updates in Economic Development Strategy**	**Economic Development Strategy Language**
3.1.2 Expand Whitby's commercial and industrial tax base	Will be added to a new list of ongoing initiatives under Pillar 1: Strengthen Economic Development Capacity	Expand Whitby's commercial and industrial tax base
3.1.4 Support green economy, agriculture and agri-business	Will be included under Pillar 3: Embrace and Inspire Community Economic Development	Launch programming to support green economy, agriculture and agri-business
3.2.1 Attract investment for hotel and convention centre	Will be included under Pillar 1: Strengthen Economic Development Capacity	Attract a hotel and convention centre to Whitby by 2026.
3.2.2 Develop tools to support collaborative workspaces and home-based businesses	Will be included under Pillar 3: Embrace and Inspire Community Economic Development	Develop tools to support collaborative workspaces and home-based businesses

3.2.3 Expand the business retention and expansion program	Will be added to a new list of ongoing initiatives under Pillar 1: Strengthen Economic Development Capacity	Expand the business retention and expansion program to include at least 50 meetings a year
3.2.4 Implement and streamline municipal tools and processes to attract high-value, employment-generating businesses	Will be included under Pillar 1: Strengthen Economic Development Capacity	Implement and streamline municipal tools and processes to attract high-value, employment-generating businesses
3.3.1 Develop and implement Intelligent City Strategy and Action Plan that leverages collaboration and technology to support innovative solutions	Will be included under Pillar 4: Foster Municipal Innovation replacing the existing Pillar 4 action item "Develop a Smart Cities Strategy"	Develop and implement Intelligent City Strategy and Action Plan that leverages collaboration and technology to support innovative solutions
3.3.2 Increase supports offered to tech-based businesses in partnership with Whitby's technology accelerator (1855 Whitby)	Will be included under Pillar 4: Foster Municipal Innovation	Increase supports offered to tech-based businesses in partnership with Whitby's technology accelerator (1855 Whitby)
3.3.3 Leverage grant funding to support broadband and Smart City initiatives	Will be included under Pillar 4: Foster Municipal Innovation	Leverage grant funding to support broadband and Smart City initiatives
1.1.6 Work with partners to increase access to family physicians	Will be included under Pillar 3: Embrace and Inspire Community Economic Development	Work with partners to increase access to family physicians

It should be noted that the Community Strategic Plan Action item 3.1.1 "Continue to implement the Economic Development Strategy that focuses on the following sectors: information and communications technology, professional and technical services, advanced manufacturing, and downtowns and lifestyle" will not be added to the economic development strategy as its implementation is inherent in the strategy.

Business Retention and Expansion Surveys

Since launching in June 2022, the economic development team has met with over 70 local businesses as part of the formalized Business Retention and Expansion Survey

program. These meetings reinforced many of the findings of the original Economic Development Strategy and provided an additional action item for the update.

Many businesses shared that they were looking for additional networking opportunities. This provided the staff with an opportunity to invite local businesses to attend upcoming sector-based meetups (Action Item 2.7) and discuss shared challenges. In addition, it provides additional justification to continue building a community around the Whitby Professionals and Entrepreneurs Newcomers club (Action Item 3.2).

Another challenge that was identified related to the difficulty of attracting and retaining both skilled and unskilled labour. Identified in the Strategy (Action Item 3.5) is the development of community job fairs within the municipality. This initiative was identified for completion in 2024, and funding for this action item has been identified in the 2024 budget.

Enhanced learning opportunities

Throughout the Business Retention and Expansion meetings, staff heard a recurring theme from our business community that there was a need for more knowledge. Topics included municipal procurement, business succession planning, and keys to starting a business in Whitby. Staff believe there is an opportunity to create a webinar series on these topics, which could be expanded over time. Staff are proposing the creation of a webinar series in 2024 as part of the updated Economic Development Strategy.

Action Item	**Recommended updates in Economic Development Strategy**	**Economic Development Strategy Language**
Develop Business Webinar Series	Will be included under Pillar 2: Become Story Tellers	Develop Business Webinar Series

Action Items to be removed from the Economic Development Strategy

Based on shifting priorities, budget constraints, feedback received from Council and in order to offset the new action items being implemented in the updated strategy, staff are recommending the removal of the following action items:

- Investigate and establish an in-kind sponsorship program
- Establish a Whitby Bus Rapid Transit business support strategy
- Define, brand and market industrial/employment areas with signage, gateways and profiles
- Develop social media and public relations strategy
- Establish an Economic Development Fund
- BIPOC fellowship program pilot
- Develop a Resident Attraction Strategy

- Investigate the feasibility of a BIPOC Business Incubator or Accelerator
- Develop bicycle/scooter share program
- Crowdsource business opportunities for pop-up shops

Administrative Changes

Action items that have been implemented will be removed from the existing list of actions items and will be moved to a new list for completed action items. This is included as Attachment 2: Completed Initiatives List. Where an action item has been implemented, but requires ongoing work, it will be removed from the existing lists of action items and will instead be moved to a new list specific to ongoing initiatives. These action items will be renamed to demonstrate an ongoing approach. This is included as Attachment 3: Ongoing Initiatives List and Action Items will be updated as a result of these changes.

Timelines will be amended where a project is delayed, or where funding is not anticipated to be available in the anticipated budget year. Updates will be made to the Mayoral introduction and lists of members of Council and Municipal staff.

Within six weeks of the adoption of this report, staff will make the changes to the Strategy. Once updated, it will be circulated to Council via the Council Information Index, and uploaded to the Town's website.

5. Financial Considerations:

To continue to implement the Economic Development strategy in 2024, a number of Decision Items have been included for Council consideration as part of the 2024 budget process, including:

- $10,000 to support the ongoing implementation of the Town's Economic Indicators page (found at https://www.whitby.ca/en/work/why-whitby.aspx)
- $5,000 to support the launch of a Local Business Week in Whitby,
- $5,000 to support the launch of a Community Job Fair in Whitby, and
- $122,563 which reflects the conversion of the Temporary Economic Development Officer to a permanent position.

Moving forward with any of the above initiatives is subject to Council approval of the funding in the 2024 budget.

6. Communication and Public Engagement:

The 5-year Economic Development Strategy was developed with engagement from the Town of Whitby's business community. Staff utilized a third party to lead workshops, 1-on-1 interviews as well as on-line surveys with external partners. The work was led by a Steering Committee comprised of local businesses and support organizations.

The strategy update was influenced by the Town's 2023 Community Strategic Plan which was developed with feedback provided by over 3,000 individuals as well as the

Business Retention and Expansion survey which consulted over 70 local businesses since its launch.

Economic Development continues to collaborate with external teams to support the implementation of the 5-year Economic Development Strategy. Further, the development of the e-newsletter was supported by content provided by the Whitby Chamber of Commerce, the Business Advisory Centre of Durham, as well as other local post-secondary institutions.

7. Input from Departments/Sources:

Economic Development continues to collaborate with internal teams to support the implementation of the 5-year Economic Development Strategy. This work includes partnerships with Planning and Development, Creative Communities, Recreation, Facilities, and the Whitby Public Library. In addition, Economic Development staff will continue to work with external organizations such as the Whitby Chamber of Commerce, Downtown Whitby BIA, 1855 Accelerator, the Region of Durham, and the Business Advisory Centre of Durham to implement the strategy.

8. Strategic Priorities:

This initiative is consistent with the Town's Community Strategic Plan, specifically Strategic Pillar 3: Whitby's Economy. Elements of Economic Development touch upon each of the three Objectives:

- 3.1 Accelerate progress, create jobs, and drive local economy
- 3.2 Attract and retain businesses and industry
- 3.3 Promote innovation and build competitive advantage.

Action 3.1.1 Continue to implement the Economic Development Strategy that focuses on the following sectors: information and communications technology, professional and technical services, advanced manufacturing, and downtowns and lifestyle directly links to the implementation of the Town's 5-year Economic Development Strategy.
All work undertaken by the Economic Development Division endeavours to be completed meeting accessibility and sustainability standards.

9. Attachments:

Attachment 1: Economic Development Action Plan Update
Attachment 2: Completed Initiatives List
Attachment 3: Ongoing Initiatives List

Goal 1: Strengthen Economic Development Capacity – Investing in people, processes and relationships.					
Item Number	Action	Description	Investment Type & Cost	Output/Outcome	Deadline
1.1	Develop an Advertising and Sponsorship Strategy	Hiring of a consultant to support the development of an Advertising and Sponsorship Strategy to determine appropriate value of assets and the development of a robust asset inventory.	Capital ($$$)	OUTPUT: Completion. Total value of available sponsorships, municipal revenue, % of assets sold OUTCOME: Strengthening economic development tools and processes to better serve our clients	2024 – Q2
1.2	Sponsorship Activation Fulfillment and Renewal Plan	Development of a plan that focuses on the best way to fully activate our sponsors. Develop tools and process to track the outcome of sponsorship fulfilment post investment. This information will be used to better understand our partners needs. Optimize and measure the sponsorship impacts, build, sustain and solidify their renewal(s). Utilize the sponsorship package(s) to guide and outline opportunities.	Operating ($)	OUTPUT: Completion of Plan, increase sponsorship activations and track partner satisfaction OUTCOME: Strengthening economic development tools and processes to better serve our clients	2024 – Q2
1.3	Develop a Business Crisis Response Protocol	Working with WFES to support small businesses that have been affected by fire, or other localized emergencies.	Operating ($$)	OUTPUT: Development of protocol. OUTCOME: Strengthening economic development tools and processes to better serve our clients	2024– Q4

($) – Anticipated to fit in operationally ($$) – $10,000 to $50,000 ($$$) – $50,001 to $100,000 ($$$$) – $100,001+

1.4	Establish 18-month Economic Development Strategy Review	Establishing an 18-month strategy review schedule. Will provide an update to Council at the same time. These reviews could adjust, add or remove action items to ensure the strategy will continue to meet the needs of the community and Council.	Operating ($)	OUTPUT: Number of projects completed, number of new projects, number of projects removed/altered OUTCOME: Strengthening economic development tools and processes to better serve our clients	2025 – Q2
1.5	Implement and streamline municipal tools and processes to attract high-value, employment-generating businesses	Undertake a review of municipal tools currently utilized to attract high-value employment-generating businesses and make recommendations on improvements.	Operating ($)	OUTPUT: Completion of review and implementation of recommendations OUTCOME: Strengthening economic development tools and processes to better serve our clients	2025 – Q2
1.6	Attract a hotel and convention centre to Whitby by 2026	Working with local land owners and developers to support the investment of a hotel and convention centre in Whiby.	Operating ($)	OUTPUT: New Hotel and Convention centre in Whitby OUTCOME: Building stronger and more meaningful relationships between the Town and the business community	2026 – Q4

Goal 2: Become Storytellers – Identify and celebrate businesses, people and programs that will lead Whitby into the future.					
Item Number	Action	Description	Investment Type & Cost	Output / Outcome	Deadline
2.1	Facilitate conversations with landlords to animate vacant storefronts	Work with the Downtown Whitby BIA to animate vacant store fronts with art installations.	Operating ($)	OUTPUT: Number of conversations, number of landlords interested in partnership, number of months available OUTCOME: Building stronger and more meaningful relationships between the Town and the business community	2024 – Q2
2.2	Create a Film Location Directory	Establish a directory with photos of public and private locations suitable for filming to support the film industry.	Operating ($)	OUTPUT: Number of locations; number of distributions; number of permits issued OUTCOME: Strengthening economic development tools and processes to better serve our clients	2024 – Q2
2.3	Develop Business Webinar Series	Create and distribute webinars that focus on topics identified as business community needs: Municipal Procurement Succession Planning Keys to starting a business in Whitby	Operating ($)	OUTPUT: Number of webinars created, attendance OUTCOME: Building stronger and more meaningful relationships between the Town and the business community	2024 – Q4

($) – Anticipated to fit in operationally ($$) – $10,000 to $50,000 ($$$) – $50,001 to $100,000 ($$$$) – $100,001+

2.4	Establish a Local Business Week	Establish a series of promotional events that celebrate the local business community.	Operating ($$)	OUTPUT: Number of visits during the week; social engagement. OUTCOME: Building stronger and more meaningful relationships between the Town and the business community	2024 – Q4

($) – Anticipated to fit in operationally ($$) – $10,000 to $50,000 ($$$) – $50,001 to $100,000 ($$$$) – $100,001+

Goal 3: Embrace and Inspire Community Economic Development – Focus on building communities as well as profits.					
Item Number	Action	Description	Investment Type & Cost	Output / Outcome	Deadline
3.1	Host Community Job Fairs	Host Job Fairs for members of various equity deserving communities including but not limited to new Canadians, the BIPOC community and individuals with a disability.	Operating ($$)	OUTPUT: Number of employers present, number of community groups engaged, number of attendees OUTCOME: Creating new opportunities for equity deserving groups	2024 – Q4
3.2	Launch programming to support green economy, agriculture and agri-business	Undertake a review of available programs and supports that are available to the identified sectors, and identify an action plan to support the sectors.	Operating ($)	OUTPUT: Completion and implementation of review OUTCOME: Creating new opportunities for local businesses	2024 – Q4
3.3	Develop tools to support collaborative workspaces and home-based businesses	Undertake a review of available programs and supports for home-based and collaborative workspace businesses, and identify an action plan to support these businesses.	Operating ($)	OUTPUT: Completion and implementation of review OUTCOME: Creating new opportunities for local businesses	2024 – Q4
3.4	Work with partners to increase access to family physicians	Successfully attract 10 family physicians to serve Whitby residents. Support the implementation of Durham Region's Family Physician Recruitment Strategy.	Operating ($$)	OUTPUT: Attract 10 family physicians and implement Regional Family Physician Recruitment Strategy OUTCOME: More residents have access to family physicians	2026 – Q4

($) – Anticipated to fit in operationally ($$) – $10,000 to $50,000 ($$$) – $50,001 to $100,000 ($$$$) – $100,001+

Goal 4: Foster Municipal Innovation – Championing innovation within the Town of Whitby.					
Item Number	Action	Description	Investment Type & Cost	Output / Outcome	Deadline
4.1	Designate Whitby as a centre for government technology	Investigate the feasibility of establishing a marketing identity around Whitby as a centre innovation in government as outlined in programs of 4.4, 4.5 and 4.6.	Operating ($$)	OUTPUT: Development of brand and marketing materials OUTCOME: Growing the Innovation Economy in Whitby	2024 - Q2
4.2	Increase supports offered to tech-based businesses in partnership with Whitby's technology accelerator (1855 Whitby)	Partner with 1855 to develop programming that support the local innovation based ecosystem.	Operating ($)	OUTPUT: Number of programs, number of attendees OUTCOME: Growing the Innovation Economy in Whitby	2024 - Q4
4.3	Establish formal referral process for local companies	Establish a talent flow from local post-secondary institutions to either the Spark Centre, or 1855 Whitby based on organizational stage/need.	Operating ($)	OUTPUT: Number of referrals annually OUTCOME: Growing the Innovation Economy in Whitby	2024 – Q4
4.4	Develop Entrepreneur in residence program	Work with local entrepreneurs to partner on proof of concept for technological innovations. The municipality wouldn't pay for these services, but could let the organization	Operating ($$)	OUTPUT: Number of projects completed OUTCOME: Growing the Innovation Economy in Whitby	2025 – Q2

($) – Anticipated to fit in operationally ($$) – $10,000 to $50,000 ($$$) – $50,001 to $100,000 ($$$$) – $100,001+

		test it out. It could be a feeder for the Innovation Challenge program.			
4.5	Develop a Municipal Innovation Challenge	Host an annual municipal challenge process to find new solutions to existing and long term municipal problems. The municipal challenge process is a recognized form of government procurement.	Operating ($$)	OUTPUT: Number of applicants; number of projects proposed, number of projects completed OUTCOME: Growing the Innovation Economy in Whitby	2025 – Q2
4.6	Public/Private Pilot Project Program	Develop a formal process for the Town of Whitby to engage in pilot projects with established private organizations to test new proofs of concept.	Operating ($)	OUTPUT: Completion of formal process. Number of projects completed. OUTCOME: Growing the Innovation Economy in Whitby	2025 – Q2
4.7	Develop and implement Intelligent City Strategy and Action Plan that leverages collaboration and technology to support innovative solutions	Develop an Intelligent City Strategy for the Town of Whitby.	Capital ($$$)	OUTPUT: Development of Strategy OUTCOME: Growing the Innovation Economy in Whitby	

4.8	Leverage grant funding to support broadband and Smart City initiatives	Apply to available grant programs to support the implementation of the Intelligent City Strategy.	Operating ($)	OUTPUT: Value of grants received, number of projects completed OUTCOME: Growing the Innovation Economy in Whitby	2025 – Q4
4.9	Develop a Climate Awareness Preparedness Education Campaign	Working with Sustainability to develop an educational campaign to help businesses to ensure they are prepared for severe weather events.	Operating ($$)	OUTPUT: Number of businesses reached; number of plans created. OUTCOME: Building stronger and more meaningful relationships between the Town and the business community	2026 – Q2

Economic Development Strategy Completed Initiatives Attachment 2 CAO-04-24

Strategy Pillar	Item	Status
Pillar 1: Strengthen Economic Development Capacity	Develop sector profiles	Complete
	Hire a second Economic Development Officer	Complete
	Implement economic development Customer Relationship Management (CRM) system	Complete
	Develop a business crisis preparedness education campaign	Complete
	Investigate Foreign Trade Zone point linkage with Hamilton-Oshawa Port Authority	Complete
	Local benchmarking of development timelines	Complete
Pillar 2: Become Storytellers	Develop investment packages	Complete
	Establish a live economic indicators page	Complete
Pillar 4: Foster Municipal Innovation	Establish unsolicited bids tracking mechanism across the municipality	Complete
	Partner in the development of sustainable agricultural hub	Complete

Strategy Pillar	Item	Timeline
Pillar 1: Strengthen Economic Development Capacity	Service inbound investment inquiries	Ongoing
	Expand Whitby's commercial and industrial tax base	Ongoing
	Advocate for more serviced industrial lands	Ongoing
	Track employment land plans and update digital tool	Ongoing
	Host export development programs on a bi-annual basis	Ongoing
	Continue to implement expanded investment inquiry tracking	Ongoing
	Expand the business retention and expansion program to include at least 50 meetings a year	Ongoing
	Implement Concierge program	Ongoing
	Continue to review Economic Development Strategy on 18-month intervals	Ongoing
Pillar 2: Become Storytellers	Continue publishing monthly Economic Development e-newsletters	Ongoing
	Continue publishing semi-annual economic indicators	Ongoing
	Continue publishing semi-annual jobs report	Ongoing
	Continue to update live economic indicators page	Ongoing
	Organize sector-based meetups across four sectors of interest	Ongoing
Pillar 3: Embrace and Inspire Community Economic Development	Continue meetings of Whitby professionals and entrepreneurs newcomers club	Ongoing
	Continue distribution of materials to offline community	Ongoing

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Community Strategic Plan – 2023 Annual Progress Report

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CAO 02-24**

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:
Sarah Klein, Director, Strategic Initiatives

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Sarah Klein, Director, Strategic Initiatives, x.4302

1. Recommendation:

1. **That Report CAO 02-24 be received for information.**

2. Highlights:

- The 2023-2026 Community Strategic Plan was approved by Council in June 2023. This is the first annual report on the progress to date on the 62 Actions identified under 4 Pillars and 13 Objectives.
- After 6 months, 1 Action (2%) is complete, 57 Actions (92%) are in progress and 4 Actions (6%) are not started.
- Since the approval of the Plan, financial investment for four projects, totalling $155,573,886 has been approved by Council to support physician recruitment, Rowe House repairs and the construction of the new Whitby Sports Complex.
- Many of the remaining Actions require additional investment of staff resources, capital, and/or operating budgets. These initiatives will be brought forward for Council approval through the annual budget process.

3. Background:

Council endorsed the Community Strategic Plan in June 2023 which provides a roadmap for how Town Council and staff will work together to deliver on community priorities over the next four years. The Community Strategic Plan includes a Community Vision, Corporate Mission, Corporate Values, four Strategic Pillars, 13 Objectives, and

62 Actions. As part of the development of the Plan, a commitment to transparency and timely reporting was identified as a priority of the community and feedback identified that annual reporting at the Action level was recommended. As such, this Report presents the first annual report of the 2023-2026 Community Strategic Plan highlighting the progress to date at the Action level.

4. Discussion:

There have been a number of significant accomplishments related to the Community Strategic Plan and these are highlighted in Attachment 1. This summary outlines the top accomplishment to date for each Objective. The Community Strategic Plan includes 62 Actions and after 6 months of progress, 57 Actions are in progress, 1 Action is complete and 4 Actions are not started. A full listing of all 62 Actions including their status, measures of progress and details on the progress achieved in 2023 is included in Attachment 2.

Since the approval of the Community Strategic Plan in June 2023 and despite project delays caused by the labour disruption, staff are very pleased with the current advancements in fulfilling the Plan's priorities. This dedication plays a crucial role in enhancing Whitby as an exceptional place to live, work and explore.

5. Financial Considerations:

There are 62 Actions identified to move forward and realize the Community Strategic Plan. When the Plan was approved, it was identified that 39 of the 62 Actions will require Council approval of additional funding in future budgets to implement. That is additional capital investments, staff resources, and/or other operating budgets.

Since the approval of the Plan in June, a number of one-time financial investments have been approved through Staff Reports to support the implementation of Community Strategic Plan Actions. These include the following:

Action	Project	Report & Date	Budget Approved
1.1.6	Regional 2023 Family Physician Recruitment Program	CAO 17-23 (June 2023)	$20,000
1.1.6	Family Physician Recruitment Incentive Partnership Pilot Program	CAO 20-23 (July 2023)	$300,000
2.3.2	Whitby Sports Complex	FS 24-23 (July 2023)	$154,853,886
2.3.3 & 2.3.6	Rowe House Repairs	CMS 09-23 (November 2023)	$400,000

Staff will continue to bring forward the incremental costs to support projects and initiatives to advance the priorities of the Community Strategic Plan for Council's consideration through Staff Reports and the Town's annual budget process. If the funding is not secured, implementation of certain components of the Plan may be deferred. Deferral of Actions, if any, will be communicated in future annual reporting for the Community Strategic Plan.

6. Communication and Public Engagement:

Community and staff engagement was a priority in developing the Community Strategic Plan with over 3,000 individuals providing input on its development. Since the approval of the Plan, accomplishments related to Community Strategic Plan Actions have been shared at ConnectWhitby.ca/CommunityPlan. Progress on the implementation of the Community Strategic Plan has also been highlighted through speaking engagements, earned media opportunities, digital storytelling opportunities through owned channels, including social, presentations, and Council reports.

Community engagement opportunities and regular status updates on the Plan continue to be shared through all the Town's channels.

Communications strategies to share the 2023 progress on the Community Strategic Plan are currently underway and will leverage paid, owned and earned opportunities.

7. Input from Departments/Sources:

Staff from across the organization have been identified as leads on each of the Strategic Plan Action items and are responsible for providing updates on their progress to date related to the 62 Actions.

8. Strategic Priorities:

The development of the Community Strategic Plan establishes the Strategic Priorities for the organization. As such, the Corporate Strategic Plan, Departmental Strategies, and Master Plans were considered in creating the Plan to ensure alignment. In addition, accessibility and sustainability are identified as priorities in the Objectives and Actions. Following approval of the Community Strategic Plan, this section of the report template was updated, requiring all future Staff Reports to identify how they support and align with the Community Strategic Plan.

9. Attachments:

Attachment 1: Community Strategic Plan 2023 Progress Report - Summary

Attachment 2: Community Strategic Plan 2023 Progress Report - Detailed










TOWN OF WHITBY

Community Strategic Plan

2023 Progress Report



connectwhitby.ca/CommunityPlan

Whitby

Whitby's Neighbourhoods
Safe, Healthy, & Inclusive

Healthy and inclusive neighbourhoods are safe and welcoming. They provide equitable access to municipal programs and services, and support the health and well-being of all residents, at all ages and stages of life.

Key Deliverables & Top Achievements:

1.1.6 Work with partners to increase access to family physicians

Launch of Family Physician Recruitment Incentive Partnership Pilot Program with Oshawa Clinic Group to recruit and retain ten new family doctors to the West Whitby Health Centre.

1.2.2 Enhance Whitby's culinary and live music sectors through collaborative partnerships

Launch of second edition of Whitby's Food Guide which won a national marketing award.

1.3.5 Work with partners to address food security

Feed the Need partnership approved to establish a market model food bank at Iroquois Park Sports Centre in Spring 2024.

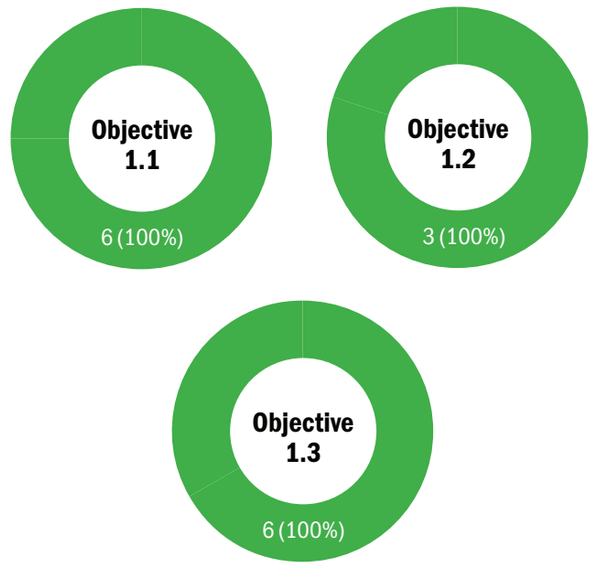
Overall Status of Pillar 1 Action Items:

0 Not Started

15 In Progress

0 Complete

Progress of Pillar 1 Action Items:



Objective	Not Started	In Progress	Complete
1.1	0	6 (100%)	0
1.1	0	3 (100%)	0
1.1	0	6 (100%)	0

Whitby's Natural & Built Environment
Connected & Resilient

Connected and resilient natural and built environments demonstrate a commitment to plan for and invest in green space and quality infrastructure to support the needs of a growing and changing community. It involves promoting environmental stewardship and building resilience to climate change while enhancing community beautification.

Key Deliverables & Top Achievements:

2.1.4 Implement corporate plan to achieve zero-carbon emissions by 2045

2023 Budget includes $721,080 for Zero Carbon Whitby projects with a total estimated GHG emissions savings of 165,373 KgCO2e.

2.2.2 Increase active transportation facilities, including trails, multi-use paths and bike lanes, across the community, considering the Active Transportation Plan

Increased bike lanes by 1.01km in 2023.

2.3.2 Construct the Whitby Sports Complex

Council approved the budget for the new Whitby Sports Complex in July 2023 and ground breaking ceremony took place in September 2023.

2.3.7 Repurpose the historic Pumphouse for a new gathering place

Whitby Council approved Town Brewery pop up operation at the historic waterfront Pump House building.

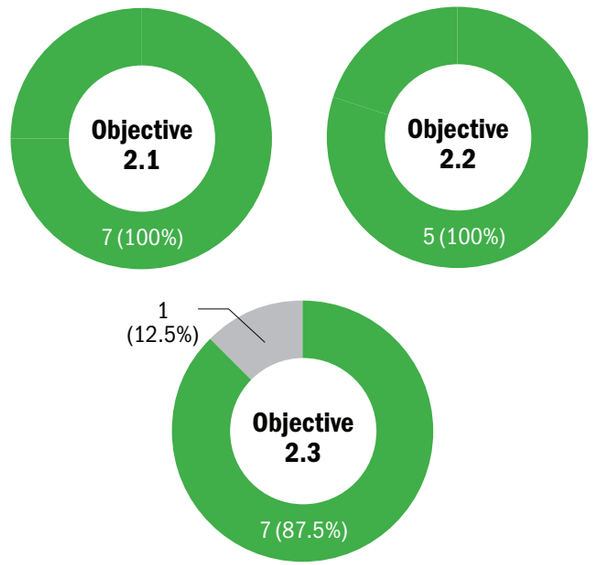
Overall Status of Pillar 2 Action Items:

0
Not Started

19
In Progress

1
Complete

Progress of Pillar 2 Action Items:



Objective	Not Started	In Progress	Complete
2.1	0	7 (100%)	0
2.2	0	5 (100%)	0
2.3	0	7 (87.5%)	1 (12.5%)

Whitby's Economy
Innovative & Competitive

An innovative and competitive economy is premised on collaboration and partnerships that maximize opportunities for business and employment growth. This is achieved through business retention and attraction, promotion of tourism, agriculture, and other sectors.

Key Deliverables & Top Achievements:

3.1.2 Expand Whitby's commercial and industrial tax base

Significant openings include Amazon Whitby YMH6, Longo's Plaza and Thermo Fisher addition.

3.2.3 Expand the business retention and expansion program

Economic Development staff met with 34 businesses as part of the Business Retention an Expansion Program.

3.3.2 Increase supports offered to tech-based businesses in partnership with Whitby's technology accelerator (1855 Whitby)

Partnered with BACD in the delivery of a Generative AI training session for business presented by Digital Main Street.

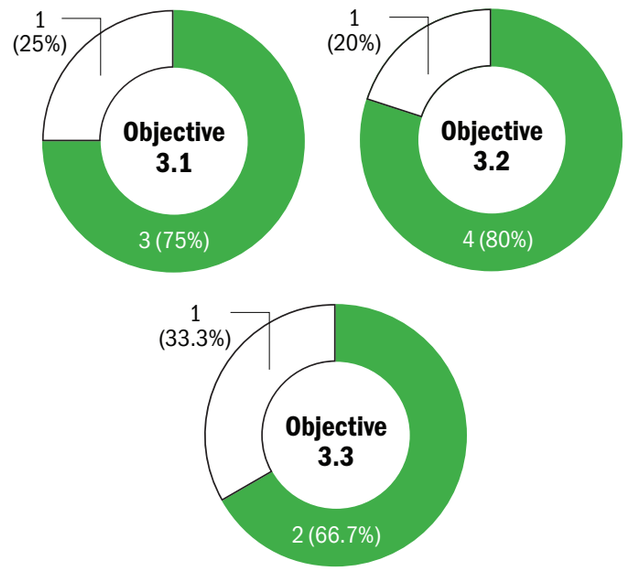
Overall Status of Pillar 3 Action Items:

3 Not Started

9 In Progress

0 Complete

Progress of Pillar 3 Action Items:



Objective	Not Started	In Progress	Complete
3.1	1 (25%)	3 (75%)	0
3.2	1 (20%)	4 (80%)	0
3.3	1 (33.3%)	2 (66.7%)	0

Whitby's Government
Accountable & Responsive

Accountable and responsive government is customer service-driven. It is focused on efficiency, effectiveness, value for money, and financial sustainability. It is premised on the best use of technology, transparent and open decision-making, meaningful engagement, and a commitment to continuous improvement. It is forward-thinking, prioritizing strong community partnerships and integrating good urban planning to ensure the community's sustainable future.

Key Deliverables & Top Achievements:

4.1.1 Advocate for funding from upper levels of government and other partners to support and advance current and anticipated community priorities

Recipient of $2.6M Active Transportation Fund grant from Federal government for waterfront trail enhancements and construction.

4.2.1 Identify and apply leading practices to ensure the Town is competitive in the market

Market Review is underway and findings will be presented to Council in early 2024.

4.3.5 Provide timely and transparent reporting to the community, staff and Council

First annual report on progress of Community Strategic Plan shared with Council in January 2024 highlighting that 92% of actions items are in progress.

4.4.1 Deliver services that respond to community needs while balancing the impact to taxpayers

Participatory Budget pilot introduced as part of the 2024 Citizen Budget Engagement.

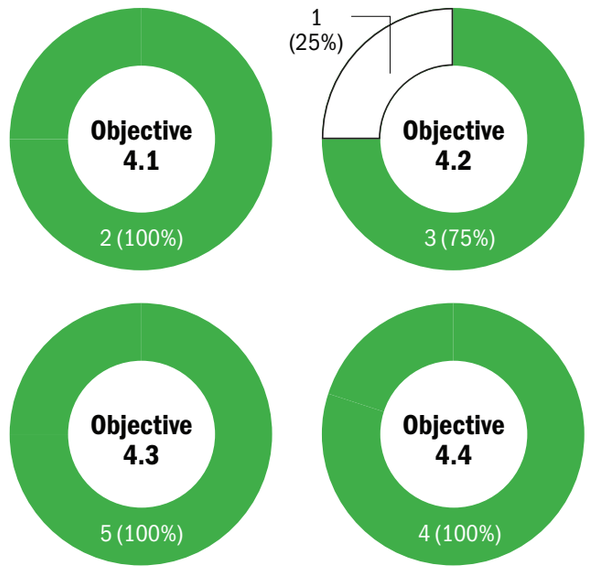
Overall Status of Pillar 4 Action Items:

1
Not Started

14
In Progress

0
Complete

Progress of Pillar 4 Action Items:



Objective	Not Started	In Progress	Complete
4.1	0	2 (100%)	0
4.2	1 (25%)	3 (75%)	0
4.3	0	5 (100%)	0
4.4	0	4 (100%)	0

STRATEGIC PILLAR 1

Whitby's Neighbourhoods - Safe, Healthy, & Inclusive

Objective 1.1: Improve community safety, health and well-being			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
1.1.1 Advocate for and secure property for a new hospital	Property for hospital secured.	In Progress	The Whitby Hospital Task Force are working with the Ministry of Transportation on the land acquisition process. The Town of Whitby launched an education campaign, Durham Health Matters, delivered mainly through social, with facts about the need for more healthcare infrastructure (including a hospital), family doctors, and mental health supports in Durham. Successful delivery of Durham Health Matters community education awareness campaign which raised awareness of the need for a new hospital.
1.1.2 Advocate for new Emergency Medical Services facility (paramedic station) in Whitby	Emergency Medical Services facility planned in Whitby.	In Progress	Region of Durham approved a location in Whitby (632 Dundas Street West) for a new paramedic station to be designed and constructed in 2024-2025.
1.1.3 Identify opportunities to improve road safety by developing and implementing a traffic calming and safety policy and identify opportunities to reduce traffic congestion	Traffic calming policy approved. Traffic calming elements implemented on 10 streets annually.	In Progress	Tender for Traffic Calming on 10 streets was completed and closed. Approval of successful bidder and construction has been delayed.

Objective 1.1: Improve community safety, health and well-being			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Tender for Traffic Calming Policy is nearing completion. Tender anticipated to be issued in 2024. Community Safety Roundtable Summit was hosted between the Town, schools boards, and Durham Regional Police Service to discuss traffic calming and partnerships to support safety.
1.1.4 Partner with Durham Region to implement the Community Safety & Well-Being Plan which addresses criminal involvement, experiences of racism, homelessness and basic needs, mental health, social isolation, substance use, and victimization	Whitby participation on the Area Municipal Working Group to ensure collaborative implementation of the Community Safety and Well-Being Plan.	In Progress	Municipal representation and participation at quarterly Area Municipal Working Group meetings and 2 workshops to support the plan to address Community Safety and Well-Being. Active participation and representation of Whitby's needs on Area Municipal Working Group.
1.1.5 Review and plan for fire services to address growth of community	Update Fire Master Plan. Begin implementation of recommendations of the Fire Master Plan.	In Progress	Budget allocated in 2024 to develop next Fire Master Plan. Identified key need in public safety. Given the first line of defence is public education, a Public Education Officer/Public Information Officer was hired. Community Risk Assessment being finalized which supports the development of the next Fire Master Plan.
1.1.6 Work with partners to increase access to family physicians	Partner with Region of Durham to create a family physician recruitment program.	In Progress	Launched the Family Physician Recruitment Incentive Partnership Pilot Program in July 2023 in partnership with the Oshawa Clinic Group. Through

Objective 1.1: Improve community safety, health and well-being			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
	Implement, track and monitor impact of program annually.		the program, up to 10 family doctors will be provided with an incentive of $50,000 each over a five-year term, funding for which will be equally shared between the Town and the Oshawa Clinic Group. These new family doctors will work at the future West Whitby Health Centre, which will open in 2024. The Town of Whitby has also partnered with the Region of Durham and neighbouring municipalities to develop a Regional Family Physician Recruitment Program. This includes a welcome and settlement program for the students in the Queen's-Lakeridge Health MD Family Physician training program and plans to establish a Family Physician Recruitment & Retention Program.

Objective 1.2: Increase opportunities to acknowledge and celebrate the diversity of the community			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
1.2.1 Enhance Town-led and community-based events and festivals that celebrate diversity	Launch New Town Signature Event, celebrating Whitby's diversity. Approve one new Third Party Event Permit annually showcasing culturally diverse programming.	In Progress	Exit Survey completed at Harvest Festival. Connect Whitby survey for new signature event scheduled; outline of event plan and discussions with possible partners have taken place.

Objective 1.2: Increase opportunities to acknowledge and celebrate the diversity of the community			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
	Complete one Exit Survey annually at a Town event.		In 2023, there was an increase in third party event permits with two focused on cultural diversity (India Day and Diwali). The Town hosted National Indigenous People's Day at Celebration Square and at Canada Day, the Theme was "Around the World". Two large maps were displayed, and visitors were able to mark with a dot where they were from. Attendees were from over 322 locations in the world representing all countries. Whitby Lights the Night and Holiday Festival hosted "How do you celebrate the holidays wall". Culture Pop-up event hosted Sunset Tango and plans to promote various cultures and dance styles will occur in 2024. All events are now able to promote on the Town's Calendar of Events opening the ability to celebrate the diversity of our community.
1.2.2 Enhance Whitby's culinary and live music sectors through collaborative partnerships	Offer 2 additional Music in the Park events annually. Increase musical pop-up events by 10%. Release one food guide every 2 years.	In Progress	Whitby Food Guide saw a 300% increase in page views over the 2022 version for the first five months after May launch. (9,814 views in 2023 versus 3,000 for all of 2022). Whitby's Food Guide was recognized for marketing excellence with the top

Objective 1.2: Increase opportunities to acknowledge and celebrate the diversity of the community			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
	Target 10% increase in page visits to the digital Food Guide annually. Establish online musician roster to enhance live music opportunities.		Marketing Canada Award for a single publication from the Economic Developers Association of Canada (EDAC). This response to Whitby's Food Guide signals the growth of Whitby's culinary scene and the Town's commitment to the ongoing success of its food and beverage industry. Participation in the Great Taste of Ontario Passport program to promote our culinary scene in collaboration with Culinary Tourism Alliance. Annual Call for Performers open to all musicians in Durham Region. This year, the Town supported 30 musicians through four different events (Music in the Park, Canada Day, Harvest Festival and winter events). Supporting and collaborating with the Region on the Region Music Strategy 3-year MOU with Canadian Musicians Cooperative to collaborate and support youth musicians through a community performance program at selected locations in Whitby.
1.2.3 Invest, promote, and strengthen the local arts, culture, heritage, and creative sector	Public art policy approved. Increase Culture contact list by 5 entries annually. Increase the number of social media posts by 25% annually on #explorewhitby Instagram page.	In Progress	Draft of Public Art Policy reviewed by the Steering Committee and anticipated to be brought forward to Council in January 2024. A total of 15 new contacts added to the Culture Contact list in 2023 and invited

Objective 1.2: Increase opportunities to acknowledge and celebrate the diversity of the community			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
	Target 10% increase in website visits and social media analytics annually. Increase investment in Culture budget.		to the annual Culture Roundtable event. Creation of the new #explorewhitby Instagram page that supported a total of 125 posts (as of Dec 1, 2023) and 714 followers in its first year launched. Launch of the Arts and Culture website with total website visits of 3,527 views. Approval of the semi-permanent closure of Roebuck Street from June to September in 2023, supporting 5 local artists to paint artistic designs on the concrete barriers and a road mural. Unveiling of the Sir William Stephenson bust at Sir William Stephenson Public School in collaboration with the sculpture artist, Ruth Abernathy. Installation of QR Codes throughout Whitby's Arts Trail to provide a user-friendly way to learn about Whitby's Public Art. Launch of the Culture Pop-Up series with Whitby Paint Night in June with local artist Sarah Shaw followed by Sunset Tango interactive dance lesson accompanied by live music.

Objective 1.3 Provide accessible and inclusive municipal services and programming			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
1.3.1 Continue to collaborate with non-profit organizations to anticipate and deliver changing community program and service needs	Establish Network of Non-Profit organizations serving Whitby. Coordinate an annual meeting to provide the opportunity to collaborate on specific areas of interest.	In Progress	In 2023, food bank and faith group round table meetings were held to discuss collaborative actions to address community needs.
1.3.2 Develop the Parks and Recreation Master Plan and deliver identified recreational programs	Parks and Recreation Master Plan approved. Implement 20% of identified actions in the Plan.	In Progress	In 2023, phase 1 stakeholder and community engagement activities were completed, and a Council update was provided which included the Background Community Engagement and Summary Report. Following the Council update, the Consultants have developed draft recommendations which are currently being reviewed by staff.
1.3.3 Expand recreation opportunities and increase participation in recreation programs and activities, specifically for 55+ and youth	Increase participation rates in recreational swim and skate programs by 3% per year. Increase 55+ Recreation program capacity for directly provided registered programs by 3% per year. Increase youth room visits by 5% per year. Increase annual number of unique users for directly provided registered programs by 3%.	In Progress	Increase in number of opportunities for residents 55+ to stay active and be involved in the community. Increased enrollments from Spring 2023 to Fall 2023 for 55+ area as follows: Spring 2023 2299 Enrolments in courses/leagues/events 210 Courses/Leagues/Events offered 33 Drop-in programs offered 8 Pickleball opportunities 16 Virtual 2569 Members

Objective 1.3 Provide accessible and inclusive municipal services and programming			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Fall 2023 2569 Enrolments in courses/leagues/events (12% increase from spring) 219 Courses/Leagues/Events offered (4% increase from spring) 34 Drop-in programs offered (.03% increase from spring) 14 Pickleball opportunities (6.25% increase from spring) 21 Virtual (15% increase from spring – grant funded) 2643 Members (3% increase from spring) For Drop-in activities (youth rooms, recreational swimming and skating) statistics have been negatively impacted by the CRC closure and labour disruption in 2023.
1.3.4 In collaboration with partners, support the implementation of Durham Region's Housing Plan regarding affordability and diversity of housing	Report on number of purposes built rental and secondary suites approved. Monitor, measure, and report on diversity of housing approvals.	In Progress	Monitored housing-related development approvals (subdivisions, site plans, rezoning) for input to department and agency initiatives (e.g. Envision Durham; Development Charge review/updates; growth forecasts). Provided input to Region of Durham

Objective 1.3 Provide accessible and inclusive municipal services and programming			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			regarding development approvals and forecasted growth. 2023 Building Permits (year to date to October 31): 600 total with 1/3 (203) accessory apartments and 1/3 (218) apartments. 2023 newly registered plans YTD: includes 1,174 units, with 470 singles, semis and links, 179 townhouses and 525 apartments. 2023 Council approved Plans of Subdivision: includes 1,051 units, with 55% singles, semis and links, 39% townhouses and 6% apartments.
1.3.5 Work with partners to address food security	Develop food security action plan. Implement one new action annually.	In Progress	Gathered food security partners for discovery meeting to establish the Whitby Food Security Network. This is a collective of non-profit agencies, charitable organizations, faith groups, individuals with lived experience, government, and others working to address food security in the Whitby community. This network collaborating to share knowledge and strengthen the food security system for everyone, especially for vulnerable and at-risk individuals in Whitby.

Objective 1.3 Provide accessible and inclusive municipal services and programming			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Food bank map (printable and GIS map) created and shared with Whitby Food Security Network, and as a resource to the community via Whitby.ca/CommunitySupports in summer 2023. Feed the Need partnership approved to establish a market model food bank at Iroquois Park Sports Centre in Spring 2024. The goal is to provide a more accessible, dignified, and equitable way for individuals to access food bank services and healthy food options in a community setting evenings and/or weekends for working families and individuals. The Mayor's Community Development Fund provided Feed the Need with a $15,000 Lead Grant to establish this marketplace model in Whitby as well as providing a grant of $5,000 to We Grow Food's Edible Garden project, St. Mark's United Church Food & Benevolence Outreach Program, and Salvation Army Food Bank.
1.3.6 Work with partners to support and connect individuals experiencing homelessness with shelter and support services	Partner with the Region of Durham to establish a community hub providing shelter and social services.	In Progress	Established Whitby's Homelessness Task Force to focus and partner on several initiatives related to shelter, food security, and other supports for those experiencing homelessness. A webpage has been created that

Objective 1.3 Provide accessible and inclusive municipal services and programming			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			includes resources and information available to help those experiencing homelessness: whitby.ca/CommunitySupports. Encampment procedures have been developed to guide staff and partners in providing outreach services to persons experiencing homelessness and living outside in public spaces by providing individuals with access to alternative solutions prior to any enforcement action being taken by the Town of Whitby. The Town of Whitby also approved an agreement with the Region of Durham for the operation of the 1635 Dundas Shelter.

STRATEGIC PILLAR 2

Whitby's Natural & Built Environment - Connected & Resilient

Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
2.1.1 Develop community climate mitigation measures to achieve zero-carbon emissions by 2045	Develop Community Mitigation Plan as a part of the Climate Emergency Response Plan - Phase 2. Implement a minimum of one action from the Climate Emergency Response Plan.	In Progress	Community consultation and engagement completed to inform the development of the Mitigation Plan. Climate Emergency Response Plan-Phase 2: Mitigation Plan endorsed by Council in December 2023.
2.1.2 Explore partnership opportunities to advance alternate energy systems designed to reduce GHG emissions of new developments	One alternate energy system introduced.	In Progress	Whitby Sports Complex design and budget approved by Council which includes an alternate energy system (geothermal exchange system) to provide the heating and cooling for the complex. Completion of the detailed design for the Whitby Sports Complex's geothermal exchange system.
2.1.3 Implement actions to increase community resilience to the impacts of climate change	Implement a minimum of three actions annually from the Climate Emergency Response Plan - Phase 1: Community Resilience Plan.	In Progress	Thirteen of the Climate Emergency Response Plan - Phase 1: Community Resilience Plan's actions have been implemented with two complete and 11 ongoing. Major actions implemented, include: the implementation of the four-year Community Greening Program in partnership with LEAF, through which 600 trees were planted in 2023 by the community, and the initiation of the Pilot Sustainable Neighbourhood Action

Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Program in partnership with the Central Lake Ontario Conservation Area.
2.1.4 Implement corporate plan to achieve zero-carbon emissions by 2045	Achieve 20% GHG emissions reduction.	In Progress	In 2023, Council approved a one-time funding of $721,080 to prioritize zero carbon projects from the Zero Carbon Whitby Costing Study, to facilitate the Town staying on track to achieve its corporate GHG emissions reduction targets. Several Zero Carbon Projects have been implemented or commenced in 2023, which has allowed the Town to stay on track to achieving short-term 2025 target of 20% GHG emissions reduction. Installation of the first heat pump at a Town Facility - 117 King Street. The Town has established itself as a leader in the community with Town staff being trained on how to maintain this new equipment.
2.1.5 Implement Green Standard Incentive Program focused on encouraging adoption of sustainable development practices	Incentive Program Developed. Observe 5% increase in applications achieving higher tiers.	In Progress	The development of the incentive program is underway in partnership with Durham Region, the City of Pickering, the Municipality of Ajax. A detailed review of potential tools to incentivize residential developers to voluntarily achieve the highest tier in the energy codes has been completed. Based on the feedback received from the development community a potential program has been proposed

Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			and has been presented to the development community for feedback. In 2023, Sustainability reviewed 95 Whitby Green Standard applications at various stages in the development application process. Of the 95 applications, five were approved and signed off on, of which four have committed to achieve Tier 1, and one has committed to achieve Tier 3. The development achieving Tier 3, is a municipal development, the new Whitby Sports Complex. As per Council's direction Tier 3 of the Whitby Green Standard is the minimum requirement that all new municipal buildings must achieve.
2.1.6 Promote the use of electric vehicles and lead by example by implementing electric vehicles in the Town's municipal fleet	Increase electric vehicle chargers at municipal facilities by 50%. 20% of fleet passenger vehicles will be electric.	In Progress	In 2023, that Town was successful in securing funding through Round 3 and Round 4 of the Natural Resources Canada's Zero Emission Vehicle Infrastructure Program, to expand the Town's EV Charging Station network in 2024 and 2025. The Town has commenced the planning and engineering process for the EV Charging Stations that will be installed in 2024. In 2023, 10 Plug-in Hybrid vehicles were added to the Town's Fleet. In addition, Fleet Services has been aiming to

Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
			reduce the size of vehicles and investigating purchasing pick-up trucks compared to the standard half-ton to further assist with reducing GHG emissions.
2.1.7 Update Whitby Green Standard designed to advance sustainable development in the community	Whitby Green Standard updated.	In Progress	A Request for Proposals has been issued to hire a consultant to lead the update of the Whitby Green Standard to advance the overall sustainability requirements for new developments in Whitby.

