



Regular Council Minutes

March 18, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell (Virtual Attendance)
Councillor Leahy (Virtual Attendance)
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid (In-Person Attendance at 7:00 p.m., Virtual Attendance at 9:17 p.m.)
Councillor Yamada

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

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

Councillor Lundquist declared a conflict of interest regarding Item 8.5, PDP 07-24, noting that her mother resides at 300 High Street. Councillor Lundquist did not take part in the discussion or voting regarding this Item.

Councillor Mulcahy declared a conflict of interest regarding Item 9.13, CLK 03-24, noting that she was the owner of a local newspaper. Councillor Mulcahy did not take part in the discussion or voting regarding this Item.

4. Adoption of Minutes

Regular Council - January 29, 2024

Special Council - January 29, 2024

Special Council - February 5, 2024 (5:30 p.m.) (Confidential Minutes Under Separate Cover)

Special Council - February 5, 2024 (7:00 p.m.)

Special Council - February 15, 2024

Resolution # 33-24

Moved by Councillor Cardwell

Seconded by Councillor Shahid

That the Regular Council Minutes of January 29, 2024, and the Special Council Minutes of January 29, February 5 (5:30 p.m.), February 5 (7:00 p.m.), and February 15, 2024 be approved.

Carried

5. Presentations

5.1 John Austin, Town of Whitby

Recognition: 50 Years of Service with the Town of Whitby

Mayor Roy attended the dais and was joined by Matt Gaskell, CAO. John Austin was welcomed onto the dais and recognized for his 50 years of service with the Town of Whitby.

5.2 Whitby Wildcats U14 A Blue Hockey Team

Recognition: International Silver Stick Tournament Winners

Mayor Roy attended the dais and was joined by Councillor Yamada. Members of the Whitby Wildcats U14 A Blue Hockey Team and their

coaching staff were welcomed onto the dais and recognized for winning the International Silver Stick Tournament.

5.3 Andrea Smith, Manager of Corporate Initiatives, Regional Municipality of Durham (In-Person Attendance)

Re: Region of Durham's 2025 Strategic Plan

Andrea Smith, Manager of Corporate Initiatives, Regional Municipality of Durham provided a PowerPoint presentation regarding the Region of Durham's 2025 Strategic Plan. Highlights of the presentation included:

- the purpose of the Durham Region's Strategic Plan;
- approaches to developing the 2025 Strategic Plan, including data-informed insights, innovative thinking, meaningful engagement, community-oriented approaches, and transparent decision-making;
- a timeline and overview of the project phases; and,
- engagement activities, including an online community survey.

A question and answer period ensued between Members of Council and Staff regarding the timeline for concluding community consultation, including the online survey and art contest.

5.4 Ronald Death and Hubert Schillings, Members, Durham Agricultural Advisory Committee (In-Person Attendance)

Re: Durham Agriculture 101

Ronald Death and Hubert Schillings, Members, Durham Agricultural Advisory Committee provided a PowerPoint presentation regarding Durham Agriculture 101. Highlights of the presentation included:

- advice provided by the Durham Agricultural Advisory Committee (DAAC) to the Region of Durham regarding agricultural matters and rural matters as they relate to agriculture;
- an overview of agriculture in Whitby;
- data pertaining to the number and types of farms in Whitby in 2021;
- factors impacting the cost of food;
- an overview of the agricultural landscape in Whitby, including primary types of agriculture, the related and supportive agri-businesses, and demand for diversified agriculture;

- the planning framework for Whitby agriculture;
- examples of agri-business, including on-farm diversified uses, crop input and feed supply, innovative agriculture practices, and vertical farming;
- on-farm business infrastructure, such as office space and housing for farm workers; and,
- consultation with DAAC regarding road maintenance planning and other projects.

A question and answer period ensued between Members of Council, Ronald Death, and Hubert Schillings regarding:

- clarification regarding the notion that farmers do not determine the cost of commodities associated with producing food;
- consultation between farmers and the Province of Ontario regarding removing tolls on Highway 407;
- addressing the impact of labour shortages and other factors impacting the increased cost of food production;
- the financial impact of carbon tax on the feasibility of farming operations;
- factors impacting the number of active farms in Durham Region, such as generational planning;
- provincial advocacy efforts that focus on areas of concern to farmers; and,
- environmental and/or financial sustainability efforts that may support the agricultural industry in Whitby.

5.5 MP Turnbull (Virtual Attendance)

Re: Oshawa Airport Noise Update

MP Turnbull provided a verbal update regarding noise at the Oshawa Airport. Highlights of the update included:

- the frequency of complaints regarding the levels and frequency of noise generated by the Oshawa Executive Airport (the "Airport");
- consultation between the City of Oshawa, the community, and other stakeholders;

- the proposed noise abatement procedures submitted to Transport Canada, which has requested additional information from the Airport Manager;
- MP Turnbull's community engagement efforts, including continued communication with residents, the Airport Manager, and Transport Canada;
- the number of complaints pertaining to noise generated by flight schools operating out of the Airport;
- the uncertain outcome of court proceedings pertaining to the Airport's decision not to renew an existing lease with one of the flight schools currently operating at