Objective 2.2: Enhance community connectivity and beautification

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
2.2.1 Improve wayfinding including signage at parks and trails	Increase wayfinding signage of parks and trails by an average of 10% annually.	In Progress	The new Accessible Signage and Wayfinding Study was completed and approved by Council following the preparation of the 2023 Capital Budget. The study recommendations for wayfinding signage have been included in the Capital Budget forecast.
2.2.2 Increase active transportation facilities, including trails, multi-use paths and bike lanes, across the community, considering the Active Transportation Plan	Increase bike lanes by an average of 2km annually. Increase the number of kilometers of multi-use paths and trails, year over year.	In Progress	A total of 1.01 km of bike lane installed along the following two streets: 1) Crawforth Street/Kathleen Street between Thickson Road and Dundas Street (length: 0.51 km) 2) Bonacord Avenue between McQuay Boulevard and Mackey Drive (length: 0.5 km).

Objective 2.2: Enhance community connectivity and beautification			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
2.2.3 Invest in public art	Public art policy approved. One public art installation annually. Increase number of visitors to the Arts Trail website by 10% annually.	In Progress	Draft Public Art Policy reviewed by the Steering Committee in Q3, 2023 and anticipated to go to Council in January 2024 for approval. Unveiling of Sir William Stephenson bust at Sir William Stephenson Public School in collaboration with sculpture artist Ruth Abernathy. Installation of QR Codes throughout Whitby's Arts Trail to provide a user-friendly way to learn about Whitby's Public Art. In 2023, 2,027 views of the Whitby's Art Trail website (as of Dec 1, 2023). Launch for a national Call for Indigenous Artists in collaboration with STEPS Public Art for the new Whitby Sports Complex.
2.2.4 Maintain and enhance parks, trails, tree canopy and green spaces and identify opportunities to connect existing and currently underutilized open space areas	Parks and Recreation Master Plan approved. Urban Forestry Master Plan approved. Incremental budget approved to implement plans.	In Progress	The RPF for the Urban Forest Management Plan closed in April 2023 and was awarded in June 2023. The successful respondent is currently completing a comprehensive Town wide tree inventory.

Objective 2.2: Enhance community connectivity and beautification

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
			The Parks and Recreation Master Plan is on target for approval in 2024. Completed to date: a. Phase 1 - Background Research and Analysis. b. Phase 1 - Community and Stakeholder Engagement. c. Draft Parks and Recreation Master Plan completed by Consultant Team and under review by Staff.
2.2.5 Review and enhance service level standards that promote community beautification and maintenance	Review one service level standard annually and report on options to increase beautification (i.e. street sweeping, garbage, tree planting).	In Progress	A comprehensive review of all Service Level Standards at Operations is currently underway and will be brought to Council as an information report in 2024. Through this process, one or more specific Service Level Standards will be identified and reported on with options to increase beautification.

Objective 2.3: Invest in infrastructure and assets

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
2.3.1 Construct mid-arterial roadway south of 407, between Cochrane and Thornton	Complete Phase 1 construction from east of Baldwin Street to Ashburn Road. Complete Phase 2 design from Garden to Anderson. Phase 2 tender and begin construction.	In Progress	Phase 1 construction is in progress. Phase 2 design has been postponed to align with the Garden Street Extension timeline in future years. The Work and Reimbursement Agreement has been successfully finalized and executed by both the Town and the Land-Owners

Objective 2.3: Invest in infrastructure and assets			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Group. Construction work has commenced.
2.3.2 Construct the Whitby Sports Complex	Whitby Sports Complex.	In Progress	Council approved budget in July 2023. Contractor awarded project in July 2023 and mobilized in August 2023. Ground breaking ceremony took place in September 2023. Site clearing and excavation is progressing well and structural foundation is underway.
2.3.3 Enhance existing facilities and services and invest in structural upgrades at the waterfront	Invest to implement the recommendations in the Waterfront Masterplan; complete Corbett Creek Bridge and Boardwalk replacement along waterfront trail.	In Progress	The Town was successful in securing Federal funding from the Active Transportation Fund, in the amount of $2.6 million to support the construction of the new Waterfront Trail Corbett Creek Pedestrian Bridge, Boardwalk and the reconstruction of the existing asphalt trail widening it from 3 to 4 metres. The engineering design for the Waterfront Trail Corbett Creek Bridge and Boardwalk has been completed and it is on target for tendering in 2023 with construction planned to occur in the winter/spring of 2024. The renovations/replacement to the Kiwanis Heydenshore splash pad was completed and opened to the community. The seasonal waterfront trail linkage through the marina opened during the summer for first time since the beginning of Covid.

Objective 2.3: Invest in infrastructure and assets			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			All marina outdoor lighting along main roadway/secondary waterfront trail link was replaced enhancing pedestrian safety.
2.3.4 Implement enhanced street design to improve walkability	80% of new developments and reconstruction initiatives adopt the enhanced street design standard.	In Progress	Engineering Services continue implementation of the enhanced street design to improve connectivity and walkability. Given that many of the developments that were approved in 2023 were already in the detail design stage when the standard was adopted, the enhanced street design has been applied to 50% of new developments in 2023 including 4300 Country Lane and Trails of Country Lane Phase II . New Engineering Standards have wider 1.8m sidewalks and all new roads will have sidewalks on both sides.
2.3.5 Implement recreational infrastructure enhancements as identified in the Sports Facility Strategy and Parks and Recreation Master Plan	Parks and Recreation Master Plan approved. Incremental budget approved to implement plans.	In Progress	The Parks and Recreation Master Plan is on target for approval in 2024. The budget implications will be added to the ten year capital forecast in 2025. Four new parks were constructed in 2023, for a total of 11.57 ha of new parkland comprised of four playgrounds, three sports fields, two splash pads, two tennis courts, four pickleball courts, three full sized basketball/multi-skills courts and other recreational amenities.

Objective 2.3: Invest in infrastructure and assets			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Completion of the New Universal Change Rooms and accessible upgrades at the Civic Recreation Complex. As recommended by the 2015 Sports Facilities Strategy, construct the Whitby Sports Complex that includes the following: •Twin Pad Arena •Aquatic Hall •Gymnasium with a Walking Track •Gender Neutral Washrooms •Multi purpose meeting spaces Park Features of the New Whitby Complex include: •1 Artificial Turf Field •14 Pickleball courts •3 Tennis Courts •3 Multi - Use Courts •New skate park and bike track •Fieldhouse Washrooms to support Park Users •Passive greenfield space for unprogrammed activities
2.3.6 Invest in upgrades at the Marina	Replacing all Marina outdoor lighting to LED. Marina masterplan approved. Pier 2 replacement of 56 floating dock system slips. Complete ecological improvements within Whitby Harbour through	In Progress	All marina outdoor lighting including main roadway, east and west storage yards, and parking lots have been replaced with energy efficient LED fixtures. The lighting improvements at Port Whitby Marina have enhanced safety and user satisfaction while

Objective 2.3: Invest in infrastructure and assets			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
	Department of Fisheries and Ocean harbour remediation project. Incremental budget approved to implement Marina masterplan.		significantly improving energy efficiency at the marina. Work continues on specifications for the new floating pier to replace pier 2. This project is expected to be completed in 2024. Staff continue to work with Fisheries and Oceans Canada to facilitate remediation plans for Whitby Harbour expected to begin in 2024.
2.3.7 Repurpose the historic Pumphouse for a new gathering place	Pumphouse serving as a gathering place.	Complete	Council approved a five year Pilot Program with Town Brewery, to operate a food and beverage pop up at the Pump House space which is approximately 750 square metres. The agreement provides Town Brewery use of the space from May to September, annually. The Town of Whitby may license the space to other vendors from October to April during the pilot.
2.3.8 Work with Metrolinx to finalize the Bus Rapid Transit design for Dundas Street	Provide feedback to the Region of Durham on the Design and Construction of Phase 1 of the Bus Rapid Transit project, between Lake Ridge Road and Des Newman Boulevard.	In Progress	Design of Phase 1 of the BRT project (between Lake Ridge Road and approximately Fothergill Court) is on-going. Design is being undertaken by the Region of Durham with review and input by Town of Whitby. Town of Whitby staff have reviewed and provided feedback on the Highway 2 Bus Rapid Transit (BRT) 60% design.

STRATEGIC PILLAR 3

Whitby's Economy - Innovative & Competitive

Objective 3.1: Accelerate progress, create jobs, and drive local economic growth			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
3.1.1 Continue to implement the Economic Development Strategy that focuses on the following sectors: information and communications technology, professional and technical services, advanced manufacturing, and downtowns and lifestyle	80% of annual recommendations accomplished.	In Progress	Implementation is slightly delayed due to delay in onboarding a second economic development officer, and labour disruption. Top achievements include: completion of 30+ BRE meetings with local businesses launch of Advertising and Sponsorship Strategy project, Professionals and Entrepreneurs Newcomers Club, Concierge Program & Sector Meetups. 100% of the 13, 2023 projects are in progress and 38% are complete.
3.1.2 Expand Whitby's commercial and industrial tax base	Annual increase in commercial/industrial building permit values. Annual increase in number of new businesses.	In Progress	Permit values year to date: Industrial - 13 permits, value $63,817,212. Agricultural - 2 permits, value $1,986,561. Commercial - 135 permits, value $110,563,331. Significant new business openings in 2023 include Amazon Whitby YMH6, Longo's Plaza & Thermo Fisher addition. Total business count in 2022 was 3,368 which is a 4% increase over 2021.
3.1.3 Implement actions to enhance Whitby's tourism sector including a focus on the waterfront	80% of annual recommendations accomplished.	In Progress	90 % of 2023 action items identified in Tourism Strategy have been completed including: launch of new tourism

Objective 3.1: Accelerate progress, create jobs, and drive local economic growth

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
			website www.whitby.ca/tourism and Instagram @explorewhitby; launch of brand "Discover Something New to Enjoy"; hosting Destination Development networking events; two business-to-business newsletters; distribution of QR Code Window Clings; launch of award-winning Whitby Food Guide; collection and use of visitor data and metrics; continued partnerships and collaboration with key stakeholders and tourism businesses and attractions.
3.1.4 Support green economy, agriculture and agri-business	Partner with two post-secondary institutions per year to support programs and recruitment for these sectors. Annual increase in agriculture and green economy building permit values. Annual increase new agriculture and green economy businesses.	Not Started	2024 Start

Objective 3.2: Attract and retain businesses and industry

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
3.2.1 Attract investment for hotel and convention centre	Secure investment in hotel and convention centre.	In Progress	Economic Development continues to meet with parties interested in building a hotel/convention centre in Whitby. Attended Ministry of Tourism, Culture

Objective 3.2: Attract and retain businesses and industry			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			and Sport's "Meet the Tourism Investment Dragons" Event to present the Town of Whitby in front of 10 tourism investors.
3.2.2 Develop tools to support collaborative workspaces and home-based businesses	Develop home base tool kit and launch a new tool annually. Develop plan to support collaborative workspaces.	Not Started	To complete in 2024
3.2.3 Expand the business retention and expansion program	Increase business retention and expansion program to conduct 50 interviews annually. 25 introductions to external organizations annually. 40 business support resources provided annually.	In Progress	Economic Development staff met with 30 businesses as part of the BRE program. Some outcomes of the BRE program included securing a new location for existing Information & Communication Technology company, establishing a Durham Region Transit On-demand station stop to support a local business and securing new sponsorship and advertising opportunities for the Town of Whitby.
3.2.4 Implement and streamline municipal tools and processes to attract high-value, employment-generating businesses	Three businesses accepted into Concierge Program. Annual increase in commercial/industrial building permit values.	In Progress	No businesses accepted in Concierge program in 2023. Permit values year to date: Industrial - 13 permits, value $63,817,212

Objective 3.2: Attract and retain businesses and industry			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			Agricultural - 2 permits, value $1,986,561 Commercial - 135 permits, value $110,563,331
3.2.5 Implement initiatives that support our downtowns as thriving destinations	Implement one new placemaking initiative each year. Community Improvement Plan investment tracked annually. Maintain less than 5% Commercial Vacancy Rates.	In Progress	Approval of the semi-permanent closure of Roebuck Street from June to September in 2023, supporting 5 local artists to paint artistic designs on the concrete barriers and a road mural. This project was supported in June with the launch of Whitby's first Culture Pop-Up series through a Paint Night event. Completed the placemaking projects for Celebration Square with the installation of new permanent furniture including chess/checkerboard tables and shade seating options with umbrellas and the installation of Wi-Fi now available throughout the square. The completion of the Dundas/Byron Parkette with new self-watering planters and seating options. Municipal Investment of $3,277,925 (95% of funds) for various incentive programs as part of the Downtown Whitby Community Improvement Plan. Total Facade Grant investment in Downtown Whitby of $30,556 in 2023 with 4 applications. Total Facade Grant investment in Downtown Brooklin $0 in 2023.

Objective 3.2: Attract and retain businesses and industry

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
			Benchmarking report conducted annually for Downtown Whitby shows a commercial vacancy rate of 2% and an office vacancy rate of 3.2%. Pedestrian Counts conducted annually for Downtown Whitby, showing 2023 pedestrian counts at six different intersection of 8,082 and cyclist counts of 629, which indicates numbers have steadily increased to beyond pre-pandemic levels.

Objective 3.3: Promote innovation and build competitive advantage

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
3.3.1 Develop and implement Intelligent City Strategy and Action Plan that leverages collaboration and technology to support innovative solutions	Action Plan developed.	Not Started	To be completed in 2025
3.3.2 Increase supports offered to tech-based businesses in partnership with Whitby's technology accelerator (1855 Whitby)	2 initiatives undertaken annually in partnership with 1855. 20 clients impacted annually.	In Progress	Partnered with BACD in the delivery of a Generative AI training session for business presented by Digital Main Street. Approximately 70 total (live and YouTube) viewers to date. Event details were shared with 1855 members.
3.3.3 Leverage grant funding to support broadband and Smart City initiatives	Grant funding secured. One project undertaken.	In Progress	To be completed in 2024.

STRATEGIC PILLAR 4

Whitby's Government - Accountable & Responsive

Objective 4.1: Address community needs through collaboration and strategic partnerships			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
4.1.1 Advocate for funding from upper levels of government and other partners to support and advance current and anticipated community priorities	Present community needs to government partners annually. Report annually on grant funding applications.	In Progress	Participated in pre-budget consultations with federal and provincial representatives to share Whitby's budget priorities and community needs. Received $3.2M in grants funding in 2023 including a $2.6M grant from the Federal government's Active Transportation Fund. This grant will support the construction of the new Corbett Creek Pedestrian Bridge, Boardwalk and the reconstruction of the existing asphalt trail widening it from 3 metres to 4 metres, which are a part of the Great Lakes Waterfront Trail in Whitby.
4.1.2 Strengthen existing and build new partnerships	Develop partnership database. Establish 4 new partnerships and report on outcomes.	In Progress	Creation of new partnerships to enhance Whitby's quality of life and deliver on overall Community Strategic Plan Actions. These include but are not limited to new partnerships established with The Oshawa Clinic Group for a physician recruitment program and Town Brewery for the waterfront pop-up food and beverage operation at the historic Pump House building.

Objective 4.2: Be the organization that people want to join and build their future			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
4.2.1 Identify and apply leading practices to ensure the Town is competitive in the market	Complete Market Review for all Regular Full-time Exempt and CUPE Positions and present recommendations to Council. Advance the development and implementation of at least two keystone programs identified in the Town's Talent Management framework.	In Progress	Market Review is underway with an anticipated completion date of Q1 2024. Findings and recommendations will be presented to Council in 2024.
4.2.2 Identify and implement training and professional development opportunities	Advance the development and implementation of at least two keystone programs identified in the Town's Talent Management framework.	In Progress	Organizational requirements analysis is underway.
4.2.3 Identify opportunities and take steps to establish a diverse and inclusive workplace	Advance a corporate census that benchmarks the Towns diverse employee population compared to the community. Advance an outreach program to provide individuals from marginalized communities opportunities to learn about and experience public service.	Not Started	Planned for 2025.
4.2.4 Implement strategies to attract and retain the best staff to serve the community	Complete Market Review for all Regular Full-time Exempt and CUPE Positions and present recommendations to Council.	In Progress	Market Review is underway with an anticipated completion date of Q1 2024. Findings and recommendations will be presented to the Council in 2024.

Objective 4.2: Be the organization that people want to join and build their future

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
	Develop Talent Acquisition and Retention Strategy, including outreach program that increases awareness of benefits of careers in public service.		Talent Acquisition and Retention Strategy planned for 2024.

Objective 4.3: Deliver exceptional customer service and community engagement

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
4.3.1 Continually improve the customer experience through the use of technology, more flexible payment and service options, and the implementation of a consolidated customer contact centre	Begin implementing the customer contact centre. Streamline the digital customer experience through an online portal and/or Customer Relationship Management (CRM) software by 2026. Expand and standardize payment options by offering e-transfer and/or credit card payment options on all invoices.	In Progress	Mapping business and customer processes for the Tax Division and Clerk's Office is underway. Development of a refined phasing plan and consultation with departments has occurred. Next steps are pending 2024 budget approval to ensure resourcing requirements to implement ServiceWhitby framework.
4.3.2 Identify, establish, and report on service levels of interest to the community	Identify service levels of interest to the community. Report on one service level standard of interest to the community annually beginning.	In Progress	Tied to 2.2.5. A comprehensive review of all Service Level Standards at Operations is currently underway and will be brought to Council as an information report in 2024. Through this process, one or more specific Service Level Standard will be identified as an interest to the community and will be brought forward in a report to Council in 2024.

Objective 4.3: Deliver exceptional customer service and community engagement			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
4.3.3 Implement new technologies and systems that modernize business tools to increase efficiencies and engagement	Develop a scorecard to track progress of the Corporate Information Technology and Digital Strategy Plan. Assess growth using the Digital Maturity Model. Measure and report on completion and advancements of modernization projects.	In Progress	Scorecard update to SLT is scheduled for Q2 of each year. In a survey of clients, 83% of respondents indicated they are satisfied that Information Technology provides high value relative to their perception of cost. Digital Maturity Model: of 40 indicators, improvement demonstrated in 21 areas.
4.3.4 Implement opportunities for Council to engage the community	Host Annual Ward Town Halls. Publish a monthly Mayor's newsletter with a 5% annual increase in page views. Publish a Council highlights document after each regular Council meeting with a 5% annual increase in page views. Magazine published annually focusing on life in Whitby.	In Progress	The Telephone Town Hall hosted by Mayor Roy in February 2023 was incredibly well received with over 1000 residents listening in. Town Halls held in 2023 covered each of the 4 wards. Mayor's newsletter is released on a monthly basis and is shared by the Mayor on social platforms. No monetary investment to date to push this method of communication. The average read per month is 230 residents. Council Highlights are sent out on a monthly basis and Council members are encouraged to share on their social platforms. Due to high costs and inflation, the magazine will have a publish date in 2024 to ensure full sponsorship and advertising coverage.

Objective 4.3: Deliver exceptional customer service and community engagement

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
4.3.5 Provide timely and transparent reporting to the community, staff and Council	Regular updates on Community Strategic Plan accomplishments through staff reports, Council newsletters and public meetings. Formal annual reporting on progress of Community Strategic Plan. Creation of interactive webpage to support real-time reporting.	In Progress	Shared accomplishments related to Community Strategic Plan Action Items on webpage (whitby.ca/strategicplan). Shared progress on implementation of Community Strategic Plan through speaking engagements, presentations and Council reports. Created cards with QR codes to provide residents access to view the Community Strategic Plan and accomplishments to date. First Community Strategic Plan Annual progress report submitted to Council in early 2024 to provide a fulsome report on the status of measures of progress to date with 92% of the Actions in Progress.

Objective 4.4: Ensure fiscal accountability and responsibility plan for growth

Actions	Identified Measures of Progress	Status of Progress	2023 Details of Progress
4.4.1 Deliver services that respond to community needs while balancing the impact to taxpayers	Obtain community needs/budget priorities through citizen budget engagement tools. Introduce participatory budgeting to inform an investment budget for Council consideration. Balance impact to taxpayers by annually reviewing and updating user fees to recover costs of service delivery/new services.	In Progress	Provided budget outlook, results of citizen budget engagement results to Council on December 4, 2023. This included the results of the Participatory Budget pilot that was introduced as part of the 2024 Citizen Budget Engagement. Out of five priorities to allocate a $100,000 program investment to in the 2024 budget:

Objective 4.4: Ensure fiscal accountability and responsibility plan for growth			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
			- 43% of respondents said they would allocate $100,000 towards a Family Physician Recruitment Strategy to improve healthcare in Whitby; - 27% Continue the Economic Development Strategy to spur economic growth and job creation; - 15% Increase in funding for the Town-wide Traffic Calming Program to reduce speeding. - 11% Support Zero Carbon Whitby projects that create a greener Whitby; and 4% Invest in public art projects Incorporated Community Strategic Plan and Citizen Budget Engagement results into the preliminary 2024 budget. Tax impact was mitigated through prioritization of resources/new programs, proposed user fee increases, and efficiency reduction targets.
4.4.2 Plan for future growth through update to Official Plan and Comprehensive Zoning By-Law	Interactive zoning map launched. Update to Official Plan completed and approved. Comprehensive Zoning By-Law approved.	In Progress	Online zoning map launched in Q3 2023. RFP issued for Official Plan Review in Q4 2023. Draft Zoning categories and provisions created for the Comprehensive Zoning By-law Review in Q3 2023, for future public consultation in 2024. Finalized Zoning By-law categories and provisions for Brooklin expansion area in Q2 2023.

Objective 4.4: Ensure fiscal accountability and responsibility plan for growth			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
4.4.3 Proactively address growth by completing ward boundary review	Ward boundary review.	In Progress	Refined population forecast has been completed by Hemson Consulting based on the 2021 census and revised development growth projections. The ward population forecast and resulting imbalances will be reported to Council in early 2024, with authorization sought to commence a ward boundary review.
4.4.4 Update long-range financial plans to ensure essential Town services are provided in a sustainable and affordable way	Long-range financial plan updated annually. Ensure annual contributions to keep Town infrastructure in a state of good repair are adjusted annually to account for inflation, growth, and condition of assets and do not decline (as a % of the Town's asset management plan contribution target). Utilize debt, in a fiscally responsible manner, to fund capital projects while ensuring debt servicing costs as a % of net revenues are below the thresholds set by Town policy and the 25% threshold set by the province. Allocate a minimum of 50% of additional tax revenues from growth (e.g. new homes, businesses added to the tax roll) to offset operating budget pressures related to the	In Progress	Initiated review of debt-funded capital program/forecast in long-range financial plans. Debt servicing costs for the Town will be higher due to higher interest rates. Council approved a plan for additional funding for the new Whitby Sports Complex to be financed through reserves rather than additional debt. The use of reserves required pushing out planned 2024 park and trail development projects to future years and is expected to reduce debt servicing/interest costs for the Town, overall. Borrowing rates are based on the Bank of Canada's overnight lending rates which were relatively low (e.g. below 1%) in recent years. From January 2022, the Bank of Canada has increased rates 10 times to combat rising inflation. As of this update, the current Bank of Canada overnight rate is 5%.

Objective 4.4: Ensure fiscal accountability and responsibility plan for growth			
Actions	**Identified Measures of Progress**	**Status of Progress**	**2023 Details of Progress**
	maintenance of to maintain essential services and service levels.		

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Ward Town Hall Meetings Policy

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CLK 01-24**

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

Christopher Harris, Town Clerk

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Christopher Harris, Town Clerk, x4302

1. Recommendation:

That Council approve the Ward Town Hall Meetings Policy appended to Report CLK 01-24 as Attachment 1.

2. Highlights:

- Council has made community engagement a priority and in 2023 started hosting town hall style meetings in each of the four wards.
- Ward town hall meetings are led by the respective Ward Councillor, and where applicable, a paired Regional Councillor.
- The proposed policy for ward town halls is intended to identify the type of support provided to Members of Council to facilitate these meetings.

3. Background:

The Mayor and Council have recently identified community engagement as a priority through the Community Strategic Plan. The opportunity to engage constituents directly through annual town hall style meetings in each of the four wards is a key initiative as part of this commitment. Approval of a policy is necessary to ensure that adequate supports for Members of Council are in place to facilitate these events and to identify event planning responsibilities.

A corporate budget for ward town hall meetings was previously established through an amendment to the Council Expense Policy in 2023 to add the following as Section 3.2:

"A corporate budget will be established for one Ward Town Hall meeting per ward per year in the amount of $300 (or $75 per Ward Town Hall meeting x 4 meetings hosted by a Ward and Regional Councillor team) for refreshments. Expenditures beyond the $75 per Ward Town Hall meeting or in addition the Corporate support to be provided by staff will be allocated evenly to each Ward and Regional Councillor's Annual Budget, in accordance with this Policy, following each event. For clarity, for an expenditure of $85 at a Ward Town Hall meeting, the $10 in excess of the corporate budget will be allocated $5 to the Ward Councillor and $5 to the Regional Councillor hosting the Ward Town Hall meeting."

4. Discussion:

When drafting the proposed Ward Town Hall Meeting Policy, Staff reviewed documentation and incorporated best practices from the Town of Ajax which has been hosting ward town hall meetings for a number of years. Practical considerations from the ward town hall meetings held in 2023 were also reviewed.

The proposed Policy provides that the Ward Councillor, and if applicable their assigned Regional Councillor team member, will have overall responsibility for running the ward town hall meeting, including identifying content in advance and facilitating the meeting while it is occurring. The paired Regional Councillor is noted as "if applicable" in the draft policy to provide flexibility should Council identify a different arrangement other than the current Ward Councillor and Regional Councillor pairing structure in the future.

The Executive Advisor and Public Relations Coordinator in the Mayor and Councillors' Office will work with Town Staff and outside organizations to arrange meeting content as requested by the applicable Councillors. The Administrative Assistant and Customer Service Specialists assigned to support to Members of Council will provide logistical support for the meeting such as the room booking, coordinating refreshments, arranging for audio visual technology, expense management, and note taking during the meeting.

Ward town hall meetings will be corporately supported with department Staff available to attend to provide presentations or assist with answering questions, subject to approval of the CAO. Further, Corporate Communications will leverage corporate channels to promote the meetings.

5. Financial Considerations:

The draft Ward Town Hall Meeting Policy aligns with 2023 amendments to the Council Expense Policy. On an annual basis, one ward town hall meeting will be corporately supported financially with the use of a municipal facility to host the meeting and by providing light refreshments. In the event that Members of Council wish to undertake additional advertising beyond that provided through the Town's Corporate Communications and Creative Services division and their social media, they may request reimbursement for additional advertising in accordance with the Council Expense Policy. Additional ward town hall meetings (beyond the one per ward per year) will be allocated to the annual business expense budgets for the Members of Council organizing the meeting in accordance with the Council Expense Policy, unless a Council resolution directing corporate support is passed.

6. Communication and Public Engagement:

Ward town hall meetings are one of the key initiatives Council is undertaking to promote community engagement further to action item 4.3.4 in Whitby's Community Strategic Plan. Corporate Communications and Creative Services will support annual ward town hall meetings through corporate communication channels to promote awareness and attendance.

7. Input from Departments/Sources:

The Senior Leadership Team has reviewed and provided comments on the draft Policy, and Financial Services has ensured alignment with the Council Expense Policy.

8. Strategic Priorities:

Creating Ward Teams and hosting ward town hall meetings are key priorities identified by the 2022-2026 Council to support enhanced community engagement and the handling of constituent inquiries.

9. Attachments:

Attachment 1 – Draft Ward Town Hall Meeting Policy

Town of Whitby Policy

Policy Title:	Ward Town Hall Meetings
Policy Number:	**To be assigned following Council approval**
Reference:	Legislation, other Policies, Council Resolution #, etc.
Date Approved:	Click here to enter a date.
Date Revised:	Click here to enter a date.
Approval:	Council
Point of Contact:	Mayor and Councillors' Office

Purpose

To advance Council's priority of community engagement, Members of Council may hold annual town hall style meetings for each ward.

Scope

This policy identifies the supports and responsibilities for organizing and hosting a town hall meeting in each ward.

Index

1. Responsibilities 2
2. General 3

1. Responsibilities

1.1. The Ward Councillor, and if applicable a paired Regional Councillor, will have overall responsibility for the Ward Town Hall meeting, including:

- Recommending presentations and identifying Town and community updates to highlight at the meeting; and,
- Facilitating the meeting and fielding questions from those in attendance, with the option to use the assistance of a moderator.

1.2. The Executive Advisor and Public Relations Coordinator will provide the following support to Members of Council to organize the Ward Town Hall meetings:

- Work with the applicable Councillors to identify content and speaking notes for the meeting;
- Coordinate with the relevant Town Department(s) through the Senior Leadership Team in accordance with Section 1.5 of this Policy, or with other organizations, agencies, and levels of government to arrange for presentations or to request that Staff attend to assist with answering questions; and,
- Use and update templated assets created for Mayor and Council, including social media graphics and invitations.

1.3. The Administrative Assistant and Customer Service Specialists in the Mayor and Councillors' Office will provide the following support to Members of Council to organize the Ward Town Hall meetings:

- Secure a venue, oversee room set up, coordinate refreshments, arrange audio/visual supports, track feedback and questions during the meeting, and coordinate with the applicable Councillors to follow-up with any outstanding resident questions; and,
- Submit invoices for processing and tracking costs in accordance with the Council Expense Policy.

1.4. Corporate Communications and Creative Services (CCS) will support Ward Town Halls by using corporate communication channels and tools to advertise the Ward Town Hall meetings, including:

- Social media channels;
- Digital displays at Town facilities;
- Whitby.ca community calendar; and,
- Fire Hall display signs within the ward.

Additional advertising and promotion to supplement the above, such as flyers and paid online advertising will be arranged directly by the applicable Councillors and charged to their expenses in accordance with the Council Expense Policy.

CCS will provide templated assets to the Mayor and Councillors' Office Staff, which are to be edited and distributed by Executive Advisor, Public Relations Coordinator, and/or Members of Council. Templated assets will be reviewed annually, including a social media graphic and an invitation to attend.

1.5. Town Staff, at the discretion of the CAO based on workload and Staff's availability, will:

- Attend Ward Town Halls to make presentations focused on current and topical Town initiatives and/or to assist with answering questions; and,
- Provide administrative support as required and applicable to facilitate facility bookings, insurance, and invoicing.

2. General

2.1. On an annual basis, one Ward Town Hall meeting per ward will be corporately supported. In the event that additional Ward Town Hall meetings are requested within a calendar year, a Council resolution directing that the meeting be corporately supported shall be required, and in the absence of a Council resolution, all expenses for the meeting shall be reimbursed from the expense budget of the Member(s) organizing the additional Ward Town Hall meeting in accordance with the Council Expense Policy.

2.1.1. Notwithstanding the above, a corporately supported Ward Town Hall meeting shall not occur in an Election Period, defined as:

- With regard to a regular municipal election, the first day prescribed for the filing of nominations in accordance with the Municipal Elections Act and ending when the new Council takes office; or
- With regard to a by-election for that ward, from when the by-election is called and ending on voting day.

2.2. Refer to the Council Expense Policy for information on how costs associated with the annual corporately supported Ward Town Hall meetings will be covered. Use of meeting space in a Town facility will be part of the Corporate support provided to facilitate one ward town hall meeting per ward per year.

This Policy is hereby approved by Council Resolution #_____ on this _____ day of _____, 20__.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Council Participation at Community Events Protocol and Attendance Guidelines Policy

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CLK 02-24**

Department(s) Responsible:

Office of the Town Clerk

Submitted by:
Christopher Harris, Town Clerk

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Christopher Harris, Town Clerk, 905.430.4302

1. Recommendation:

1. **That Council approve the Council Participation at Community Events Protocol and Guidelines Policy appended to Report CLK 02-24 as Attachment 1.**

2. Highlights:

- Adoption of the draft Policy will provide guidance to Members of Council and Town Staff regarding the etiquette, decorum, and practice for Members of Council to attend, speak, and otherwise be engaged with community events.
- Having a documented framework to reference when scheduling Members of Council to attend community events will be beneficial to Staff in the Mayor and Councillors' Office.

3. Background:

Staff and Members of Council have historically relied on an understanding of unwritten practices at the Town when it comes to the protocol around accepting invitations and attending community events.

Staff are aware that at least one other Ontario municipality, being the City of Brampton, has chosen to document the rules of protocol through a Civic Events Protocol document. At the City of Toronto, the Strategic Protocol & External Relations division in the City Clerk's Office was contacted to identify what processes Toronto has in place for Members of Council attending community events. Staff were advised that Toronto has opted to not have a written policy in order to allow for the evolution of protocol, as well as to have maximum flexibility to respond with judgement on a case-by-case basis. It should be noted that Staff and Council at the City of Toronto benefit from having dedicated professionals within the City Clerk's Office with an expertise in protocol to provide such case-by-case reviews and recommendations.

4. Discussion:

Having a documented policy to reference for protocol and guidelines will be beneficial so that Staff are aware of the processes to follow when communicating with event organizers and arranging scheduling on behalf of the Mayor and Members of Council. A documented protocol will also be helpful for Members of Council to understand their role when attending a community event. Enactment of the draft Policy is timely given the recent retirement of a long serving Staff member in the Mayor and Councillors' Office who was responsible for scheduling and the associated loss of their in-depth knowledge and understanding of precedent when it comes to scheduling on behalf of the Mayor and Members of Council.

The draft Policy is broken down into sections that align with different event types to provide guidance based on the unique considerations associated how different events operate. One of the most frequent invites sent to Members of Council is to request their attendance at business openings. The protocol for attendance, speaking and scheduling business and other grand openings is covered in Section 5 of the draft Policy which proposes that Staff in the Mayor and Councillors' Office will action the invite based on who the invite is addressed to. For example, if the invite is only addressed and intended for the Mayor, then the Mayor will provide direction as to how the invite is handled. The Mayor could advise that they will attend, designate another Member to attend on their behalf, request the Ward Team also attend, inquire if all Members of Council may be invited, or some permutation of these options. Staff would then action the scheduling for that event based on the direction provided by the Mayor. Where an invite is received by the Mayor and Councillors' Office Staff and is addressed to all of Council, Staff will arrange RSVPs and scheduling on behalf of all Members of Council. If the invite received by the Mayor and Councillors' Office only identifies select Councillors to attend or the invite is unclear as to who is invited to attend, Staff will contact the event organizer to clarify who is invited and based on the information provided, confirm the opportunity for all Members to attend.

Where a Councillor receives an invite directly from an organizer for a business or grand opening, the Councillor may choose to forward the invite to Staff in the Mayor and Councillors' Office who will inquire with the organizer if all Members of Council may attend. If the Member chooses to confirm their attendance directly with the organizer, then the Member will attend the event in an informal capacity and not provide official remarks on behalf of the Town. The proposal that the Member attend in an informal

capacity in such instances is necessary given that their attendance is coordinated without Staff assistance and therefore it is unknown if other Members of Council may be attending and what the relevant speaking and gift presentation protocol would be. Further, providing for informal attendance unless coordinated through the Mayor and Councillors' Office respects the provisions in the Municipal Act that designate the Mayor to represent the municipality at official functions (section 225) and to act as the representative of the municipality both within and outside of the municipality (section 226.1).

An understanding of precedent and past practice at the Town, along with best practices identified after reviewing Brampton's Civic Events Protocol and based on feedback from Staff at the City of Toronto has been used to inform the draft Policy.

5. Financial Considerations:

There are no financial implications associated with Council approving the draft Council Participation at Community Events Protocol and Attendance Guidelines Policy.

6. Communication and Public Engagement:

Subject to Council's approval of the draft Policy, Staff in the Mayor and Councillors' Office will advise external organizations of the relevant policy provisions as needed when accepting invites and arranging scheduling on behalf of the Mayor and Members of Council.

The opportunity for a website form to intake invites from businesses and external organizations for the Mayor and Members of Council to attend community events will be investigated.

All Council approved policies are posted to the Policy Index available through the Town's website.

7. Input from Departments/Sources:

The Whitby Chamber of Commerce was consulted regarding Council attendance at business openings given the Chamber's involvement with many business openings. The Chamber has indicated that it has no concerns should all Members of Council choose to attend business openings. As such, unless otherwise noted on an invite, when the Chamber forwards business opening invites to the Mayor and Councillors' Office such invites will be handled in accordance with section 5.1.2 of the Policy by Staff so that the invite is forwarded to all Members of Council and scheduling is arranged on behalf of Council.

Input from Staff in Strategic Initiatives regarding the draft Policy was also received and their input incorporated.

8. Strategic Priorities:

Adoption of the draft Policy aligns with Strategic Pillar 4 in the Community Strategic Plan as it will ensure that the Town remains an accountable and responsible government and by prioritizing strong community partnerships.

9. Attachments:

Attachment 1 – Draft Council Participation at Community Events Protocol and Attendance Guidelines Policy

Town of Whitby Policy

Policy Title:	Council Participation at Community Events Protocol and Attendance Guidelines Policy
Policy Number:	To be assigned following Council approval
Reference:	Legislation, other Policies, Council Resolution #, etc.
Date Approved:	Click here to enter a date.
Date Revised:	Click here to enter a date.
Approval:	Council
Point of Contact:	Town Clerk

Policy Statement and Purpose

The Mayor and Members of Council as community leaders are frequently invited to attend openings, special events, unveilings, announcements, ground breakings, dignitary visits, and other community engagements.

This Policy is intended to provide guidance to Members of Council and Town Staff regarding the etiquette, decorum, and practice for Members of Council to attend, speak, and otherwise be engaged with community events.

1. Responsibilities

1.1. Mayor – it is the role of the Mayor to represent the municipality at official functions and act as the representative of the municipality both within and outside the municipality. As the head of Council and a community leader, the Mayor receives invitations and is expected to attend civic events.

1.2. Councillors – are elected to represent the public and to consider the well-being and interests of the municipality. As community leaders, Councillors are invited and expected to attend civic events.

1.3. Mayor and Councillors' Office Staff – Staff in the Mayor and Councillors' Office are responsible for providing administrative support to the Mayor and Members of Council which includes receiving and processing invites for civic events and undertaking the necessary scheduling arrangements.

2. Town and Third Party Special Events

2.1. For the purpose of this section, the Special Events Policy MS 200 may be referenced to assist in determining the types of events that are considered to be Town and Third Party special events.

2.2. All requests made by event organizers for the Mayor and/or Members of Council's official involvement (e.g. attending the opening ceremony, provide a welcome message, or undertaking other ceremonial functions) at a special event shall be directed to Staff in the Mayor and Councillors' Office. If a Town event, the Staff organizing the event may directly communicate with the Mayor and Members of Council to make the necessary arrangements.

2.3. The Mayor, and in their absence the Mayor's designate, shall be responsible for providing the official involvement requested, which may include official remarks and introducing other Members of Council in attendance.

2.4. Requests for unofficial involvement from Members of Council at special events, such as requests to volunteer or participate in an informal manner, shall be coordinated directly between the event organizer and Members of Council.

3. Processions and Parades

3.1. Where Members of Council are to march or walk in a procession or parade, the Council may either walk or participate as a group or individually depending on the formality of the event. If a formal event with an identified order of proceedings, then Council shall adhere to the following order with the Mayor being last:

- Ward 1 Councillor
- Ward 2 Councillor
- Ward 3 Councillor
- Ward 4 Councillor
- Regional Councillors in order of votes received during the last Regular Election, with the Member receiving the fewest votes going first and the Member receiving the most votes going last
- Mayor

4. Official Functions and Intergovernmental Events

4.1. Should a representative of the Town be requested to attend an official function by another level of government, government agency or crown corporation, the Mayor shall be the designated representative. If the Mayor is not available to attend, then the Mayor's designate shall attend.

4.2. Where an event by another level of government is being hosted in the Town of Whitby (e.g. funding announcement), in addition to the Mayor attending, all Members of Council shall be notified of the event by the Mayor and Councillors' Office, except where the level of government has requested the announcement remain strictly confidential until such time as it is publicly made.

4.3. Official protocols and proceedings identified by the Provincial or Federal governments for an event or function shall take precedence over any Town of Whitby protocols.

5. Grand Openings, Groundbreakings, and Unveilings

5.1. The processing of invitations, protocol, and scheduling for the Mayor and Members of Council to attend business or other facility grand openings, groundbreakings, or unveilings shall be managed as follows:

5.1.1. **For invitations to the Mayor**

- The Mayor will provide direction through the Mayor and Councillor's Office Staff for how the invite will be handled.
- If the Mayor is unable to attend, then the Mayor may direct that a Member of Council attend and provide official remarks on their behalf.

5.1.2. **For invitations received by the Mayor and Councillors' Office Staff that are addressed to the Mayor and Council**

- Staff will forward the invite to all Members of Council and arrange scheduling and RSVPs on behalf of Council.
- The Mayor and the Ward Councillor, and if applicable the paired Regional Councillor, for the ward the event is being held in shall present the welcome gift if one is offered and make official remarks.
- All Members of Council may participate in photographs and the ribbon cutting.

5.1.3. **For invitations received by the Mayor and Councillors' Office Staff that are addressed to select Councillors**

- Staff will confirm with the organizer the opportunity for all Members of Council to attend.
- For the instances where the organizer cannot accommodate all Members of Council due to space constraints or otherwise, the

organizer will be advised that Town protocol provides that it shall be the Mayor and the Ward Councillor, and if applicable the paired Regional Councillor, for the ward the event is being held in who attend.

5.1.4. **For invitations received directly by Councillors**

- The Councillor may forward the invite to Mayor and Councillors' Office Staff to coordinate in accordance with Sections 5.1.2 and 5.1.3 above.

- Should the Councillor respond and coordinate their attendance directly with the organizer, then the Member shall attend the event in an informal capacity and shall not provide official remarks on behalf of the Town. Staff support for their attendance will not be provided.

5.2. Members shall arrive for the event's proposed start time or at a time communicated by the organizer and adhere to the event schedule.

6. Events outside of the Town of Whitby

6.1. Events held outside the Town of Whitby deemed "official functions" as per Section 225 of the Municipal Act fall under the authority of the role of the Mayor as the head of Council and shall be coordinated through the Mayor's Office based on the Mayor's direction. If the Mayor is unable to attend, then the Mayor may direct that a Member of Council attend and provide official remarks on their behalf.

6.2. Organizers for events outside of the Town of Whitby that are seeking official representation from the Town of Whitby shall direct their requests to the Mayor and Councillors' Office Staff.

6.3. Councillors who receive an invite directly from an event organizer for an event being held outside of the Town of Whitby may attend the event in an informal capacity out of respect for the official role of the local representatives for that jurisdiction. Staff support for Councillor attendance at events outside of Whitby shall not be provided.

This Policy is hereby approved by Council Resolution #_____ on this _____ day of _____, 20__.

Memorandum to Council

Office of the Town Clerk

To:	Mayor and Members of Council
CC:	n/a
From:	Chris Harris, Town Clerk
Date:	January 15, 2024
File #:	Staff Report CLK 02-24
Subject:	Council Resolution #183-23 re Council Attendance at Business Openings

Acknowledged by M. Gaskell, Chief Administrative Officer

An inquiry was received from a Member of Council on how the recommendation within Staff Report CLK 02-24, Re: Council Participation at Community Events Protocol and Attendance Guidelines Policy, responds to Council Resolution #183-23 adopted on October 2, 2023. Reference to this resolution was inadvertently omitted from the background section of the Staff Report.

> Members of Council - Attendance at Business Openings
>
> Resolution #183-23
>
> That the Clerk be directed to report back with a draft policy that would create a process to have the Mayor and Councillors' Office invite all Members of Council to every business opening where the presence of Members of Council is requested.
>
> Carried

The draft Policy appended to Report CLK 02-24 provides that all Members of Council will be invited to a business opening when the invite is received by the Mayor and Councillors' Office and addressed to Members of Council or select Councillors. There are two scenarios where scheduling for all Members of Council would not automatically be arranged by Staff in the Mayor and Councillors' Office:

- The invite is addressed only to the Mayor, in which case the Mayor will direct how the invite will be handled (see subsection 5.1.1 of the draft Policy and Section 4 of the Staff Report for further information); and,

- The invite is received directly by a Councillor who responds and coordinates their attendance directly with the organizer, recognizing that in such instances the Member would attend the event in an informal capacity (see subsection 5.1.4 of the draft Policy).

Memorandum to Council

Office of the Chief Administrative Officer

Strategic Initiatives Division

To:	Mayor and Members of Council
CC:	Chris Harris, Town Clerk, Sarah Klein, Director Strategic Initiatives
From:	Christy Chrus, Manager Creative Communities
Date:	January 29, 2024
File #:	CLK 02-24 Council Participation at Community Events
Subject:	Response to Questions on Report CLK 02-24 Regarding Façade Grants

Acknowledged by M. Gaskell, Chief Administrative Officer

This memo is in response to questions raised by Council at the January 15 Committee of the Whole meeting on Report CLK 02-24 regarding the Façade Grant Recognition Program.

The Town of Whitby offers various incentive programs for business and property owners in Downtown Whitby and Downtown Brooklin to help transform the area into dynamic social and cultural spaces. The Façade Grant Program is a 50% matching grant up to a certain value that is used to support renovations to buildings including such things as signage, painting, brick repair, accessibility upgrades and more. Business and property owners apply annually and are issued a cheque once the work is completed by the applicant.

Each year, staff in Creative Communities organize a Façade Grant Recognition event with Mayor and all Members of Council to present each business / property owner that participated in the program from the pervious year with a plaque to commemorate their contributions and investment in the downtown. The Facade Grant Recognition event was initially an idea of the Downtown Whitby and Brooklin Development Steering Committees and has been held annually with all Members of Council being invited to attend the event.

Creative Communities staff work with the Mayor and Councillors' Office to confirm availability of the Mayor and Local Ward Councillor and their respective Regional partner to schedule the date(s) for the recognition event. All of Council is invited to attend through a meeting request from the Mayor and Councillors' Office along with

Creative Communities staff sharing the Façade Grant Recognition package by email to all Members of Council which showcases the participating businesses, date, time and route map for the event.

Creative Communities staff will continue to work with the Mayor and Councillors' Office to schedule this event and will advise all Members of Council of the date, times and circulate a copy of the Façade Grant Recognition package by email.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Waste Collection Services on Private Residential Property

Report to: **Committee of the Whole**

Date of meeting: January 15, 2024

Report Number: **CMS 01-24**

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

Lisamaria Akeson, Manager, Waste Services, 905.430.3093

1. Recommendation:

1. **That Report CMS 01-24 be received for information; and,**

2. **That NUB Item GG-0008 – "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" be removed from the New and Unfinished Business Listing.**

2. Highlights:

- Any new private road developments since the late 2000's have not been approved for municipal curbside waste collection services. Residents living in these developments pay for private waste collection services through their condo fees.
- There are approximately 1816 townhomes and 511 multi-residential condominium units located on private property in Whitby that receive waste collection through private contracted services.

- Staff have created the draft *Technical and Risk Management Guidelines for Waste Collection on Private Residential Property* **(Attachment #1)** in order to determine the potential eligibility of existing locations to be added to Town waste collection services and to identify associated costs for consideration.
- The cost to add potential locations to municipal waste services is estimated to be between $150-300K per year for townhomes and $8K for multi-residential units.

3. Background:

As it relates to waste management, private residential properties are generally divided into two categories: Condominium townhomes located on private road developments or multi-residential apartment buildings (building containing 6 or more residential dwelling units as per *Town of Whitby Waste Collection By-law #7812-21*).

Municipal Waste Collection for Condominium Townhomes on Private Road Developments

Prior to the 1990's, condominium townhouse developments that were being introduced featured private internal streets that were easily accessible by waste collection vehicles. The design of these developments offered sufficient space in front of each unit to accommodate the curbside collection of waste.

By the late 1990's, the housing industry began shifting to higher-density developments. Developers continued to propose designs that had internal private street networks, however, there was less consideration for setbacks from the laneway, narrower rights-of-way, dead-end streets, and in some instances, no options for turnarounds making waste collection challenging and unsafe.

The Town tried alternative waste collection options to accommodate some of these locations. These alternative arrangements were not without their own challenges. In some locations, the only way curbside collection could be achieved was by having residents either carry their waste through their unit or use their cars to bring waste around to the front of their unit. In other locations, the only option was a consolidated collection point which invited illegal dumping and an inability to enforce set-out limits.

Starting in the mid-2000s, several developments were being constructed that did not meet industry standard requirements for curbside waste collection. Developers were unwilling to conform to criteria under the Town's Technical Standards compulsory for offering waste collection services on private property. Ongoing challenges also became evident when the Town began to ask Condo Corporations for risk mitigation measures on private property through requests for indemnity insurance agreements. Some locations refused to sign agreements, causing the Town to re-evaluate the risk and liability of entering onto private property.

As a result, any new private road developments since the late 2000's have not been approved for municipal curbside waste collection services. Residents living in these developments today must now pay for private waste collection services through their condo fees.

Presently, the Town provides (grandfathered) waste collection services to 2125 residential townhome units located on private roadways.

Municipal Waste Collection for Multi-Residential Apartment Buildings

In 1976, the Town expanded residential waste collection services to multi-residential apartment buildings, as per Council resolution (No. 473-76). At that time, there were only a small number of multi-residential apartment buildings and very few guidelines to govern the provision of waste collection services on private property.

The only provision needed at this time for multi-residential buildings to receive municipal service on private property was that the building owner had to purchase their own dumpster or waste container and store it in a location accessible for collection.

Similar to condominium townhomes located on private roadway developments, property management and condo boards alike were averse to signing indemnity agreements requested by the Town in the early 2000's. The Town made the decision to continue to offer front-end containerized collection for only "grandfathered-in" locations, and going forward, new locations were directed to private service.

Presently, the Town provides waste collection service to 73 multi-residential apartment buildings amounting to 4257 residential units.

New Pressures from Extended Producer Responsibility (EPR) Legislation in Ontario

In 2016, the Province of Ontario passed the Resource Recovery and Circular Economy Act (RRCEA) as the enabling legislation for enacting Extended Producer Responsibility (EPR) in Ontario. EPR programs that have already successfully transitioned to the new regulatory framework include tires, batteries, electrical equipment, and hazardous wastes.

The Blue Box program began its transition to full EPR in the summer of 2023 with 1/3rd of all Ontario municipalities. The transition date for Whitby and other municipalities in Durham Region is **July 1, 2024**. On this date, the Producers will take over curbside Blue Box (BB) collection services from the Region of Durham and take on responsibility for sorting, and marketing of the materials collected.

Producers must operate the BB program similarly to the way Durham Region operates it until all Ontario municipalities have transitioned to full EPR in 2026.

The Regulation includes all single-family residences and multi-residential buildings, schools, not-for-profit long-term care and retirement homes and municipal public spaces/parks currently receiving municipal garbage collection as part of the initial transition.

All townhome and multi-residential units located on private property that do not receive municipal waste collection will be excluded from the EPR curbside BB program. In 2026, non-serviced residential and multi-residential can request to be added to the service.

4. Discussion:

Draft Design Standards for Waste Collection Services on Private Road Developments

In preparation for the response to NUB Item GG 008, staff has created the draft *Technical and Risk Management Guidelines for Waste Collection on Private Residential Property* **(Attachment #1)**. At Council's direction these standards would be adopted and approved to determine eligibility requirements for all future residences on private roads and multi-residential units in the Town.

These draft design standards have been utilized to determine the potential eligibility of locations to be added to Town waste collection services and to identify associated costs for consideration.

Some elements of the draft design standards include consideration for access route(s), minimum road width for internal roadways, vehicle turning radius, on-street parking, set-backs for garages and buildings, waste collection point(s), winter maintenance, snow loading, building configuration, internal storage location, capacity requirements, property owner responsibilities and internal access.

Some of the historical concerns highlighted under section 3 of this report related to setbacks and narrower right-of-way's have become a moot point, as public laneway standards have been adjusted to facilitate higher-density developments in recent years.

As noted earlier, the Region of Durham will only be responsible for Blue Box recycling collection up until July 1, 2024, after such time, Circular Materials, the designated Producer Responsibility Organization for the Blue Box program, will take on all existing collection points.

The Region will continue to have a vested interest in reaching its long-term waste reduction targets achieved largely through other curbside collection programs, such as the *Enhanced Green bin Program,* expected to begin in late-2024 and the proposed *Multi-residential Organics Program* expected to begin in 2025.

Given these shared areas of interest, staff have consulted with the Region's Waste Management Department with the intent of harmonizing elements of our Waste Collection By-laws as well as the draft *Technical and Risk Management Guidelines for Waste Collection Services on Private Property* with the Region's evolving Design Guidelines and Waste Management By-Law.

Assessment of Eligible Private Roadway Developments

The Town provides waste collection services to eligible residential property types within the municipality, including single-family detached, townhouses and multi-residential buildings.

The Town's Waste Services division utilizes two (2) waste collection methods for the following residential property types:

- **Curbside Collection** - residents set their waste at a designated curbside location for collection that is picked up by a residential waste collection truck provided by in-house and contracted services; and,
- **Containerized Front-End Collection** – residents from multi-residential apartment buildings (6 units or more) consolidate waste in a dumpster that is collected by a specialized front-end collection truck which is completed by a contracted service provider for the Town.

In the summer of 2023, staff conducted site visits at all non-serviced private road townhome developments to assess if locations would meet the basic eligibility criteria of the draft design standards. These assessments included drive-throughs with Town waste collection vehicles to ensure safe access and navigation throughout the internal roadways. Of all locations assessed, the majority meet the basic eligibility criteria of the draft design standards, totaling 1565 units currently. Some newer developments have not yet been fully built and would need to be reassessed once completed if required.

Summary of Eligibility – Private Townhomes		
Meets Eligibility Criteria	**#Units**	**TOTAL**
Yes	1565	1565
No	372	372

Preliminary assessments of existing multi-residential locations that are not currently eligible for Town waste services indicate that all 511 units at 3 locations would meet the basic eligibility criteria of the draft design standards.

Risk and Liability Considerations

Should the Town take on additional private roadway locations, the Town would also assume more risk and liability for damage to private property and/or injuries at locations not maintained by the Town. Included in the draft Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property is an indemnity insurance agreement that would need to be signed annually by condo boards and/or property managers of private roadway developments prior to any inclusion into the Town's waste collection services program.

Council Direction

Should Council wish to increase service levels to include private townhomes and multi-residential locations in the waste services program, a motion would be required to direct staff to include the expansion of waste collection service as a decision item in the 2024 budget as follows, "That staff be directed to included waste collection for private multi-residential and town home locations, through the use of contracted services, as a decision item in the 2024 budget process".

5. Financial Considerations:

The site visits conducted in the summer of 2023 confirmed that up to 1565 residential townhome units preliminarily meet the criteria in the draft design standards. Currently, the Town contracts out curbside waste and organics collection in West Whitby at a cost of $1.51 per collection, per week. It is expected however that costing would be higher as the 1565 townhomes are located throughout the Town which impacts routing efficiencies thus adding to labour, equipment and fuel costs. Preliminary estimates suggest that contracting out this service would cost and estimated $150K-$300K per year.

Bringing these units onto in-house waste collection services would have an annual operating budget impact of $97K for one full-time employee (FTE) and $20K for fuel and maintenance for a combined total of $117K per year. An additional side loader waste collection vehicle would also be required at a capital cost of $400K. This piece of equipment would be required to be replaced every seven years. The total incremental cost for 2024 to pick up the additional 1565 sites would be approximately $517K.

In addition to townhomes located on private property, there are 3 multi-residential locations consisting of 511 units that also preliminarily meet the criteria in the proposed design standards. Bringing these units onto Town waste collection services through our contracted front-end waste service (containerized waste collection) would cost approximately $8K per year at $14.76 per unit, per year.

All the provided estimated costing is based on the assumption that all eligible properties would opt-in to the service if available. This is a reasonable assumption however property management may have existing contractual obligations with waste haulers which could delay the start-up of Town provided services at any of the eligible locations.

6. Communication and Public Engagement:

If directed by Council to add private townhomes and multi-residential locations to the waste services program, staff would reach out to condo boards and property management at eligible locations to initiate collection services subject to the terms of existing contracts with private waste haulers.

A communication plan would also be developed to help residents in these areas understand what may be changing for them (i.e. collection day and collection requirements). This would be done in a similar fashion to how the Town brings new residential homes onto service.

Staff would also be co-ordinating with Region staff and CMO as it pertains to the provision of blue box containers.

7. Strategic Priorities:

This report aligns with the following objectives under Strategic Pillar 4 of the Community Strategic Plan: Whitby's Government - Accountable and Responsive:

4.3.2 – Deliver exceptional customer service and community engagement by identifying, establishing and reporting on service levels of interest to the community.

4.4.1 – Ensure fiscal accountability and responsibly plan for growth by delivering services that respond to community needs while balancing the impact to taxpayers.

8. Attachments:

Attachment 1 – Draft Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property

Community Services - Operations
333 McKinney Drive, Whitby, ON
www.whitby.ca

Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property



Table of Contents

1. General Information 3
   1.1 Introduction 3
   1.2 Definitions 3
2. Requirements 6
   2.1 Site Plan Requirements 6
   2.2 General Waste Collection Requirements 6
3. Containerized Waste Storage and Collection Requirements 8
   3.1 Waste Storage Area(s) 8
   3.2 Collection Area 9
   3.4 Frequency and Level of Service 10
4. Curbside Waste Collection Requirements for Ground-Oriented Residential Townhouse Developments 10
   4.1 Waste Storage Area(s) 11
   4.2 Collection Area 11
   4.3 Access Routes 11
   4.4 Frequency and Level of Service 12
5. Review Process 12
   5.1 Submissions 12
   5.2 Revisions to the Waste Collection Guidelines 13
   5.3 Distribution of Waste Collection Guidelines 13

APPENDIX 14
Appendix “A” 15
Appendix “B” 16
Appendix “C” 17
Appendix “D” 18
Appendix “E” 20
Appendix “F” 24

DRAFT

1. General Information

1.1 Introduction

The purpose of the Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property is to ensure that owners, planners, developers and contractors of multi-residential apartment buildings or residential developments on private roadways are familiar with the requirements of proper waste collection and waste storage systems and that the provision of these are considered in the planning and development of all residential and Multi-Residential Properties. These requirements provide direction as to how developments are to be designed to provide for the safe and efficient movement for waste collection vehicles for present and future waste collection needs.

These requirements must be met before the Town of Whitby will consider providing waste collection services to any new or existing developments on private property. In addition to the requirements set out in this document, Municipal and Regional site plan requirements, Waste collection By-laws, Building and Fire Codes and any other applicable Regulations must also be adhered to.

These guidelines are minimum requirements only and the Town reserves the right to enact additional requirements during the review of development projects. The Town also reserves the right to designate the type of collection services to be provided as well as access and storage requirements on a case-by-case basis. If the Town determines that a development does not meet the requirements contained within this document, waste collection services will not be provided by the Town.

Building design and site design should provide for adequate and efficient waste handling, along with properly sized storage capacity for all generated waste that is to be located conveniently within the building structure or on the property site for easy and barrier-free access by residents and collection equipment.

The Town of Whitby and the Region of Durham have committed to aggressive waste reduction targets that are to be met through programs such as the Source Separated Organics (SSO) Green Bin program and the Blue Box recycling program. It is imperative these programs are easy to use and readily accessible to all residents.

In addition to household Residual Garbage and Organics collection, The Town of Whitby's Community Services - Operations Department is responsible for the collection of Yard Waste along with Special Collections (Bulky, Metal, Electronic Waste and Porcelain). The Region of Durham and/or Producer Responsibility Organization(s) are responsible for the collection and processing of Blue Box Recycling material.

1.2 Definitions

"Blue Box" means the designated Approved Receptacle for containing Recyclable Material and which meets the requirements of the Region and/or Producer Responsibility Organization(s) for the municipal collection of the Blue Box Program

"Blue Box Program" means the Provincial program established for the recovery of source separated Recyclable Materials from approved sources using an approved receptacle designated by the Region and/or the designated Producer Responsibility Organization(s) (PRO) for the Blue Box Program

"Bulky Item" means any item set out in By-law 7812-21 - Schedule B to the Waste Collection By-Law, and includes Metal Goods

“Bulk Front-End Container” means a large metal waste receptacle approved by the Town for holding waste to be emptied by the Town and/or its subcontracted designate

“Collection Area” means a location on private property designated exclusively for collection of residential waste materials

“Commercial Property” means a property zoned as commercial

“Commissioner” means the Commissioner, Community Services or their designate.

“Contractor” means any individual, firm, company or corporation and the employees of any such individual, firm, company, or corporation with whom the Town or the Region has entered into a contract or agreement for the collection, processing, handling, haulage, marketing, or disposal of Waste

“**Eligible Property”** means a residential dwelling unit or residential property that has been approved for municipal waste collection services by the Town

"Electronic Waste” means “electrical and electrical equipment” as defined under Ontario Regulation 522/20: Electronic and Electronic Equipment and as designated by the Ministry of the Environment, Conservation and Parks under the *Resource Recovery and Circular Economy Act, 2016* as amended

“**Front-End Containerized Collection Service**” means the bulk collection of Waste by means of a front-end collection vehicle

“**Garbage Bag**” means a plastic bag used to contain Residual Garbage and which measures not more than 66 centimetres by 90 centimetres (26 inches by 36 inches) at the time of purchase and can support 20 Kilograms (44 pounds) without tearing or breaking when lifted

“**Green Bin**” means a receptacle that has been approved by the Town and has been supplied by the Town or Region for the setting out of source separated organics

“Green Bin Program” means the program for the curbside collection of source-separated Organics Materials from residential sources using approved receptacles as defined in the Waste Collection By-law 7812-21

“Ground-Oriented Residential Dwellings” means any residential dwelling that has direct access from the dwelling unit to the ground level, which can include single detached dwellings, condominium townhouse dwellings, townhouse-like, semis, links, and back-to-back dwellings

“In-ground Waste Storage Container” means a semi-buried waster container that is leak-proof, typically used as a central location to consolidate generated refuse until collection

“Mixed Use or Mixed Commercial /Residential Property” means a location that includes both a residential and commercial component on the same property and includes “Live-Work” units

“Municipality” or “Municipal” means the municipality of the Town of Whitby, or the Region of Durham

DRAFT

“**Organic Materials**” means any household kitchen food waste and any other compostable household materials that are accepted in the Green Bin Program and set out in Schedule D of the Waste Collection By-Law 7812-21

“Producer Responsibility Organization” or **“PRO”** means a business established to contract with producers to provide collection, management, and administrative services to help producers meet their regulatory obligations under the Blue Box Regulation

“Producer Responsibility Organization” or **“PRO”** means a business established to contract with producers to provide collection, management, and administrative services to help producers meet their regulatory obligations under the Blue Box Regulation

Prohibited Waste” means any waste items referred to in Schedule C of the Waste Collection By-Law

“Private Street or Private Road” means a road or street not owned or maintained by the municipality

“Property Owner” means any firm, corporation, person, partnership, joint venture, condominium corporation, property management company or tenant association having ownership or responsibility of a property

“Recyclable Materials” means any material mandated under Ontario Reg. 101/94 or subsequently designated by the Region

“Region” means the Regional Municipality of Durham, and includes its officers, elected and appointed officials, employees, agents, Contractors, and assigns

““Residual Garbage” means all manner of waste which is not Recyclable Materials, Organic Materials, Yard Waste, Household Hazardous Waste, Bulky Items, Electronic Waste, Porcelain Waste, or Prohibited Waste

“Set Out” means to place, cause or permit to be placed Waste at any location for the purpose of municipal waste collection

“Special Collections” means any material that the Town of Whitby classifies as a part of the Special Collections Program which includes and is not limited to large Bulky Items, metal goods, electronics, and porcelain. This program and the materials eligible for collection are listed in Town’s Waste Collection By-law 7812-21 - Schedule B

“Waste Collection By-Law” means the Town of Whitby’s Waste Collection By-law No. 7812-21, being a by-law respecting waste collection, as amended from time to time

“Street” means any public highway, road, lane, alley, street, avenue, parkway, driveway, square, place, crescent or court where any part of which is intended for or used by the public for the passage of vehicles within the jurisdiction of the Town

“T-turnaround” means a “T” shaped area that allows vehicles to reverse direction through a 3-point turn

“Turning Radius” means the minimum area required for a vehicle to turn around

"Town" means The Corporation of the Town of Whitby and includes its officers, elected and appointed officials, employees, agents, Contractors, and assigns

"Waste" means anything discarded for collection from any source, and includes Recyclable Materials, Organics Materials, Yard Waste, Residual Garbage, and Bulky Items

"Yard Waste" means any items included in Schedule E of the Town's Waste Collection By-law 7812-21 and any other waste material designated as Yard Waste by the Town or Region

2. Requirements

2.1 Site Plan Requirements

To ensure site plans have incorporated all guidelines as they pertain to waste collection services, applicants must include information that describes the following:

- Proposed waste handling system for Recyclable Materials, Organics Materials, Residual Garbage, Yard Waste and Special Collections
- Access routes for waste collection vehicles on private property
- Waste collection area
- Waste storage area
- Size, number of and type of waste containers/totes to be used
- Above ground features such as parking areas in relation to the access route
- Number of dwelling units and number of storeys
- That all access routes and curb return radii are dimensioned

The applicant must submit a completed "Application for Waste Collection Services on Private Property and Indemnification Form", a copy of which is attached as Appendix "D" to these guidelines for review and consideration before any collection of waste will commence. The application will not proceed through the review process and no collection of waste will be commenced until a completed "Application for Waste Collection Services on Private Property and Indemnification Form" is received.

The Town will inspect and evaluate the details provided on the "Application for Waste Collection Service on Private Property and Indemnification Form". Before any application is approved, the development must be more than 75% fully occupied, construction completed, and access must be free and clear of all obstructions. At the Town's discretion, a site visit may be conducted with collection equipment to confirm requirements have been met. If the Town approves a development for waste collection on private property, service will be scheduled to commence in approximately 4 to 6 weeks from the approval date.

2.2 General Waste Collection Requirements

The following are the general conditions for the collection of Residual Garbage, Recyclable Materials and Organic Materials. Applicants should refer to the applicable Town By-Laws and Region By-laws for additional or specific collection requirements.

a) The Town collects residential waste materials only and reserves the right to revoke collection services to any Multi-Residential Property, block townhouse or residential development that

DRAFT

does not meet the guidelines outlined in this document or the Town's Waste Collection By-law #7812-21.

b) Property owners are responsible for the design, construction, and maintenance of safe and proper waste handling systems for residents on private property. This includes ensuring access routes to be maintained and in good repair, free and clear of ice and snow, are free and clear of visibility restrictions and obstructions including parking, storage or other items which would prevent access by a collection vehicle, free and clear accessibility to storage facilities and Collection Areas and have direct access to a municipal street that does not require the collection vehicle to back onto the municipal street.

c) The design of the Collection Area and the access route(s), as outlined in this document, shall be provided exclusive of any onsite parking spaces.

d) All waste materials must be securely stored inside a building so as to contain any litter and be easily accessible by residents in a well-lit, secure and barrier-free environment.

e) The Property Owner is responsible for moving all waste containers out to the designated Collection Area on the designated collection day. All waste containers must be stored inside until the scheduled collection day. All waste containers must be returned to the storage area immediately following collection.

f) Mixed Use developments, including "Live-Work" developments, must have commercial waste stored and set-out separately from residential waste. Property owners must be able to demonstrate effective private collection for commercial waste that does not impact or interfere with residential waste.

g) Waste information and collection procedure signs must be installed in appropriate locations to ensure a safe and clean environment around the waste collection areas and access routes. Property owners are responsible for actively promoting any available waste diversion program provided by the Municipality, such as Blue Box recycling and Green Bin composting; as a means of reducing of Residual Garbage.

h) Private access roads and internal streets must be constructed of a suitable material such as asphalt or concrete and be structurally adequate to prevent damage by and support a fully loaded waste collection vehicle. The Property Owner is responsible for ensuring that private access roads and internal streets are adequately maintained and shall be responsible for performing maintenance, repairs and reconstruction of any private access roads and internal streets that is necessary to ensure the safe collection of waste. In the event that repairs, maintenance or reconstruction is required, the Town may suspend Waste Collection Services until such repair, maintenance or reconstruction is completed to the Town's satisfaction.

i) The Property Owner must complete the Application for Waste Collection Services on Private Property and Indemnification Form and is exclusively responsible for any damage on private access roads and/or storage areas from waste collection vehicles.

j) The Property Owner is responsible for obtaining, designing, implementing, constructing, and maintaining safe waste handling systems including Front-End waste containers where applicable in accordance with the Town's Technical and Risk Management Guidelines for Waste Collection Services on Private Property.

DRAFT

k) Until such time as the site is approved for Municipal collection services, the Property Owner is responsible for the collection, processing, haulage, and disposal of all waste from the property.

l) As instructed by the Town, the Property Owner may have to demonstrate their commitment to the Town's diversion programs through waste audits at their expense, which are to be provided by a reputable waste consultant.

m) The Town will not approve common collection points for curbside waste collection within any development.

3. Containerized Waste Storage and Collection Requirements

For Multi-Residential Properties that are required to have centralized waste storage area(s) for containerized waste collection, design requirements and services are to be as follows:

3.1 Waste Storage Area(s)

a) Multi-Residential Properties must have internal waste collection storage rooms within the main building of sufficient size to receive and accommodate all Residual Garbage, Organic Materials and Recyclable Materials from residents. The dedicated storage area must be adequate to store Waste for a minimum of eight days.

b) Mixed Use buildings must have commercial waste stored and set out separately from residential waste. Property owners must be able to demonstrate effective private collection for commercial waste that does not impact or interfere with residential waste.

c) A clear and accessible area of 10 square metres within the building that can be used for the storage of larger items such as Bulky Items, shall be included in the design.

d) Waste storage rooms must provide for easy and convenient access as well as for the movement of waste containers to and from the storage area to the collection area.

e) The waste storage room must be ventilated, well lit, secure, rodent proof and separated from the living space and in accordance with local Zoning By-laws, building and fire codes.

f) The storage room must have adequately sized roll up overhead doors, a roof, and a man door, leading to the collection area.

g) Waste containers must have heavy duty wheels with locking castors.

h) Large multi-residential developments with greater than 30 units must use compactors for all Residual Garbage.

i) Cross contamination of waste materials is not acceptable, and it is the responsibility of the property owner to ensure appropriate internal collection procedures and waste handling systems are in place to minimize contamination.

j) Waste handling systems must include separate containers for Organic Materials, Recyclable Materials and Residual Garbage. Consideration should be given to an

DRAFT

adequately sized chute system (to accommodate for each of the following waste streams: Residual Garbage and Recyclable Materials separated into containers and fibres). Chutes should be located adjacent to the building elevators or an acceptable equivalent whereby residents are provided a convenient location to leave their source separated waste.

k) Consideration must be given in the design stage of the units to accommodate, within the living space, the various waste storage receptacles to be utilized in the Town, Region's and/or PROs waste collection and diversion programs.

3.2 Collection Area

a) The development must have a waste Collection Area located on private property with direct and safe access for collection vehicles entering from and exiting to the municipal street.

b) The Collection Area must consist of a level reinforced concrete pad that is well constructed and suitably sized to accommodate the weight of a fully loaded collection vehicle and loaded containers.

c) The collection vehicle must be able to empty and return containers to the Collection Area without requiring containers to be shuffled either manually or mechanically.

d) Collection vehicles must be able to safely drive out onto the street and not back out, in order to turn around.

e) The Collection Area must be kept clear of all obstructions and clearly marked as a "No Stopping" or "No Parking" area.

f) Along the collection access route and in the Collection Area, an overhead clearance of 7 metres above the ground measured at their lowest point must be provided from all obstructions such as wires, balconies, and trees.

3.3 Access Routes

a) The internal roadways must be a continuous minimum of 6.0 m wide road width (face curb to face curb) for both one, and two-way operation, not including any marked parking spaces.

b) The internal roadway must use a minimum of 9.0 metres in turning radius and the approach to the collection area is to be designed with a minimum 18.0 metres straight approach.

c) The set-back distance from the internal roadway to any structure within the development must be in accordance with the zoning by-law.

d) Where the requirement for a continuous drive-through access and exit cannot be achieved, a "T" type turnaround or cul-de-sac type turnaround may be permitted at the sole discretion of the Town. See specifications listed in Appendix "B" and "C".

e) Where the access route used by the collection vehicle travels over the deck of an underground parking garage, the applicant must provide a letter to the Town certified by a Structural

DRAFT

Engineer that confirms the structural capability of the deck to support a fully loaded waste collection vehicle.

f) The applicant is required to provide a waste collection vehicle turning template of the development by a certified person.

3.4 Frequency and Level of Service

a) The minimum level of waste collection service for Eligible Properties for containerized waste collection service will be limited as follows:

Blue Box Recyclables: Weekly
Organics Collection*: Weekly
Residual Garbage: Weekly
Yard Waste Collection: Not Available
Special Collections: Online booking required**

For more details on level of service for Front-End Containerized Collection Service, please refer to Waste Collection By-law 7812-21 Schedule A.

*Organics Collection service is pending Region of Durham approval. ** Subject to department approval.

b) The Town may at its discretion impose a fee for the collection, processing, and disposal of Waste if a higher frequency of service i.e. twice weekly collection, or if additional containers are required to accommodate a higher volume of waste. Approvals for a higher frequency of service or an increase in the number of containers are to be at the sole discretion of the Town.

c) Property Owners are responsible for purchasing, cleaning and maintaining all waste containers which must be approved for use by the Town prior to the commencement of collection services.

d) Property Owners are responsible for cleaning and maintaining all Collection Areas and container storage areas and are responsible for managing all overflow materials in a timely and tidy manner.

e) Multi-Residential / Mixed Use Properties and block townhouse developments that have containerized waste collection are not eligible for Yard Waste collection. Property Owners are responsible for the collection, and disposal of Yard Waste.

f) Multi-Residential / Mixed Use Properties and block townhouse developments that have containerized waste collection may be eligible for Special Collections on a case-by-case basis at the sole discretion of the Town.

4. Curbside Waste Collection Requirements for Ground-Oriented Residential Townhouse Developments

For ground-oriented residential dwellings such as condominium townhouse developments with an internal private road, waste collection design and services are to be as follows:

DRAFT

4.1 Waste Storage Area(s)

a) Consideration must be given in the design stage of the units to accommodate the various waste storage receptacles to be utilized in the Town, Region and/or the designated PRO's waste collection and diversion programs. This includes designated internal storage space under sinks with sliders, and within closets that would include the ability to stack receptacles if necessary.

4.2 Collection Area

a) The collection area must be along the internal access route of the development, either in front of, each and every dwelling unit or abutting each dwelling unit's driveway access. It is the responsibility of the residents to properly place their waste materials out for waste collection, in the designated collection area, on the designated day of the week as per the Town's collection schedule and in accordance with provisions outlined in the Town's Waste Collection By-law #7812-21.

b) Live-work and Mixed-Use developments must have commercial waste stored and set-out separately from residential waste. Property owners must be able to demonstrate effective private collection for commercial waste that does not impact or interfere with residential waste.

c) The collection area must be kept clear of all obstructions and clearly marked as a "No Stopping" or "No Parking" area.

d) Along the collection access route and in the collection area, an overhead clearance of 7 metres above the ground measured at their lowest point must be provided from all obstructions such as wires, balconies, and trees.

4.3 Access Routes

a) The internal roadways must be a continuous minimum of 6.0 m wide road width (face curb to face curb) for both one and two-way operation, not including any on-street dedicated parking spaces.

b) The internal roadway must use a minimum of 9.0 metres in turning radius.

c) The set-back distance from the internal roadway to any structure within the development must be in accordance with the zoning by-law.

d) For each unit receiving Curbside Collection, an area of 2.5 m^2 (minimum) is required for the storage of two Blue Boxes, a Green Bin, Garbage Bags and Yard Waste.

e) All internal roadways shall allow for the continuous forward collection of Waste without the need for waste collection vehicles to reverse.

f) Where a continuous drive-through route cannot be achieved, a "T" type turnaround or cul-de-sac type turnaround may be permitted at the sole discretion of the Town. See specifications listed in Appendix "B" and "C".

g) The internal access route must be designed to structurally withstand the weight of fully loaded waste collection vehicle.

DRAFT

h) The applicant is required provide a waste collection vehicle turning template of the development by a certified person.

4.4 Frequency and Level of Service

a) The Town of Whitby, Region of Durham and/or the designated PRO's curbside waste collection services will be limited as follows:

Blue Box Recyclables:	Weekly
Green Bin Organics:	Weekly
Residual Garbage:	Bi-weekly (every other week)
Yard Waste:	Bi-weekly (every other week April - November)
Special Collections:	Online booking required

b) Waste collection services do not include the collection of yard waste that has been set out by property management or their sub-contractors. Collection services are solely intended for the collection of Yard Waste that has been set out by residents in accordance with the Town's Waste Collection By-law #7812-21.

5. Review Process

5.1 Submissions

The applicant must submit a formal letter, along with detailed site plan requirements as per Section 1, requesting Town of Whitby waste collection services along with a completed "Application for Waste Collection Services on Private Property" and **an annual** "Indemnification Form", a copy of which is attached as Appendix "D", a completed "Application Checklist", a copy of which is attached as Appendix "E" and a "Certificate of Insurance" to the Town of Whitby's Community Services - Operations Department for review and consideration before any waste collection services may be approved. Completed applications must be sent by email or regular mail to the attention of the Manager, Waste Services.

Email: pw.operations@whitby.ca

Or by regular mail:

Manager, Waste Services
Town of Whitby
333 McKinney Dr.
Whitby, Ontario L1R 3M2

The Town will respond in writing or by email to the applicant acknowledging that the application has been received for further review.

DRAFT

5.2 Revisions to the Waste Collection Guidelines

The Town may from time-to-time review, revise and update its “Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property”. Any revisions to this document will require the approval of the Commissioner of Community Services or designate.

5.3 Distribution of Waste Collection Guidelines

The Town will distribute current copies of the “Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property” upon request to interested parties.

It is the intent of the Town to provide realistic and workable guidelines for waste collection services on private property to strengthen and benefit proper waste management practices in our community.

Waste collection guideline inquiries can be directed to the Town of Whitby Waste t Services Division by:

Phone: **905-668-3437**

E-mail: **pw.operations@whitby.ca**

DRAFT

APPENDIX

DRAFT

Appendix "A"

Waste Collection Vehicles and Container Dimensions

The following table illustrates typical vehicle dimensions for typical waste collection vehicles. The dimensions are approximate and may vary from actual. All measurements are in metres:

Vehicle Type	Length	Width	Height
1. Recycling	10.76 m	2.77 m	3.69 m 5.08 m with bucket up
2. Front-End	9.85 m	2.77 m	4.31 m 6.15 m with forks extended
3. Rear Packer	11.54 m	2.77 m	3.69 m
4. Side Packer	10.46 m	2.98 m	3.85 m

The following table illustrates approximate dimensions for typical recycling carts and Front-End collected waste containers*.

Containers & Capacity	Depth (front to back)	Width (side to side)	Height	Recommended Footprint
95 Gallon Recycling Cart	0.88 m 2.9 ft	0.67 m 2.2 ft	1.15 m 3.8 ft	1 cubic m 3.3 ft x 3.3 ft
2 Cubic Yard Bin	0.91 m 3.0 ft	1.82 m 6.0 ft	0.91 m 3.0 ft	2 m x1.2 m 6.5 ft x4 ft
3 Cubic Yard Bin	1.04 m 3.4 ft	1.82 m 6.0 ft	1.21 m 4.0 ft	2 m x 1.4 m 6.5 ft x 4.5 ft
4 Cubic Yard Bin	1.37 m 4.5 ft	1.82 m 6.0 ft	1.22 m 4.0 ft	2 m x 1.7 m 6.5 ft x 5.5 ft
6 Cubic Yard Bin	1.82 m 6.0 ft	1.82 m 6.0 ft	1.6 m 1.82 ft	2 m x 2.1 m 6.5 ft x 7 ft

* Note: Front-End waste containers contain protruding side brackets to facilitate lifting by collection truck lift arms. Extra space on either side of such containers has been incorporated into the recommended footprint column for space planning purposes.

** Note: Height of Front-End containers does not include castors (wheels), which add 6 to 8 inches.

Note: Recommended recycling cart ratio for Multi-Residential / Mixed Use Properties is 1 cart for every 7 units. Recycling carts are required for each recycling stream: Containers, Papers and Cardboard/Boxboard.

DRAFT

Appendix “B”

Dimensions for a “T” Turnaround

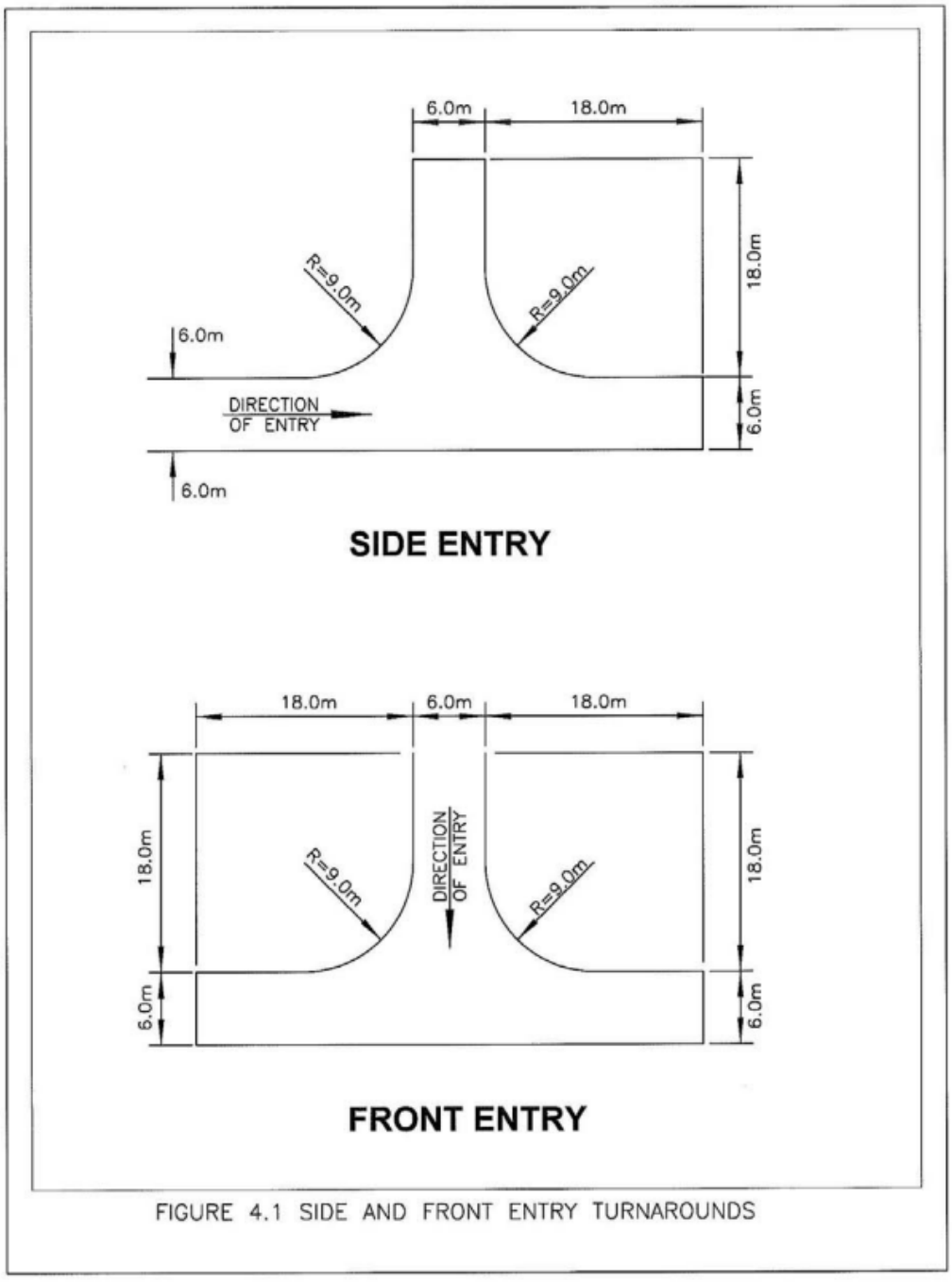


FIGURE 4.1 SIDE AND FRONT ENTRY TURNAROUNDS

Appendix "C"

Dimensions for a Cul-de-sac Turnaround

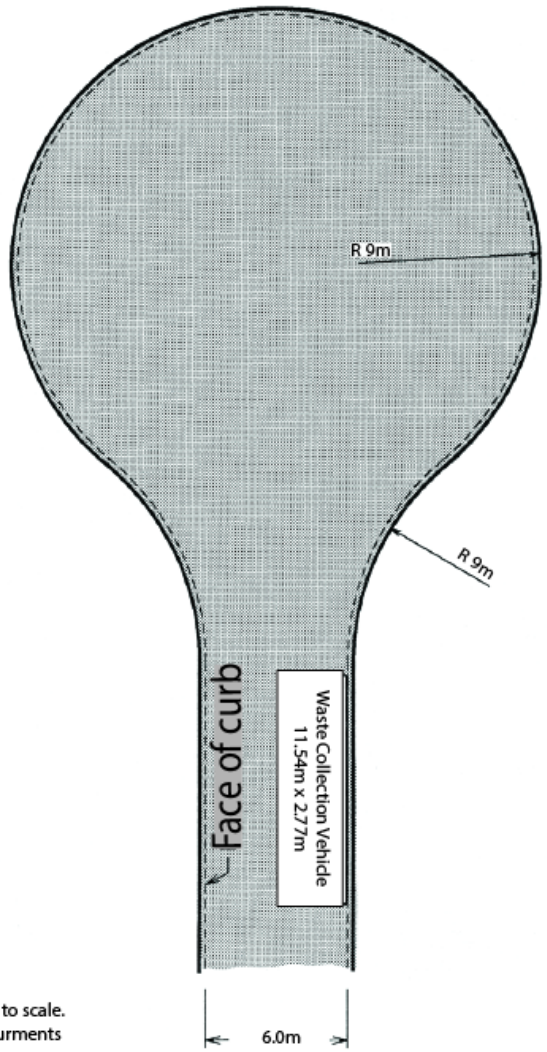


Diagram is not to scale.
Note: All measurments are in metres.

Appendix “D”

Town of Whitby
Community Services- Operations
575 Rossland Road East
Whitby, ON L1N 2M8

Application for Waste Collection Services on Private Property and Indemnification Form

Date: _____/_____/_____

Y Y Y Y M M D D

The undersigned requests the extended “on site waste collection services on private property” as provided by the Town of Whitby Community Services - Operations Department.

Applicant Details:

Applicant: _____ Property Owner:_____

Address of Owner: _____

City: _____ Postal Code: _____ Phone: _____ - _____ - _____

E-mail Address: _____ Cell: _____ - _____ - _____

Collection requested at:

Name of Property: _____ Contact: _____

Address of Property: _____

Phone: _____ - _____ - _____ E-mail Address: _____

Details of Location:

Type of Building (Townhouses, High Rise Building): _____

Expected date of completion (YYYY/MM/DD): _____

Site Plan Number: _____ Condominium Plan Number: _____

No. of Units: _____ Number of Floors: _____

Units Occupied to Date: _____ As of Date (YYYY/MM/DD): _____

Comments:

_____

_____

_____

_____

_____

DRAFT

Application for Waste Collection Services on Private Property and Indemnification Form - Cont'd

Terms and Conditions:

1. The undersigned, being the owner, or agent of the owner of the above property, acknowledges that it is agreed that the Town's collection vehicles or its agents shall be permitted to enter onto the above property for the purpose of collecting waste materials from the premises.
2. The Property Owner, or where applicable, its signing officer, shall ensure that in the event of a change in ownership for the above property, they will inform the new owner of this application. In the event of a change in ownership following the submission of this Application, the new Owner shall agree in writing to continue the Application and shall be required to execute any and all documents required by the Town.
3. The Property Owner, its officers, directors, shareholders, employees, agents, contractors, successors or assigns, further agree to indemnify, defend and hold harmless the Town of Whitby, its elected and appointed officials, employees, agents and its waste collection contractors on private property against all actions, suits, claims and demands, direct or indirect, which may arise as a result of the provision of these services to the property, including but not limited to any damages to structures, private access roads and/or Collection Areas that may be located on or about the premises, as a result of any waste materials collection equipment entering the property indicated above.
4. In the event of a sale, transfer or any other disposition of the Property, the Property Owner shall advise the Town of such sale, transfer or other disposition and shall be responsible for ensuring that the new owner executes and delivers a signed Application for Waste Collection Services on Private Property and Indemnity Form prior to the completion of such sale, transfer or other disposition. If the Property Owner neglects, fails or refuses to deliver an Application for Waste Collection Services on Private Property and Indemnity Form executed by the new owner, the Property Owner shall remain bound by this indemnity and that Town shall not be deemed to have waived, released, discharged, impaired or in any other way affect this indemnity.
5. In the event of a failure by the Property Owner to deliver a signed Application for Waste Collection Services on Private Property and Indemnity Form as references in Section 4 above, the Town may, in its sole and unfettered discretion, suspend or cancel Waste Collection to a Property until such time as the new owner has executed an Application for Waste Collection Services on Private Property and Indemnity Form.
6. The undersigned I at its sole cost and expense, shall take out and, maintain and annually provide the Town of Whitby and its waste collection contractors on private property an insurance certificate evidencing:

    i) Commercial general liability insurance including premises and all operations subject to a limit of not less than two million ($2,000,000) inclusive per occurrence for third party bodily injury and property damage.
        i. The policy shall be in the name of the undersigned and shall name the Town of Whitby and the Town's waste collection contractors as an additional insured. Such insurance shall contain an endorsement to provide the Town with thirty days (30) written notice of cancellation.

    ii) The undersigned will provide the Town with proof of the required insurance on the Town's certificate of insurance form attached hereto as Appendix F.

    iii) The owner, shall ensure that all internal roadways on private property are suitably maintained for collection services throughout the year, including winter maintenance, as well as ensuring that there are no parked cars on the internal roadways that could be deemed as obstructions.

Dated: _____ Authorized Signature: _____

Printed Name: _____ Title: _____

I have the authority to bind the corporation

OFFICE USE

Date application received: _____ Date site inspected: _____

Site complies with Guidelines: _____ If not, why not: _____

Signatures of approval: _____ Date service is to start: _____

Date Approved: _____

DRAFT

Appendix "E"

Town of Whitby
Community Services- Operations
575 Rossland Road East
Whitby, ON L1N 2M8

Application Checklist for Waste Collection Services on Private Property

General Requirements	**Checklist**
The property owners are responsible for the design and construction of proper and safe residential waste handling systems for their residents on private property including access routes, storage facilities, collection areas, and with direct access to a municipal street that does not require the collection vehicle to back onto the municipal street.	
The design of the collection area and the access road, as outlined in this document, shall be provided exclusive of any onsite parking spaces.	
All residual garbage, organic and recyclable material containers must be securely stored inside until the scheduled collection day and must be returned to the storage area immediately following collection.	
Waste information and collection procedure signs must be installed in appropriate locations to ensure a safe and clean environment around the waste collection areas and access routes. Property owners must be responsible for actively promoting Blue Box recycling, and Green Bin composting as a means of reducing of Residual Garbage.	
Private access roads must be constructed of a suitable material such as asphalt or concrete and structurally adequate to prevent damage by and support a fully loaded Waste collection vehicle.	
The property owner/manager is responsible for moving all non-compacted Residual Garbage, organic and recycling storage containers out to the designated collection area on the designated collection day(s). Front-End collected Residual Garbage containers that cannot be accessed from within the collection vehicle will not be collected.	

High Rise Buildings

For Multi-Residential / Mixed Use Properties with more than 6 units, waste collection design and services are to be as follows:

a) Storage	**Checklist**
The development must have internal Waste storage room of sufficient size to accommodate all required Residual Garbage and recycling containers. Such space should provide for easy access and movement of containers to and from the storage room. The storage room must be ventilated, rodent-proof and separated from the living space and in accordance with local zoning By-laws, building and fire codes.	
The storage room must have a roll up overhead door a minimum size of 4.0 metres wide and 4.0 metres high, leading to the collection area inside the building.	

DRAFT

Application Checklist for Waste Collection Services on Private Property - Cont'd

High Rise Buildings Cont'd

b) Collection Area

	Checklist
Large Multi-Residential / Mixed Use Properties greater than 30 units must mechanically compact Residual Garbage waste. Waste handling systems must include separate containers for recyclables, compostables and Residual Garbage. Consideration should be given to an adequately sized four-chute system (one for each of: garbage, compostables, containers, and papers) adjacent to the building elevators or an acceptable equivalent whereby residents can leave their source-separated wastes near their units or in another convenient location.	
The development will require a collection area inside the building with direct and safe access entering from and exiting to the municipal street.	
The collection area is to be directly accessible to the waste and recycling collection vehicles.	
The collection area must be level with the access roadway.	
The collection area must consist of a level concrete pad and apron with a minimum width of 3.0 meters for every Residual Garbage bin and 1 metre for every recycling bin required. The minimum depth of the collection area is 3 metres.	
The collection area must be designed to prevent the containers from rolling from the collection area.	
The collection vehicle must be able to empty and return containers. The collection vehicle must be able to empty and return containers to the collection area without requiring containers to be shuffled either manually or mechanically; Collection vehicles must be able to safely drive out onto the street and not back out in order to turn around.	
The collection area must be kept clear of all obstructions and clearly marked as a NO STOPPING area.	
In the collection area, an overhead clearance of 7 metres must be provided from obstructions such as wires, balconies and trees.	

c) Access Routes

	Checklist
The internal roadway shall be a continuous minimum of 6.0 metres in width, use a minimum of 13 metres in turning radii and the approach to the collection area is to be designed with a minimum of 18 metres straight approach.	
The internal roadway shall be designed to permit continuous collection without reversing onto the municipal street. Continuous drive through access is preferred.	

DRAFT

Application Checklist for Waste Collection Services on Private Property - Cont'd

High Rise Buildings Cont'd

c) Access Routes

	Checklist
Where the requirement for a continuous drive-through access and exit cannot be met, a "T" type turnaround may be permitted, at the sole discretion of the Town, that includes the length of the collection vehicle plus the length of the collection area and is in accordance with the specification listed in Appendix B.	
The set-back distance from the internal roadway to any structure within the development must be in accordance with the zoning by-law.	
Where the access route used by the collection vehicle travels over the deck of an underground parking garage, the applicant must provide a letter to the Region and/or Municipality, certified by a Structural Engineer that confirms the structural capability of the deck to support a fully loaded waste collection vehicle.	

Townhouse Complexes

For single detached dwellings and all Ground-Oriented Residential Dwellings, including townhouse-type developments with an internal private road, waste collection design, and services are to be as follows:

a) Storage Area

	Checklist
The development must be designed to accommodate waste material storage inside all dwelling units.	

b) Collection Area

	Checklist
The collection area must be along the internal access route of the development in front of each and every dwelling unit. It is the responsibility of the residents to properly place their waste materials out for waste collection on the designated day of the week.	
The collection area must be kept clear of all obstructions and clearly marked as a "No Stopping" or "No Parking" area;	
Along the collection access route and in the collection area, an overhead clearance of 7 metres must be provided from all obstructions such as wires, balconies and trees.	

c) Access Routes

	Checklist
The internal road layout is designed to permit continuous collection of Waste materials without reversing.	
The internal roadways must be a continuous minimum of 6.0 metres in width from edge to edge of roadway surface not including any portion of a concrete curb or any on-street parking spaces and use a minimum of 9 metres in turning radii.	

DRAFT

Application Checklist for Waste Collection Services on Private Property - Cont'd

Townhouse Complexes Cont'd

c) Access Routes	Checklist
Where a continuous drive-through route cannot be achieved, a "T" type turnaround or cul-de-sac type turnaround may be permitted at the sole discretion of the Town. See specifications listed in Appendix "B" and "C".	
The internal access route must be designed to structurally withstand the weight of fully loaded waste collection vehicles.	
No more than two (2) garages are side-by-side without separation throughout the Townhouse development.	
The set-back distance from the internal roadway to any structure within the development must be in accordance with the zoning by-law.	

DRAFT

Appendix "F"

Certificate of Insurance

Proof of liability insurance will be accepted on this form only (no amendments)
This form must be completed and signed by your insurer or insurance broker
Insurance company must be licensed to operate in Canada

This is to certify that the Named Insured, hereon is insured as described below

Named Insured	Address of the Named Insured
Operations of the insured for which this certificate is issued:	

Automobile Liability Insurance (minimum limit to be evidenced - $2,000,000 unless otherwise required)

Insuring Company	Policy Numbers	Amount of Coverage	Effective Date DD/M/YR	Expiry Date DD/M/YR
	Primary			
	Excess			

The above policy(ies) must cover all vehicles owned in whole or in part and licensed in the name of the insured including all vehicles leased on a long term basis for which the insured is required by contract to provide bodily injury and property damage insurance.

Commercial General Liability Insurance (minimum limit to be evidenced - $2,000,000 unless otherwise required)

Insuring Company	Policy Numbers	Amount of Coverage	Effective Date DD/M/YR	Expiry Date DD/M/YR
	CGL	Per Claim/Annual Aggregate Deductible, if any		
	Excess Liability (if applicable)	Per Claim/Annual Aggregate		
Provisions of Amendments or Endorsements of Listed Policy(ies)				

Professional Liability – Claims Made Basis - Yes ☐ No ☐

Insuring Company	Policy Numbers	Amount of Coverage	Effective Date DD/M/YR	Expiry Date DD/M/YR
	Professional Liability	Per Claim/Annual Aggregate		
	Excess Professional Liability (if applicable)	Per Claim/Annual Aggregate		

- Is the limit inclusive of indemnity and claims expenses – Yes ☐ No ☐
- If the policy is on a claims made basis have there been any claims notices given for this policy term Yes ☐ No ☐

Commercial General Liability Insurance is written on an occurrence basis and is extended to include Premises Liability, Products/Completed Operations, Cross Liability and Severability of Interests Clause, Personal Injury Liability, Contractual Liability, Property Damage, Non-Owned Automobile Liability, Owner's and Contractor's Protective Coverage, and Contingent Employers Liability.

With respect to the Commercial General Liability Insurance excluding non owned auto coverage, The Corporation of the Town of Whitby, is added as Additional Insured but only with respect to liability arising out of the operations of the Named Insured.

Other Additional Insureds as per contractual conditions are as follows: (Note if Applicable)

The policy(ies) identified above shall apply as primary insurance and not excess to any other insurance available to The Corporation of the Town of Whitby.

These policies shall not be cancelled or changed so as to reduce the coverage as outlined on this certificate without thirty (30) days, prior written notice by registered mail by the Insurer(s) to the Corporation of the Town of Whitby, Corporate Services Department, Purchasing Section, 575 Rossland Road East, Whitby, Ontario L1N 2M8.

I certify that the insurance is in effect as stated in this certificate and that I have authorization to issue this certificate for and on behalf of the insurer(s).

Date: DD/M/YR	Broker/Insurer's Name, Address, Telephone, Fax and E-Mail:	Signature and Stamp of Certifying Official: Print Name

Revision Date: October 10, 2019

House of Commons
Chambre des communes
Canada

Ryan Turnbull
Member of Parliament
Whitby

Town of Whitby Council
575 Rossland Road East,
Whitby, ON
L1N 2M8

January 23, 2024

RE: Resolution regarding Canada Emergency Business Account (CEBA) Repayment Process

I am acknowledging receipt of your correspondence dated January 16, 2024 regarding the CEBA Repayment Process. Our office can confirm that we have received several requests to extend the deadline and are aware of the 78% businesses and non-profits who were able to secure funding in order for them to meet the deadline and benefit from receiving $20,000 in partial loan forgiveness. Since the repayment deadline was announced, I have been proactively communicating with local businesses for the past 4 months to illustrate the options available to them.

Since 2015, our Government has been there for small businesses. During the pandemic, we provided over $100 billion in small business support through loans and wage subsidies when they needed it most, like the Canada Emergency Business Account which helped nearly 900,000 small businesses keep their doors open and their workforce intact. As we now move away from the pandemic, we know that there are small businesses that continue to need our support - that is why we extended the term loan repayment deadline for CEBA loans to December 31, 2026, and provided additional flexibility on the forgiveness deadline. As we move forward, we will keep being there for small businesses in Whitby.

CEBA was a crucial pandemic support that helped 900,000 small businesses across Canada and within Whitby over the pandemic. As we wind down pandemic programs, we continue to provide options and flexibilities for small businesses to repay their CEBA loans. Small businesses could either 1) repay by January 18th and qualify for up to $20,000 of partial loan forgiveness, 2) qualify for partial loan forgiveness until March 28, 2024, if they make a refinancing application with their financial institution by January 18, 2024, or 3) repay their CEBA term loan in full by the end of December 2026, subject to a low interest of five per cent per annum.

Small businesses will continue to benefit from our government’s supports: including the Canada Digital Adoption Program to help them access e-commerce or boost their business technologies; supports for equity-deserving entrepreneurs through Canada’s first Black

Ottawa
Suite 1220, Valour Building
Ottawa, ON K1A 0A6
Phone: 613-992-6344

Whitby
105-400 Dundas St. W.
Whitby, ON L1N 2M7
Phone: 905-665-8182

Ryan.Turnbull@parl.gc.ca

Entrepreneurship Program, Women Entrepreneurship Strategy, and funding for Indigenous entrepreneurs; and starting this Fall, reduced credit card transaction fees that will save small businesses $1 billion over five years.

Just this week, FedDev announced MY MAIN STREET a $15 Million investment to continue the recovery and revitalization of main streets across southern Ontario. This funding will support up to 5,750 jobs and up to 3,200 businesses.

This funding will continue the important work of the My Main Street (MMS) initiative. MMS was launched in 2021 with an initial investment of $23.25 million, and has since supported nearly 4,000 businesses and organizations, nearly 6,100 jobs and leveraged nearly $16.3 million in additional investment.

This new round of funding will be delivered through two new programs aimed for businesses and community not-for-profit organizations:

- **My Main Street Business Sustainability Program:** will provide non-repayable contributions of up to $20,000 in direct-to-business funding to support productivity enhancements for up to 325 businesses located on main streets across southern Ontario.
  - Funded projects will include common storefronts such as Restaurants, Coffee Shops, Clothing Stores, Boutiques and many more.
- **My Main Street Community Activator Program:** will provide non-repayable contributions of up to $250,000 to support up to 75 community not-for-profit projects across southern Ontario, including the GTA, focused on high-impact placemaking activities.
  - Funded projects will include initiatives such as local markets, festivals and streetscape improvements.

This funding will be delivered via the Canadian Urban Institute (CUI). CUI will also create and provide **Main Street Community Profiles**, a service that businesses and organizations in your community can use to understand the social, economic and demographic makeup of consumers in the region.

I encourage you to share this information with stakeholders who may benefit from this funding and will follow up with you on this initiative. As a former business owner, I have and will continue to strongly advocate for all businesses in Whitby.

Please do not hesitate to let me know if you have any further questions or concerns.

Yours Sincerely,



Ryan Turnbull
Member of Parliament for Whitby

Committee of the Whole Minutes

January 8, 2024, 4:00 p.m.
Council Chambers
Whitby Town Hall

Present:	Mayor Roy Councillor Bozinovski Councillor Cardwell Councillor Leahy Councillor Lee (Virtual Attendance at 4:00 p.m., In-Person Attendance at 6:00 p.m.) Councillor Lundquist Councillor Mulcahy Councillor Shahid Councillor Yamada (Virtual Attendance at 4:00 p.m., In-Person Attendance at 6:00 p.m.)
Also Present:	M. Gaskell, Chief Administrative Officer M. Hickey, Fire Chief S. Klein, Director of Strategic Initiatives J. Romano, Commissioner of Community Services F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor R. Saunders, Commissioner of Planning and Development (Arrived at 6:00 p.m.) M. Dodge, Executive Advisor to the Mayor C. Harris, Town Clerk K. Douglas, Sr. Legislative Specialist (Recording Secretary)

---

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

   There were no declarations of pecuniary interest.

4. Closed Session

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

Moved by Councillor Shahid

That Committee move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

4.1 Confidential memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor

Re: Exemption to the Prohibited & Regulated Animals By-law for Nova's Ark

5. Rising and Reporting Out

Motion to Rise

Moved by Councillor Shahid

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received advice that was subject to solicitor-client privilege and discussed a matter of potential litigation.

Moved by Councillor Lundquist

That Committee recess until 6:00 p.m.

Carried

Committee recessed at 4:20 p.m. and reconvened at 6:00 p.m.

6. General Government

Moved by Councillor Mulcahy

That Committee hear Item 6.2.1, LS 12-23, at this time.

Carried

6.1 Delegations

As the meeting was adjourned following consideration of Item 6.2.1, LS 12-23 and Correspondence # 2024-22 earlier in the meeting, delegations were not heard.

6.2 Staff Reports

6.2.1 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

See also Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, dated January 8, 2024 regarding Update re LS 12-23: Follow up re Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

A. Gratton, Manager of Enforcement Services, provided a history of the Prohibited & Regulated Animals By-law (the "PRA By-law") exemption request for Nova's Ark. Mr. Gratton advised that the Town's investigation into potential Zoning By-law contraventions related to the facility commenced following receipt of formal complaints in late 2019 and early 2020. He noted several other by-law complaints against the property, followed by a PRA By-law exemption request submitted by Nova's Ark. Mr. Gratton provided an overview of the factors impacting enforcement efforts prior to the issuance of the Order to Comply, including the pandemic, staff turnover, and the 2022 Municipal Election. He advised that Nova's Ark recently indicated their intentions to work with Town Staff to comply with the Order and PRA By-law.

F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, noted the Staff recommendation for Council to refer Correspondence #2024-22 and Report LS 12-23 to Staff to manage in accordance with the July 13, 2023 Order to Comply. Mr. Santaguida expressed appreciation for the cooperation of Nova's Ark and advised that compliance will be communicated with Council once the prohibited animals have been re-homed.

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

- the timeline for re-homing prohibited animals;
- a desire to mitigate the impact on animal assisted therapy;
- ensuring compliance of the subject property with the Town's Zoning By-law;
- communication and correspondence shared between the Town, Nova's Ark, and members of the public;
- clarification regarding the withdrawn by-law exemption request;
- appreciation for the efforts of Town Staff in working with Nova's Ark to achieve compliance; and,
- concerns regarding the safety of Nova's Ark patrons and the broader community.

Moved by Councillor Lundquist

1. That Council receive and accept Correspondence #2024-22 from Nova’s Ark withdrawing its request for an exemption to the Prohibited and Regulated Animals By-law; and,
2. That Council refers Correspondence #2024-22 and Report LS 12-23 to Staff to manage in accordance with the July 13, 2023 Order to Comply.

Carried

Councillor Mulcahy rose on a point of personal privilege and expressed concerns regarding the conduct of a Member who published a social media comment that was critical of Council, pertaining to the decision to adjourn the December 11, 2023 Committee of the Whole meeting at 11:00 p.m. Councillor Mulcahy requested an apology from the Member, citing advice of the Town's Integrity Commissioner concerning the Council Code of Conduct.

7. Adjournment

Motion to Adjourn

Moved by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 6:30 p.m.

Committee of the Whole Minutes

January 15, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present:	Mayor Roy Councillor Bozinovski Councillor Cardwell Councillor Leahy (Virtual Attendance at 7:00 p.m., In-Person Attendance at 7:26 p.m.) Councillor Lee Councillor Lundquist Councillor Mulcahy Councillor Shahid Councillor Yamada
Also Present:	M. Gaskell, Chief Administrative Officer M. Hickey, Fire Chief S. Klein, Director of Strategic Initiatives J. Romano, Commissioner of Community Services F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor R. Saunders, Commissioner of Planning and Development F. Wong, Commissioner of Financial Services/Treasurer M. Dodge, Executive Advisor to the Mayor C. Harris, Town Clerk K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk (Recording Secretary)

---

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

Councillor Leahy declared a conflict of interest regarding Item 5.4.1, PDP 01-24, noting that he has a business relationship with a member of the Committee of Adjustment. Councillor Leahy did not take part in the discussion or voting regarding this Item.

Councillor Cardwell declared a conflict of interest regarding Item 5.4.1, PDP 01-24, noting that a family member is a member of the Committee of Adjustment. Councillor Cardwell did not take part in the discussion or voting regarding this Item.

During the meeting, a motion to suspend the rules of procedure to allow the introduction of a motion regarding the Canada Emergency Business Account (CEBA) Repayment Process was adopted by Committee. Item 6.5.4, Canada Emergency Business Account (CEBA) Repayment Process was not published with the meeting agenda. During this potion of the meeting Councillor Lee declared a conflict of interest regarding Item 6.5.4, Canada Emergency Business Account (CEBA) Repayment Process, noting that he received a CEBA loan, and had since repaid the loan amount. Councillor Lee did not take part in the discussion or voting regarding this Item.

Prior to consideration of the Consent Agenda, Mayor Roy rose on a point of personal privilege and spoke about the need for Members of Council to work with each other in a respectful manner. She highlighted the Council Code of Conduct and indicated that contraventions of the Code should be addressed as noted within the Code. Mayor Roy advised that she had sought the advice of the Integrity Commissioner regarding Council relations and that an Education & Training session with the Integrity Commissioner would be scheduled for Council in the near future. She further indicated that Members of Council have a responsibility to abide by the Council Code of Conduct.

4. Consent Agenda

5. Planning and Development

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Sandy Hodder, Resident (In-Person Attendance)

Re: PDP 01-24, Planning and Development (Planning Services) Department Report

Delegation of Land Division Responsibilities from the Region of Durham to the Town of Whitby Committee of Adjustment

Refer to Item 5.4.1, PDP 01-24

Sandy Hodder appeared before Committee and indicated that she had further reviewed the Staff Report and no longer objected to the proposed remuneration increase for members of the Committee of Adjustment.

5.2.2 Rodger Miller, representing See Path Group Inc. (Virtual Attendance)

Re: PDP 02-24, Planning and Development (Planning Services) Department Report

DEV-23-23: Draft Plan of Subdivision and Zoning By-law Amendment Applications, See Path Group Inc. c/o Sakmet Developments Inc., 780 Garden Street, File Number: DEV-23-23 (SW-2023-02, Z-07-23)

Refer to Item 5.4.2, PDP 02-24

Rodger Miller appeared before Committee and indicated that he was supportive of the Staff recommendation and was available to assist with any questions that may arise.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 01-24, Planning and Development (Planning Services) Department Report

Re: Delegation of Land Division Responsibilities from the Region of Durham to the Town of Whitby Committee of Adjustment

Having previously declared conflicts of interest, Councillor Leahy and Councillor Cardwell did not take part in the discussion or voting regarding this Item.

Moved by Councillor Mulcahy

1. That Council approve a By-law to permit the Town of Whitby Committee of Adjustment to grant approval of both Minor Variance and Consent Applications within the Town of

Whitby, in accordance with the relevant provisions of the *Planning Act*;

2. That Council approve the revised Committee of Adjustment Terms of Reference, including to the added responsibilities for Consents to land severance under Section 53 of the *Planning Act*;

3. That Council approve the proposed amendments to the Fees & Charges By-law #7220-17 (as amended), to introduce new fees related to Consent applications; and,

4. That Council approve an increase in the remuneration for Committee of Adjustment members from $65 (sitting member) and $75 (Chair), to $125 (sitting member) and $150 (Chair) effective February 1, 2024.

Carried

5.4.2 PDP 02-24, Planning and Development (Planning Services) Department Report

Re: DEV-23-23: Draft Plan of Subdivision and Zoning By-law Amendment Applications, See Path Group Inc. c/o Sakmet Developments Inc., 780 Garden Street, File Number: DEV-23-23 (SW-2023-02, Z-07-23)

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-02), subject to the comments included in Planning Report PDP 02-24 and the conditions of draft plan approval included in Attachment #11;

2. That Staff be authorized to prepare a Subdivision Agreement;

3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;

4. That Council approve the amendment to Zoning By-law No. 2585 (File No. Z-07-23), as outlined in Planning Report No. PDP 02-24; and,

5. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval and the Commissioner of Planning and Development has issued Site Plan Approval.

Carried

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

6.1 Presentations

6.1.1 Lara Toman, Program Manager, Events, Culture & Tourism and Andria Louca, Tourism & Culture Coordinator (In-Person Attendance)

Re: CAO 01-24, Office of the Chief Administrative Officer Report

Tourism Strategy Update - January 2024

Refer to Item 6.4.1, CAO 01-24

Lara Toman and Andria Louca appeared before Committee and provided a presentation regarding the Tourism Strategy Update - January 2024. Highlights of the presentation included:

- background about the Tourism Strategy, noting that it is a four-year strategy approved in 2022;
- the key objectives, goals, and action items included in the Tourism Strategy;
- the opportunity for tourism to be a driver of economic growth; and,
- accomplishments from 2023 and plans for 2024.

A question and answer period ensued between Members of Committee, Lara Toman and Andria Louca regarding:

- information about fishing charters that depart from the Port Whitby marina;
- the number of visitors to the Port Whitby marina;

- confirmation that visitors recorded in geofenced data spent a minimum of three hours in Whitby;
- the Municipal Accommodation Tax (MAT) and the timeline to implement the MAT;
- how the Town may differentiate itself from other municipalities by highlighting opportunities for nautical tourism, access to a world-class spa, and through the promotion of downtown small businesses including restaurants;
- opportunities to sell Town-branded merchandise;
- collaborating with the business community to identify how they may assist with promotion of the Town; and,
- how the MAT may be used to provide additional support for local businesses.

6.2 Delegations

6.2.1 Chuck Thibeault, representing Central Counties Tourism (In-Person Attendance)

Re: CAO 01-24, Office of the Chief Administrative Officer Report

Tourism Strategy Update - January 2024

Refer to Item 6.4.1, CAO 01-24

Chuck Thibeault appeared before Committee and provided a presentation. Highlights of the presentation included:

- how Central Counties Tourism supports the Town and businesses in Whitby;
- statistics about visitors to the Town including information about the economic impact of visitors;
- how embracing tourism helps grow the community, supports businesses, attracts new residents, and makes the Town a more vibrant place to live, work, and visit; and,
- the benefits of investing in tourism.

A question and answer period ensued between Members of Committee and Chuck Thibeault regarding:

- how visitors attending the Town for a specific purpose can be encouraged to spend money in other sectors of the community;
- the importance of businesses working together to cross-promote each other and to generally promote the Town as a destination;
- structuring the administration of Municipal Accommodation Tax (MAT) funds in a manner that allows for flexibility and a nimble response; and,
- the benefit of using the municipal portion of the MAT on larger-scale projects.

It was the consensus of Committee to consider Item 6.4.1, CAO 01-24, at this time.

6.2.2 Paul Scott, Chair, Accessibility Advisory Committee, Marta Swirydowicz, LEAD Executive Assistant, Abilities Centre, and Lyndsay Aitken, Manager, Post-Rehabilitation, Abilities Centre (In-Person Attendance)

Re: Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 re: Joint Accessibility Advisory Committee and Diversity and Inclusion Advisory Committee Request to Participate in the Leading Equitable and Accessible Delivery Program

Refer to Item 6.3.1, Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 re: Joint Accessibility Advisory Committee and Diversity and Inclusion Advisory Committee Request to Participate in the Leading Equitable and Accessible Delivery Program

Marta Swirydowicz and Lyndsay Aitken appeared before Committee and provided a presentation regarding the Leading Equitable and Accessible Delivery (LEAD) Program. Highlights of the presentation included:

- details about the LEAD program, noting that it is a self-facilitated program;
- how the LEAD program evaluates an organization's policies, strategies, strengths, and areas for improvement;

- the program culminating in an individualized improvement plan for the organization;
- positive impacts noted by participating organizations after having completed the LEAD program;
- the time commitment associated with participating in the program;
- organizations that have completed the LEAD program, including several municipalities; and,
- confirmation that the program would be provided to the Town at no cost.

A question and answer period ensued between Members of Committee, Marta Swirydowicz and Lyndsay Aitken regarding:

- the upcoming deadline for businesses in the Province to be compliant with the Accessibility for Ontarians with Disabilities Act (AODA);
- the purpose of the regular check-ins by program facilitators during completion of the LEAD program; and,
- confirmation that meeting the requirements of the AODA is the minimum standard and that organizations are encouraged to exceed AODA requirements.

It was the consensus of Committee to consider Item 6.3.1, Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 re: Joint Accessibility Advisory Committee and Diversity and Inclusion Advisory Committee Request to Participate in the Leading Equitable and Accessible Delivery Program, at this time.

6.2.3 Thyagi DeLanerolle, Arlene Dias, and De-Anna Lamas, representing Durham Standard Condominium Corporation 301 (In-Person Attendance)

Re: CMS 01-24, Community Services Department Report

Waste Collection Services on Private Residential Property

Refer to Item 6.4.7, CMS 01-24

Thyagi DeLanerolle and Arlene Dias appeared before Committee and indicated that the homes located within Durham Standard Condominium Corporation (DSCC) 301 do not receive municipal garbage collection and rely on contracted services. Ms. DeLanerolle stated that the residents would like to receive municipal garbage collection and noted that the residents should be treated equally to other homes in the Town. Ms. DeLanerolle stated that the provision of municipal garbage collection is a matter of equality, environmental responsibility, and would foster a sense of community connectivity.

A question and answer period ensued between Members of Committee, Thyagi DeLanerolle and Arlene Dias regarding:

- the amount of money each condominium owner pays for private waste collection;
- whether the condominium corporation would be willing to sign an indemnification agreement with the Town should municipal collection be provided;
- penalties for the condominium corporation associated with breaking their current waste collection contract; and,
- how the condominium corporation could educate residents in the condominium about the Town's waste collection program, should municipal collection be provided.

It was the consensus of Committee to consider Item 6.4.7, CMS 01-24, at this time.

6.3 Correspondence

6.3.1 Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 re: Joint Accessibility Advisory Committee and Diversity and Inclusion Advisory Committee Request to Participate in the Leading Equitable and Accessible Delivery Program

A brief question and answer period ensued between Members of Committee and Staff regarding the time commitment associated with participating in the LEAD program, the impact of participating in the program on other priorities, and referring the matter to Staff to prepare a report to Council outlining the corporate impact of participating in the program.

Moved by Councillor Shahid

1. That the Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 re: Joint Accessibility Advisory Committee and Diversity and Inclusion Advisory Committee Request to Participate in the Leading Equitable and Accessible Delivery (LEAD) Program, be received for information; and,

2. That Staff be directed to participate in the Leading Equitable and Accessible Delivery (LEAD) program for the Town of Whitby, in partnership with the Abilities Centre prior to the end of 2024.

See following motion.

Moved by Councillor Leahy

That the memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible Delivery Program be referred to Staff to report back on the opportunity to participate in this program given corporate resource constraints and commitments.

Carried

It was the consensus of Committee to consider Item 6.2.3, delegation by Thyagi DeLanerolle, Arlene Dias, and De-Anna Lamas, representing Durham Standard Condominium Corporation 301, at this time.

6.3.2 Memorandum from C. Chrus, Manager, Creative Communities and L. Toman, Program Manager, Events, Culture and Tourism, dated December 15, 2023 re: Staff Response to Downtown Whitby BIA Letter regarding 2024 Street Event

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

- confirmation that the Special Event Strategy has an new Town event identified in 2025 with planning to occur in 2024;

- budget concerns associated with planning and hosting a new Town event; and,

- the timelines associated with planning a new Town event and the need for the Town to support Downtown Whitby.

Moved by Mayor Roy

Whereas Council appreciates the work and investment of the Downtown Whitby BIA and their request for a street event in Downtown Whitby to garner more exposure for local businesses and renew a sense of vitality into the downtown area; and,

Whereas Council recognizes the request from the Downtown Whitby BIA to consider allocating funding for the inclusion of a street event in the 2024 budget and planning; and,

Whereas Council has approved the Special Events Strategy 2022-2025 which outlines key actions the municipality shall undertake to support the planning, delivery, permitting, and implementation of a New Signature Event in the community including timelines; and,

Whereas Council recognizes that staff are currently starting the business plan phase for the New Signature Event, inclusive of community engagement; and,

Whereas Council understands that staff will be putting forward a budget request in 2024 to support the planning for the New Signature Event, subject to Council approval; and,

Whereas Council understands that the New Signature Event will take place in 2025;

Now Therefore it be Resolved:

That further to the Downtown Whitby BIA’s request, Council direct staff to consider hosting the New Signature Event in Downtown Whitby in 2025 as part of the Special Events Strategy 2022-2025.

Carried

6.3.3 Memorandum from K. Palilionis, Climate Change Coordinator, dated January 9, 2024 re: Whitby Sustainability Advisory Committee's 2023-2026 Work Plan and 2023 Annual Report

Moved by Councillor Lundquist

That the Whitby Sustainability Advisory Committee's 2023 Annual Report be received for information.

Carried

6.3.4 Memorandum from J. Romano, Commissioner, Community Services, dated January 12, 2024 re: 2024 Days of Significance for Proclamations

Moved by Councillor Lundquist

That the proclamations from January to December 2024 outlined in the Memorandum from J. Romano, Commissioner of Community Services, dated January 12, 2024, be endorsed.

Carried

6.4 Staff Reports

6.4.1 CAO 01-24, Office of the Chief Administrative Officer Report

Re: Tourism Strategy Update - January 2024

Moved by Mayor Roy

That Report CAO 01-24, Tourism Strategy Update – January 2024, be received for information.

Carried

It was the consensus of Committee to consider Item 6.2.2, delegation by Paul Scott, Chair, Accessibility Advisory Committee, Marta Swirydowicz, LEAD Executive Assistant, Abilities Centre, and Lyndsay Aitken, Manager, Post-Rehabilitation, Abilities Centre, at this time.

6.4.2 CAO 03-24, Office of the Chief Administrative Officer Report

Re: Public Art Policy

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

- the ability to use funds generated by the Municipal Accommodation Tax to support the Public Art Program Reserve;
- requesting the inclusion of public art in new development applications; and,

- clarification about the differences between the new Public Art Policy and the former policy, noting the new policy contains detailed information about the process for choosing, procuring, and deaccessioning public art.

Moved by Mayor Roy

1. That Council approves the Public Art Policy as presented in Report CAO 03-24 and as appended in Attachment 1;
2. That the Public Art Policy, once approved, replace MS 040 Public Art Loan and Donation Policy; and,
3. That Staff be directed to bring a report to Council for the establishment of a new discretionary program reserve fund, the Public Art Program Reserve Fund, in accordance with Report CAO 03-24.

Carried

6.4.3 CAO 04-24, Office of the Chief Administrative Officer Report

Re: Economic Development Strategy Update

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

- clarification about which items have been removed from the Economic Development Strategy;
- confirmation that action items assigned to Economic Development Staff through the Community Strategic Plan has required a re-evaluation of priorities in the Economic Development Strategy in consideration of Staff capacity;
- challenges currently faced by businesses, including employee retention;
- hosting a community job fair to assist businesses with hiring challenges;
- working with the business community to help grow home-based businesses into retail locations; and,

- removal of the BIPOC fellowship program pilot to balance priorities in the Economic Development Strategy, noting that funding was not received for the program.

Moved by Mayor Roy

1. That Report CAO 04-24 be received for information; and,
2. That the updates described herein be consolidated into an updated Economic Development Strategy.

Carried

6.4.4 CAO 02-24, Office of the Chief Administrative Officer Report

Re: Community Strategic Plan 2023 Progress Report

A brief question and answer period ensued between Members of Committee and Staff regarding the status of the action items included in the Community Strategic Plan and how budget approval will affect whether Staff will be able to continue to advance certain action items.

Moved by Mayor Roy

That Report CAO 02-24 be received for information.

Carried

6.4.5 CLK 01-24, Office of the Town Clerk Report

Re: Ward Town Hall Meetings Policy

Moved by Councillor Lundquist

That Council approve the Ward Town Hall Meetings Policy appended to Report CLK 01-24 as Attachment 1.

Carried

6.4.6 CLK 02-24, Office of the Town Clerk Report

Re: Council Participation at Community Events Protocol and Attendance Guidelines Policy

See also Memorandum from C. Harris, Town Clerk, dated January 15, 2024 re: Council Resolution #183-23 re: Council Attendance at Business Openings

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

- how the policy serves as a protocol document for Council, governing the capacity in which Members of Council may attend events;
- opportunities to develop an online request form for community events and business openings to complement the policy;
- clarification about when and how Members of Council may represent the Town at events;
- how facade grant unveilings will be handled and advising Council about this matter prior to the January 29, 2024 Regular Council meeting;
- confirmation that private events within the community are not governed by the policy; and,
- the need for the policy to help clarify that the Mayor or all Members of Council may be invited to attend community events, as opposed to only a few or select Members of Council.

Moved by Mayor Roy

That Council approve the Council Participation at Community Events Protocol and Guidelines Policy appended to Report CLK 02-24 as Attachment 1.

Carried

6.4.7 CMS 01-24, Community Services Department Report

Re: Waste Collection Services on Private Residential Property

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

- how demand for municipal waste collection on private property would continue to grow given intensified development in the Town;
- the purpose of the Technical and Risk Management Guidelines and how they would be used to identify private properties that are suitable for municipal waste collection;
- clarification that the Town is unable to charge an additional levy for municipal waste collection and is therefor unable to service higher-risk sites due to insurance costs;
- confirmation that Staff will reach out to private properties that may potentially participate in municipal waste collection to gauge their interest, prior to consideration of the 2024 budget;
- Planning & Development Staff encouraging developers to build developments that meet the Technical and Risk Management Guidelines for municipal waste collection; and,
- confirmation that condominium agreements include provisions noting whether waste collection is a municipal or private responsibility.

Moved by Mayor Roy

1. That Report CMS 01-24 be received for information;
2. That NUB Item GG 0008 – “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” be removed from the New and Unfinished Business Listing; and,
3. That Staff be directed to include waste collection for private multi-residential and town home locations, through the use of Town Staff or other form, along with approval of the associated Draft Technical and Risk Management Guidelines for Waste Collection Services on Private

Residential Property as a decision item in the 2024 budget process.

Carried

It was the consensus of Committee to consider Item 6.3.2, Memorandum from C. Chrus, Manager, Creative Communities and L. Toman, Program Manager, Events, Culture and Tourism, dated December 15, 2023 re: Staff Response to Downtown Whitby BIA Letter regarding 2024 Street Event, at this time.

6.4.8 LS 01-24, Legal and Enforcement Services Department Report

Re: Transfer of Portion of Old Lake Ridge Road from Regional Municipality of Durham to Town of Whitby, Boundary Road Agreement between Town of Whitby and Town of Ajax and transfer of a Portion of Lake Ridge Road to the Regional Municipality of Durham

Note: This item was withdrawn from the agenda.

6.5 New and Unfinished Business - General Government

There was no discussion regarding the New and Unfinished Business List - General Government.

6.5.1 Request to the Province to Temporarily Remove Tolls on Highway 407 in Durham Region

Moved by Councillor Mulcahy

Councillor Mulcahy introduced a motion requesting the Province to temporarily remove tolls on Highway 407 in Durham Region, noting the potential traffic impacts to residents in Brooklin due to the planned construction work to widen Winchester Road. She indicated that temporarily waiving Highway 407 tolls in Durham Region would help to alleviate traffic impacts during construction and indicated that the motion was time sensitive, with construction planned to begin in the summer of 2024.

Moved by Councillor Mulcahy

Whereas Highway 407 from Brock Road (Regional Road 1) in Pickering to Highway 35/115 is provincially owned and tolls are set by the province; and,

Whereas planned Regional road construction work to widen Winchester Road (Regional Road 3) from Anderson Street to Baldwin Street (Regional Highway 12) will necessitate reducing Winchester Road to one lane of traffic in one direction over an expected two construction seasons impacting travel times for residents and businesses; and,

Whereas the temporary removal of tolls on Highway 407 during Winchester Road construction work would improve overall travel times and alleviate the traffic impacts on surrounding Regional and local municipal roads.

Now therefore, be it resolved:

1. That the Province be requested to temporarily remove tolls on Highway 407 in Durham Region during the duration of the planned Winchester Road construction work; and,

2. That a copy of this request be sent to all Durham local area municipalities, Durham MPPs, and the Minister of Transportation.

Carried

6.5.2 Review of the Procedure By-law

Note: This item was withdrawn from the agenda.

6.5.3 Social and Economic Prosperity Review

Moved by Councillor Mulcahy

Councillor Mulcahy introduced a motion regarding the need for the Province to undertake a social and economic prosperity review regarding municipal finances. Councillor Mulcahy noted the budget constraints facing the Town, the small portion of tax dollars provided to municipalities in consideration of the services provided, the need for financial support from the Province, and the importance of helping the Association of Municipalities of Ontario advance this matter.

Moved by Councillor Mulcahy

Whereas current provincial-municipal fiscal arrangements are undermining Ontario’s economic prosperity and quality of life; and,

Whereas nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly $4 billion a year; and,

Whereas municipal revenues, such as property taxes, do not grow with the economy or inflation; and,

Whereas unprecedented population and housing growth will require significant investments in municipal infrastructure; and,

Whereas municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addictions crises; and,

Whereas inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity; and,

Whereas property taxpayers – including people on fixed incomes and small businesses – can't afford to subsidize income re-distribution programs for those most in need; and,

Whereas the province can, and should, invest more in the prosperity of communities; and,

Whereas municipalities and the provincial government have a strong history of collaboration.

Now therefore, be it resolved:

1. That the Province of Ontario commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario; and,

2. That a copy of this resolution be circulated to Premier Doug Ford, Durham area MPPs, Durham area municipalities, the Region of Durham, and the Association of Municipalities of Ontario.

Carried

6.5.4 Canada Emergency Business Account (CEBA) Repayment Process

Moved by Councillor Yamada

That Committee suspend the rules of procedure to allow the introduction of a motion regarding the Canada Emergency Business Account (CEBA) Repayment process.

Carried on a Two Thirds Vote

Councillor Yamada introduced a motion regarding the Canada Emergency Business Account (CEBA) Repayment Process noting the hardships currently facing small businesses and the potential impact to the economy if small businesses are unable to make payments on their CEBA loans. He noted that this is a time sensitive matter as outstanding loans begin accruing interest and lose the forgivable portion of loans as of January 19, 2024.

Councillor Lee declared a conflict of interest regarding this Item, noting that he received a CEBA loan and had since repaid the loan amount. Councillor Lee did not take part in the discussion or voting regarding this Item.

Moved by Councillor Yamada

Whereas the repayment deadline for CEBA loans to qualify for partial loan forgiveness of up to 33 percent was extended from December 31, 2023, to January 18, 2024; and,

Whereas in conversations with the Federal Government, the President of the Canadian Federation of Independent Business (CFIB), Dan Kelly states that with over 900,000 small businesses holding CEBA loans and 22% not in a position to repay currently, the decision not to extend the deadline has huge implications for Canada’s economy; and,

Whereas the CFIB has been flooded with calls from panicked small business owners who are struggling to repay their loans and getting inconsistent answers and little help from the Federal Government and banks; and,

Whereas as of January 19, 2024, outstanding loans, including those that are captured by the refinancing extension, will convert to three-year term loans, subject to interest of five per cent per annum, with the term loan repayment date extended by an additional year from December 31, 2025, to December 31, 2026.

Now therefore, be it resolved:

1. That the Town of Whitby urgently ask the Federal Government to provide small businesses with an additional year to repay their loan to keep the forgivable portion without any penalties; and,

2. That a copy of this motion and a letter outlining the request be sent to Prime Minister, Justin Trudeau, Minister Valdez, Minister of Small Business, Pierre Poilievre, Leader of His Majesty's Loyal Opposition, The Leaders of the NDP, Bloc Quebecois and Green Party and all Durham Region MPs.

Carried

7. Adjournment

Moved by Councillor Cardwell

That the meeting adjourn.

Carried

The meeting adjourned at 10:33 p.m.

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 distrait 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 licencee 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 form 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 on

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

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.

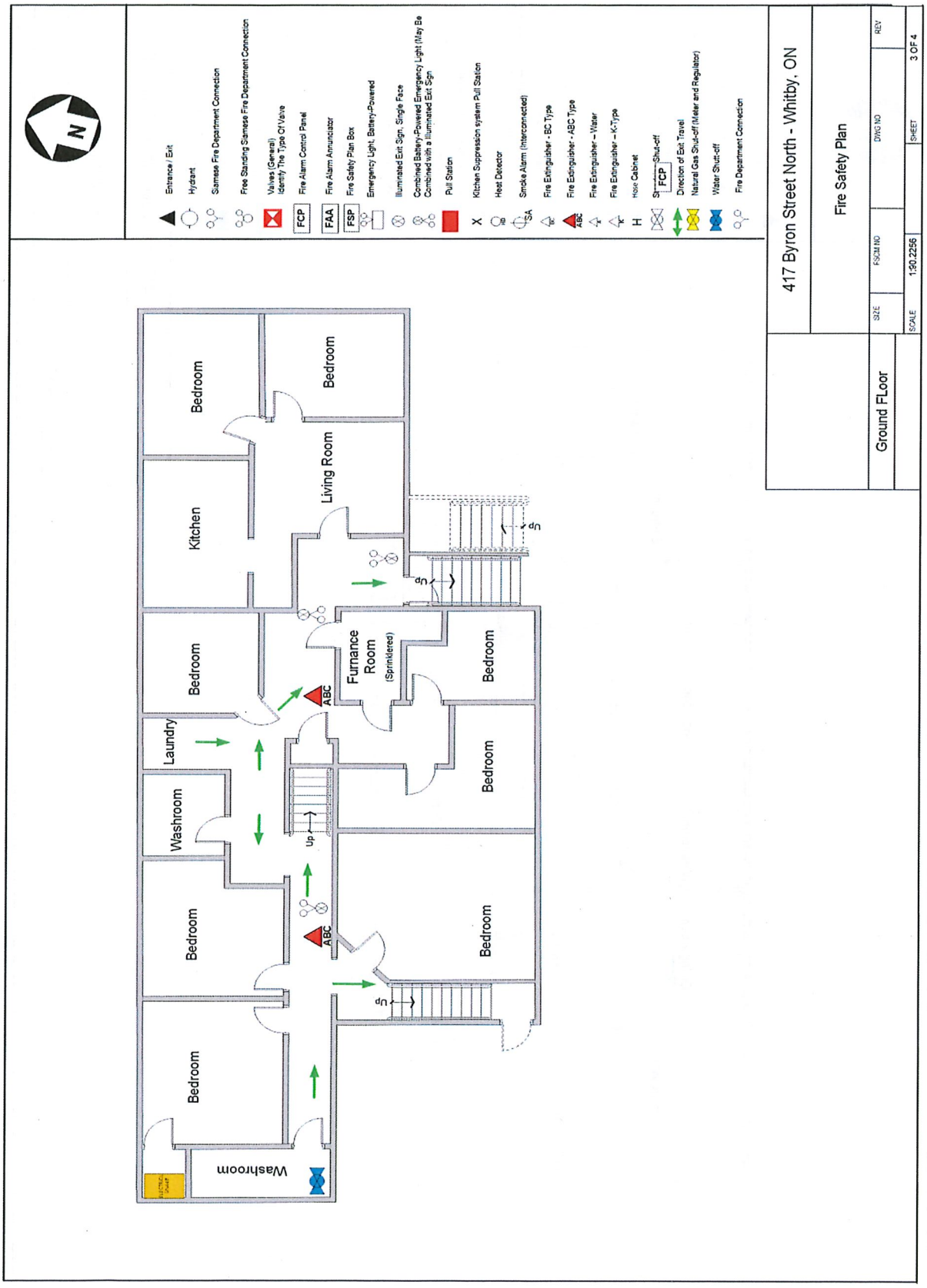
Ontario Shores will not take these men because they are stable and thriving in this home. Appropriate homes that can care for their needs are limited and most are full with a waitlist, like us.

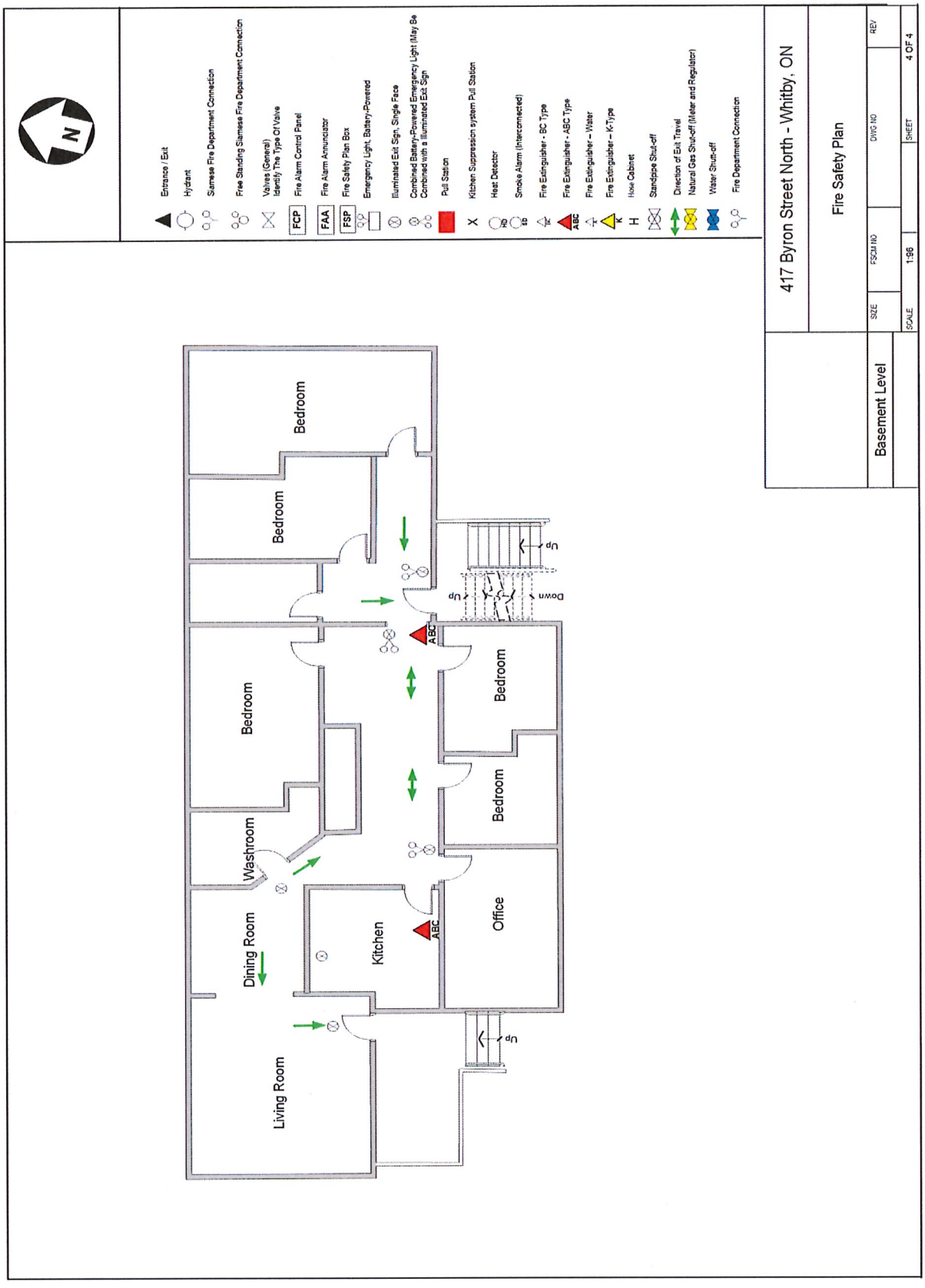
I am respectfully asking to be added to the exceptions list to allow 17 men and one employee to live at 417 Byron St. North. Currently, there are two homes on the exceptions list, 206 Byron St. South with a maximum of 17 residents, and 425 Dundas Street East with a maximum of 20 residents. If this is 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


Entrance / Exit
Hydrant
Siamese Fire Department Connection
Free Standing Siamese Fire Department Connection
Valves (General) Identify The Type Of Valve
FCP Fire Alarm Control Panel
FAA Fire Alarm Annunciator
FSP Fire Safety Plan Box
Emergency Light, Battery-Powered
Illuminated Exit Sign, Single Face
Combined Battery-Powered Emergency Light (May Be Combined with a Illuminated Exit Sign
Pull Station
Kitchen Suppression system Pull Station
Heat Detector
SA Smoke Alarm (Interconnected)
Fire Extinguisher - BC Type
ABC Fire Extinguisher - ABC Type
Fire Extinguisher – Water
Fire Extinguisher – K-Type
H Hose Cabinet
Sprinkler Shut-off
FCP Direction of Exit Travel
Natural Gas Shut-off (Meter and Regulator)
Water Shut-off
Fire Department Connection
Bedroom
Bedroom
Kitchen
Living Room
Bedroom
Furnance Room (Sprinklered)
Bedroom
Laundry
Washroom
Bedroom
Bedroom
Bedroom
Bedroom
Washroom
Up
Up
Up
Up
ABC
ABC
417 Byron Street North - Whitby, ON
Fire Safety Plan
Ground FLoor
SIZE
FSCM NO
DWG NO
REV
SCALE
1:50.2256
SHEET
3 OF 4


Entrance / Exit
Hydrant
Siamese Fire Department Connection
Free Standing Siamese Fire Department Connection
Valves (General)
Identify The Type Of Valve
FCP
Fire Alarm Control Panel
FAA
Fire Alarm Annunciator
FSP
Fire Safety Plan Box
Emergency Light, Battery-Powered
Illuminated Exit Sign, Single Face
Combined Battery-Powered Emergency Light (May Be Combined with a Illuminated Exit Sign
Pull Station
Kitchen Suppression system Pull Station
Heat Detector
Smoke Alarm (Interconnected)
Fire Extinguisher - BC Type
Fire Extinguisher - ABC Type
Fire Extinguisher – Water
Fire Extinguisher – K-Type
Hose Cabinet
Standpipe Shut-off
Direction of Exit Travel
Natural Gas Shut-off (Meter and Regulator)
Water Shut-off
Fire Department Connection
417 Byron Street North - Whitby, ON
Fire Safety Plan
Basement Level
SIZE
FSCM NO
DWG NO
REV
SCALE
1:96
SHEET
4 OF 4
Bedroom
Bedroom
Bedroom
Bedroom
Bedroom
Washroom
Dining Room
Kitchen
Office
Living Room
ABC
ABC
Up
Up
Down
Up

Durham Region Health Department

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

471 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

Check&GO! Durham

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

DineSafe DURHAM

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 REGION HEALTH DEPARTMENT Feb 2020

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	**Inspection #:**	188-28476-92247
		Inspection Date:	23-Jun-2023
Primary owner:	Nicole & Ferron Keane	**Inspected By:**	Lisa Smirnova, CPHI(C)
Site Address:	417 Byron St N Whitby ON L1N 4N5	**Facility Type:**	Group Home/Home for Special Care (>9)
Site Phone:	(905) 666-9494	**Inspection Type:**	Routine
		Inspection Reasons:	Compliance Inspection

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

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

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

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.
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.

Received May 26, 2023

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

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

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	**Acknowledged by M. Gaskell, Chief Administrative Officer**
From:	Andre Gratton, Manager, Enforcement Services	
Date:	January 26, 2024	
File #:	LS 13-23	
Subject:	Business Licensing By-law # 5545-04 exception request for a lodging home at 417 Byron Street North	

This Memorandum is to provide an update for Members of Council on what actions have occurred since the December 18th, 2023 Council meeting regarding the above noted request for an exemption from Business Licensing By-law # 5545-04.

Since the December Council meeting, the local Centre Ward councillor undertook consultation with members of the local community and neighbours of 417 Byron Street. It is the understanding of Enforcement Services Staff that the surrounding community were satisfied with the conditions and that any ongoing concerns will be addressed by the Town's Enforcement Services Division.

Enforcement Services Staff have been working with the Owner of 417 Byron Street and other Town Departments to address concerns raised and finalize our consultation with all the necessary internal Town departments. As a result, Enforcement Services requests additional time to review the information provided and finalize any further comments related to the exception. Enforcement Services Staff recommend that Report LS 13-23 be deferred to the next Council meeting on March 18, 2024.

Memorandum to Council

Community Services Department

Facilities Division

To:	Mayor and Members of Council
CC:	Catherine Bridgeman, Director of Facilities
From:	John Romano, Commissioner of Community Services
Date:	January 29, 2024
File #:	N/A
Subject:	Update – CMS 09-23 James Rowe House Food and Beverage RFP

Acknowledged by M. Gaskell, Chief Administrative Officer

As a follow up to Council's request to consider broader uses for the James Rowe House rather than exclusively focusing on a food and beverage use, staff are recommending the issuance of an Expression of Interest to seek potential partners for a lease of the building.

As indicated through staff report CMS 09-23 James Rowe House – Food and Beverage RFP, the Town has received inquiries about the potential for the building to be leased as a restaurant space. This interest combined with the community's strong desire for additional food and beverage opportunities and placemaking experiences along the waterfront to enhance the waterfront and offset the capital costs associated with maintaining the historic building.

However, at Council direction, the process will be opened to consider a broader range of potential uses for the building and to support the vision and actions of the Community Strategic Plan to enhance Whitby's tourism sector, including a focus on the waterfront, staff are also looking at the lands surrounding the Rowe House and how they could be animated to create a year-round visitor experience.

Staff are considering applying for a grant through the Federal Tourism Growth Program to support nautical tourism experiences such as paddle boards / kayak rentals and opportunities for a seasonal visitors centre and rest stop for cyclists as well as act as the starting point for Hop on / Hop Off Food and Lights Tours. Other enhancements such as public art and Muskoka Chairs could animate the space around the Rowe House. These ideas further support actions in the Town's Tourism Strategy 2022 – 2025 and the Town's Culture Plan. This location would act as a hub of activity and connect active transportation users along the waterfront trail.

To fairly consider a range of potential opportunities, staff are recommending the issuance of an Expression of Interest (EOI) to allow potential tenants with an avenue to register their interest and to provide input on ideas/concepts that would then be evaluated fairly on their ability to support the Town's goals of enhancing the waterfront, building new partnerships, supporting and enhancing the Port Whitby Marina and providing services that respond to community needs while balancing the impact to the taxpayers.

By using the EOI, the Town will have a simplified method of allowing potential partners to convey their concept and demonstrate how it will support the Town's vision, goals and objectives for the waterfront and the building. It will be open to a variety of potential concepts allowing the Town to understand not only the level of interest in the opportunity but also the potential differing uses envisioned for the space that complement and create a tourism destination and focal point for the waterfront. Following the EOI, a formal Request for Proposal could be issued to incorporate some of the best ideas from the EOI submissions, or direct negotiations could be undertaken, or the Town could determine that no suitable concept and close the opportunity with no further commitments.

At the conclusion of the EOI process, staff will report back to Council with the outcome and recommended next steps for Council's direction.

If Council supports the staff recommendation to issue an EOI as a mechanism to solicit interest a potential lease of the James Rowe House, the following recommendation could be brought forward to direct staff: "That staff be directed to issue an Expression of Interest seeking proposals on future use of the James Rowe House and report back to Council with recommending next steps."

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Housing Accelerator Fund – Grant Management and Downtown Whitby Community Improvement Plan

Report to: **Council**

Date of meeting: January 29, 2024

Report Number: **CAO 05-24**

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:
Sarah Klein, Director Strategic Initiatives

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Melissa Weatherbie, Senior Manager Government Relations and Grants, Ext. 2855

Christy Chrus, Manager Creative Communities, 905-444-3164

1. **Recommendation:**

    1. **That Report CAO 05-24, be received as information;**

    2. **That Council approve the recommended administrative changes to Appendix C Implementation Guidelines of the Downtown Whitby Community Improvement Plan (CIP), including the addition of $2,500,000 to support the Development Charge Partial Exemption for High Density Residential and Residential Mixed-Use Development as outlined in Section 4 of Report CAO 05-24 and included as Attachment 1;**

    3. **That Council extend the Downtown Whitby Community Improvement Plan (CIP) By-law to December 31, 2027, as outlined in Attachment 2 to align with the funding parameters of the Housing Accelerator Fund;**

4. **That the Treasurer and the CAO be delegated authority to award all contracts related to Federal or Provincial grant-funded projects, including the Housing Accelerator Fund, that are within budget until December 31, 2027;**

5. **That staff be delegated the authority to submit all Federal or Provincial grants applications, normally requiring Council authorization before-hand, until December 31, 2027, subject to the agreement of Treasurer and CAO; and,**

6. **That staff report on grant applications submitted, grant agreements executed, and procurements awarded, that normally would require Council approval.**

2. Highlights:

- It is recommended that $2,500,000 from the Housing Accelerator Fund be committed to support the Development Charge Partial Exemption for High Density Residential and Mixed-Use Development as part of the Downtown Whitby Community Improvement Plan (CIP), creating a total municipal investment for this program of $2,598,010.
- Some administrative changes are required to Appendix C Implementation Guidelines of the Downtown Whitby CIP in order to support the new funding for the Development Charge program (Attachment 1).
- In order to align the CIP with the funding parameters of the Housing Accelerator Fund, it is recommended to extend the Downtown Whitby CIP By-law #7827-21 to December 31, 2027 (Attachment 2).
- The recommendations in this report will enhance the Town's ability to execute/implement Housing Accelerator Funded spending to proceed in a timely manner that align to the timelines for reporting and milestones that are set out in the Housing Accelerator Fund Contribution Agreement with the Canadian Mortgage and Housing Corporation.
- In anticipation of future Provincial/Federal grant announcements, staff are seeking delegated authority related to grant applications and project related procurement in order to meet tight timelines associated with the grant opportunities that align to the Housing Accelerator Fund timing.

3. Background:

The Town has begun work on the nine Housing Accelerator Fund initiatives as outlined in Staff Report CAO 20-23 and in accordance with Council Resolution 222-23. Within that motion, staff were directed to bring forward an update to extend the By-law related to the Downtown Whitby Community Improvement Plan to align to the Housing Accelerator Fund timeline.

Whitby's Housing Accelerator Fund agreement was signed on December 31, 2023, as such the 4 years will expire December 31, 2027. The Housing Accelerator Fund has

ambitious timelines that require streamlined procurement to expedite purchasing. In addition, there is the potential for other Provincial/Federal grant opportunities that may be sought by the Town that relate to Housing Accelerator Fund projects or other Town initiatives. In order to optimize the Town's opportunity to be successful for applicable grants, delegated authority is being sought related to grant applications and procurement.

Community Improvement Plan (CIP)

The Downtown Whitby Community Improvement Plan (CIP) was adopted by Council in 2018 and contains various incentive programs created to transform and revitalize the downtown through new economic development and redevelopment by investing in the commercial core. In 2021, the CIP was modified and the CIP By-law was extended for another four years to March 1, 2025.

Since the CIP was approved, a total municipal investment of $3,277,925 (95% of the funds) have been committed to support the various CIP projects in Downtown Whitby. The remaining funds ($152,075) are mostly allocated for the Maintenance and Improvement Programs (i.e. Façade Grants, Interior Heritage Building Grants, Sign Grants and Design Grants).

However, one program that was extremely successful, was the Development Charge Partial Exemption for High Density Residential and Mixed-Use Development. $2,697,500 was initially allocated to this program and was fully allocated to support four applications within the first year, resulting in 467 new residential units, 10,000 sf of commercial floor space with private investment of $151.9M in the Downtown Whitby area. As part of the modifications to the CIP in 2021, $98,010 has been transferred to this program and is all that remains available for potential qualifying applicants.

Delegated Authority for Grant Management

The delegated authority model was successful as outlined in staff report FS 21-21. This Delegated Authority for Grant Applications and Procurements applied up until April 1, 2023 in anticipation of economic stimulus grants / infrastructure grants following the COVID-19 pandemic. Part of this delegated authority allowed the Treasurer, Commissioner and Senior Manager of Procurement to award all contracts related to Provincial and Federal grants. This delegated authority also expedited grant application submissions that would normally require Council approval.

As the housing crisis continues, it is anticipated that additional Federal and Provincial funding opportunities may present themselves with tight implementation timelines, particularly related to housing and infrastructure. As outlined in staff report FS 21-21, it is in accordance with Town policy, that certain grants and certain procurements require Council approval prior to execution by the Town. Due to pre-established Committee and Council dates, lead times required for Council reports, and the potential tight timelines involved with anticipated Federal and Provincial grants, it is recommended that:

- staff be provided delegated authority to apply for Federal and Provincial grants that normally would require Council approval beforehand;

- staff be provided delegated authority to award procurements related to grants that are within budget and, in accordance with the Procurement policy, and would normally require Council approval beforehand;
- the temporary delegated authority, noted above, end after the expiry of the Housing Accelerator Fund Contribution agreement, December 31, 2027.

To ensure that Council is aware and updated on grant applications and grant-related contract awards, reporting will be provided in accordance with the Town's Grant Policy and Procurement Policy. However, the reporting will occur after-the-fact in order to meet the implementation timelines set out in the Federal and Provincial grant programs.

4. Discussion:

Community Improvement Plan (CIP)

The Downtown Whitby CIP was designed so that Council can activate and deactivate any of the programs at any time, including providing additional funding to support programs as required. As part of the available funding received from the Federal Housing Accelerator Fund, $2,500,000 will be allocated to support new residential and mixed-use residential developments located within the Downtown Whitby Community Improvement Project Area (see Figure 1) as follows:

- A 75% Development Charge exemption for high density residential developments and the residential component of mixed-use development within the Downtown Whitby Historic Priority Area.
- A 50% Development Charge exemption for high density residential developments and the residential component of mixed-use development outside the Historic Downtown Whitby Priority Area.

Specifically, Section 2.1 and 2.5 of Appendix C Implementation Guidelines of the Downtown Whitby Community Improvement Plan (CIP) require updating to support this proposed change (see Appendix C in Attachment 1).

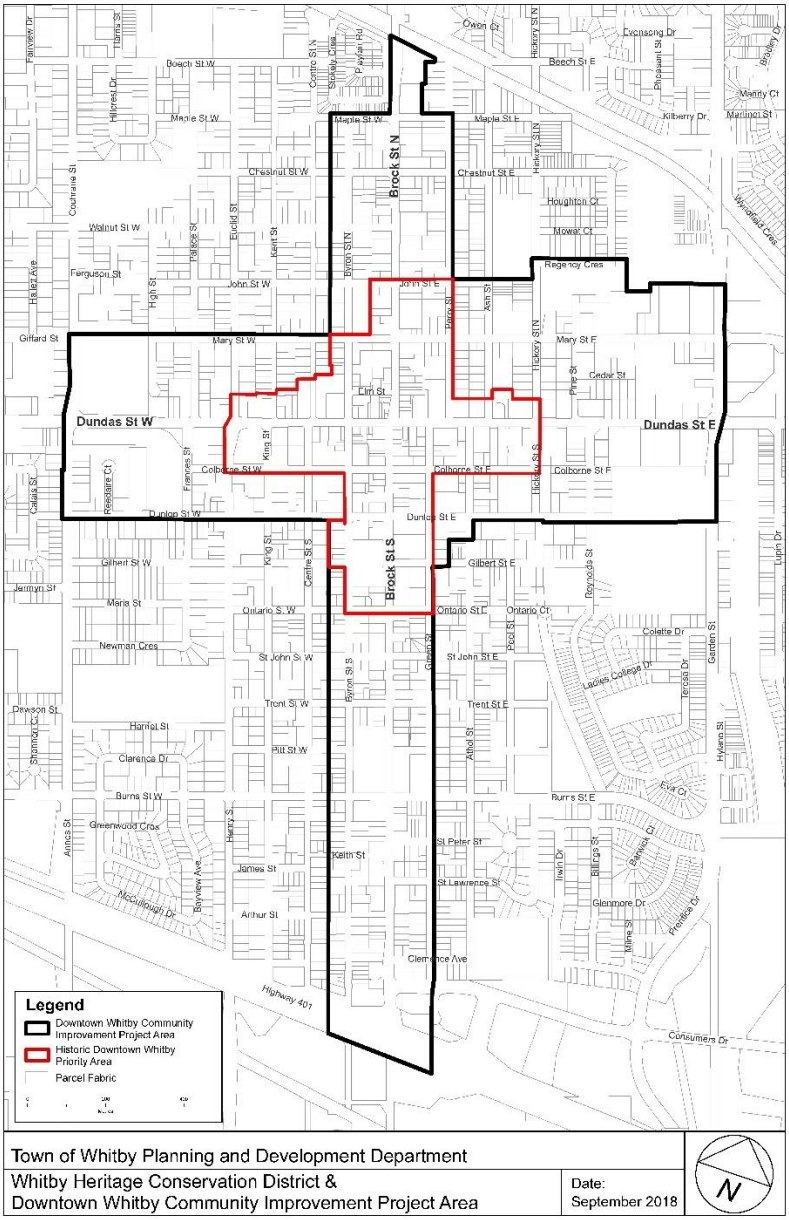
In accordance with the CIP By-law, High Density Residential Development means 'an apartment dwelling of a minimum of four (4) storeys or containing more than 65 dwelling units per net hectare."

In order to qualify, the owner of the property submits a completed application at the time of Site Plan submission. The application must include information with the exact number and type of units, GFA of retail commercial and office uses, timeline and commitment to proceed to building permit. This application is reviewed by members of the Senior Leadership Team to confirm the application meets the eligibility criteria and confirms approval. A building permit must be issued, and Development Charges paid within one year from the date the Development Charge application was approved.

In order to align the CIP with the funding parameters of the Housing Accelerator Fund, it is recommended to extend the Downtown Whitby CIP By-law #7827-21 to December 31, 2027. A copy of the Draft CIP By-law is included as Attachment 2.

Staff are aware of several proposed developments that could potentially qualify for this additional funding, adding much needed housing in Downtown Whitby, that is within walking distance to businesses, amenities, and along existing transportation routes such as Rapid Transit. This additional funding will help achieve the goals of the Housing Accelerator Fund, provide alternative housing options and meet intensification targets as set out in the Official Plan.

Figure 1 – Map of Downtown Whitby Community Improvement Project Area Boundaries



Delegated Authority for Grant Management

The Town of Whitby's grant policy, Policy Number F 270, requires Council approval of grant submissions which introduce a new level of service and/or have a net financial impact incremental to the Town's approved budget.

The Town Procurement Policy, Policy Number F 080, currently requires Council approval prior to contract awards (within budget) in the following situations:

- Single/Sole source awards greater than Trade Agreement limits (CFTA limits for January 1, 2024 to December 31, 2025: $133,800 for Goods and Services, $334,400 for Construction); and
- Standardization decisions and awards greater than $100,000.

Due to tight timelines related to grant applications and specific timelines to complete projects once a grant has been awarded, it is recommended that, until December 31, 2027, the Treasurer and CAO be delegated authority to apply for grants and award procurement contracts (within budget) related to Federal and Provincial grants. Following each event that normally would require Council authorization/reporting, a report or memo will be provided to Council.

5. Financial Considerations:

Total funding available for the Development Charge Partial Exemption for High Density Residential and Mixed-Use Development is now $2,598,010 (i.e. $2,500,000 from the Housing Accelerator Fund plus the remaining balance of $98,010 available for this program).

6. Communication and Public Engagement:

Information is provided to potential applicants through the pre-consultation process to ensure they are aware of the programs at the early stage of their development planning. Applicants located within the Community Improvement Project Area, who currently have a pre-consultation application with the Town, will also be notified of the additional funding investment as part of the Development Charge Partial Exemption for High Density Residential and Mixed-Use Development. Staff will also provide an update to the Downtown Whitby BIA and Whitby Chamber of Commerce to advise of the additional funding support for the Downtown Whitby Community Improvement Plan.

7. Input from Departments/Sources:

The report has been prepared with input from Strategic Initiatives, Financial Services and Planning and Development.

8. Strategic Priorities:

The recommendations in this report will further support the already successful Downtown Community Improvement Plan to spur mixed-use residential development

located near transit aligning to Pillar 1 of the Community Strategic Plan. Allocating approximately 10% of the Whitby's Housing Accelerator Funding to this initiative will expedite the creation of housing located in a targeted intensification area near rapid transit. These recommendations related to grant management will enhance the Town's ability to apply for and execute Federal and Provincial grants in a timely manner and within the timelines set by the various grant programs, including the Housing Accelerator Fund, which aligns to Pillar 4 of the Community Strategic Plan for Whitby Government to be accountable and responsive.

9. Attachments:

Attachment 1 – Appendix C, Implementation Guidelines of the Downtown Whitby Community Improvement Plan (CIP)

Attachment 2 – Draft Downtown Whitby Community Improvement Plan By-law 8046-24

Appendix C
Downtown Whitby
Community Improvement Plan

Implementation Guidelines for:

Development Charge Full or Partial Exemption

Cash-in-Lieu of Parking

Tax Increment Equivalent Grant

Façade Improvement Grant / Design Grant

Sign Grant

Interior Heritage Building Grant

January 2024

1.0 Introduction

These Implementation Guidelines activate and provide further details on all available incentive programs within the "toolbox" of incentives in the CIP, namely:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;
- Sign Grant; and
- Interior Heritage Building Grant.

2.0 Development Charge (DC) Full or Partial Exemption

The following Development Charge Full or Partial Exemptions (grant-in-lieu) apply to high density residential development, mixed use development and commercial and office development in the Downtown Whitby Community Improvement Project Area (CIPA) for local (Town of Whitby) Development Charges:

2.1 DC Partial Exemption for High Density Residential and Residential Mixed Use Development:

A 75% DC exemption for high density residential developments and the residential component of mixed use developments within the Historic Downtown Whitby Priority Area.

A 50% Development Charge exemption for high density residential and the residential component of mixed use developments outside the Historic Downtown Whitby Priority Area.

2.2 DC Full Exemption for Retail Commercial and Office Expansion Development:

Within the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings which are enlarged by up to 50% of the existing Gross Floor Area (GFA), up to a maximum of 929 square metres (10,000 square feet).

Outside of the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings enlarged by up to 50% of the existing GFA, up to a maximum of 464 square metres (5,000 square feet).

2.3 DC Partial Exemption for New Office Development:

Where the gross floor area of a new office (not including a medical office) development exceeds 90 square metres (968 square feet), the exemption shall be either:

a) 75% DC exemption in the Historic Downtown Whitby Priority Area; or

b) 50% DC exemption outside of the Historic Downtown Whitby Priority Area.

2.4 Eligibility

This program applies to:

- New high density residential developments and residential components of mixed use developments in the Historic Downtown Whitby Priority Area;
- Expanded retail, commercial and office uses in the Downtown Whitby CIPA; and
- New office development in the Downtown Whitby CIPA.

2.5 Municipal Investment

Development Charge Partial Exemption provided through the CIP Incentive for the High Density Residential and Residential Mixed Use Development, as described above, includes a municipal investment that shall not exceed $2,598,010 for all qualifying residential developments in the Downtown Whitby Community Improvement Project Area over the life of the CIP by-law.

The municipal investment for Development Charge Full Exemption for Retail Commercial and Office Expansion Development and Development Charge Partial Exemption for New Office Development has been reallocated to another program in the CIP and therefore no budget is currently available for these programs.

The scope, municipal investment and benefits of the incentive can be examined and re-evaluated regularly.

2.6 Administration

The application process for the Development Charge (DC) Full or Partial Exemption Program is as follows:

a) The owner of the property submits a completed application at the time of Site Plan submission. The application must include information with the exact number and type of units, GFA of retail commercial and office uses, timeline and commitment to proceed to building permit.

b) Approval of Development Charge Full or Partial Exemptions would be delegated to a Senior Leadership Team comprised of to the Commissioners of Planning and Development, Financial Services/Treasurer and the Director of Strategic Initiatives. The Application Review Team confirms eligibility, complete application and provides a summary of application to the Senior Leadership Team for approval.

c) A letter is provided to the owner confirming eligibility is met and providing a maximum approved grant amount for the DC full or partial exemption.

d) Just prior to Building Permit issuance, the payable DC amount is calculated accordingly, net of the application grant amount.

e) The Development Charge Full or Partial exemption is based on the applicable percentage of the Development Charges required in accordance with the Development Charge By-law in effect at the time the CIP application is approved. Upon application for a Building Permit, should:

   - Increased development charge rates apply to the development, the grant amount will not exceed the maximum grant identified in the approval letter;
   - The development proposal change (i.e. development type, the residential units (number/ type) or non-residential GFA), the Development Charge Full or Partial Exemption will be recalculated accordingly, and will not exceed the previous approved maximum in the CIP application; and

- New legislation on Development Charges come into effect that reduces the Development Charge from the time of the CIP application, the Development Charge Full or Partial Exemption will be recalculated accordingly and the applicable grant shall not exceed the identified CIP program's maximum contribution.

f) The Development Charge exemption/reduction grant payment will be charged to the Community Improvement Plan capital project and credited to the applicable Development Charge reserve funds.

g) In cases where the total approved municipal investment in these programs has been reached, applicants will be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

h) A Building Permit must be issued and Development Charges paid within 1 year from the date the Development Charge CIP application was approved. Extensions may be granted at the discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

2.7 Evaluation Criteria

a) The proposed development/redevelopment will provide additional, commercial, office and/or residential space in Downtown Whitby.

b) The proposed development/redevelopment will result in additional tax revenue;

c) The proposed development/redevelopment will result in a more complete streetscape;

d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;

e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;

f) The owner/developer has experience in the field with similar size developments/redevelopments;

g) The owner/developer has financial ability to complete the identified work; and

h) The proposed improvement are in accordance with all applicable policies, by-laws and building code requirements.

3.0 Cash-in-Lieu (CIL) of Parking

3.1 Cash-in-lieu of Parking Rate Reduction

The Town's cash-in-lieu of parking rate is $7,500 per surface parking space or the amount determined by any future Parking Master Plan for non-residential development. This amount excludes the cost of land, and is not available for accessible parking spaces.

For qualifying developments, the Town may provide a 50% discounted cash-in-lieu of surface parking rate of $3,750 per space ($7,500 * 50% = $3,750 taxes excluded).

3.2 Eligibility

The following eligibility criteria are used to evaluate a request for cash-in-lieu of parking in the Downtown Whitby CIPA:

- Development proposal is non-residential (i.e. retail, commercial, and office);
- Development is not able to provide/secure off-site parking within an acceptable walking distance of the site;
- It is not financially feasible to provide parking on site as part the development; and
- The addition of parking on site is determined to have negative urban design impacts.

3.3 Municipal Investment

The municipal investment for cash-in-lieu of parking has been reallocated to other programs in the CIP and therefore no budget is currently available for this program.

3.4 Administration

The application process for the Cash-in-lieu of Parking Program is as follows:

a) Through the Site Plan submission, an owner/applicant requests to use the cash-in-lieu of parking provision.

b) The owner/applicant provides a summary outlining how the development proposal qualifies/meets the eligibility criteria listed above. This can be submitted in conjunction with the Parking Study or as a separate document.

c) Staff evaluates the request and confirms eligibility and complete application.

d) Staff prepares the Site Plan Agreement including the cash-in-lieu of parking requirements and any associated conditions.

e) The owner/applicant pays the required cash-in-lieu at the time the Site Plan Agreement is registered.

f) Construction must be started within 1 year for which the Cash-in-Lieu of Parking CIP application was approved. Extensions may be granted at the

discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

4.0 Tax Increment Equivalent Grant (TIEG)

4.1 Tax Increment Equivalent Grant (TIEG)

Within the Historic Downtown Whitby Priority Area, an overall 45% rebate on a declining basis over a five year period on the municipal tax increment for eligible non-residential (commercial and office) development or redevelopment is provided.

4.2 Eligibility

This program is limited to non-residential (commercial and office) development or redevelopment within the Historic Downtown Whitby Priority Area. In the case of a mixed use development, the grant only applies to the increase in assessment related to eligible uses. The TIEG only cover costs related to the Town's portion of the property tax increment. Eligible projects must include:

- A minimum new development or expansion of an existing building of 232 square metres (2,500 square feet).
- New development may include reconstruction of a building that was demolished or lost more than 3 years.

If there is minimal uptake within the Historic Downtown Whitby Priority Area within the first two years of the CIP By-law, the program may be expanded to the entire CIPA through a technical by-law amendment to the Implementation Guidelines.

The following limitations apply:

- Only the property owner is eligible for the rebate.
- The program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease or changes in tax legislation.
- The annual rebate is not based upon occupancy or changes in occupancy.
- All annual rebates are retroactively adjusted to reflect any assessment valuation changes resulting from assessment appeals, requests for reconsideration or other similar adjustment to the assessment value.
- Rebate payments will cease once the total rebate along with all other grants provided equals the eligible costs or after five years, whichever comes first.
- All levies related to the Downtown Whitby Business Improvement Area (BIA) or other similar levies are excluded from the calculation to determine the eligible amount of taxation.
- Where properties that are not previously subject to taxes are redeveloped, the base tax shall be based on the tax that would be applied to the land and building based on the current use.

4.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Tax Increment Equivalent Grant Program:

a) The proposed development/redevelopment will provide additional commercial and/or office space in Downtown Whitby;

b) The proposed development/redevelopment will result in additional tax revenue;

c) The proposed development/redevelopment will result in a more complete streetscape;

d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;

e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;

f) The owner/developer has experience in the field with similar size developments/redevelopments;

g) The owner/developer has the financial ability to complete the identified work; and

h) The proposed improvements are in accordance with all applicable policies, by-laws and building code requirements.

4.4 Municipal Investment

The TIEG incentive program is limited to a municipal investment that shall not exceed $41,865 for all qualifying non-residential (commercial and office) developments in the Historic Downtown Whitby Priority Area over the life of the CIP By-law. This will be monitored through the Site Plan Application process to track eligible development applications. The program ceases once the municipal investment is exhausted or the CIP program expires.

The total value of grants and other incentives cannot exceed eligible costs of the development/redevelopment as per the requirements of the Planning Act.

4.5 Administration

The application process for the TIEG Program is as follows:

a) Consult with the Application Review Team regarding the proposed project to ensure eligibility.

b) The owner submits a completed application form at the time of Site Plan. The application must include the following information:

- Professional drawings/plans that provide sufficient detail to describe the proposed work including number, size, tenure and

projected unit sale prices and/or rental rates of units to be constructed and construction drawings.

- If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency.
- A written estimate of project construction costs, including a breakdown of said costs, from a qualified architect or contractor.

c) The Application Review Team confirms eligibility, complete application and provides report to Council for approval for all development proposals.

d) Pre-project municipal taxes are determined by the Town before commencement of the project at the time the application is reviewed. These base municipal property taxes are adjusted to reflect the actual property taxes for the year in which the work is completed.

e) A letter is provided to the owner confirming eligibility is met.

f) Applicable development approvals such as Site Plan, Building Permit, Heritage Permit or other requirements as necessary, must be obtained as part of the application.

g) The owner is required to enter into a TIEG Agreement with the Town outlining any conditions as part of the application. In the event of sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property, any future Grants will be terminated unless otherwise approved by Council.

h) Any proposed deviations/changes from the approved drawings by the owner shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

i) Construction must be started within the 1 year from the date the TIEG application was approved.

j) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension.

k) The owner shall co-operate with MPAC to facilitate a post-improvement assessment of the property following completion of an eligible project.

l) The Town determines the difference between the amount of Town taxes prior to the improvement and post-improvement. This difference is known as the “municipal tax increment” and shall be the portion eligible for a partial rebate under this program

m) Rebates are issued over a 5 year period. This 5 year period is calculated effective for the first 60 months after MPAC has issued the supplemental/omitted assessment valuation, and is effective as of the date used by MPAC to reflect the increased assessment.

n) All TIEG rebates are applied to the property tax account for tracking purposes. Property owners receive a written notification when the rebate has been processed. If property taxes are paid in full, the owner has the option to request a refund or leave the credit on their tax account to be used again future property taxes.

o) Rebates are calculated and applied to the tax accounts within 120 days of the initial supplemental/omitted tax bill being issued and within 60 days of the final tax billing in each subsequent year.

p) The rebate program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; and/or inconsistent with the TIEG Agreement.

5.0 Façade Improvement Grant

5.1 Façade Improvement Grant in Historic Downtown Whitby Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of $10,000 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of $30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.2 Façade Improvement Grant outside Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of $7,500 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of $22,500 per property for a building with multiple street addresses, storefronts or commercial units.

Designated (Part IV or Part V) heritage properties outside of the Historic Downtown Whitby Priority Area in the CIPA are eligible for a grant equal to 50% of the costs up to a maximum of $10,000 per municipal street address, storefront or commercial unit, subject to an overall maximum of $30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.3 Design Grant

A Design Grant equal to 50% of the costs for professional design fees associated with a Façade Improvement Grant, Sign Grant and/or Interior Heritage Building Grant project up to a maximum of $2,000 per municipal street address, storefront or commercial unit for properties within the CIPA. This grant is provided in addition to the grants available as part of the Façade Grant, Sign Grant and/or Interior Heritage Building Grant.

5.4 Eligibility

These grants are available for existing buildings that are commercially or institutionally zoned properties in the CIPA. Grants apply to eligible building improvements to the front and side facades visible from the street. Eligible projects include:

- Structural/safety replacement and repair for exterior facade;
- Repair/replacement of windows, doors, storefronts, awnings, canopies, cornices, eaves, parapets and other architectural features;
- Installation or repair of exterior lighting;
- Cleaning/painting of facades visible from adjacent streets and public walkways;
- Repair/restore historic masonry;
- Entrance modifications, including the installation of ramps for accessibility purposes;

- Repair of facades visible from adjacent streets and public walkways;
- Landscaping such as walkways, planters and permanent plantings;
- Exterior fire safety upgrades to code;
- Water/flood/weather proofing;
- Structural repairs to exterior walls and foundations;
- Installation, repair or reinstall of cable, telephone, fibre and other service-specific installations to support business development and growth to the Historic Downtown Whitby Priority Area; and,
- Other capital improvements which the Town, in its sole discretion, determines are important to incorporate as an integral part of the total façade improvement design.

The following types of projects are ineligible:

- New construction (unless signage see Section 6);
- Roof repairs / replacement (unless considered a decorative element) at the discretion of the Town;
- General maintenance and repairs at the discretion of the Town;
- Security systems;
- Insulation;
- Sandblasting and high-pressure water blasting of brick;
- Painting historic masonry;
- Driveway paving / widening for parking areas;
- Manufacturing of commemorative plaques; and
- Interior window coverings.

The following limitations apply:

- A property owner/tenant of a given property may only apply for a façade improvement and design grant once every five years.
- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- Eligible grant amount(s) are based on costs exclusive of HST.

5.5 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for building improvements:

a) The improvement is sensitive to existing streetscape with respect to proportions, materials, colour, signage and architectural detail;

b) The improvement meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

c) The improvement results in a comprehensive renovation of the façade leading to significant overall positive impact to the aesthetic qualities of the area;

d) The improvement results in restoration/preservation of original façade features (i.e. glazing, storefronts, doorways);

e) The improvement uses original or similar materials and historic colours where feasible;

f) The improvement represents a significant restoration of a key heritage building (listed or designated);

g) The contractor(s) has experience working on heritage facades and ability to complete the identified work(s); and

h) The proposed improvements are in accordance with identified design policies, by-laws and building code requirements.

5.6 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant Programs.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

5.7 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Façade Improvement and Design Grant Programs is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

- A photograph of the existing façade.
- Two quotes for the estimated work(s) from qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).

- One quote for the design professional engaged to provide design services where applicable.
- Attach drawings/sketches, manufacturer information, building product information of proposed improvements. Drawings/sketches must indicate what areas of the facade are to be cleaned, repaired, painted, rebuilt, resurfaced, replaced, etc., or what new features will be installed.

c) Staff confirms eligibility and complete application.

d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant(s).

e) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

i) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.

j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Façade Grant Application; or that requires a building permit and inspections have not been conducted.

6.0 Sign Grant

6.1 Sign Grant in CIPA

For projects that meet the Town's Permanent Sign By-law and associated heritage sign guidelines, a grant equal to 50% of the cost of signage and associated lighting is provided, up to a maximum of $2,000.

6.2 Eligibility

This grant is available for existing and new buildings that are commercially or institutionally zoned properties in the CIPA. Eligible projects include:

- Construction and Installation of new signage including the use of frosted glass, projecting signs and/or appropriate window signs;
- Refurbishment of existing signage; and
- Decorative lighting improvements associated with signage.

The following types of signs are ineligible:

- Internally illuminated signs;
- "Open" signs (electronic);
- Hours of Operation signs (electronic);
- Digital signs; and
- Temporary signs.

The following limitations apply:

- An owner or tenant of a given property may only apply for a Sign Grant once every five years, unless ownership or tenancy changes. In this instance, within the five-year period the new owner or tenant may be eligible for a Sign Grant equal to 50% of the costs of the improvements, up to a maximum of $1,000.
- Eligible grant amount(s) are based on costs exclusive of HST.

6.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for signage:

a) The sign is sensitive to the existing building and streetscape with respect to scale, proportions, and architectural detail;

b) The sign is placed in a traditional location such as above the storefront or a ground sign;

c) The sign uses traditional/authentic materials, historic colours and appropriate font or letter styles where feasible;

d) The sign meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

e) The sign is in accordance with provisions in the Sign By-law and heritage sign guidelines.

6.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

6.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Sign Grant Program is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

- A photograph of the existing sign (if applicable) and/or building façade where the sign will be installed;
- Two quotes for the estimated work from the sign company and/or lighting contractor;
- Attach drawings/sketches, manufacturer information, product information of proposed sign/lighting. Drawings/sketches must indicate sign/lighting placement on building, dimensions, colours etc. or how the existing sign will be refurbished.

c) Staff confirms eligibility and complete application.

d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.

e) Applicable development approvals such as Building Permit (sign permit), Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

i) The approved grant cheque amount for signage are issued to the applicant when the sign/lighting is installed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.

j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Sign Grant Application; or that requires a building permit and inspections have not been conducted.

7.0 Interior Heritage Building Grant

7.1 Interior Heritage Building Grant

The Interior Heritage Building Grant covers 50% of the costs of internal improvements, to a maximum of $10,000 for listed or designated heritage properties within the Historic Downtown Whitby Priority Area as well as designated heritage properties outside the Priority Area within the larger CIPA.

7.2 Eligibility

This grant is limited to designated and/or listed heritage properties (as per the Ontario Heritage Act) within the Historic Downtown Whitby Priority Area and designated properties in the larger CIPA that are commercially or institutionally zoned. The grant also applies to the residential portion of a mixed use commercially zoned property. Eligible projects include:

- Interior modifications to provide barrier-free accessibility;
- Installation/upgrading of fire protection systems;
- Structural repairs to walls, ceilings, floors and foundations;
- Water, flood, weatherproofing;
- Extension/upgrading of plumbing and electrical services for the creation of retail and office spaces;
- Required improvements to heating and ventilations systems;
- Interior works specifically referred to in the Reasons for Designation of a designated property, including but not limited to: woodwork, plasterwork, wall or ceiling murals, or metal work and other decorative features;
- Comprehensive improvements to building systems for the purpose of activating previously unused space or to make the buildings more attractive to potential leasers; and
- Other similar repairs/improvements related to health and safety issues, as may be approved by the Town.

The following types of projects/works are ineligible:

- General maintenance and repair;
- Security systems; and
- New additions or construction.

The following limitations apply:

- Proposed works under $1,000 per property are not eligible.
- An owner of a given property may only apply for an Interior Heritage Building Grant once every five years.

- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- If cost estimates appear unreasonable or incomplete, staff may require further documentation or a new cost estimate.
- Eligible grant amount(s) are based on costs exclusive of HST.

7.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Interior Heritage Building Grant Program:

a) The proposed eligible improvements maximize the impact of the funding in terms of representing a comprehensive renewal of a building, its systems and interior space;

b) The project includes more than one of the eligible items as part of the renovation;

c) The project represents a significant restoration of a key heritage building (listed or designated);

d) The improvements meet requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

e) The contractor(s) has experience working on heritage buildings and ability to complete the identified work(s); and

f) The improvements are in accordance with all applicable by-laws and building code/fire code requirements.

7.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

7.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Interior Heritage Building Grant Program is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility and whether any necessary permits or other approvals are required prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

    - Photograph documentation of area of work for the proposed project.
    - Two quotes for the estimated work(s) from a qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).
    - Professional drawings/plans that provide sufficient detail to describe the proposed work. (Note: If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency).

c) If cost estimate appears unreasonable or incomplete, staff may require further documentation or a new cost estimate. With respect to heritage resources, the applicant is strongly encouraged to utilize a contractor that has expertise and experience with heritage buildings.

d) The Application Review Team confirms eligibility and complete application.

e) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.

f) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

g) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

h) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

i) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

j) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application and/or permits.

k) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Interior Heritage Building Grant Application; or that requires a building permit and inspections have not been conducted.

DRAFT Town of Whitby By-law # 8046-24

Downtown Whitby Community Improvement Plan

Being a By-law to Adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area.

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council passed By-law # 7422-18 to designate the Downtown Whitby Community Improvement Project Area; and,

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council may provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the Community Improvement Project Area; and,

Whereas such a plan has been prepared attached hereto as Schedule “A” and forming part of this by-law; and,

Whereas the Town of Whitby has consulted with the Ministry of Municipal Affairs and Housing in accordance with Section 28 of the Planning Act, R.S.O. 1990, as amended; and,

Whereas a public meeting was held on May 14, 2018 pursuant to the Planning Act, R.S.O. 1990 as amended, to hear submissions respecting the proposed Community Improvement Plan;

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

1. Definitions

1.1. “development charge” means a charge with respect to local development charges as per the Town’s Development Charges By-law, as amended from time to time.

1.2. “dwelling unit” means a dwelling comprised of a room or suite of rooms used or designated or intended for use by one (1) or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

1.3. “gross floor area” means the total floor area on a site at the time the CIP By-law comes into full force and effect, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above grade; and for the purpose of this definition, in a mixed-use building the gross floor area of any area common to the residential and non-residential parts of such mixed-use building shall be allocated one-half to the residential part of the building and one-half to the non-residential part of the building;

1.4. “high density residential development” means an apartment dwelling of a minimum of four (4) storeys or containing more than sixty-five (65) dwelling units per net hectare;

1.5. “industrial” means a building or a portion thereof that is used or designed or intended to be used for:

(a) manufacturing, producing, processing, warehousing, storage or distributing and includes a greenhouse;

(b) research or development in connection with manufacturing, producing or processing;

(c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales area at the site where the manufacturing, production, or processing takes place; or

(d) office or administrative purposes, if carried out with respect to manufacturing, producing, processing, warehousing, storage or distribution and in the building used for the manufacturing, producing, storage or distribution or attached to the building, but “industrial” shall not include “retail commercial” as defined in this by-law;

1.6. “institutional” means a building or a portion thereof that is used or designed or intended to be used by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, without limiting the generality of the foregoing, a place of worship and a hospital;

1.7. “mixed use” means any land or building or portion thereof that is used or designed or intended to be used for both residential and non-residential uses;

1.8. “medical office” means, a building or portion thereof that is used or designed or intended to be used for professional offices by medical practitioners licensed by the College of Physicians and Surgeons of Ontario and ancillary facilities related to the delivery of services by medical practitioners;

1.9. “office” means a building or portion thereof that is used or designed or intended to be used for the practice of a profession, the carrying on of a business or occupation, or the conduct of a non-profit organization including the premises of a bank or other financial institution which are not a retail branch of that bank or other financial institution, but “office” shall not include “retail commercial” or “medical office”;

1.10. “retail commercial” means a building or a portion thereof that is used or designed or intended to be used for the sale or rental or offer for sale or rental of goods or services to the general public for consumption or use and shall include, but not be limited to:

(a) ancillary facilities and uses of any kind that support or are related to the sale, rental or service use;

(b) restaurant uses;

(c) hotel/motel uses;

(d) storage or warehousing areas which are used, designed or intended to be used in connection with sales, service or rental areas;

(e) warehouse clubs or similar uses;

(f) self-storage units;

(g) secure document storage;

(h) a branch of a bank or other financial institution, (including credit unions), that offers banking services to consumers and businesses; and,

(i) the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but “retail commercial” shall not include office uses that are located in the same building.

2. Regulation

2.1. Calculation and payment of Development Charges shall be determined as per the Town’s Development Charges By-law as amended from time to time.

3. General

3.1. An owner or applicant under the Downtown Whitby Community Improvement Plan may only receive one Development Charge Grant even if they qualify for or apply for more than one.

4. Schedule(s)

4.1. That the Downtown Whitby Community Improvement Plan attached hereto as Schedule “A” is hereby adopted.

5. Repeal of Existing By-law

5.1. That By-law # 7827-21 being a By-law to adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area be repealed after this by-law comes into force and effect.

6. Effective Date

6.1. That the Downtown Whitby Community Improvement Plan be effective as of January 29, 2024.

6.2. This By-law expires on December 31, 2027.

6.3. The Town reserves the right to amend, cancel or alter the incentive programs described in Schedule “A” attached to and forming part of this by-law at any time.

By-law read and passed this 29th day of January, 2024.

Appendices

Appendix 1

Schedule ‘A’ - Downtown Whitby Community Improvement Plan

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

WHITBY
ONTARIO • CANADA



Downtown Whitby Community Improvement Plan

June 2018

Contents

Part A: Introduction and Background 3
1.0 What is a Community Improvement Plan? 4
1.1 The “Toolbox” Approach to Community Improvement Plans 4
2.0 Legislative Authority and Policy Framework 5
2.1 Legislative Authority 5
2.2 Provincial Policy Statement 7
2.3 Places to Grow – the Growth Plan for the Greater Golden Horseshoe 8
2.4 Region of Durham Official Plan 8
2.5 Town of Whitby Official Plan 9
2.6 Downtown Whitby Action Plan 11
Part B: Downtown Whitby Community Improvement Plan 12
3.0 Downtown Whitby Community Improvement Plan 13
3.1 Purpose of the Community Improvement Plan 13
3.2 Goal of the Community Improvement Plan 13
3.3 Objectives 13
3.4 Community Improvement Project Area 14
3.5 The Toolbox of Incentives 14
3.6 Implementation 25
Part C: Appendices 28
Appendix A: Map of Downtown Whitby Community Improvement Project Area 29
Appendix B: Map of Historic Downtown Whitby Priority Area 30
Appendix C: Implementation Guidelines 31

Part A: Introduction and Background

Part A of this document contains introductory and background information, which do not form part of the Downtown Whitby Community Improvement Plan.

1.0 What is a Community Improvement Plan?

A Community Improvement Plan (CIP) seeks to address and provide support to the physical, social, economic or environmental matters of identified areas in a municipality.

Presently, municipalities in Ontario are using community improvement planning to address a range of challenges including the management of growth, the intensification of communities, employment opportunities, and accessibility enhancements.

Community improvement planning is used to benefit communities in the Province of Ontario by enabling municipalities to provide grants and loans to encourage private sector investment in target areas. The revitalization of communities through the implementation of CIPs can be used to promote and attract tourism, business investments, and economic development.

Community Improvement Plans have been effective in supporting and encouraging neighbourhood revitalization and commercial area improvement throughout the Province.

1.1 The “Toolbox” Approach to Community Improvement Plans

The “toolbox” approach is to enable a variety of incentives that can be used to target various types of desired development in specific locations, subject to Council approval of implementation guidelines and budget approval for each program.

One, some or all of the incentive programs in the toolbox can be activated, modified, or terminated based on Council approval of detailed Implementation Guidelines for each of the programs and for the municipal investment allocation for each program (as applicable) through the budget approval process.

The approval of Implementation Guidelines based on the toolbox made available in the CIP does not require an amendment to the CIP. However, the introduction of new programs not included in the “toolbox” would require an amendment to the CIP and associated public process in accordance with the Planning Act.

2.0 Legislative Authority and Policy Framework

2.1 Legislative Authority

The Planning Act and the Municipal Act, provides municipalities the authority to prepare Community Improvement Plans. The following subsection provides an overview of the legislation, as it relates to municipalities and Community Improvement Plans.

2.1.1 Planning Act

Section 28(1) of the Planning Act defines **Community Improvement** as "the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, of a Community Improvement Project Area".

A **Community Improvement Project Area** is defined as a "municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason."

Section 28 of the Planning Act requires that municipalities must have provisions within the Official Plan relating to community improvement, in order to designate a Community Improvement Project Area by By-law and prepare and adopt a Community Improvement Plan. The passing of the By-law and the programs provided through the Community Improvement Plan require approval from Council.

Once the Community Improvement Plan has been adopted by the municipality and comes into effect, the municipality may exercise authority under Section 28 of the Planning Act or Section 365.1 of the Municipal Act, 2001.

For example, Section 28 of the Planning Act informs that once a Community Improvement Plan comes into effect, the municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by the municipality;
- Sell, lease or dispose of any lands and buildings acquired or held by the municipality;
- Make grants or loans to owners and tenants of land and buildings within the community improvement project area to pay for the whole or any part of the eligible costs of the community improvement plan (s 28(7)).

Section 28 (7.1) of the Planning Act specifies that the eligible costs of a Community Improvement Plan for the purposes of Subsection 28(7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28 (7.3) of the Planning Act states that the total of the grants, loans, and tax assistance made for a property and its buildings shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings.

Section 28 (10) of the Planning Act specifies that as conditions of sale, no land acquired and no building constructed by the municipality in the Community Improvement Project Area shall be sold, leased or otherwise disposed of unless a written agreement is entered into with the municipality that the person will keep and maintain the land and building in conformity with the Community Improvement Plan.

2.1.2 Municipal Act

Section 106 of the Municipal Act, 2001 prohibits municipalities from assisting any manufacturing, industrial or commercial businesses either directly or indirectly through the granting of bonuses. Prohibited actions include:

- giving or lending money or municipal property;
- guaranteeing borrowing;
- leasing or selling any municipal property at below fair market value; and
- giving a total or partial exemption from any levy, charge or fee.

The Municipal Act (Section 106(3)) does provide exceptions to this rule for municipalities using powers under Section 28 of the Planning Act or Section 365 of the Municipal Act which authorizes lower-tier municipalities, to promote the land within the municipality for any purpose.

Section 365.1 of the Municipal Act, 2001 allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a deferral or cancellation of part or all of the taxes levied on that property for municipal and education purposes during the rehabilitation period and development period of the property. A municipality with an approved Community Improvement Plan in place that contains provisions specifying tax assistance will be permitted to provide said tax assistance for municipal purposes.

2.1.3 Development Charges Act

Section 5 of the Development Charges Act allows a municipality to exempt a type(s) of development from a development charge, but any resulting shortfall in the municipality's development charge reserve fund cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges in order to promote community improvement such as downtown/mixed use area redevelopment. This financial incentive is normally offered before construction (i.e. at the time of building permit issuance) and is considered a very powerful community improvement tool.

2.1.4 Ontario Heritage Act

The Ontario Heritage Act came into effect in 1975 and was developed to provide municipalities and the provincial government with powers to preserve the cultural

heritage resources of Ontario. The purpose and focus of the Ontario Heritage Act is to protect heritage properties and archaeological sites in Ontario. Properties of significant heritage value are designated Under Part IV (individual designation), Part V (Heritage conservation district designation) or listed on the municipal Heritage Register. Downtown Whitby has numerous properties that are designated, listed and protected by the Ontario Heritage Act.

The CIP considers incentives to support the conservation and rehabilitation of Downtown Whitby's cultural heritage resources.

2.1.5 Accessibility for Ontarians with Disabilities Act

The Accessibility for Ontarians with Disabilities Act (AODA) is legislation that was passed in 2005 and serves to identify, remove and prevent barriers for persons with disabilities. The AODA applies to both public and private sector organizations in Ontario with one and/or more employees that provide services, goods and facilities.

The Town of Whitby may provide incentives through the Community Improvement Plan that will help improve accessibility in Downtown Whitby.

2.2 Provincial Policy Statement

The Planning Act authorizes the issuance of policy statements on matters of municipal planning which are of provincial interest. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3(5) of the Planning Act requires that "decisions affecting planning matters shall be consistent with policy statements issued under the Act." Therefore, the Downtown Whitby CIP must be consistent with the PPS.

The stated vision of the PPS is to maintain strong communities, a clean and healthy environment and a strong economy. The PPS does not make specific reference to Community Improvement Plans, but it is premised in the wise management of growth through:

- Efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1);
- A range of uses and opportunities for intensification and redevelopment (Section 1.1.3.3);
- An appropriate range of housing types and densities that support alternative transportation modes (Section 1.4.3);
- Maintaining where possible, enhancing the vitality and viability of downtowns and mainstreets (Section 1.7.1);
- Encouraging a sense of place through built form and cultural heritage (Section 1.7.1); and
- Encouraging the conservation of significant heritage resources (Section 2.6.1).

The Downtown Whitby CIP has been designed to support and promote these and other key provincial policy directions contained in the PPS.

2.3 Places to Grow – the Growth Plan for the Greater Golden Horseshoe

The Growth Plan is intended to help municipalities located within the Greater Golden Horseshoe, plan for growth in a more sustainable manner, and contribute to the creation of more liveable, healthy communities. Municipal planning instruments are required to conform to the Growth Plan at both the Regional and Area Municipal levels.

The Growth Plan provides the following guiding principles (Section 1.2.1):

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability;
- Provide flexibility to capitalize on new economic and employment opportunities;
- Support a range and mix of housing options, including second units and affordable housing to serve all sizes, incomes and ages of households; and
- Conserve and promote cultural heritage resources to support the social, economic and cultural well-being of communities.

The Downtown Whitby CIP helps to support the policy direction of the Growth Plan by providing various incentives to realize land use planning goals.

2.4 Region of Durham Official Plan

The Region of Durham Official Plan (ROP) provides broad policy direction for the entire Region which is further implemented in lower-tier Official Plans. Section 14.4 of the ROP provides policies related to Community Improvement Plans.

The ROP provides for Regional CIPs to address the following:

a) Affordable housing;

b) Infrastructure within the Region's jurisdiction;

c) Land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide higher density mixed-use development; and

d) Other matters the Province may prescribe in accordance with the Planning Act.

The ROP also recognizes that area municipalities may adopt Community Improvement Plans in accordance with the Planning Act, to stimulate the re-use, revitalization, redevelopment and rehabilitation of Urban Areas, based on local needs and priorities.

To assist in the implementation of area municipal Community Improvement Plans, the region has adopted a Revitalization Program to guide how the Region may participate financially, or otherwise, in area municipal Community Improvement Plans.

2.4.1 Regional Revitalization Program

The Regional Revitalization Program (RRP) supports municipal CIP projects that advance the goals of the ROP and achieve positive economic and community objectives. The RRP was created to provide financial support to appropriate development and intensification projects that otherwise would not be initiated without municipal financial assistance.

The RRP targets new CIP projects as recommended and supported by the area municipality. Eligible projects must entail significant and substantial revitalization and/or development. Projects involving façade improvements, streetscaping, etc. are not eligible under the RRP. Area municipalities must provide significant financial contributions to the project and Regional financial assistance cannot be greater than the area municipalities' financial contribution.

2.5 Town of Whitby Official Plan

Section 6.3.3 of the Official Plan (OP), as amended by Official Plan Amendment (OPA) 105, provides policies related to the establishment of Community Improvement Plans. The goal of Community Improvement is to provide for ongoing maintenance, improvement, rehabilitation and upgrading of the Municipality's residential, commercial, industrial and mixed use areas in a manner which is integrated into the overall planning and development of the Municipality (Section 6.3.1.1).

The objectives of a Community Improvement are (Section 6.3.2):

- To retain the existing building stock in a safe and attractive form in compliance with the provisions of the Property Standards By-law;
- To maximize the efficient use of the existing public infrastructure and improve or provide new public infrastructure where deficiencies or deteriorating conditions exist;
- To provide additional public services, amenities and utilities in existing development areas where deficiencies exist;
- To preserve and enhance the viability of existing residential, commercial, industrial and mixed use areas;
- To provide a range of incentive programs to encourage, support and assist with improvements to private property;
- To encourage the rehabilitation and redevelopment of brownfield properties; and
- To maximize the use of municipal investment and participation in programs of various levels of government and other agencies that facilitate community improvement.

Section 6.3.3.6 identifies that community improvement projects areas may be designated by By-law for any and all lands within a Community Improvement Area. Community Improvement Plans for designated community project areas are to address matters such as:

a) The acquisition and development of land for parks, open space, recreational or community uses;

b) Actions and programs related to aesthetic improvements such as landscaping, street furniture and lighting;

c) Actions and programs related to the upgrading of infrastructure such as roads, sidewalks, storm sewers, water and wastewater services and telecommunications;

d) Incentive programs for improvements and redevelopment of private property which criteria identified in the Plan;

e) Opportunities to promote sustainable development and energy efficiency;

f) Opportunities for pre-zoning lands or for the use of bonusing to facilitate redevelopment;

g) Any other improvements or programs deemed appropriate.

Schedule “E” of the Official Plan identifies Downtown Whitby as Community Improvement Area A.

Section 6.3.4 provides further direction for the implementation of Community Improvement Plans, including:

- The designation by By-law, of Community Improvement Project Areas within the Community Improvement Areas identified on Schedule “E” and the preparation, adoption and implementation of Community Improvement Plans identifying community improvement projects and programs;
- Participation in funding programs with other levels of government to assist in the implementation of policies and programs to encourage the general rehabilitation of Community Improvement Areas; and
- The establishment and promotion of municipal incentive programs to provide financial assistance to property owners for improving their properties in accordance with the objectives of this Plan including through provisions in the Development Charges By-law and any other applicable municipal by-law.

2.5.1 Downtown Whitby Secondary Plan

The Downtown Whitby Secondary Plan (Section 11.3) provides further integrated development policies for commercial, residential, institutional, cultural and recreational uses that will enhance the Downtown’s role as a focal point and source of identity for the entire municipality.

Section 11.3.2 outlines the Objectives of the Secondary Plan as follows:

- To provide for a pedestrian-oriented, compact, commercial core offering a full range of retail and personal service uses which emphasize human scale and the historic and social aspects of the core;

- To provide for a strong residential component with a variety of housing types to complement and support the commercial core and to encourage affordable housing through intensification and/or redevelopment;
- To provide for a balance between higher density residential redevelopment and the preservation of existing, stable, residential areas;
- To preserve buildings of architectural and historical significance and encourage their rehabilitation where necessary;
- To provide for the efficient movement of both through traffic and local traffic that will minimize traffic congestion in the Downtown; and
- To provide sufficient sewer and water servicing to accommodate the level of development proposed as efficiently as possible.

The Downtown Whitby CIP incentive programs provide opportunities to encourage more compact built form, while conserving the historical and cultural attributes of the neighbourhood.

2.6 Downtown Whitby Action Plan

Town of Whitby Council adopted the Downtown Whitby Action Plan in 2016 which provided a vision, objectives and a set of action items to engage stakeholders and the community in downtown renewal initiatives.

The Vision of the Action Plan is as follows:

“Downtown Whitby is a vibrant, viable, innovative and walkable urban destination that engages and inspires people to shop, live, work, play and connect.”

Action Item 1.1 of the Downtown Whitby Action Plan seeks to: “update the Downtown Whitby Community Improvement Plan (CIP) with improved financial incentives for development/redevelopment projects including expanding the CIP boundaries”.

Therefore, this CIP document supports the vision and one of the action items of the Downtown Whitby Action Plan.

Part B: Downtown Whitby Community Improvement Plan

This document sets the purpose, goal and objectives of the CIP, establishes the Community Improvement Project Area and general program requirements. It also establishes or enables the “toolbox” of potential incentive programs. These programs are only activated upon approval by Council of specific Program Implementation Guidelines (Appendix C) and corresponding budget. The Implementation Guidelines are a companion document and include the program specific details and application process.

The CIP also outlines how the CIP will be implemented through a marketing program and monitoring criteria in order to gauge success and provide Council with a sound basis for making decisions on the activation and deactivation/termination of incentive programs. Changes to this plan or an expansion of the Community Improvement Project Area will require an amendment in accordance with Planning Act requirements and Council approval.

3.0 Downtown Whitby Community Improvement Plan

3.1 Purpose of the Community Improvement Plan

The purpose of the Downtown Whitby Community Improvement Plan (CIP) is to help achieve the vision of the Whitby Official Plan and the Downtown Whitby Action Plan by establishing programs that link land use planning with financial and other incentives to act as catalyst to spur new development and redevelopment in Downtown Whitby. The CIP enables Council to provide such incentives so as to direct support to those projects that best meet the needs for revitalization and conservation efforts.

The CIP aligns with new policy direction provided at the Provincial, Regional and local levels and does the following:

- Outline the goal and objectives of the CIP;
- Outline the Community Improvement Project Area;
- Create flexibility through the plan structure inclusive of using the “toolbox” approach for incentive programs. Council can activate one, some or all of the incentive programs in the toolbox based on the detailed Implementation Guidelines for each of the programs and for the municipal investment allocation for each program (as applicable) through the budget approval process. This approach can also be used to apply assistance where needed in a targeted manner;
- Outline the implementation, marketing and monitoring strategies; and
- Implement policies of the Provincial Policy Statement, Growth Plan, Region of Durham Official Plan, Town of Whitby Official Plan, Downtown Whitby Secondary Plan, and the Downtown Whitby Action Plan.

The addition of any new programs to this Plan, or an expansion of the Community Improvement Project Area requires a formal amendment to this Plan in accordance with Section 28 of the Planning Act.

3.2 Goal of the Community Improvement Plan

The goal of the Downtown Whitby Community Improvement Plan is to transform Downtown Whitby into a dynamic social and cultural district by incentivizing new positive downtown developments and investing in Whitby’s historic commercial core. The goal of the CIP aligns with the policies in the Town’s Official Plan, Downtown Whitby Secondary Plan and the Vision of the Downtown Whitby Action Plan.

3.3 Objectives

The objectives of the Downtown Whitby Community Improvement Plan are to:

- Encourage the retention, restoration and protection of the existing cultural heritage resources in a safe and attractive form;
- Increase the population in Downtown Whitby to support the commercial core;
- Develop more office and mixed use buildings in Downtown Whitby;

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

3.4 Community Improvement Project Area

The intersection of Brock Street and Dundas Street, also known as the Four Corners, marks the historic downtown core of Whitby. The Community Improvement Project Area (CIPA) is centred at this intersection extending to the CP Railway in the north, Highway 401 in the south, Garden Street in the east and Cochrane Street in the west.

A priority area referred to as the “Historic Downtown Whitby Priority Area” is inclusive of the commercially zoned properties within the larger CIPA bounded by John Street in the north, Ontario Street in the south, Hickory Street in the east and Henry Street in the west.

As part of the CIP, eligibility of the incentive programs apply to the both the larger Community Improvement Project Area (Appendix A) and the Historic Downtown Whitby Priority Area (Appendix B).

3.5 The Toolbox of Incentives

This CIP provides a “toolbox” of incentives that can be used to promote the development goals of the CIP. The “toolbox” comprises the following types of incentives:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;

- Sign Grant; and
- Interior Heritage Building Grant.

The DC Full or Partial Exemption, CIL of Parking, and Façade Improvement Grant represent improvement, continuation, and/or expansion of previously existing incentives. The Sign Grant, Interior Heritage Building Grant and TIEG are new incentives which have been added to the CIP.

The Toolbox of Incentives and the Development Lifecycle

The incentives in the toolbox apply to different periods in the development lifecycle, in order to address the CIP goal and objectives across the lifespan of individual developments and properties within the Community Improvement Project Area (CIPA):

- During the Development and Redevelopment planning stage, eligible developments may make use of the DC Full or Partial Exemption and CIL of Parking incentives to promote new development;
- Following development and reassessment, eligible developments may be able to get TIEGs to offset increased assessment valuation and taxation costs and support uses which address CIP goals. Eligibility of this program would be evaluated at the time of Site Plan Review; and
- Existing buildings may be eligible to make use of Façade Improvement Grants, Sign Grants, and Interior Heritage Building Grants to promote beautification and maintenance of existing building stock.

A conceptual model of a typical development lifecycle is shown below, laying out how the incentives could apply at different times in the development.

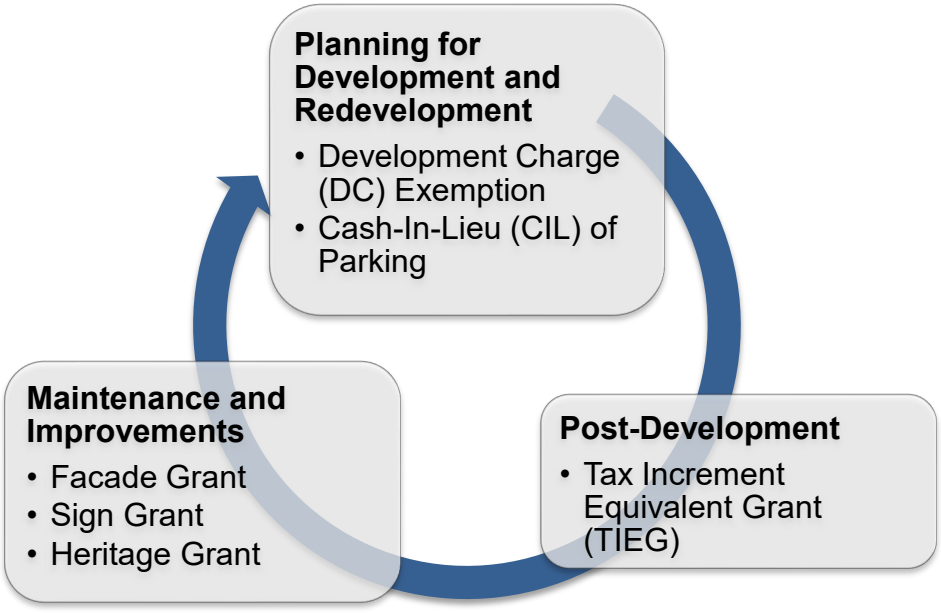


Figure 1: Development Lifecycle and the Toolbox of Incentives

It is intended that the toolbox of incentives will support the goal and objectives of the CIP by encouraging private investment throughout the lifecycle of eligible developments within the CIPA.

Implementation Guidelines (Appendix C)

Each incentive program may be activated, modified, or terminated by Council through the approval, revision or revocation of Implementation Guidelines. Implementation Guidelines will deal with matters such as a description of the incentive, evaluation criteria, municipal investment, and the application process and may differ for projects inside or outside of the identified Historic Downtown Whitby Priority Area.

The general eligibility criteria and a general description of each incentive are included in the next sections. It is noted that the municipal investment is distributed throughout the toolbox of incentives which is further detailed in the applicable Implementation Guidelines.

Applicants may apply for more than one incentive program for the same project, but individual program applications shall be completed and evaluated separately. The total investment of all grants, incentives and/or tax assistance provided in respect of a single project in this CIP shall not exceed the eligible cost of the project. For more information about the municipal investment for each program, eligibility criteria and the approval process, please see the Implementation Guidelines outlined in Appendix C for each program (as applicable).

3.5.1 General Eligibility Criteria

The general eligibility criteria for participation in the CIP programs are as follows:

a) The incentive programs are only available for properties within the established Community Improvement Project Area (CIPA) as outlined in Appendix A to this Plan.

b) A completed application form, as applicable, for any of the incentive programs must be submitted to the Town prior to any work being commenced to which the incentive applies or as stipulated in the Implementation Guidelines for the program.

c) If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property to make the application.

d) An application for incentive programs must include plans, drawings, estimates, contracts, reports and other relevant information applicable to the project as required by the Town in order to fulfill the CIP goal and objectives.

e) The land uses and development must be in conformity with applicable policies and provisions of the Whitby Official Plan, Downtown Whitby Secondary Plan, the Zoning By-law and any other requirements and approvals at the local, regional or provincial level.

f) All improvements made to buildings and/or land shall be made pursuant to a Site Plan, Building Permit and/or other required permits, and constructed in accordance with the Ontario Building Code and other codes and/or standards as required.

g) Property owners who are in arrears of property taxes or who have outstanding liens against the property are not eligible to receive any of the incentive programs offered through this CIP, until such time as all taxes owing are paid or cancelled, and all liens lifted.

h) Where other sources of government and/or non-profit organization funding (Federal, Provincial, Regional, Municipal etc.) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application. Accordingly, the amount of the incentive provided by the Town may be reduced on a pro-rated basis.

In addition to the general eligibility criteria outlined in the CIP, each incentive program may have specific requirements that must be met as established in the Implementation Guidelines. Each program contained in the CIP is considered active if detailed Implementation Guidelines and a budget allocation (as applicable) are approved by Council.

The following conditions shall be considered as part of the CIP application process:

- The applicant may be required to enter into an Agreement with the Town which will specify the terms, conditions, duration and default provisions of the incentive to be provided.
- Outstanding work orders, and/or orders or requests to comply, and/or charges from the Town must be satisfactorily addressed prior to grant and/or loan approval/payment.
- The Town reserves the right to audit the cost of any and all works that have been approved under any of the incentive programs, at the cost of the applicant.
- Town staff may inspect any property that is subject of an application for any of the incentive programs offered by the Town.
- The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants and/or incentives will still receive said grant and/or incentive, subject to meeting the general and program specific requirements.
- The Town is not responsible for any costs incurred by an applicant in relation to any of the programs contained in this CIP, including without limitation, costs incurred in the preparation and submission of applications, and/or in anticipation of a grant/incentive.

- All works completed must comply with the description of the works as provided in the application form and contained in the Agreement, with any amendments as approved by the Town.
- The Town reserves the right to nullify any program application(s) which has been approved but which doesn't result in any building activity within 1 year of the issuance of a Building Permit. Extensions of this timeframe may be permitted provided an extension of the Building Permit is also granted.
- The CIP is not to be applied retroactively to developments that have already occurred, unless otherwise previously committed by Council. The incentive programs apply to new qualifying developments following the implementation of the CIP By-law and approval of the Implementation Guidelines for applicable incentives.

3.5.2 Development Charge Full of Partial Exemption

Intent

The intent of the Program is to promote catalyst projects within the Community Improvement Project Area (CIPA) by increasing the financial feasibility of eligible developments. This program would effectively provide a full or partial exemption (grant-in-lieu) on the local Development Charges payable for eligible developments.

Description

Development Charges are fees collected by municipalities and other levels of government to help pay for the cost of infrastructure that comes with growth such as roads, transit, water, sewers, community centres, fire and police facilities. A major cost associated with new development is the payment of applicable development charges at the time of building permit issuance. In the Town of Whitby, development charges are payable to the Town of Whitby, Region of Durham and local school boards.

The Program would provide a full or partial exemption (grant-in-lieu) from a portion of Town's development charges for eligible developments within the CIPA. The relief may take the form of an exemption or a grant-in-lieu of DCs paid, subject to the details of the Implementation Guidelines

Eligibility

All development and redevelopment within the CIPA may be eligible for the program, subject to meeting detailed requirements in the Implementation Guidelines. The value of the incentive may be calculated based on meeting certain performance criteria as set out in the Implementation Guidelines.

It should be noted that the total value of grants and other incentives cannot exceed eligible costs as per the requirements of the Planning Act.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire Plan envelope on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

The program is expected to be implemented in conjunction with the Development Charge review process.

3.5.3 Cash-in-Lieu of Parking

Intent

The intent of the Program is to encourage a higher intensity of non-residential development in the CIPA, with the understanding that much of the required parking for customers and employees will not be able to be provided on the same property. It is intended also to provide a source of funding for the development of higher-capacity Town-owned parking facilities within Downtown Whitby.

Description

This program would reduce the applicable cash-in-lieu of parking rate for eligible non-residential developments in the CIPA.

Cash-in-lieu of parking may be collected when parking cannot be acquired on site or if another acceptable site cannot be obtained. Given the historic nature of Downtown Whitby and existing site constraints at some locations, cash-in-lieu of parking may help to incentivize non-residential development in the CIPA.

Eligibility

All non-residential developments may be eligible for a reduced rate, subject to meeting detailed requirements in the Implementation Guidelines. This may include where the provision of the required number of parking spots is considered not feasible and/or not desirable for the character of the CIPA. The Implementation Guidelines may also set a maximum number of parking spaces which may be eligible on a per-development or area-specific basis.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions. The guidelines may rely on or be developed concurrently with a Parking Study to determine the appropriate provisions of the Program.

3.5.4 Tax Increment Equivalent Grant (TIEG)

Intent

The intent of the Program is to promote the desired type of redevelopment and rehabilitation within the CIPA by increasing the financial feasibility of eligible developments. This program would effectively rebate a portion of the property tax increase for a period of time following development and reassessment of eligible non-residential projects.

Description

Property improvement through redevelopment is expected to result in an increased assessment of the value of the property. The TIEG program would provide a rebate equal to a portion of the increase in municipal taxes of non-residential development resulting from the increased reassessment (known as the Tax Increment). The rebate amount is fixed following the reassessment of the property by the Municipal Property Assessment Corporation (MPAC). At the end of the TIEG period, the property owner would continue to pay the full tax amount, but receive no further rebates.

Eligibility

All non-residential development and redevelopment within the CIPA may be eligible for the Program, subject to meeting detailed requirements in the Implementation Guidelines.

It should be noted that the total value of grants and other incentives cannot exceed eligible costs as per the requirements of the Planning Act.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire Plan envelope on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.5.5 Façade Improvement and Design Grant Program

Intent

The intent of the Program is to stimulate commercial/institutional façade improvements within the CIPA to enhance the aesthetic quality and character of the area, including the heritage character of the Historic Downtown Whitby Priority Area.

Description

The Program would provide financial assistance to eligible owners and/or tenants of non-residential and mixed-use buildings within the CIPA to partially offset the costs of façade maintenance, restoration, improvements and/or design work.

Grant amounts may vary within the CIPA, Historic Downtown Whitby Priority Area and/or for designated properties under the Ontario Heritage Act.

- Designated Heritage Properties – are cultural heritage resources designated under Part IV (individual designation) or Part V (heritage conservation district designation) of the Ontario Heritage Act.

This is intended to also include improvements to enhance the accessibility of eligible properties and provide design assistance associated with building improvements.

Eligibility

All non-residential and mixed-use buildings in the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.5.6 Sign Grant Program

Intent

The intent of the Program is to stimulate commercial/institutional signage improvements within the CIPA to enhance the historic look of Downtown Whitby, and to improve wayfinding and accessibility for both pedestrians and motorists.

Description

The Program would provide financial assistance to eligible owners and/or tenants of non-residential and mixed-use buildings within the CIPA to partially offset the costs of maintenance, restoration, and improvements of signage and associated elements.

Eligibility

All non-residential and mixed-use buildings in the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions. Council may update the Heritage Sign Guidelines as a part of the requirements of the Program.

3.5.7 Interior Heritage Building Grant

Intent

The intent of the Program is to encourage the protection, enhancement and safety of Downtown Whitby's built heritage assets, as they contribute to the heritage character and economic vitality of the area. This is particularly important as many of the Town's heritage properties are within the CIPA. This includes bringing existing heritage properties to current Building Code requirements, Fire Code requirements, and Accessibility requirements to improve the functionality, resilience, marketability and aesthetic value of the Downtown Whitby building stock.

Description

The Program would provide financial assistance to owners and/or tenants of eligible non-residential and mixed-use buildings within the CIPA to partially offset the costs of eligible interior building improvements.

This grant applies to interior renovations to listed and designated properties that are commercially and institutionally zoned and located in the CIPA. In accordance with requirements of the Ontario Heritage Act, the Town of Whitby has identified listed and designated heritage properties as follows:

- Listed Heritage Properties: non-designated properties that have been identified by Council as having cultural heritage value or interest and are identified on the Whitby Heritage Register.
- Designated Heritage Properties: cultural heritage resources designated under Part IV (individual designation) or Part V (heritage conservation district designation) of the Ontario Heritage Act.

Eligibility

All non-residential and mixed-use buildings within the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines. The Implementation Guidelines shall include Heritage status requirements for the Program.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.6 Implementation

3.6.1 Municipal Investment

It is intended that the municipal investment for the Community Improvement Plan and related incentives include alternative models designed to support: (1) priority development and re-development which creates new assessment value as and when needed; and (2) facade, accessibility and signage improvements on an on-going basis.

The CIP program toolbox of incentives will be included in the capital budget and forecast in the amount of the municipal investment identified over the life of the CIP By-law. The capital projects will be supported through the Long Term Capital Financing Reserve and forecast years are recommended to have pre-budget approval so that future municipal investment can be advanced if needed to address where recommended applications exceed the municipal investment threshold.

The municipal investment will be established through the budget process and subject to Council approval.

3.6.2 Staff Resources

The Community Improvement Plan will generally by administered by the Town's Planning and Development Department, with additional departmental support for the administration and marketing of specific incentives as appropriate.

The Application Review Team is comprised of staff from the following departments / divisions:

- Planning and Development (Lead)
- Economic Development
- Building Division
- Tax/Finance

Staff from Public Works (Transportation & Engineering) and Legal Services may be requested to provide advice on applications as needed.

The Application Review Team is responsible for the following tasks (as modified from time to time):

- Meet and consult with applicants to review their proposal prior to submission of application;
- Attend formal Planning pre-consultation meetings for development applications where required;
- Liaise with Regional staff to determine in advance any potential incentives from both the Town and Region, in an effort to co-ordinate with the Regional Revitalization Program;
- Review and evaluate applications from the Development Charge Full or Partial Exemption Program, Interior Heritage Building Grant Program and Tax Increment

Equivalent Grant (TIEG) Program against program requirements and evaluation criteria; and

- Present recommendations to Commissioners or delegated staff and/or Council for consideration and approval.
- Should the Application Review Team refuse an application, the decision may be reconsidered by Council, and would require a resolution by Council to overturn the Application Review Team's decision.

3.6.3 Activation, Modification, or Termination of Incentive Programs

The incentive programs in the "toolbox" may be activated, modified, or terminated, subject to Council approval and budget allocation for one or more of the incentives. This shall not require an amendment to the CIP, so long as the incentives are based upon the incentives in the "toolbox" as described above. A modification to the toolbox of incentives included within Appendix C can include such things as a change to the program parameters, eligibility requirements, evaluation criteria, municipal investment and administration.

The introduction of new incentive programs not included in the "toolbox" and a change to the Community Improvement Project Area boundaries require an amendment to the CIP as per the requirements of the Planning Act.

3.6.4 Implementation Guidelines

Implementation Guidelines (refer to Appendix C) shall deal with the following matters:

- Description of incentive program;
- Eligibility requirements, including priority area-specific requirements;
- Eligible Works;
- Municipal Investment;
- Program Administration including the application process and evaluation; and
- Program expiry.

3.6.5 Monitoring and Evaluation

The performance and impact of the incentive programs will be monitored and evaluated annually against a number of monitoring criteria outlined below to ensure that the purpose, goal and objectives of the CIP are successfully being met. Feedback obtained by participants of the incentive programs, staff, and the Downtown Whitby community may be obtained as part of the monitoring and evaluation process.

The monitoring of the CIP will align with the annual Downtown Whitby Action Plan Benchmarking Data Report, which tracks existing conditions in Downtown Whitby in order to measure the success and impacts of the Action Plan and CIP over time.

The CIP incentive programs will be evaluated to determine:

- Whether program uptake is satisfactory;

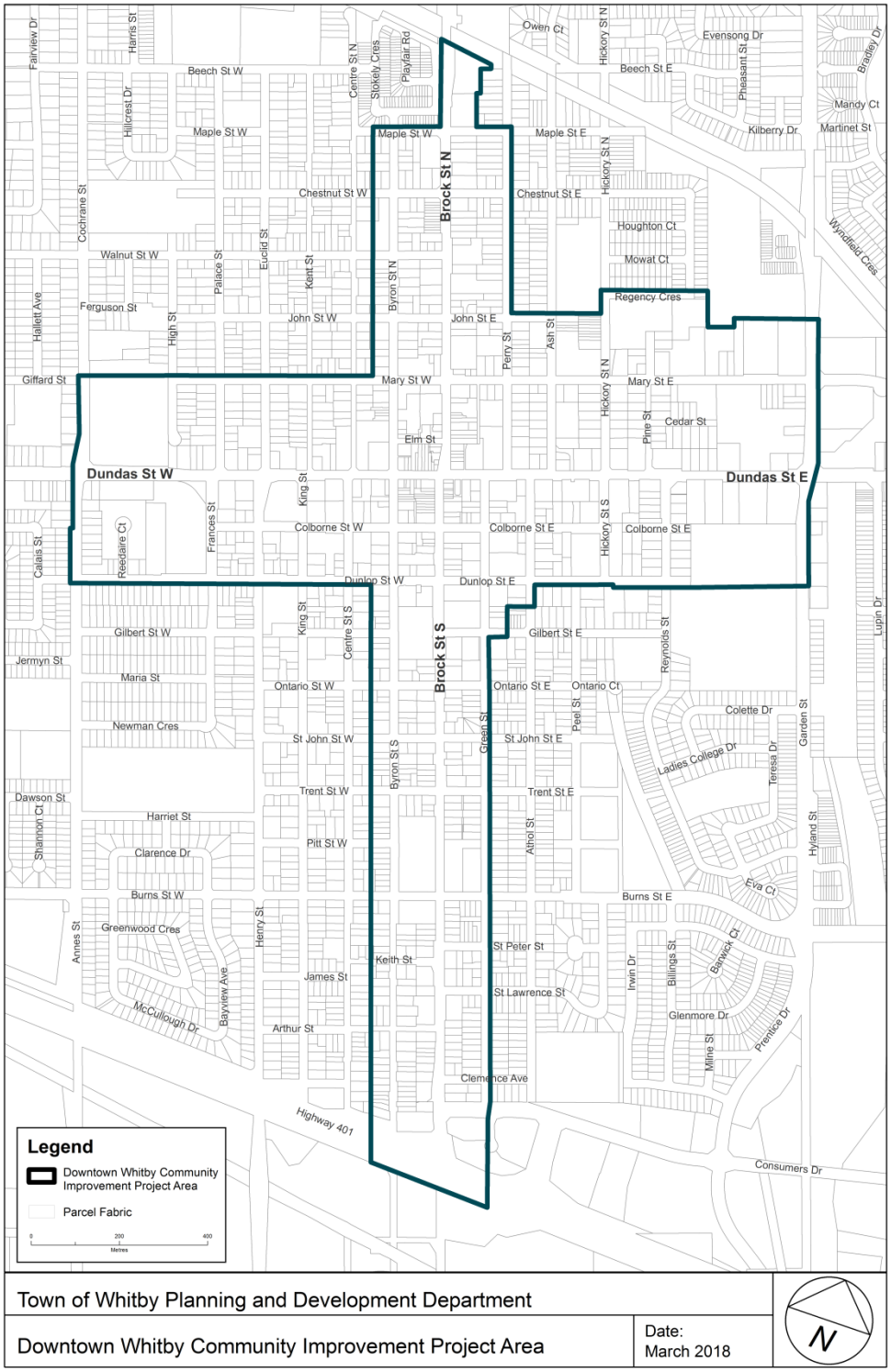
- If the objectives and desired outcomes are being achieved;
- If applicants are completing their commitments, and if not, understanding the reasons why;
- The estimated economic impact associated with each program;
- Trends over time; and
- Whether adjustment to or terminating of incentive programs are warranted.

Monitoring criteria relating to the purpose, goal and objectives of the CIP involve an assessment of the following:

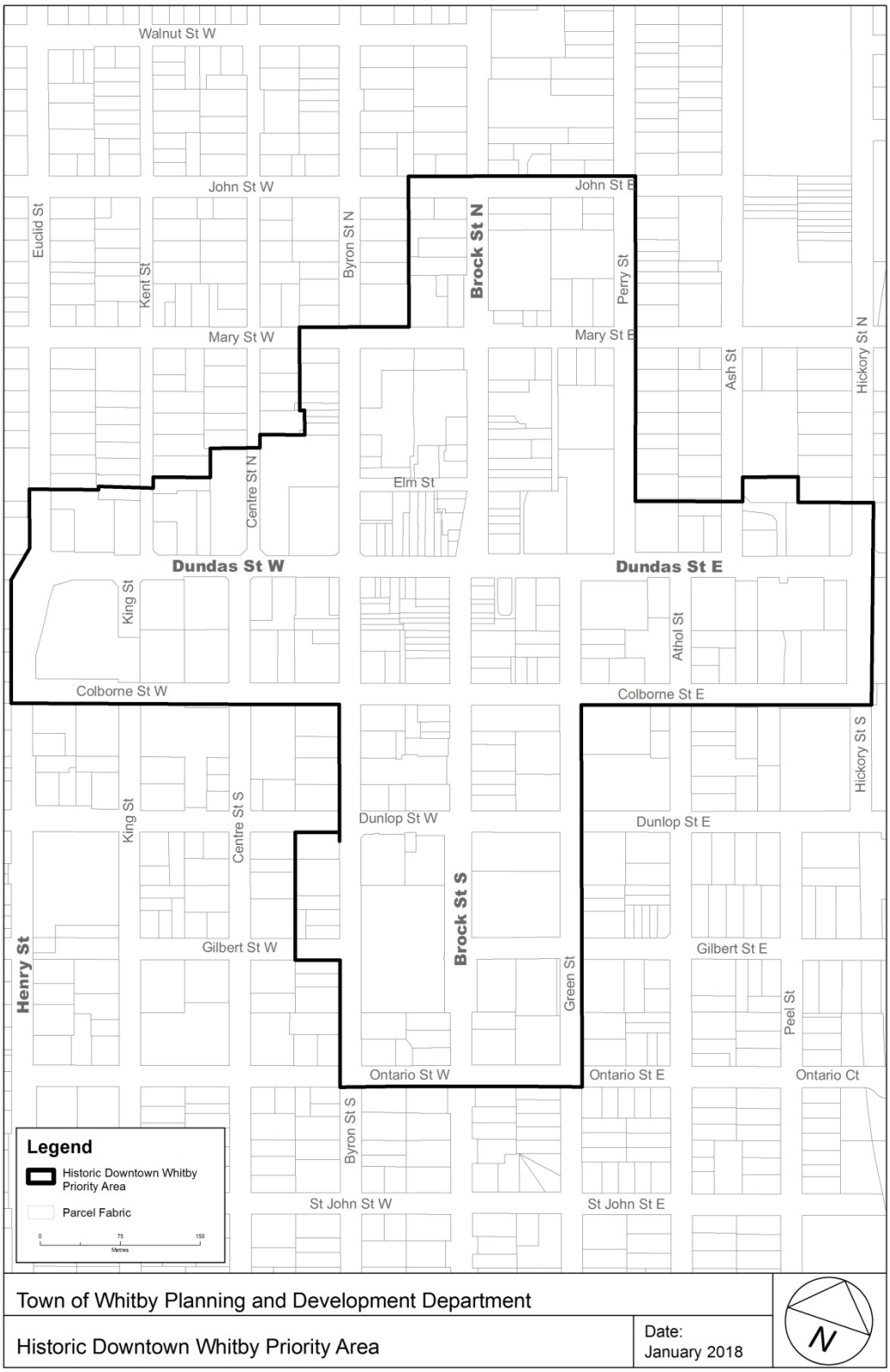
- Heritage property conservation and restoration;
- New business development specifically targeting office and retail commercial;
- Increase in the number of employees working downtown;
- Increase in the gross floor area of new available office supply;
- Increase in the number and type of housing units and population growth;
- Increase in property assessments;
- Increase in taxable assessment growth;
- Increase in building permit activity;
- Increase in accessibility for persons with disabilities;
- Decrease in office / commercial vacancy rates;
- Increase in the number of visitors and pedestrians;
- Decrease in the number of vacant or underutilized properties; and
- Increase in the overall quality of streetscape and public realm improvements.

Part C: Appendices

Appendix A: Map of Downtown Whitby Community Improvement Project Area



Appendix B: Map of Historic Downtown Whitby Priority Area



Appendix C
Downtown Whitby
Community Improvement Plan

Implementation Guidelines for:

Development Charge Full or Partial Exemption

Cash-in-Lieu of Parking

Tax Increment Equivalent Grant

Façade Improvement Grant / Design Grant

Sign Grant

Interior Heritage Building Grant

January 2024

1.0 Introduction

These Implementation Guidelines activate and provide further details on all available incentive programs within the "toolbox" of incentives in the CIP, namely:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;
- Sign Grant; and
- Interior Heritage Building Grant.

2.0 Development Charge (DC) Full or Partial Exemption

The following Development Charge Full or Partial Exemptions (grant-in-lieu) apply to high density residential development, mixed use development and commercial and office development in the Downtown Whitby Community Improvement Project Area (CIPA) for local (Town of Whitby) Development Charges:

2.1 DC Partial Exemption for High Density Residential and Residential Mixed Use Development:

A 75% DC exemption for high density residential developments and the residential component of mixed use developments within the Historic Downtown Whitby Priority Area.

A 50% Development Charge exemption for high density residential and the residential component of mixed use developments outside the Historic Downtown Whitby Priority Area.

2.2 DC Full Exemption for Retail Commercial and Office Expansion Development:

Within the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings which are enlarged by up to 50% of the existing Gross Floor Area (GFA), up to a maximum of 929 square metres (10,000 square feet).

Outside of the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings enlarged by up to 50% of the existing GFA, up to a maximum of 464 square metres (5,000 square feet).

2.3 DC Partial Exemption for New Office Development:

Where the gross floor area of a new office (not including a medical office) development exceeds 90 square metres (968 square feet), the exemption shall be either:

a) 75% DC exemption in the Historic Downtown Whitby Priority Area; or

b) 50% DC exemption outside of the Historic Downtown Whitby Priority Area.

2.4 Eligibility

This program applies to:

- New high density residential developments and residential components of mixed use developments in the Historic Downtown Whitby Priority Area;
- Expanded retail, commercial and office uses in the Downtown Whitby CIPA; and
- New office development in the Downtown Whitby CIPA.

2.5 Municipal Investment

Development Charge Partial Exemption provided through the CIP Incentive for the High Density Residential and Residential Mixed Use Development, as described above, includes a municipal investment that shall not exceed $2,598,010 for all qualifying residential developments in the Downtown Whitby Community Improvement Project Area over the life of the CIP by-law.

The municipal investment for Development Charge Full Exemption for Retail Commercial and Office Expansion Development and Development Charge Partial Exemption for New Office Development has been reallocated to another program in the CIP and therefore no budget is currently available for these programs.

The scope, municipal investment and benefits of the incentive can be examined and re-evaluated regularly.

2.6 Administration

The application process for the Development Charge (DC) Full or Partial Exemption Program is as follows:

a) The owner of the property submits a completed application at the time of Site Plan submission. The application must include information with the exact number and type of units, GFA of retail commercial and office uses, timeline and commitment to proceed to building permit.

b) Approval of Development Charge Full or Partial Exemptions would be delegated to a Senior Leadership Team comprised of to the Commissioners of Planning and Development, Financial Services/Treasurer and the Director of Strategic Initiatives. The Application Review Team confirms eligibility, complete application and provides a summary of application to the Senior Leadership Team for approval.

c) A letter is provided to the owner confirming eligibility is met and providing a maximum approved grant amount for the DC full or partial exemption.

d) Just prior to Building Permit issuance, the payable DC amount is calculated accordingly, net of the application grant amount.

e) The Development Charge Full or Partial exemption is based on the applicable percentage of the Development Charges required in accordance with the Development Charge By-law in effect at the time the CIP application is approved. Upon application for a Building Permit, should:

   - Increased development charge rates apply to the development, the grant amount will not exceed the maximum grant identified in the approval letter;
   - The development proposal change (i.e. development type, the residential units (number/ type) or non-residential GFA), the Development Charge Full or Partial Exemption will be recalculated accordingly, and will not exceed the previous approved maximum in the CIP application; and

- New legislation on Development Charges come into effect that reduces the Development Charge from the time of the CIP application, the Development Charge Full or Partial Exemption will be recalculated accordingly and the applicable grant shall not exceed the identified CIP program's maximum contribution.

f) The Development Charge exemption/reduction grant payment will be charged to the Community Improvement Plan capital project and credited to the applicable Development Charge reserve funds.

g) In cases where the total approved municipal investment in these programs has been reached, applicants will be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

h) A Building Permit must be issued and Development Charges paid within 1 year from the date the Development Charge CIP application was approved. Extensions may be granted at the discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

2.7 Evaluation Criteria

a) The proposed development/redevelopment will provide additional, commercial, office and/or residential space in Downtown Whitby.

b) The proposed development/redevelopment will result in additional tax revenue;

c) The proposed development/redevelopment will result in a more complete streetscape;

d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;

e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;

f) The owner/developer has experience in the field with similar size developments/redevelopments;

g) The owner/developer has financial ability to complete the identified work; and

h) The proposed improvement are in accordance with all applicable policies, by-laws and building code requirements.

3.0 Cash-in-Lieu (CIL) of Parking

3.1 Cash-in-lieu of Parking Rate Reduction

The Town's cash-in-lieu of parking rate is $7,500 per surface parking space or the amount determined by any future Parking Master Plan for non-residential development. This amount excludes the cost of land, and is not available for accessible parking spaces.

For qualifying developments, the Town may provide a 50% discounted cash-in-lieu of surface parking rate of $3,750 per space ($7,500 * 50% = $3,750 taxes excluded).

3.2 Eligibility

The following eligibility criteria are used to evaluate a request for cash-in-lieu of parking in the Downtown Whitby CIPA:

- Development proposal is non-residential (i.e. retail, commercial, and office);
- Development is not able to provide/secure off-site parking within an acceptable walking distance of the site;
- It is not financially feasible to provide parking on site as part the development; and
- The addition of parking on site is determined to have negative urban design impacts.

3.3 Municipal Investment

The municipal investment for cash-in-lieu of parking has been reallocated to other programs in the CIP and therefore no budget is currently available for this program.

3.4 Administration

The application process for the Cash-in-lieu of Parking Program is as follows:

a) Through the Site Plan submission, an owner/applicant requests to use the cash-in-lieu of parking provision.

b) The owner/applicant provides a summary outlining how the development proposal qualifies/meets the eligibility criteria listed above. This can be submitted in conjunction with the Parking Study or as a separate document.

c) Staff evaluates the request and confirms eligibility and complete application.

d) Staff prepares the Site Plan Agreement including the cash-in-lieu of parking requirements and any associated conditions.

e) The owner/applicant pays the required cash-in-lieu at the time the Site Plan Agreement is registered.

f) Construction must be started within 1 year for which the Cash-in-Lieu of Parking CIP application was approved. Extensions may be granted at the

discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

4.0 Tax Increment Equivalent Grant (TIEG)

4.1 Tax Increment Equivalent Grant (TIEG)

Within the Historic Downtown Whitby Priority Area, an overall 45% rebate on a declining basis over a five year period on the municipal tax increment for eligible non-residential (commercial and office) development or redevelopment is provided.

4.2 Eligibility

This program is limited to non-residential (commercial and office) development or redevelopment within the Historic Downtown Whitby Priority Area. In the case of a mixed use development, the grant only applies to the increase in assessment related to eligible uses. The TIEG only cover costs related to the Town's portion of the property tax increment. Eligible projects must include:

- A minimum new development or expansion of an existing building of 232 square metres (2,500 square feet).
- New development may include reconstruction of a building that was demolished or lost more than 3 years.

If there is minimal uptake within the Historic Downtown Whitby Priority Area within the first two years of the CIP By-law, the program may be expanded to the entire CIPA through a technical by-law amendment to the Implementation Guidelines.

The following limitations apply:

- Only the property owner is eligible for the rebate.
- The program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease or changes in tax legislation.
- The annual rebate is not based upon occupancy or changes in occupancy.
- All annual rebates are retroactively adjusted to reflect any assessment valuation changes resulting from assessment appeals, requests for reconsideration or other similar adjustment to the assessment value.
- Rebate payments will cease once the total rebate along with all other grants provided equals the eligible costs or after five years, whichever comes first.
- All levies related to the Downtown Whitby Business Improvement Area (BIA) or other similar levies are excluded from the calculation to determine the eligible amount of taxation.
- Where properties that are not previously subject to taxes are redeveloped, the base tax shall be based on the tax that would be applied to the land and building based on the current use.

4.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Tax Increment Equivalent Grant Program:

a) The proposed development/redevelopment will provide additional commercial and/or office space in Downtown Whitby;

b) The proposed development/redevelopment will result in additional tax revenue;

c) The proposed development/redevelopment will result in a more complete streetscape;

d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;

e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;

f) The owner/developer has experience in the field with similar size developments/redevelopments;

g) The owner/developer has the financial ability to complete the identified work; and

h) The proposed improvements are in accordance with all applicable policies, by-laws and building code requirements.

4.4 Municipal Investment

The TIEG incentive program is limited to a municipal investment that shall not exceed $41,865 for all qualifying non-residential (commercial and office) developments in the Historic Downtown Whitby Priority Area over the life of the CIP By-law. This will be monitored through the Site Plan Application process to track eligible development applications. The program ceases once the municipal investment is exhausted or the CIP program expires.

The total value of grants and other incentives cannot exceed eligible costs of the development/redevelopment as per the requirements of the Planning Act.

4.5 Administration

The application process for the TIEG Program is as follows:

a) Consult with the Application Review Team regarding the proposed project to ensure eligibility.

b) The owner submits a completed application form at the time of Site Plan. The application must include the following information:

- Professional drawings/plans that provide sufficient detail to describe the proposed work including number, size, tenure and

projected unit sale prices and/or rental rates of units to be constructed and construction drawings.

- If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency.
- A written estimate of project construction costs, including a breakdown of said costs, from a qualified architect or contractor.

c) The Application Review Team confirms eligibility, complete application and provides report to Council for approval for all development proposals.

d) Pre-project municipal taxes are determined by the Town before commencement of the project at the time the application is reviewed. These base municipal property taxes are adjusted to reflect the actual property taxes for the year in which the work is completed.

e) A letter is provided to the owner confirming eligibility is met.

f) Applicable development approvals such as Site Plan, Building Permit, Heritage Permit or other requirements as necessary, must be obtained as part of the application.

g) The owner is required to enter into a TIEG Agreement with the Town outlining any conditions as part of the application. In the event of sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property, any future Grants will be terminated unless otherwise approved by Council.

h) Any proposed deviations/changes from the approved drawings by the owner shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

i) Construction must be started within the 1 year from the date the TIEG application was approved.

j) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension.

k) The owner shall co-operate with MPAC to facilitate a post-improvement assessment of the property following completion of an eligible project.

l) The Town determines the difference between the amount of Town taxes prior to the improvement and post-improvement. This difference is known as the “municipal tax increment” and shall be the portion eligible for a partial rebate under this program

m) Rebates are issued over a 5 year period. This 5 year period is calculated effective for the first 60 months after MPAC has issued the supplemental/omitted assessment valuation, and is effective as of the date used by MPAC to reflect the increased assessment.

n) All TIEG rebates are applied to the property tax account for tracking purposes. Property owners receive a written notification when the rebate has been processed. If property taxes are paid in full, the owner has the option to request a refund or leave the credit on their tax account to be used again future property taxes.

o) Rebates are calculated and applied to the tax accounts within 120 days of the initial supplemental/omitted tax bill being issued and within 60 days of the final tax billing in each subsequent year.

p) The rebate program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; and/or inconsistent with the TIEG Agreement.

5.0 Façade Improvement Grant

5.1 Façade Improvement Grant in Historic Downtown Whitby Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of $10,000 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of $30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.2 Façade Improvement Grant outside Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of $7,500 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of $22,500 per property for a building with multiple street addresses, storefronts or commercial units.

Designated (Part IV or Part V) heritage properties outside of the Historic Downtown Whitby Priority Area in the CIPA are eligible for a grant equal to 50% of the costs up to a maximum of $10,000 per municipal street address, storefront or commercial unit, subject to an overall maximum of $30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.3 Design Grant

A Design Grant equal to 50% of the costs for professional design fees associated with a Façade Improvement Grant, Sign Grant and/or Interior Heritage Building Grant project up to a maximum of $2,000 per municipal street address, storefront or commercial unit for properties within the CIPA. This grant is provided in addition to the grants available as part of the Façade Grant, Sign Grant and/or Interior Heritage Building Grant.

5.4 Eligibility

These grants are available for existing buildings that are commercially or institutionally zoned properties in the CIPA. Grants apply to eligible building improvements to the front and side facades visible from the street. Eligible projects include:

- Structural/safety replacement and repair for exterior facade;
- Repair/replacement of windows, doors, storefronts, awnings, canopies, cornices, eaves, parapets and other architectural features;
- Installation or repair of exterior lighting;
- Cleaning/painting of facades visible from adjacent streets and public walkways;
- Repair/restore historic masonry;
- Entrance modifications, including the installation of ramps for accessibility purposes;

- Repair of facades visible from adjacent streets and public walkways;
- Landscaping such as walkways, planters and permanent plantings;
- Exterior fire safety upgrades to code;
- Water/flood/weather proofing;
- Structural repairs to exterior walls and foundations;
- Installation, repair or reinstall of cable, telephone, fibre and other service-specific installations to support business development and growth to the Historic Downtown Whitby Priority Area; and,
- Other capital improvements which the Town, in its sole discretion, determines are important to incorporate as an integral part of the total façade improvement design.

The following types of projects are ineligible:

- New construction (unless signage see Section 6);
- Roof repairs / replacement (unless considered a decorative element) at the discretion of the Town;
- General maintenance and repairs at the discretion of the Town;
- Security systems;
- Insulation;
- Sandblasting and high-pressure water blasting of brick;
- Painting historic masonry;
- Driveway paving / widening for parking areas;
- Manufacturing of commemorative plaques; and
- Interior window coverings.

The following limitations apply:

- A property owner/tenant of a given property may only apply for a façade improvement and design grant once every five years.
- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- Eligible grant amount(s) are based on costs exclusive of HST.

5.5 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for building improvements:

a) The improvement is sensitive to existing streetscape with respect to proportions, materials, colour, signage and architectural detail;

b) The improvement meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

c) The improvement results in a comprehensive renovation of the façade leading to significant overall positive impact to the aesthetic qualities of the area;

d) The improvement results in restoration/preservation of original façade features (i.e. glazing, storefronts, doorways);

e) The improvement uses original or similar materials and historic colours where feasible;

f) The improvement represents a significant restoration of a key heritage building (listed or designated);

g) The contractor(s) has experience working on heritage facades and ability to complete the identified work(s); and

h) The proposed improvements are in accordance with identified design policies, by-laws and building code requirements.

5.6 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant Programs.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

5.7 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Façade Improvement and Design Grant Programs is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

- A photograph of the existing façade.
- Two quotes for the estimated work(s) from qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).

- One quote for the design professional engaged to provide design services where applicable.
- Attach drawings/sketches, manufacturer information, building product information of proposed improvements. Drawings/sketches must indicate what areas of the facade are to be cleaned, repaired, painted, rebuilt, resurfaced, replaced, etc., or what new features will be installed.

c) Staff confirms eligibility and complete application.

d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant(s).

e) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

i) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.

j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Façade Grant Application; or that requires a building permit and inspections have not been conducted.

6.0 Sign Grant

6.1 Sign Grant in CIPA

For projects that meet the Town's Permanent Sign By-law and associated heritage sign guidelines, a grant equal to 50% of the cost of signage and associated lighting is provided, up to a maximum of $2,000.

6.2 Eligibility

This grant is available for existing and new buildings that are commercially or institutionally zoned properties in the CIPA. Eligible projects include:

- Construction and Installation of new signage including the use of frosted glass, projecting signs and/or appropriate window signs;
- Refurbishment of existing signage; and
- Decorative lighting improvements associated with signage.

The following types of signs are ineligible:

- Internally illuminated signs;
- "Open" signs (electronic);
- Hours of Operation signs (electronic);
- Digital signs; and
- Temporary signs.

The following limitations apply:

- An owner or tenant of a given property may only apply for a Sign Grant once every five years, unless ownership or tenancy changes. In this instance, within the five-year period the new owner or tenant may be eligible for a Sign Grant equal to 50% of the costs of the improvements, up to a maximum of $1,000.
- Eligible grant amount(s) are based on costs exclusive of HST.

6.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for signage:

a) The sign is sensitive to the existing building and streetscape with respect to scale, proportions, and architectural detail;

b) The sign is placed in a traditional location such as above the storefront or a ground sign;

c) The sign uses traditional/authentic materials, historic colours and appropriate font or letter styles where feasible;

d) The sign meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

e) The sign is in accordance with provisions in the Sign By-law and heritage sign guidelines.

6.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

6.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Sign Grant Program is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

- A photograph of the existing sign (if applicable) and/or building façade where the sign will be installed;
- Two quotes for the estimated work from the sign company and/or lighting contractor;
- Attach drawings/sketches, manufacturer information, product information of proposed sign/lighting. Drawings/sketches must indicate sign/lighting placement on building, dimensions, colours etc. or how the existing sign will be refurbished.

c) Staff confirms eligibility and complete application.

d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.

e) Applicable development approvals such as Building Permit (sign permit), Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

i) The approved grant cheque amount for signage are issued to the applicant when the sign/lighting is installed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.

j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Sign Grant Application; or that requires a building permit and inspections have not been conducted.

7.0 Interior Heritage Building Grant

7.1 Interior Heritage Building Grant

The Interior Heritage Building Grant covers 50% of the costs of internal improvements, to a maximum of $10,000 for listed or designated heritage properties within the Historic Downtown Whitby Priority Area as well as designated heritage properties outside the Priority Area within the larger CIPA.

7.2 Eligibility

This grant is limited to designated and/or listed heritage properties (as per the Ontario Heritage Act) within the Historic Downtown Whitby Priority Area and designated properties in the larger CIPA that are commercially or institutionally zoned. The grant also applies to the residential portion of a mixed use commercially zoned property. Eligible projects include:

- Interior modifications to provide barrier-free accessibility;
- Installation/upgrading of fire protection systems;
- Structural repairs to walls, ceilings, floors and foundations;
- Water, flood, weatherproofing;
- Extension/upgrading of plumbing and electrical services for the creation of retail and office spaces;
- Required improvements to heating and ventilations systems;
- Interior works specifically referred to in the Reasons for Designation of a designated property, including but not limited to: woodwork, plasterwork, wall or ceiling murals, or metal work and other decorative features;
- Comprehensive improvements to building systems for the purpose of activating previously unused space or to make the buildings more attractive to potential leasers; and
- Other similar repairs/improvements related to health and safety issues, as may be approved by the Town.

The following types of projects/works are ineligible:

- General maintenance and repair;
- Security systems; and
- New additions or construction.

The following limitations apply:

- Proposed works under $1,000 per property are not eligible.
- An owner of a given property may only apply for an Interior Heritage Building Grant once every five years.

- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- If cost estimates appear unreasonable or incomplete, staff may require further documentation or a new cost estimate.
- Eligible grant amount(s) are based on costs exclusive of HST.

7.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Interior Heritage Building Grant Program:

a) The proposed eligible improvements maximize the impact of the funding in terms of representing a comprehensive renewal of a building, its systems and interior space;

b) The project includes more than one of the eligible items as part of the renovation;

c) The project represents a significant restoration of a key heritage building (listed or designated);

d) The improvements meet requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

e) The contractor(s) has experience working on heritage buildings and ability to complete the identified work(s); and

f) The improvements are in accordance with all applicable by-laws and building code/fire code requirements.

7.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

7.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Interior Heritage Building Grant Program is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility and whether any necessary permits or other approvals are required prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

    - Photograph documentation of area of work for the proposed project.
    - Two quotes for the estimated work(s) from a qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).
    - Professional drawings/plans that provide sufficient detail to describe the proposed work. (Note: If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency).

c) If cost estimate appears unreasonable or incomplete, staff may require further documentation or a new cost estimate. With respect to heritage resources, the applicant is strongly encouraged to utilize a contractor that has expertise and experience with heritage buildings.

d) The Application Review Team confirms eligibility and complete application.

e) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.

f) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

g) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

h) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

i) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

j) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application and/or permits.

k) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Interior Heritage Building Grant Application; or that requires a building permit and inspections have not been conducted.

Town of Whitby
By-law # 8041-24

Part Lot Control By-law

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

Whereas subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that the council of a local municipality may by by-law provide that the part-lot control provisions in subsection 50(5) of the Act, do not apply to the land that is within a registered plan of subdivision as is designated in the by-law;

And whereas, the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

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

1. General

1.1. That subsection 50(5) of the Act shall not apply to the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:

(a) Block 171, Plan 40M-2607, being all of PIN 26562-1614 (LT);

(b) Block 172, Plan 40M-2607, being all of PIN 26562-1615 (LT);

(c) Block 173, Plan 40M-2607, being all of PIN 26562-1616 (LT); and,

(d) Block 174 Plan 40M-2607, being all of PIN 26562-1617 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.

2. Effective Date

2.1. The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period of two (2) years from the date of its passing, ending January 29, 2026.

By-law read and passed this 29th day of January, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby
By-law # 8042-24

Assumption By-law (Ouellette Drive)

Being a By-law to assume Ouellette Drive as show on Plan 40M-2674 as a public highway (Lack Lands Subdivision).

Whereas subsection 31(4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Act”), requires a municipality to enact a by-law in order to assume highways for public use, and that section 44 of the Act respecting maintenance of highways does not apply to the highways until such time as the municipality has passed such a by-law;

And whereas The Corporation of the Town of Whitby (the “Town”) and Lack Lands Subdivision entered into a subdivision agreement with respect to the lands contained within Plan 40M-2674 (the “Plan”);

And whereas the Council of The Corporation of the Town of Whitby deems it necessary and expedient to assume the highways within the Plan for public use and be responsible to maintain the highways.

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

1. General

1.1. That the following highway in the Town of Whitby, Regional Municipality of Durham, be and is hereby assumed for public use and maintained by the Town:

a. Ouellette Drive, Plan 40M-2674, being all of PIN 26570-2078 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to lands and highways set out herein.

1.3. That this By-law shall come into full force and effect upon final passage thereof.

By-law read and passed this 29th day of January, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby
By-law # 8043-24

Assumption By-law (Vanier Street, Kenneth Hobbs Avenue, and Civic Centre Drive)

Being a By-law to assume Vanier Street, Kenneth Hobbs Avenue and Civic Centre Drive as show on Plan 40M-2554 as public highways (Triumph Subdivision).

Whereas subsection 31(4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), requires a municipality to enact a by-law in order to assume highways for public use, and that section 44 of the Act respecting maintenance of highways does not apply to the highways until such time as the municipality has passed such a by-law;

And whereas The Corporation of the Town of Whitby (the "Town") and Triumph Subdivision entered into a subdivision agreement with respect to the lands contained within Plan 40M-2554 (the "Plan");

And whereas the Council of The Corporation of the Town of Whitby deems it necessary and expedient to assume the highways within the Plan for public use and be responsible to maintain the highways.

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

1. General

1.1. That the following highways in the Town of Whitby, Regional Municipality of Durham, be and are hereby assumed for public use and maintained by the Town:

a. Vanier Street, Plan 40M-2554, being all of PIN 26552-1098;

b. Kenneth Hobbs Avenue, Plan 40M-2554, being all of PIN 26552-1099; and,

c. Civic Centre Drive, Plan 40M-2554, being all of PIN 26552-1101 and all of PIN 26552-1100.

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to lands and highways set out herein.

1.3. That this By-law shall come into full force and effect upon final passage thereof.

By-law read and passed this 29th day of January, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby
By-law # 8044-24

Zoning By-law Amendment

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

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784.

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

1. Definitions

1.1 Schedule 'B' to By-law #1784 is hereby amended by changing the zoning from A to R4B*-16 and OS of the lands marked R4B*-16 and OS shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law.

1.2 Subsection 5M (iii) – Residential R4B* Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

(p) R4B*-16: Exception 16
Part of Lot 21, Concession 3 Plan of Subdivision SW-2021-07

1. Defined Area

The lands located south of Winchester Road West and east of Ashburn Road and zoned R4B*-16 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law # 1784.

2. Definitions

For the purpose of the interpretation of the various uses permitted and the zone provisions set forth in this By-law amendment, the provisions and definitions of Section 2 and subsection 14.1(a) of By-law # 1784 shall apply. Where there is a conflict between the definitions of Section 2 and subsection 14.1(a), the definitions of subsection 14.1(a) shall apply.

3. General Provisions

The General Provisions of Section 6 of By-law 1784 shall not apply to any lands zoned R4B*-16 by this By-law amendment.

In lieu thereof, the General Provisions of subsection 14.2 shall apply to this By-law amendment.

4. Yard Setbacks to Ministry of Transportation (MTO) Corridors

Minimum	4.5m
Maximum	8.0m

Provided however that the yard setbacks required by the MTO shall apply along any public street that is subject to MTO corridor control.

5. Uses Permitted

No person shall within any R4B*-16 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- back to back townhouse dwelling
- street townhouse dwelling

6. Zoning Provisions

No person shall within any R4B*-16 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot and Building Requirements by Building Type

(i) The following Table and additional provisions establish the zone standards that apply to the R4B*-16 Zone.

R4B*-16 Zone Standards

Building Type	**Min. Lot Area (m^2)**	**Min. Lot Frontage**	**Min. Front Yard**	**Min. Interior Side Yard**	**Min. Exterior Side Yard**	**Min. Rear Yard**	**Min. Outdoor Private Amenity Space**	**Min. Front Yard Landscaped Open Space**	**Min. Building Height**	**Max. Building Height**
Street townhouse dwelling unit with a front access garage	160 m^2 / unit	6 m / unit(3)	3 m(1)	1.2 m(5)	3 m	7.5 m(7)	NR	20%	2 storeys	4 storeys
Street townhouse dwelling unit with a detached rear garage	110 m^2 / unit	4.5 m / unit(3)	3 m	1.2 m(5)	3 m(1)	2.5 m to a garage, carport or unenclosed parking space(2)	25 m^2 / unit	50%	2 storeys	4 storeys
Street townhouse dwelling unit with an integral rear garage	110 m^2 / unit	4.5 m / unit(3)	3 m	1.2 m(4)(5)	3 m(1)	2.5 m to a garage, carport or unenclosed parking space (2)	15 m^2 / unit(6)	50%	2 storeys	4 storeys

Building Type	Min. Lot Area (m^2)	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Min. Exterior Side Yard	Min. Rear Yard	Min. Outdoor Private Amenity Space	Min. Front Yard Landscaped Open Space	Min. Building Height	Max. Building Height
Back to back townhouse dwelling unit	85 m^2 / unit	5.5 m / unit (3)	3 m(1)	1.5 m(5)	3 m(1)	NR	7.5 m^2 / unit	NR	2 storeys	4 storeys

Notes: NR = No Requirement

(1) Except that for the wall of the private garage containing the opening for a vehicle, the minimum yard shall be 5.8 metres.

(2) Except that the minimum distance where access is provided to both sides of a lane shall be 1.75 metres.

(3) Except that for a corner lot, the minimum lot frontage shall be 9 metres.

(4) If no common wall exists between the rear garages of attached units, the minimum interior side yard for the garage portion of the building and any space above shall be 0.6 metres.

(5) Where no common wall exists.

(6) Except that the minimum private amenity space shall be 10 square metres for lots with frontages of less than 6 metres.

(7) Except that the minimum rear yard for Lot 6 on Block 26 shall be 2.0m measured perpendicular from the angled rear lot line to the nearest point of the main building on the lot.

(b) Additional Provisions

(i) The following provisions apply to back to back townhouse dwelling units

(a) The minimum lot depth of a back to back townhouse dwelling unit shall be 13.0 metres.

(ii) The following provisions apply to the lots with street townhouse dwellings with an integral rear garage that front onto Winchester Road West and the north-south section of Cottesmore Drive:

(a) The minimum rear yard setback to the street line shall be 3.5 m provided that for the lots that front onto Winchester Road West if the front yard setback is reduced below 10.0 m, the rear yard setback will be increased by the same dimension of the front yard reduction.

(b) Decks are permitted to project from the second storey rear exterior wall of a dwelling unit with a rear-accessed garage a maximum distance of 3.65 m.

(c) The minimum rear yard setback to the street line from a deck projecting from a rear exterior wall shall be 1.75 m.

(d) The minimum rear yard setback to the street line of any support column or post that supports a deck shall be 1.75 m.

(e) The maximum diameter of any support column or post shall be 15.4 cm or as required by the Ontario Building Code.

(f) In the area between any foundation wall related to the main building and any support column or post that supports a deck no structure, wall, fence, hedge, shrub or other vegetative planting or landscape feature that has a height greater than 1.0 m above finished grade level shall be permitted in order to avoid any sight line obstructions.

(c) Parking Requirements

Notwithstanding any provisions of Section 4A to the contrary, the following provisions shall apply:

(i) The minimum number of parking spaces required for a back to back townhouse dwelling shall be 2 spaces per dwelling unit provided the dwelling unit has a private garage accessed by a driveway from a public street or lane.

(ii) The minimum number of parking spaces required for a street townhouse dwelling shall be 2 spaces per dwelling unit provided that dwelling unit has a private garage accessed by a driveway from a public street or lane.

By-law read and passed this 29th day of January, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

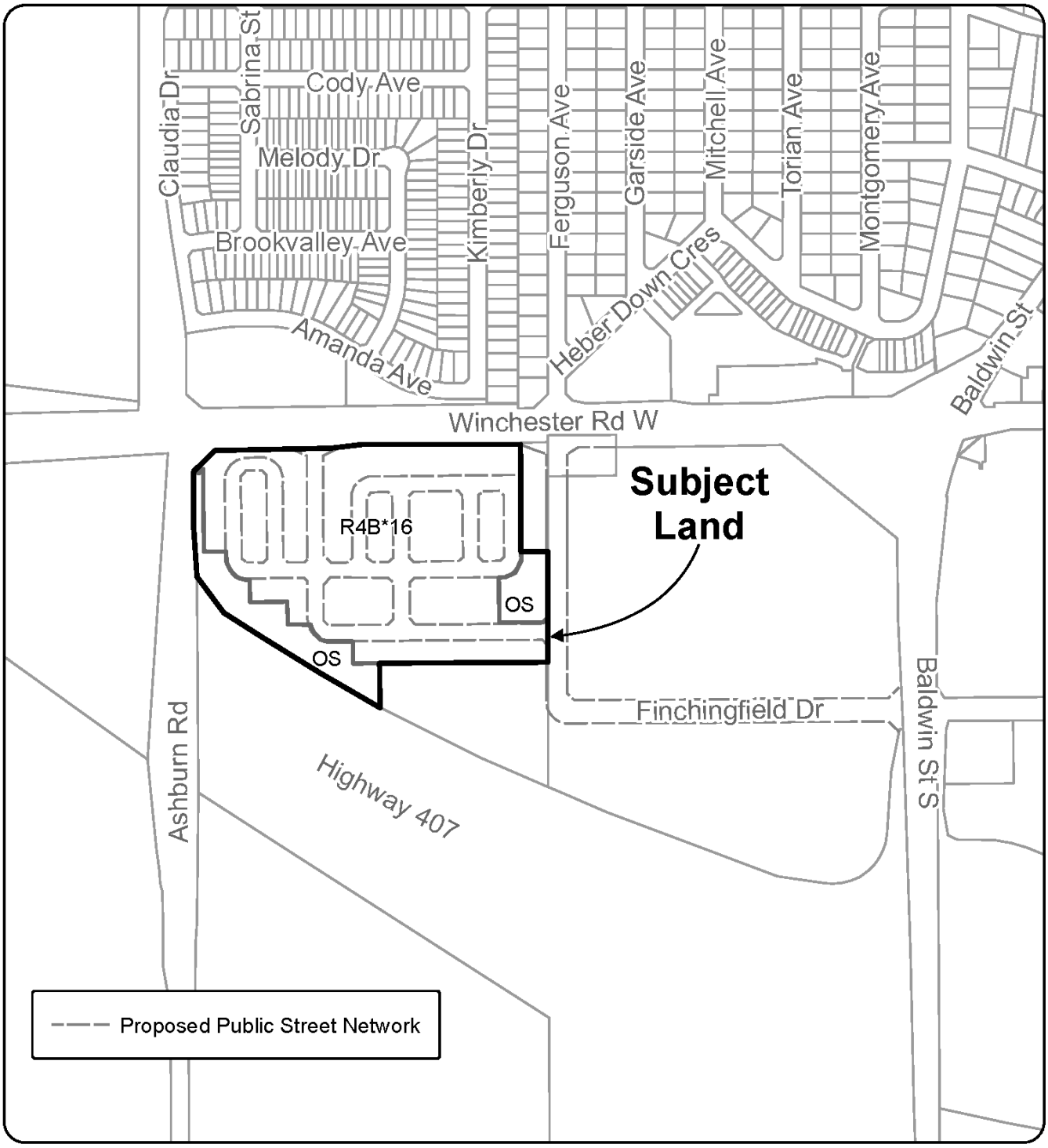
To By-law # 8044-24

This is Schedule A-1 to By-law # 8044-24 passed by the

Council of the Town of Whitby this 29th day of January, 2024.

Clerk

Mayor



Town of Whitby
By-law # 8045-24

Committee of Adjustment Remuneration By-law

Being a By-law to provide for the remuneration of members of the Committee of Adjustment.

Whereas Section 283(1) of the Municipal Act, S.O. 2001, c. 25 provides that a municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality; and,

Whereas Council of The Corporation of the Town of Whitby considered Report PDP 01-24 at its meeting on January 29, 2024; and,

Whereas Council deems it necessary to pay remuneration to members of the Committee of Adjustment;

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

1. General

1.1. Remuneration in the amount of one hundred and fifty dollars ($150.00) shall be paid to the Chair of the Committee of Adjustment of The Corporation of the Town of Whitby for each meeting attended.

1.2. Remuneration in the amount of one hundred and twenty-five dollars ($125.00) shall be paid to members of the Committee of Adjustment of The Corporation of the Town of Whitby, other than the Chair, for each meeting attended.

2. Repeal of Existing By-law

2.1. By-law # 6124-08 is hereby repealed.

3. Effective Date

3.1. This by-law shall come into full force and effect on February 1, 2024.

By-law read and passed this 29th day of January, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby
By-law # 8046-24

Downtown Whitby Community Improvement Plan

Being a By-law to Adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area.

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council passed By-law # 7422-18 to designate the Downtown Whitby Community Improvement Project Area; and,

Whereas pursuant to provisions of Section 28 of the Planning Act, R.S.O. 1990, as amended, Council may provide for the preparation of a plan suitable for adoption as a Community Improvement Plan for the Community Improvement Project Area; and,

Whereas such a plan has been prepared attached hereto as Schedule “A” and forming part of this by-law; and,

Whereas the Town of Whitby has consulted with the Ministry of Municipal Affairs and Housing in accordance with Section 28 of the Planning Act, R.S.O. 1990, as amended; and,

Whereas a public meeting was held on May 14, 2018 pursuant to the Planning Act, R.S.O. 1990 as amended, to hear submissions respecting the proposed Community Improvement Plan;

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

1. Definitions

1.1. “development charge” means a charge with respect to local development charges as per the Town’s Development Charges By-law, as amended from time to time.

1.2. “dwelling unit” means a dwelling comprised of a room or suite of rooms used or designated or intended for use by one (1) or more persons living together in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

1.3. “gross floor area” means the total floor area on a site at the time the CIP By-law comes into full force and effect, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above grade; and for the purpose of this definition, in a mixed-use building the gross floor area of any area common to the residential and non-residential parts of such mixed-use building shall be allocated one-half to the residential part of the building and one-half to the non-residential part of the building;

1.4. “high density residential development” means an apartment dwelling of a minimum of four (4) storeys or containing more than sixty-five (65) dwelling units per net hectare;

1.5. “industrial” means a building or a portion thereof that is used or designed or intended to be used for:

(a) manufacturing, producing, processing, warehousing, storage or distributing and includes a greenhouse;

(b) research or development in connection with manufacturing, producing or processing;

(c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales area at the site where the manufacturing, production, or processing takes place; or

(d) office or administrative purposes, if carried out with respect to manufacturing, producing, processing, warehousing, storage or distribution and in the building used for the manufacturing, producing, storage or distribution or attached to the building, but “industrial” shall not include “retail commercial” as defined in this by-law;

1.6. “institutional” means a building or a portion thereof that is used or designed or intended to be used by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, without limiting the generality of the foregoing, a place of worship and a hospital;

1.7. “mixed use” means any land or building or portion thereof that is used or designed or intended to be used for both residential and non-residential uses;

1.8. “medical office” means, a building or portion thereof that is used or designed or intended to be used for professional offices by medical practitioners licensed by the College of Physicians and Surgeons of Ontario and ancillary facilities related to the delivery of services by medical practitioners;

1.9. “office” means a building or portion thereof that is used or designed or intended to be used for the practice of a profession, the carrying on of a business or occupation, or the conduct of a non-profit organization including the premises of a bank or other financial institution which are not a retail branch of that bank or other financial institution, but “office” shall not include “retail commercial” or “medical office”;

1.10. “retail commercial” means a building or a portion thereof that is used or designed or intended to be used for the sale or rental or offer for sale or rental of goods or services to the general public for consumption or use and shall include, but not be limited to:

(a) ancillary facilities and uses of any kind that support or are related to the sale, rental or service use;

(b) restaurant uses;

(c) hotel/motel uses;

(d) storage or warehousing areas which are used, designed or intended to be used in connection with sales, service or rental areas;

(e) warehouse clubs or similar uses;

(f) self-storage units;

(g) secure document storage;

(h) a branch of a bank or other financial institution, (including credit unions), that offers banking services to consumers and businesses; and,

(i) the sale or rental of goods or services where membership is a precondition to a person being able to acquire the goods or services at that place, but “retail commercial” shall not include office uses that are located in the same building.

2. Regulation

2.1. Calculation and payment of Development Charges shall be determined as per the Town’s Development Charges By-law as amended from time to time.

3. General

3.1. An owner or applicant under the Downtown Whitby Community Improvement Plan may only receive one Development Charge Grant even if they qualify for or apply for more than one.

4. Schedule(s)

4.1. That the Downtown Whitby Community Improvement Plan attached hereto as Schedule “A” is hereby adopted.

5. Repeal of Existing By-law

5.1. That By-law # 7827-21 being a By-law to adopt a Community Improvement Plan for the Downtown Whitby Community Improvement Project Area be repealed after this by-law comes into force and effect.

6. Effective Date

6.1. That the Downtown Whitby Community Improvement Plan be effective as of January 29, 2024.

6.2. This By-law expires on December 31, 2027.

6.3. The Town reserves the right to amend, cancel or alter the incentive programs described in Schedule “A” attached to and forming part of this by-law at any time.

By-law read and passed this 29th day of January, 2024.

Appendices

Appendix 1

Schedule ‘A’ - Downtown Whitby Community Improvement Plan

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

WHITBY
ONTARIO • CANADA



Downtown Whitby Community Improvement Plan

June 2018

Contents

Part A: Introduction and Background 3
1.0 What is a Community Improvement Plan? 4
1.1 The “Toolbox” Approach to Community Improvement Plans 4
2.0 Legislative Authority and Policy Framework 5
2.1 Legislative Authority 5
2.2 Provincial Policy Statement 7
2.3 Places to Grow – the Growth Plan for the Greater Golden Horseshoe 8
2.4 Region of Durham Official Plan 8
2.5 Town of Whitby Official Plan 9
2.6 Downtown Whitby Action Plan 11
Part B: Downtown Whitby Community Improvement Plan 12
3.0 Downtown Whitby Community Improvement Plan 13
3.1 Purpose of the Community Improvement Plan 13
3.2 Goal of the Community Improvement Plan 13
3.3 Objectives 13
3.4 Community Improvement Project Area 14
3.5 The Toolbox of Incentives 14
3.6 Implementation 25
Part C: Appendices 28
Appendix A: Map of Downtown Whitby Community Improvement Project Area 29
Appendix B: Map of Historic Downtown Whitby Priority Area 30
Appendix C: Implementation Guidelines 31

Part A: Introduction and Background

Part A of this document contains introductory and background information, which do not form part of the Downtown Whitby Community Improvement Plan.

1.0 What is a Community Improvement Plan?

A Community Improvement Plan (CIP) seeks to address and provide support to the physical, social, economic or environmental matters of identified areas in a municipality.

Presently, municipalities in Ontario are using community improvement planning to address a range of challenges including the management of growth, the intensification of communities, employment opportunities, and accessibility enhancements.

Community improvement planning is used to benefit communities in the Province of Ontario by enabling municipalities to provide grants and loans to encourage private sector investment in target areas. The revitalization of communities through the implementation of CIPs can be used to promote and attract tourism, business investments, and economic development.

Community Improvement Plans have been effective in supporting and encouraging neighbourhood revitalization and commercial area improvement throughout the Province.

1.1 The “Toolbox” Approach to Community Improvement Plans

The “toolbox” approach is to enable a variety of incentives that can be used to target various types of desired development in specific locations, subject to Council approval of implementation guidelines and budget approval for each program.

One, some or all of the incentive programs in the toolbox can be activated, modified, or terminated based on Council approval of detailed Implementation Guidelines for each of the programs and for the municipal investment allocation for each program (as applicable) through the budget approval process.

The approval of Implementation Guidelines based on the toolbox made available in the CIP does not require an amendment to the CIP. However, the introduction of new programs not included in the “toolbox” would require an amendment to the CIP and associated public process in accordance with the Planning Act.

2.0 Legislative Authority and Policy Framework

2.1 Legislative Authority

The Planning Act and the Municipal Act, provides municipalities the authority to prepare Community Improvement Plans. The following subsection provides an overview of the legislation, as it relates to municipalities and Community Improvement Plans.

2.1.1 Planning Act

Section 28(1) of the Planning Act defines **Community Improvement** as "the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, of a Community Improvement Project Area".

A **Community Improvement Project Area** is defined as a "municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason."

Section 28 of the Planning Act requires that municipalities must have provisions within the Official Plan relating to community improvement, in order to designate a Community Improvement Project Area by By-law and prepare and adopt a Community Improvement Plan. The passing of the By-law and the programs provided through the Community Improvement Plan require approval from Council.

Once the Community Improvement Plan has been adopted by the municipality and comes into effect, the municipality may exercise authority under Section 28 of the Planning Act or Section 365.1 of the Municipal Act, 2001.

For example, Section 28 of the Planning Act informs that once a Community Improvement Plan comes into effect, the municipality may:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by the municipality;
- Sell, lease or dispose of any lands and buildings acquired or held by the municipality;
- Make grants or loans to owners and tenants of land and buildings within the community improvement project area to pay for the whole or any part of the eligible costs of the community improvement plan (s 28(7)).

Section 28 (7.1) of the Planning Act specifies that the eligible costs of a Community Improvement Plan for the purposes of Subsection 28(7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28 (7.3) of the Planning Act states that the total of the grants, loans, and tax assistance made for a property and its buildings shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings.

Section 28 (10) of the Planning Act specifies that as conditions of sale, no land acquired and no building constructed by the municipality in the Community Improvement Project Area shall be sold, leased or otherwise disposed of unless a written agreement is entered into with the municipality that the person will keep and maintain the land and building in conformity with the Community Improvement Plan.

2.1.2 Municipal Act

Section 106 of the Municipal Act, 2001 prohibits municipalities from assisting any manufacturing, industrial or commercial businesses either directly or indirectly through the granting of bonuses. Prohibited actions include:

- giving or lending money or municipal property;
- guaranteeing borrowing;
- leasing or selling any municipal property at below fair market value; and
- giving a total or partial exemption from any levy, charge or fee.

The Municipal Act (Section 106(3)) does provide exceptions to this rule for municipalities using powers under Section 28 of the Planning Act or Section 365 of the Municipal Act which authorizes lower-tier municipalities, to promote the land within the municipality for any purpose.

Section 365.1 of the Municipal Act, 2001 allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a deferral or cancellation of part or all of the taxes levied on that property for municipal and education purposes during the rehabilitation period and development period of the property. A municipality with an approved Community Improvement Plan in place that contains provisions specifying tax assistance will be permitted to provide said tax assistance for municipal purposes.

2.1.3 Development Charges Act

Section 5 of the Development Charges Act allows a municipality to exempt a type(s) of development from a development charge, but any resulting shortfall in the municipality's development charge reserve fund cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges in order to promote community improvement such as downtown/mixed use area redevelopment. This financial incentive is normally offered before construction (i.e. at the time of building permit issuance) and is considered a very powerful community improvement tool.

2.1.4 Ontario Heritage Act

The Ontario Heritage Act came into effect in 1975 and was developed to provide municipalities and the provincial government with powers to preserve the cultural

heritage resources of Ontario. The purpose and focus of the Ontario Heritage Act is to protect heritage properties and archaeological sites in Ontario. Properties of significant heritage value are designated Under Part IV (individual designation), Part V (Heritage conservation district designation) or listed on the municipal Heritage Register. Downtown Whitby has numerous properties that are designated, listed and protected by the Ontario Heritage Act.

The CIP considers incentives to support the conservation and rehabilitation of Downtown Whitby's cultural heritage resources.

2.1.5 Accessibility for Ontarians with Disabilities Act

The Accessibility for Ontarians with Disabilities Act (AODA) is legislation that was passed in 2005 and serves to identify, remove and prevent barriers for persons with disabilities. The AODA applies to both public and private sector organizations in Ontario with one and/or more employees that provide services, goods and facilities.

The Town of Whitby may provide incentives through the Community Improvement Plan that will help improve accessibility in Downtown Whitby.

2.2 Provincial Policy Statement

The Planning Act authorizes the issuance of policy statements on matters of municipal planning which are of provincial interest. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3(5) of the Planning Act requires that "decisions affecting planning matters shall be consistent with policy statements issued under the Act." Therefore, the Downtown Whitby CIP must be consistent with the PPS.

The stated vision of the PPS is to maintain strong communities, a clean and healthy environment and a strong economy. The PPS does not make specific reference to Community Improvement Plans, but it is premised in the wise management of growth through:

- Efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1);
- A range of uses and opportunities for intensification and redevelopment (Section 1.1.3.3);
- An appropriate range of housing types and densities that support alternative transportation modes (Section 1.4.3);
- Maintaining where possible, enhancing the vitality and viability of downtowns and mainstreets (Section 1.7.1);
- Encouraging a sense of place through built form and cultural heritage (Section 1.7.1); and
- Encouraging the conservation of significant heritage resources (Section 2.6.1).

The Downtown Whitby CIP has been designed to support and promote these and other key provincial policy directions contained in the PPS.

2.3 Places to Grow – the Growth Plan for the Greater Golden Horseshoe

The Growth Plan is intended to help municipalities located within the Greater Golden Horseshoe, plan for growth in a more sustainable manner, and contribute to the creation of more liveable, healthy communities. Municipal planning instruments are required to conform to the Growth Plan at both the Regional and Area Municipal levels.

The Growth Plan provides the following guiding principles (Section 1.2.1):

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability;
- Provide flexibility to capitalize on new economic and employment opportunities;
- Support a range and mix of housing options, including second units and affordable housing to serve all sizes, incomes and ages of households; and
- Conserve and promote cultural heritage resources to support the social, economic and cultural well-being of communities.

The Downtown Whitby CIP helps to support the policy direction of the Growth Plan by providing various incentives to realize land use planning goals.

2.4 Region of Durham Official Plan

The Region of Durham Official Plan (ROP) provides broad policy direction for the entire Region which is further implemented in lower-tier Official Plans. Section 14.4 of the ROP provides policies related to Community Improvement Plans.

The ROP provides for Regional CIPs to address the following:

a) Affordable housing;

b) Infrastructure within the Region's jurisdiction;

c) Land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide higher density mixed-use development; and

d) Other matters the Province may prescribe in accordance with the Planning Act.

The ROP also recognizes that area municipalities may adopt Community Improvement Plans in accordance with the Planning Act, to stimulate the re-use, revitalization, redevelopment and rehabilitation of Urban Areas, based on local needs and priorities.

To assist in the implementation of area municipal Community Improvement Plans, the region has adopted a Revitalization Program to guide how the Region may participate financially, or otherwise, in area municipal Community Improvement Plans.

2.4.1 Regional Revitalization Program

The Regional Revitalization Program (RRP) supports municipal CIP projects that advance the goals of the ROP and achieve positive economic and community objectives. The RRP was created to provide financial support to appropriate development and intensification projects that otherwise would not be initiated without municipal financial assistance.

The RRP targets new CIP projects as recommended and supported by the area municipality. Eligible projects must entail significant and substantial revitalization and/or development. Projects involving façade improvements, streetscaping, etc. are not eligible under the RRP. Area municipalities must provide significant financial contributions to the project and Regional financial assistance cannot be greater than the area municipalities' financial contribution.

2.5 Town of Whitby Official Plan

Section 6.3.3 of the Official Plan (OP), as amended by Official Plan Amendment (OPA) 105, provides policies related to the establishment of Community Improvement Plans. The goal of Community Improvement is to provide for ongoing maintenance, improvement, rehabilitation and upgrading of the Municipality's residential, commercial, industrial and mixed use areas in a manner which is integrated into the overall planning and development of the Municipality (Section 6.3.1.1).

The objectives of a Community Improvement are (Section 6.3.2):

- To retain the existing building stock in a safe and attractive form in compliance with the provisions of the Property Standards By-law;
- To maximize the efficient use of the existing public infrastructure and improve or provide new public infrastructure where deficiencies or deteriorating conditions exist;
- To provide additional public services, amenities and utilities in existing development areas where deficiencies exist;
- To preserve and enhance the viability of existing residential, commercial, industrial and mixed use areas;
- To provide a range of incentive programs to encourage, support and assist with improvements to private property;
- To encourage the rehabilitation and redevelopment of brownfield properties; and
- To maximize the use of municipal investment and participation in programs of various levels of government and other agencies that facilitate community improvement.

Section 6.3.3.6 identifies that community improvement projects areas may be designated by By-law for any and all lands within a Community Improvement Area. Community Improvement Plans for designated community project areas are to address matters such as:

a) The acquisition and development of land for parks, open space, recreational or community uses;

b) Actions and programs related to aesthetic improvements such as landscaping, street furniture and lighting;

c) Actions and programs related to the upgrading of infrastructure such as roads, sidewalks, storm sewers, water and wastewater services and telecommunications;

d) Incentive programs for improvements and redevelopment of private property which criteria identified in the Plan;

e) Opportunities to promote sustainable development and energy efficiency;

f) Opportunities for pre-zoning lands or for the use of bonusing to facilitate redevelopment;

g) Any other improvements or programs deemed appropriate.

Schedule “E” of the Official Plan identifies Downtown Whitby as Community Improvement Area A.

Section 6.3.4 provides further direction for the implementation of Community Improvement Plans, including:

- The designation by By-law, of Community Improvement Project Areas within the Community Improvement Areas identified on Schedule “E” and the preparation, adoption and implementation of Community Improvement Plans identifying community improvement projects and programs;
- Participation in funding programs with other levels of government to assist in the implementation of policies and programs to encourage the general rehabilitation of Community Improvement Areas; and
- The establishment and promotion of municipal incentive programs to provide financial assistance to property owners for improving their properties in accordance with the objectives of this Plan including through provisions in the Development Charges By-law and any other applicable municipal by-law.

2.5.1 Downtown Whitby Secondary Plan

The Downtown Whitby Secondary Plan (Section 11.3) provides further integrated development policies for commercial, residential, institutional, cultural and recreational uses that will enhance the Downtown’s role as a focal point and source of identity for the entire municipality.

Section 11.3.2 outlines the Objectives of the Secondary Plan as follows:

- To provide for a pedestrian-oriented, compact, commercial core offering a full range of retail and personal service uses which emphasize human scale and the historic and social aspects of the core;

- To provide for a strong residential component with a variety of housing types to complement and support the commercial core and to encourage affordable housing through intensification and/or redevelopment;
- To provide for a balance between higher density residential redevelopment and the preservation of existing, stable, residential areas;
- To preserve buildings of architectural and historical significance and encourage their rehabilitation where necessary;
- To provide for the efficient movement of both through traffic and local traffic that will minimize traffic congestion in the Downtown; and
- To provide sufficient sewer and water servicing to accommodate the level of development proposed as efficiently as possible.

The Downtown Whitby CIP incentive programs provide opportunities to encourage more compact built form, while conserving the historical and cultural attributes of the neighbourhood.

2.6 Downtown Whitby Action Plan

Town of Whitby Council adopted the Downtown Whitby Action Plan in 2016 which provided a vision, objectives and a set of action items to engage stakeholders and the community in downtown renewal initiatives.

The Vision of the Action Plan is as follows:

“Downtown Whitby is a vibrant, viable, innovative and walkable urban destination that engages and inspires people to shop, live, work, play and connect.”

Action Item 1.1 of the Downtown Whitby Action Plan seeks to: “update the Downtown Whitby Community Improvement Plan (CIP) with improved financial incentives for development/redevelopment projects including expanding the CIP boundaries”.

Therefore, this CIP document supports the vision and one of the action items of the Downtown Whitby Action Plan.

Part B: Downtown Whitby Community Improvement Plan

This document sets the purpose, goal and objectives of the CIP, establishes the Community Improvement Project Area and general program requirements. It also establishes or enables the “toolbox” of potential incentive programs. These programs are only activated upon approval by Council of specific Program Implementation Guidelines (Appendix C) and corresponding budget. The Implementation Guidelines are a companion document and include the program specific details and application process.

The CIP also outlines how the CIP will be implemented through a marketing program and monitoring criteria in order to gauge success and provide Council with a sound basis for making decisions on the activation and deactivation/termination of incentive programs. Changes to this plan or an expansion of the Community Improvement Project Area will require an amendment in accordance with Planning Act requirements and Council approval.

3.0 Downtown Whitby Community Improvement Plan

3.1 Purpose of the Community Improvement Plan

The purpose of the Downtown Whitby Community Improvement Plan (CIP) is to help achieve the vision of the Whitby Official Plan and the Downtown Whitby Action Plan by establishing programs that link land use planning with financial and other incentives to act as catalyst to spur new development and redevelopment in Downtown Whitby. The CIP enables Council to provide such incentives so as to direct support to those projects that best meet the needs for revitalization and conservation efforts.

The CIP aligns with new policy direction provided at the Provincial, Regional and local levels and does the following:

- Outline the goal and objectives of the CIP;
- Outline the Community Improvement Project Area;
- Create flexibility through the plan structure inclusive of using the “toolbox” approach for incentive programs. Council can activate one, some or all of the incentive programs in the toolbox based on the detailed Implementation Guidelines for each of the programs and for the municipal investment allocation for each program (as applicable) through the budget approval process. This approach can also be used to apply assistance where needed in a targeted manner;
- Outline the implementation, marketing and monitoring strategies; and
- Implement policies of the Provincial Policy Statement, Growth Plan, Region of Durham Official Plan, Town of Whitby Official Plan, Downtown Whitby Secondary Plan, and the Downtown Whitby Action Plan.

The addition of any new programs to this Plan, or an expansion of the Community Improvement Project Area requires a formal amendment to this Plan in accordance with Section 28 of the Planning Act.

3.2 Goal of the Community Improvement Plan

The goal of the Downtown Whitby Community Improvement Plan is to transform Downtown Whitby into a dynamic social and cultural district by incentivizing new positive downtown developments and investing in Whitby’s historic commercial core. The goal of the CIP aligns with the policies in the Town’s Official Plan, Downtown Whitby Secondary Plan and the Vision of the Downtown Whitby Action Plan.

3.3 Objectives

The objectives of the Downtown Whitby Community Improvement Plan are to:

- Encourage the retention, restoration and protection of the existing cultural heritage resources in a safe and attractive form;
- Increase the population in Downtown Whitby to support the commercial core;
- Develop more office and mixed use buildings in Downtown Whitby;

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

3.4 Community Improvement Project Area

The intersection of Brock Street and Dundas Street, also known as the Four Corners, marks the historic downtown core of Whitby. The Community Improvement Project Area (CIPA) is centred at this intersection extending to the CP Railway in the north, Highway 401 in the south, Garden Street in the east and Cochrane Street in the west.

A priority area referred to as the “Historic Downtown Whitby Priority Area” is inclusive of the commercially zoned properties within the larger CIPA bounded by John Street in the north, Ontario Street in the south, Hickory Street in the east and Henry Street in the west.

As part of the CIP, eligibility of the incentive programs apply to the both the larger Community Improvement Project Area (Appendix A) and the Historic Downtown Whitby Priority Area (Appendix B).

3.5 The Toolbox of Incentives

This CIP provides a “toolbox” of incentives that can be used to promote the development goals of the CIP. The “toolbox” comprises the following types of incentives:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;

- Sign Grant; and
- Interior Heritage Building Grant.

The DC Full or Partial Exemption, CIL of Parking, and Façade Improvement Grant represent improvement, continuation, and/or expansion of previously existing incentives. The Sign Grant, Interior Heritage Building Grant and TIEG are new incentives which have been added to the CIP.

The Toolbox of Incentives and the Development Lifecycle

The incentives in the toolbox apply to different periods in the development lifecycle, in order to address the CIP goal and objectives across the lifespan of individual developments and properties within the Community Improvement Project Area (CIPA):

- During the Development and Redevelopment planning stage, eligible developments may make use of the DC Full or Partial Exemption and CIL of Parking incentives to promote new development;
- Following development and reassessment, eligible developments may be able to get TIEGs to offset increased assessment valuation and taxation costs and support uses which address CIP goals. Eligibility of this program would be evaluated at the time of Site Plan Review; and
- Existing buildings may be eligible to make use of Façade Improvement Grants, Sign Grants, and Interior Heritage Building Grants to promote beautification and maintenance of existing building stock.

A conceptual model of a typical development lifecycle is shown below, laying out how the incentives could apply at different times in the development.

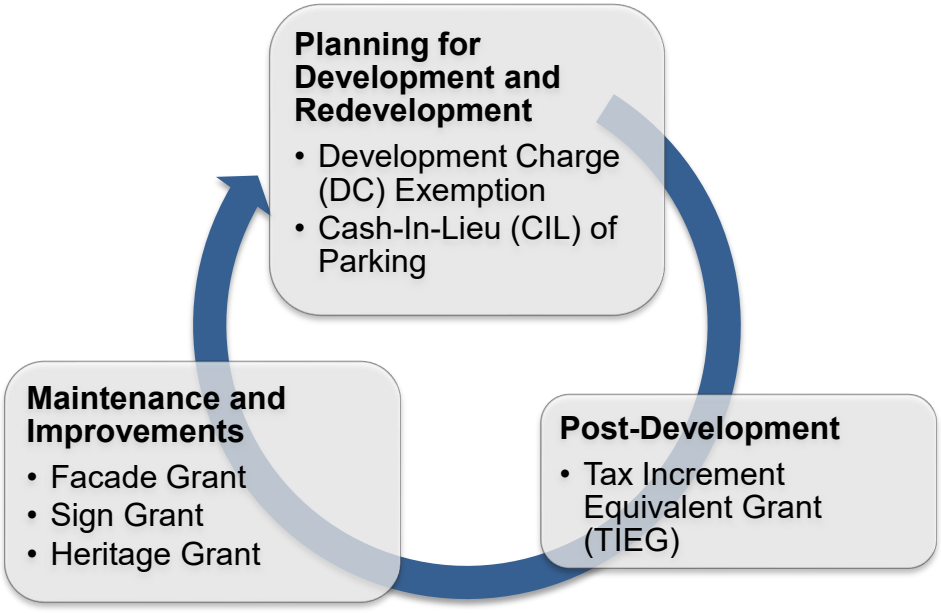


Figure 1: Development Lifecycle and the Toolbox of Incentives

It is intended that the toolbox of incentives will support the goal and objectives of the CIP by encouraging private investment throughout the lifecycle of eligible developments within the CIPA.

Implementation Guidelines (Appendix C)

Each incentive program may be activated, modified, or terminated by Council through the approval, revision or revocation of Implementation Guidelines. Implementation Guidelines will deal with matters such as a description of the incentive, evaluation criteria, municipal investment, and the application process and may differ for projects inside or outside of the identified Historic Downtown Whitby Priority Area.

The general eligibility criteria and a general description of each incentive are included in the next sections. It is noted that the municipal investment is distributed throughout the toolbox of incentives which is further detailed in the applicable Implementation Guidelines.

Applicants may apply for more than one incentive program for the same project, but individual program applications shall be completed and evaluated separately. The total investment of all grants, incentives and/or tax assistance provided in respect of a single project in this CIP shall not exceed the eligible cost of the project. For more information about the municipal investment for each program, eligibility criteria and the approval process, please see the Implementation Guidelines outlined in Appendix C for each program (as applicable).

3.5.1 General Eligibility Criteria

The general eligibility criteria for participation in the CIP programs are as follows:

a) The incentive programs are only available for properties within the established Community Improvement Project Area (CIPA) as outlined in Appendix A to this Plan.

b) A completed application form, as applicable, for any of the incentive programs must be submitted to the Town prior to any work being commenced to which the incentive applies or as stipulated in the Implementation Guidelines for the program.

c) If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property to make the application.

d) An application for incentive programs must include plans, drawings, estimates, contracts, reports and other relevant information applicable to the project as required by the Town in order to fulfill the CIP goal and objectives.

e) The land uses and development must be in conformity with applicable policies and provisions of the Whitby Official Plan, Downtown Whitby Secondary Plan, the Zoning By-law and any other requirements and approvals at the local, regional or provincial level.

f) All improvements made to buildings and/or land shall be made pursuant to a Site Plan, Building Permit and/or other required permits, and constructed in accordance with the Ontario Building Code and other codes and/or standards as required.

g) Property owners who are in arrears of property taxes or who have outstanding liens against the property are not eligible to receive any of the incentive programs offered through this CIP, until such time as all taxes owing are paid or cancelled, and all liens lifted.

h) Where other sources of government and/or non-profit organization funding (Federal, Provincial, Regional, Municipal etc.) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application. Accordingly, the amount of the incentive provided by the Town may be reduced on a pro-rated basis.

In addition to the general eligibility criteria outlined in the CIP, each incentive program may have specific requirements that must be met as established in the Implementation Guidelines. Each program contained in the CIP is considered active if detailed Implementation Guidelines and a budget allocation (as applicable) are approved by Council.

The following conditions shall be considered as part of the CIP application process:

- The applicant may be required to enter into an Agreement with the Town which will specify the terms, conditions, duration and default provisions of the incentive to be provided.
- Outstanding work orders, and/or orders or requests to comply, and/or charges from the Town must be satisfactorily addressed prior to grant and/or loan approval/payment.
- The Town reserves the right to audit the cost of any and all works that have been approved under any of the incentive programs, at the cost of the applicant.
- Town staff may inspect any property that is subject of an application for any of the incentive programs offered by the Town.
- The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants and/or incentives will still receive said grant and/or incentive, subject to meeting the general and program specific requirements.
- The Town is not responsible for any costs incurred by an applicant in relation to any of the programs contained in this CIP, including without limitation, costs incurred in the preparation and submission of applications, and/or in anticipation of a grant/incentive.

- All works completed must comply with the description of the works as provided in the application form and contained in the Agreement, with any amendments as approved by the Town.
- The Town reserves the right to nullify any program application(s) which has been approved but which doesn't result in any building activity within 1 year of the issuance of a Building Permit. Extensions of this timeframe may be permitted provided an extension of the Building Permit is also granted.
- The CIP is not to be applied retroactively to developments that have already occurred, unless otherwise previously committed by Council. The incentive programs apply to new qualifying developments following the implementation of the CIP By-law and approval of the Implementation Guidelines for applicable incentives.

3.5.2 Development Charge Full of Partial Exemption

Intent

The intent of the Program is to promote catalyst projects within the Community Improvement Project Area (CIPA) by increasing the financial feasibility of eligible developments. This program would effectively provide a full or partial exemption (grant-in-lieu) on the local Development Charges payable for eligible developments.

Description

Development Charges are fees collected by municipalities and other levels of government to help pay for the cost of infrastructure that comes with growth such as roads, transit, water, sewers, community centres, fire and police facilities. A major cost associated with new development is the payment of applicable development charges at the time of building permit issuance. In the Town of Whitby, development charges are payable to the Town of Whitby, Region of Durham and local school boards.

The Program would provide a full or partial exemption (grant-in-lieu) from a portion of Town's development charges for eligible developments within the CIPA. The relief may take the form of an exemption or a grant-in-lieu of DCs paid, subject to the details of the Implementation Guidelines

Eligibility

All development and redevelopment within the CIPA may be eligible for the program, subject to meeting detailed requirements in the Implementation Guidelines. The value of the incentive may be calculated based on meeting certain performance criteria as set out in the Implementation Guidelines.

It should be noted that the total value of grants and other incentives cannot exceed eligible costs as per the requirements of the Planning Act.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire Plan envelope on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

The program is expected to be implemented in conjunction with the Development Charge review process.

3.5.3 Cash-in-Lieu of Parking

Intent

The intent of the Program is to encourage a higher intensity of non-residential development in the CIPA, with the understanding that much of the required parking for customers and employees will not be able to be provided on the same property. It is intended also to provide a source of funding for the development of higher-capacity Town-owned parking facilities within Downtown Whitby.

Description

This program would reduce the applicable cash-in-lieu of parking rate for eligible non-residential developments in the CIPA.

Cash-in-lieu of parking may be collected when parking cannot be acquired on site or if another acceptable site cannot be obtained. Given the historic nature of Downtown Whitby and existing site constraints at some locations, cash-in-lieu of parking may help to incentivize non-residential development in the CIPA.

Eligibility

All non-residential developments may be eligible for a reduced rate, subject to meeting detailed requirements in the Implementation Guidelines. This may include where the provision of the required number of parking spots is considered not feasible and/or not desirable for the character of the CIPA. The Implementation Guidelines may also set a maximum number of parking spaces which may be eligible on a per-development or area-specific basis.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions. The guidelines may rely on or be developed concurrently with a Parking Study to determine the appropriate provisions of the Program.

3.5.4 Tax Increment Equivalent Grant (TIEG)

Intent

The intent of the Program is to promote the desired type of redevelopment and rehabilitation within the CIPA by increasing the financial feasibility of eligible developments. This program would effectively rebate a portion of the property tax increase for a period of time following development and reassessment of eligible non-residential projects.

Description

Property improvement through redevelopment is expected to result in an increased assessment of the value of the property. The TIEG program would provide a rebate equal to a portion of the increase in municipal taxes of non-residential development resulting from the increased reassessment (known as the Tax Increment). The rebate amount is fixed following the reassessment of the property by the Municipal Property Assessment Corporation (MPAC). At the end of the TIEG period, the property owner would continue to pay the full tax amount, but receive no further rebates.

Eligibility

All non-residential development and redevelopment within the CIPA may be eligible for the Program, subject to meeting detailed requirements in the Implementation Guidelines.

It should be noted that the total value of grants and other incentives cannot exceed eligible costs as per the requirements of the Planning Act.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire Plan envelope on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.5.5 Façade Improvement and Design Grant Program

Intent

The intent of the Program is to stimulate commercial/institutional façade improvements within the CIPA to enhance the aesthetic quality and character of the area, including the heritage character of the Historic Downtown Whitby Priority Area.

Description

The Program would provide financial assistance to eligible owners and/or tenants of non-residential and mixed-use buildings within the CIPA to partially offset the costs of façade maintenance, restoration, improvements and/or design work.

Grant amounts may vary within the CIPA, Historic Downtown Whitby Priority Area and/or for designated properties under the Ontario Heritage Act.

- Designated Heritage Properties – are cultural heritage resources designated under Part IV (individual designation) or Part V (heritage conservation district designation) of the Ontario Heritage Act.

This is intended to also include improvements to enhance the accessibility of eligible properties and provide design assistance associated with building improvements.

Eligibility

All non-residential and mixed-use buildings in the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.5.6 Sign Grant Program

Intent

The intent of the Program is to stimulate commercial/institutional signage improvements within the CIPA to enhance the historic look of Downtown Whitby, and to improve wayfinding and accessibility for both pedestrians and motorists.

Description

The Program would provide financial assistance to eligible owners and/or tenants of non-residential and mixed-use buildings within the CIPA to partially offset the costs of maintenance, restoration, and improvements of signage and associated elements.

Eligibility

All non-residential and mixed-use buildings in the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions. Council may update the Heritage Sign Guidelines as a part of the requirements of the Program.

3.5.7 Interior Heritage Building Grant

Intent

The intent of the Program is to encourage the protection, enhancement and safety of Downtown Whitby's built heritage assets, as they contribute to the heritage character and economic vitality of the area. This is particularly important as many of the Town's heritage properties are within the CIPA. This includes bringing existing heritage properties to current Building Code requirements, Fire Code requirements, and Accessibility requirements to improve the functionality, resilience, marketability and aesthetic value of the Downtown Whitby building stock.

Description

The Program would provide financial assistance to owners and/or tenants of eligible non-residential and mixed-use buildings within the CIPA to partially offset the costs of eligible interior building improvements.

This grant applies to interior renovations to listed and designated properties that are commercially and institutionally zoned and located in the CIPA. In accordance with requirements of the Ontario Heritage Act, the Town of Whitby has identified listed and designated heritage properties as follows:

- Listed Heritage Properties: non-designated properties that have been identified by Council as having cultural heritage value or interest and are identified on the Whitby Heritage Register.
- Designated Heritage Properties: cultural heritage resources designated under Part IV (individual designation) or Part V (heritage conservation district designation) of the Ontario Heritage Act.

Eligibility

All non-residential and mixed-use buildings within the CIPA may be eligible, subject to meeting detailed requirements in the Implementation Guidelines. The Implementation Guidelines shall include Heritage status requirements for the Program.

Municipal Investment

The municipal investment allocation and financial mechanism will be established within the entire CIPA on the basis of the Implementation Guidelines through the budget process, subject to Council approval.

Implementation

The Program will be implemented through the approval of Council of detailed Implementation Guidelines and budget allocation. The guidelines will describe details such as eligibility, evaluation, application process, municipal investment and other financial conditions.

3.6 Implementation

3.6.1 Municipal Investment

It is intended that the municipal investment for the Community Improvement Plan and related incentives include alternative models designed to support: (1) priority development and re-development which creates new assessment value as and when needed; and (2) facade, accessibility and signage improvements on an on-going basis.

The CIP program toolbox of incentives will be included in the capital budget and forecast in the amount of the municipal investment identified over the life of the CIP By-law. The capital projects will be supported through the Long Term Capital Financing Reserve and forecast years are recommended to have pre-budget approval so that future municipal investment can be advanced if needed to address where recommended applications exceed the municipal investment threshold.

The municipal investment will be established through the budget process and subject to Council approval.

3.6.2 Staff Resources

The Community Improvement Plan will generally by administered by the Town's Planning and Development Department, with additional departmental support for the administration and marketing of specific incentives as appropriate.

The Application Review Team is comprised of staff from the following departments / divisions:

- Planning and Development (Lead)
- Economic Development
- Building Division
- Tax/Finance

Staff from Public Works (Transportation & Engineering) and Legal Services may be requested to provide advice on applications as needed.

The Application Review Team is responsible for the following tasks (as modified from time to time):

- Meet and consult with applicants to review their proposal prior to submission of application;
- Attend formal Planning pre-consultation meetings for development applications where required;
- Liaise with Regional staff to determine in advance any potential incentives from both the Town and Region, in an effort to co-ordinate with the Regional Revitalization Program;
- Review and evaluate applications from the Development Charge Full or Partial Exemption Program, Interior Heritage Building Grant Program and Tax Increment

Equivalent Grant (TIEG) Program against program requirements and evaluation criteria; and

- Present recommendations to Commissioners or delegated staff and/or Council for consideration and approval.
- Should the Application Review Team refuse an application, the decision may be reconsidered by Council, and would require a resolution by Council to overturn the Application Review Team's decision.

3.6.3 Activation, Modification, or Termination of Incentive Programs

The incentive programs in the "toolbox" may be activated, modified, or terminated, subject to Council approval and budget allocation for one or more of the incentives. This shall not require an amendment to the CIP, so long as the incentives are based upon the incentives in the "toolbox" as described above. A modification to the toolbox of incentives included within Appendix C can include such things as a change to the program parameters, eligibility requirements, evaluation criteria, municipal investment and administration.

The introduction of new incentive programs not included in the "toolbox" and a change to the Community Improvement Project Area boundaries require an amendment to the CIP as per the requirements of the Planning Act.

3.6.4 Implementation Guidelines

Implementation Guidelines (refer to Appendix C) shall deal with the following matters:

- Description of incentive program;
- Eligibility requirements, including priority area-specific requirements;
- Eligible Works;
- Municipal Investment;
- Program Administration including the application process and evaluation; and
- Program expiry.

3.6.5 Monitoring and Evaluation

The performance and impact of the incentive programs will be monitored and evaluated annually against a number of monitoring criteria outlined below to ensure that the purpose, goal and objectives of the CIP are successfully being met. Feedback obtained by participants of the incentive programs, staff, and the Downtown Whitby community may be obtained as part of the monitoring and evaluation process.

The monitoring of the CIP will align with the annual Downtown Whitby Action Plan Benchmarking Data Report, which tracks existing conditions in Downtown Whitby in order to measure the success and impacts of the Action Plan and CIP over time.

The CIP incentive programs will be evaluated to determine:

- Whether program uptake is satisfactory;

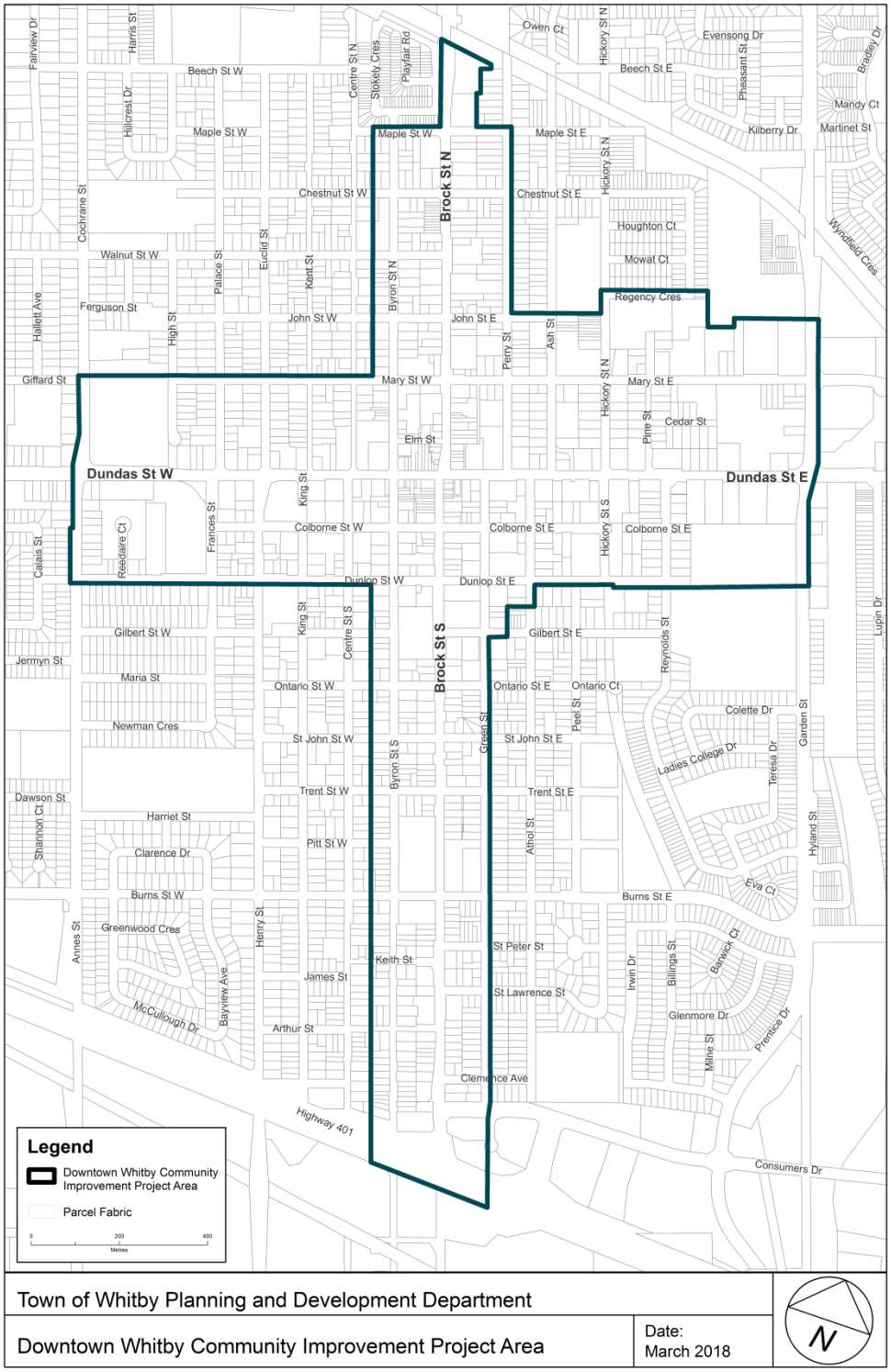
- If the objectives and desired outcomes are being achieved;
- If applicants are completing their commitments, and if not, understanding the reasons why;
- The estimated economic impact associated with each program;
- Trends over time; and
- Whether adjustment to or terminating of incentive programs are warranted.

Monitoring criteria relating to the purpose, goal and objectives of the CIP involve an assessment of the following:

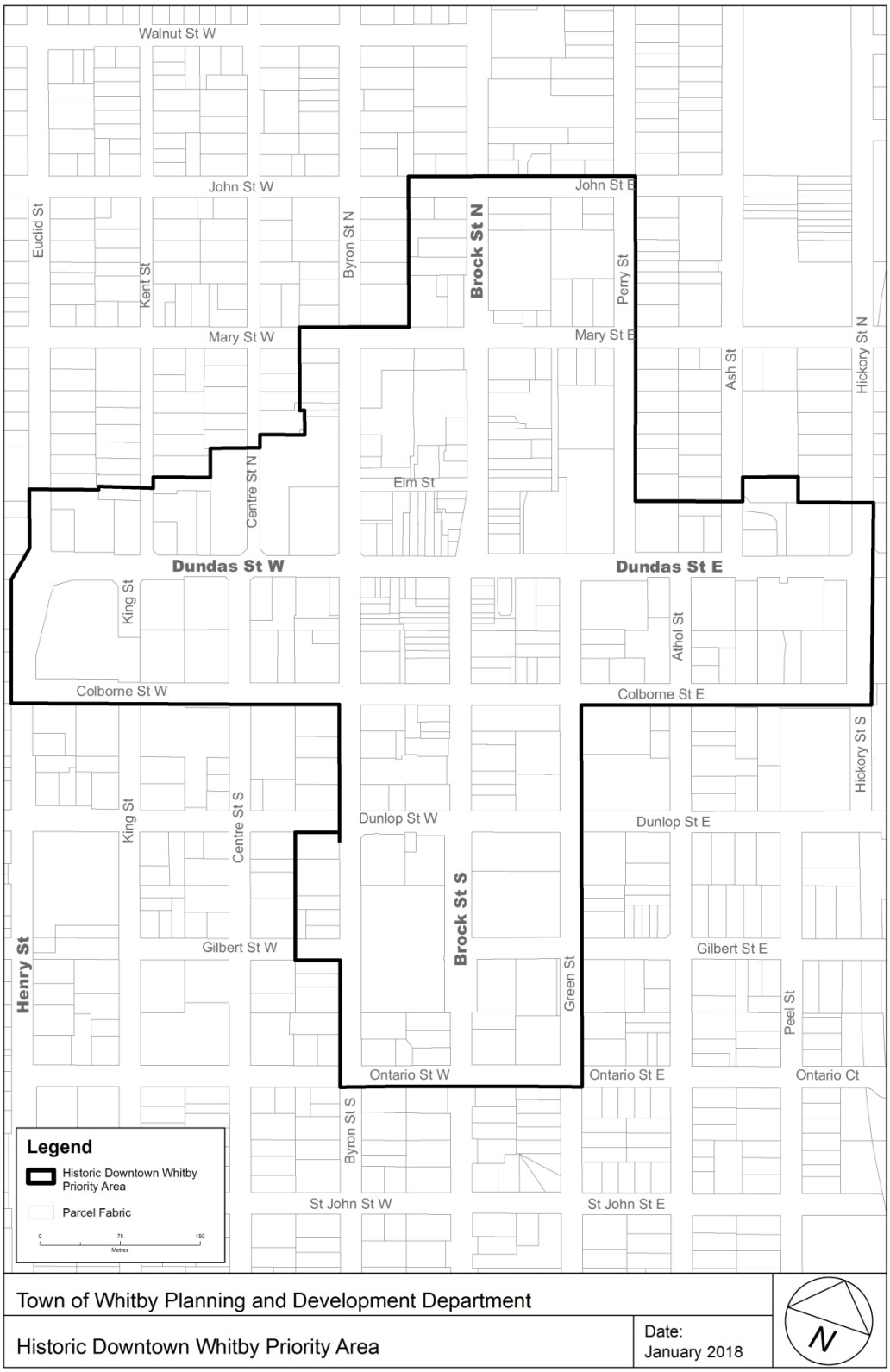
- Heritage property conservation and restoration;
- New business development specifically targeting office and retail commercial;
- Increase in the number of employees working downtown;
- Increase in the gross floor area of new available office supply;
- Increase in the number and type of housing units and population growth;
- Increase in property assessments;
- Increase in taxable assessment growth;
- Increase in building permit activity;
- Increase in accessibility for persons with disabilities;
- Decrease in office / commercial vacancy rates;
- Increase in the number of visitors and pedestrians;
- Decrease in the number of vacant or underutilized properties; and
- Increase in the overall quality of streetscape and public realm improvements.

Part C: Appendices

Appendix A: Map of Downtown Whitby Community Improvement Project Area



Appendix B: Map of Historic Downtown Whitby Priority Area



Appendix C
Downtown Whitby
Community Improvement Plan

Implementation Guidelines for:

Development Charge Full or Partial Exemption

Cash-in-Lieu of Parking

Tax Increment Equivalent Grant

Façade Improvement Grant / Design Grant

Sign Grant

Interior Heritage Building Grant

January 2024

1.0 Introduction

These Implementation Guidelines activate and provide further details on all available incentive programs within the "toolbox" of incentives in the CIP, namely:

- Development Charge (DC) Full or Partial Exemption;
- Cash-in-Lieu (CIL) of Parking;
- Tax Increment Equivalent Grant (TIEG);
- Façade Improvement Grant / Design Grant;
- Sign Grant; and
- Interior Heritage Building Grant.

2.0 Development Charge (DC) Full or Partial Exemption

The following Development Charge Full or Partial Exemptions (grant-in-lieu) apply to high density residential development, mixed use development and commercial and office development in the Downtown Whitby Community Improvement Project Area (CIPA) for local (Town of Whitby) Development Charges:

2.1 DC Partial Exemption for High Density Residential and Residential Mixed Use Development:

A 75% DC exemption for high density residential developments and the residential component of mixed use developments within the Historic Downtown Whitby Priority Area.

A 50% Development Charge exemption for high density residential and the residential component of mixed use developments outside the Historic Downtown Whitby Priority Area.

2.2 DC Full Exemption for Retail Commercial and Office Expansion Development:

Within the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings which are enlarged by up to 50% of the existing Gross Floor Area (GFA), up to a maximum of 929 square metres (10,000 square feet).

Outside of the Historic Downtown Whitby Priority Area, a 100% DC exemption is provided for existing retail commercial and office buildings enlarged by up to 50% of the existing GFA, up to a maximum of 464 square metres (5,000 square feet).

2.3 DC Partial Exemption for New Office Development:

Where the gross floor area of a new office (not including a medical office) development exceeds 90 square metres (968 square feet), the exemption shall be either:

a) 75% DC exemption in the Historic Downtown Whitby Priority Area; or

b) 50% DC exemption outside of the Historic Downtown Whitby Priority Area.

2.4 Eligibility

This program applies to:

- New high density residential developments and residential components of mixed use developments in the Historic Downtown Whitby Priority Area;
- Expanded retail, commercial and office uses in the Downtown Whitby CIPA; and
- New office development in the Downtown Whitby CIPA.

2.5 Municipal Investment

Development Charge Partial Exemption provided through the CIP Incentive for the High Density Residential and Residential Mixed Use Development, as described above, includes a municipal investment that shall not exceed $2,598,010 for all qualifying residential developments in the Downtown Whitby Community Improvement Project Area over the life of the CIP by-law.

The municipal investment for Development Charge Full Exemption for Retail Commercial and Office Expansion Development and Development Charge Partial Exemption for New Office Development has been reallocated to another program in the CIP and therefore no budget is currently available for these programs.

The scope, municipal investment and benefits of the incentive can be examined and re-evaluated regularly.

2.6 Administration

The application process for the Development Charge (DC) Full or Partial Exemption Program is as follows:

a) The owner of the property submits a completed application at the time of Site Plan submission. The application must include information with the exact number and type of units, GFA of retail commercial and office uses, timeline and commitment to proceed to building permit.

b) Approval of Development Charge Full or Partial Exemptions would be delegated to a Senior Leadership Team comprised of to the Commissioners of Planning and Development, Financial Services/Treasurer and the Director of Strategic Initiatives. The Application Review Team confirms eligibility, complete application and provides a summary of application to the Senior Leadership Team for approval.

c) A letter is provided to the owner confirming eligibility is met and providing a maximum approved grant amount for the DC full or partial exemption.

d) Just prior to Building Permit issuance, the payable DC amount is calculated accordingly, net of the application grant amount.

e) The Development Charge Full or Partial exemption is based on the applicable percentage of the Development Charges required in accordance with the Development Charge By-law in effect at the time the CIP application is approved. Upon application for a Building Permit, should:

   - Increased development charge rates apply to the development, the grant amount will not exceed the maximum grant identified in the approval letter;
   - The development proposal change (i.e. development type, the residential units (number/ type) or non-residential GFA), the Development Charge Full or Partial Exemption will be recalculated accordingly, and will not exceed the previous approved maximum in the CIP application; and

- New legislation on Development Charges come into effect that reduces the Development Charge from the time of the CIP application, the Development Charge Full or Partial Exemption will be recalculated accordingly and the applicable grant shall not exceed the identified CIP program's maximum contribution.

f) The Development Charge exemption/reduction grant payment will be charged to the Community Improvement Plan capital project and credited to the applicable Development Charge reserve funds.

g) In cases where the total approved municipal investment in these programs has been reached, applicants will be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

h) A Building Permit must be issued and Development Charges paid within 1 year from the date the Development Charge CIP application was approved. Extensions may be granted at the discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

2.7 Evaluation Criteria

a) The proposed development/redevelopment will provide additional, commercial, office and/or residential space in Downtown Whitby.

b) The proposed development/redevelopment will result in additional tax revenue;

c) The proposed development/redevelopment will result in a more complete streetscape;

d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;

e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;

f) The owner/developer has experience in the field with similar size developments/redevelopments;

g) The owner/developer has financial ability to complete the identified work; and

h) The proposed improvement are in accordance with all applicable policies, by-laws and building code requirements.

3.0 Cash-in-Lieu (CIL) of Parking

3.1 Cash-in-lieu of Parking Rate Reduction

The Town's cash-in-lieu of parking rate is $7,500 per surface parking space or the amount determined by any future Parking Master Plan for non-residential development. This amount excludes the cost of land, and is not available for accessible parking spaces.

For qualifying developments, the Town may provide a 50% discounted cash-in-lieu of surface parking rate of $3,750 per space ($7,500 * 50% = $3,750 taxes excluded).

3.2 Eligibility

The following eligibility criteria are used to evaluate a request for cash-in-lieu of parking in the Downtown Whitby CIPA:

- Development proposal is non-residential (i.e. retail, commercial, and office);
- Development is not able to provide/secure off-site parking within an acceptable walking distance of the site;
- It is not financially feasible to provide parking on site as part the development; and
- The addition of parking on site is determined to have negative urban design impacts.

3.3 Municipal Investment

The municipal investment for cash-in-lieu of parking has been reallocated to other programs in the CIP and therefore no budget is currently available for this program.

3.4 Administration

The application process for the Cash-in-lieu of Parking Program is as follows:

a) Through the Site Plan submission, an owner/applicant requests to use the cash-in-lieu of parking provision.

b) The owner/applicant provides a summary outlining how the development proposal qualifies/meets the eligibility criteria listed above. This can be submitted in conjunction with the Parking Study or as a separate document.

c) Staff evaluates the request and confirms eligibility and complete application.

d) Staff prepares the Site Plan Agreement including the cash-in-lieu of parking requirements and any associated conditions.

e) The owner/applicant pays the required cash-in-lieu at the time the Site Plan Agreement is registered.

f) Construction must be started within 1 year for which the Cash-in-Lieu of Parking CIP application was approved. Extensions may be granted at the

discretion of the CIP Senior Leadership Team through a written request outlining the reasons for the extension.

4.0 Tax Increment Equivalent Grant (TIEG)

4.1 Tax Increment Equivalent Grant (TIEG)

Within the Historic Downtown Whitby Priority Area, an overall 45% rebate on a declining basis over a five year period on the municipal tax increment for eligible non-residential (commercial and office) development or redevelopment is provided.

4.2 Eligibility

This program is limited to non-residential (commercial and office) development or redevelopment within the Historic Downtown Whitby Priority Area. In the case of a mixed use development, the grant only applies to the increase in assessment related to eligible uses. The TIEG only cover costs related to the Town's portion of the property tax increment. Eligible projects must include:

- A minimum new development or expansion of an existing building of 232 square metres (2,500 square feet).
- New development may include reconstruction of a building that was demolished or lost more than 3 years.

If there is minimal uptake within the Historic Downtown Whitby Priority Area within the first two years of the CIP By-law, the program may be expanded to the entire CIPA through a technical by-law amendment to the Implementation Guidelines.

The following limitations apply:

- Only the property owner is eligible for the rebate.
- The program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease or changes in tax legislation.
- The annual rebate is not based upon occupancy or changes in occupancy.
- All annual rebates are retroactively adjusted to reflect any assessment valuation changes resulting from assessment appeals, requests for reconsideration or other similar adjustment to the assessment value.
- Rebate payments will cease once the total rebate along with all other grants provided equals the eligible costs or after five years, whichever comes first.
- All levies related to the Downtown Whitby Business Improvement Area (BIA) or other similar levies are excluded from the calculation to determine the eligible amount of taxation.
- Where properties that are not previously subject to taxes are redeveloped, the base tax shall be based on the tax that would be applied to the land and building based on the current use.

4.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Tax Increment Equivalent Grant Program:

a) The proposed development/redevelopment will provide additional commercial and/or office space in Downtown Whitby;

b) The proposed development/redevelopment will result in additional tax revenue;

c) The proposed development/redevelopment will result in a more complete streetscape;

d) The proposed development/redevelopment will maximize the impact of the funding in terms of representing a comprehensive development or redevelopment of a building/property;

e) The proposed development/redevelopment will meet requirements of the designation by-law if the building/property is designated under the Ontario Heritage Act;

f) The owner/developer has experience in the field with similar size developments/redevelopments;

g) The owner/developer has the financial ability to complete the identified work; and

h) The proposed improvements are in accordance with all applicable policies, by-laws and building code requirements.

4.4 Municipal Investment

The TIEG incentive program is limited to a municipal investment that shall not exceed $41,865 for all qualifying non-residential (commercial and office) developments in the Historic Downtown Whitby Priority Area over the life of the CIP By-law. This will be monitored through the Site Plan Application process to track eligible development applications. The program ceases once the municipal investment is exhausted or the CIP program expires.

The total value of grants and other incentives cannot exceed eligible costs of the development/redevelopment as per the requirements of the Planning Act.

4.5 Administration

The application process for the TIEG Program is as follows:

a) Consult with the Application Review Team regarding the proposed project to ensure eligibility.

b) The owner submits a completed application form at the time of Site Plan. The application must include the following information:

- Professional drawings/plans that provide sufficient detail to describe the proposed work including number, size, tenure and

projected unit sale prices and/or rental rates of units to be constructed and construction drawings.

- If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency.
- A written estimate of project construction costs, including a breakdown of said costs, from a qualified architect or contractor.

c) The Application Review Team confirms eligibility, complete application and provides report to Council for approval for all development proposals.

d) Pre-project municipal taxes are determined by the Town before commencement of the project at the time the application is reviewed. These base municipal property taxes are adjusted to reflect the actual property taxes for the year in which the work is completed.

e) A letter is provided to the owner confirming eligibility is met.

f) Applicable development approvals such as Site Plan, Building Permit, Heritage Permit or other requirements as necessary, must be obtained as part of the application.

g) The owner is required to enter into a TIEG Agreement with the Town outlining any conditions as part of the application. In the event of sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property, any future Grants will be terminated unless otherwise approved by Council.

h) Any proposed deviations/changes from the approved drawings by the owner shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

i) Construction must be started within the 1 year from the date the TIEG application was approved.

j) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension.

k) The owner shall co-operate with MPAC to facilitate a post-improvement assessment of the property following completion of an eligible project.

l) The Town determines the difference between the amount of Town taxes prior to the improvement and post-improvement. This difference is known as the “municipal tax increment” and shall be the portion eligible for a partial rebate under this program

m) Rebates are issued over a 5 year period. This 5 year period is calculated effective for the first 60 months after MPAC has issued the supplemental/omitted assessment valuation, and is effective as of the date used by MPAC to reflect the increased assessment.

n) All TIEG rebates are applied to the property tax account for tracking purposes. Property owners receive a written notification when the rebate has been processed. If property taxes are paid in full, the owner has the option to request a refund or leave the credit on their tax account to be used again future property taxes.

o) Rebates are calculated and applied to the tax accounts within 120 days of the initial supplemental/omitted tax bill being issued and within 60 days of the final tax billing in each subsequent year.

p) The rebate program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; and/or inconsistent with the TIEG Agreement.

5.0 Façade Improvement Grant

5.1 Façade Improvement Grant in Historic Downtown Whitby Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of $10,000 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of $30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.2 Façade Improvement Grant outside Priority Area

A Façade Improvement Grant equal to 50% of the costs of external improvements, up to a maximum of $7,500 per municipal street address, storefront or commercial unit, whichever is less, subject to an overall maximum of $22,500 per property for a building with multiple street addresses, storefronts or commercial units.

Designated (Part IV or Part V) heritage properties outside of the Historic Downtown Whitby Priority Area in the CIPA are eligible for a grant equal to 50% of the costs up to a maximum of $10,000 per municipal street address, storefront or commercial unit, subject to an overall maximum of $30,000 per property for a building with multiple street addresses, storefronts or commercial units.

5.3 Design Grant

A Design Grant equal to 50% of the costs for professional design fees associated with a Façade Improvement Grant, Sign Grant and/or Interior Heritage Building Grant project up to a maximum of $2,000 per municipal street address, storefront or commercial unit for properties within the CIPA. This grant is provided in addition to the grants available as part of the Façade Grant, Sign Grant and/or Interior Heritage Building Grant.

5.4 Eligibility

These grants are available for existing buildings that are commercially or institutionally zoned properties in the CIPA. Grants apply to eligible building improvements to the front and side facades visible from the street. Eligible projects include:

- Structural/safety replacement and repair for exterior facade;
- Repair/replacement of windows, doors, storefronts, awnings, canopies, cornices, eaves, parapets and other architectural features;
- Installation or repair of exterior lighting;
- Cleaning/painting of facades visible from adjacent streets and public walkways;
- Repair/restore historic masonry;
- Entrance modifications, including the installation of ramps for accessibility purposes;

- Repair of facades visible from adjacent streets and public walkways;
- Landscaping such as walkways, planters and permanent plantings;
- Exterior fire safety upgrades to code;
- Water/flood/weather proofing;
- Structural repairs to exterior walls and foundations;
- Installation, repair or reinstall of cable, telephone, fibre and other service-specific installations to support business development and growth to the Historic Downtown Whitby Priority Area; and,
- Other capital improvements which the Town, in its sole discretion, determines are important to incorporate as an integral part of the total façade improvement design.

The following types of projects are ineligible:

- New construction (unless signage see Section 6);
- Roof repairs / replacement (unless considered a decorative element) at the discretion of the Town;
- General maintenance and repairs at the discretion of the Town;
- Security systems;
- Insulation;
- Sandblasting and high-pressure water blasting of brick;
- Painting historic masonry;
- Driveway paving / widening for parking areas;
- Manufacturing of commemorative plaques; and
- Interior window coverings.

The following limitations apply:

- A property owner/tenant of a given property may only apply for a façade improvement and design grant once every five years.
- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- Eligible grant amount(s) are based on costs exclusive of HST.

5.5 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for building improvements:

a) The improvement is sensitive to existing streetscape with respect to proportions, materials, colour, signage and architectural detail;

b) The improvement meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

c) The improvement results in a comprehensive renovation of the façade leading to significant overall positive impact to the aesthetic qualities of the area;

d) The improvement results in restoration/preservation of original façade features (i.e. glazing, storefronts, doorways);

e) The improvement uses original or similar materials and historic colours where feasible;

f) The improvement represents a significant restoration of a key heritage building (listed or designated);

g) The contractor(s) has experience working on heritage facades and ability to complete the identified work(s); and

h) The proposed improvements are in accordance with identified design policies, by-laws and building code requirements.

5.6 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant Programs.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

5.7 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Façade Improvement and Design Grant Programs is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

- A photograph of the existing façade.
- Two quotes for the estimated work(s) from qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).

- One quote for the design professional engaged to provide design services where applicable.
- Attach drawings/sketches, manufacturer information, building product information of proposed improvements. Drawings/sketches must indicate what areas of the facade are to be cleaned, repaired, painted, rebuilt, resurfaced, replaced, etc., or what new features will be installed.

c) Staff confirms eligibility and complete application.

d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant(s).

e) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

i) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.

j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Façade Grant Application; or that requires a building permit and inspections have not been conducted.

6.0 Sign Grant

6.1 Sign Grant in CIPA

For projects that meet the Town's Permanent Sign By-law and associated heritage sign guidelines, a grant equal to 50% of the cost of signage and associated lighting is provided, up to a maximum of $2,000.

6.2 Eligibility

This grant is available for existing and new buildings that are commercially or institutionally zoned properties in the CIPA. Eligible projects include:

- Construction and Installation of new signage including the use of frosted glass, projecting signs and/or appropriate window signs;
- Refurbishment of existing signage; and
- Decorative lighting improvements associated with signage.

The following types of signs are ineligible:

- Internally illuminated signs;
- "Open" signs (electronic);
- Hours of Operation signs (electronic);
- Digital signs; and
- Temporary signs.

The following limitations apply:

- An owner or tenant of a given property may only apply for a Sign Grant once every five years, unless ownership or tenancy changes. In this instance, within the five-year period the new owner or tenant may be eligible for a Sign Grant equal to 50% of the costs of the improvements, up to a maximum of $1,000.
- Eligible grant amount(s) are based on costs exclusive of HST.

6.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for signage:

a) The sign is sensitive to the existing building and streetscape with respect to scale, proportions, and architectural detail;

b) The sign is placed in a traditional location such as above the storefront or a ground sign;

c) The sign uses traditional/authentic materials, historic colours and appropriate font or letter styles where feasible;

d) The sign meets requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

e) The sign is in accordance with provisions in the Sign By-law and heritage sign guidelines.

6.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

6.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Sign Grant Program is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

- A photograph of the existing sign (if applicable) and/or building façade where the sign will be installed;
- Two quotes for the estimated work from the sign company and/or lighting contractor;
- Attach drawings/sketches, manufacturer information, product information of proposed sign/lighting. Drawings/sketches must indicate sign/lighting placement on building, dimensions, colours etc. or how the existing sign will be refurbished.

c) Staff confirms eligibility and complete application.

d) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.

e) Applicable development approvals such as Building Permit (sign permit), Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

f) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

g) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

h) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

i) The approved grant cheque amount for signage are issued to the applicant when the sign/lighting is installed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application.

j) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Sign Grant Application; or that requires a building permit and inspections have not been conducted.

7.0 Interior Heritage Building Grant

7.1 Interior Heritage Building Grant

The Interior Heritage Building Grant covers 50% of the costs of internal improvements, to a maximum of $10,000 for listed or designated heritage properties within the Historic Downtown Whitby Priority Area as well as designated heritage properties outside the Priority Area within the larger CIPA.

7.2 Eligibility

This grant is limited to designated and/or listed heritage properties (as per the Ontario Heritage Act) within the Historic Downtown Whitby Priority Area and designated properties in the larger CIPA that are commercially or institutionally zoned. The grant also applies to the residential portion of a mixed use commercially zoned property. Eligible projects include:

- Interior modifications to provide barrier-free accessibility;
- Installation/upgrading of fire protection systems;
- Structural repairs to walls, ceilings, floors and foundations;
- Water, flood, weatherproofing;
- Extension/upgrading of plumbing and electrical services for the creation of retail and office spaces;
- Required improvements to heating and ventilations systems;
- Interior works specifically referred to in the Reasons for Designation of a designated property, including but not limited to: woodwork, plasterwork, wall or ceiling murals, or metal work and other decorative features;
- Comprehensive improvements to building systems for the purpose of activating previously unused space or to make the buildings more attractive to potential leasers; and
- Other similar repairs/improvements related to health and safety issues, as may be approved by the Town.

The following types of projects/works are ineligible:

- General maintenance and repair;
- Security systems; and
- New additions or construction.

The following limitations apply:

- Proposed works under $1,000 per property are not eligible.
- An owner of a given property may only apply for an Interior Heritage Building Grant once every five years.

- Funds may be advanced prior to the five year timeline at the discretion of the Town if the application uptake is low for a particular year. This will be reviewed in September of each calendar year.
- If cost estimates appear unreasonable or incomplete, staff may require further documentation or a new cost estimate.
- Eligible grant amount(s) are based on costs exclusive of HST.

7.3 Evaluation Criteria

The following criteria are used when reviewing and evaluating applications for the Interior Heritage Building Grant Program:

a) The proposed eligible improvements maximize the impact of the funding in terms of representing a comprehensive renewal of a building, its systems and interior space;

b) The project includes more than one of the eligible items as part of the renovation;

c) The project represents a significant restoration of a key heritage building (listed or designated);

d) The improvements meet requirements of the designation by-law if the building is designated under the Ontario Heritage Act;

e) The contractor(s) has experience working on heritage buildings and ability to complete the identified work(s); and

f) The improvements are in accordance with all applicable by-laws and building code/fire code requirements.

7.4 Municipal Investment

A joint fund is provided for the Façade Improvement Grant, Design Grant, Sign Grant, and Interior Heritage Building Grant.

The total municipal investment allocated to the Façade Improvement Grant, Design Grant, Sign Grant and Interior Heritage Building Grant is $45,000 per year plus $113,838 carried-over from the prior CIP program ($293,838 over the four year duration of the CIP program).

7.5 Administration

Applications are received on a first-come, first-serve basis until the total municipal investment has been reached. In cases where the municipal investment has been reached, applicants may be contacted and invited to re-submit an application if and when the municipal investment is increased by Council.

The application process for the Interior Heritage Building Grant Program is as follows:

a) Consult with Staff regarding the proposed project to ensure eligibility and whether any necessary permits or other approvals are required prior to submitting the application.

b) The applicant submits a completed application form prior to any work being undertaken. The application must include the following information:

    - Photograph documentation of area of work for the proposed project.
    - Two quotes for the estimated work(s) from a qualified contractor(s). The cost estimate(s) should break out the cost for labour and material by type of improvement in order for staff to fully understand the scope of work and the costs involved. (Note: that if the applicant is the contractor, a second estimate is still required).
    - Professional drawings/plans that provide sufficient detail to describe the proposed work. (Note: If the scope of work requires additional approvals such as a Building Permit, more detailed drawings may be required, specific to the approval department or external agency).

c) If cost estimate appears unreasonable or incomplete, staff may require further documentation or a new cost estimate. With respect to heritage resources, the applicant is strongly encouraged to utilize a contractor that has expertise and experience with heritage buildings.

d) The Application Review Team confirms eligibility and complete application.

e) A letter is provided to the owner/applicant confirming eligibility is met and outlining an estimate of the eligible grant.

f) Applicable development approvals such as Building Permit, Heritage Permit, Road Occupancy Permit or other requirements as necessary, must be obtained as part of the application.

g) Any proposed deviations/changes from the approved drawings by the applicant shall be discussed and approved by Town staff prior to undertaking the associated works. Any works completed that are not consistent with the approved drawings, without agreement from Town staff, are at risk of not receiving funding.

h) Construction must be completed within the calendar year (i.e. before December 31) from the date the application was approved.

i) Extensions may be granted at the discretion of the Town through a written request outlining the reasons for the extension beyond December 31.

j) The approved grant cheque amount for construction costs are issued to the applicant when construction is completed, contractors have been paid, invoices submitted to the Town and a site inspection has occurred to confirm the work was completed in accordance with the approved application and/or permits.

k) The grant program does not reward poor stewardship. As a result, the Town of Whitby reserves the right to withhold payment of a grant to work/projects that are substandard or completed poorly; inconsistent with the Interior Heritage Building Grant Application; or that requires a building permit and inspections have not been conducted.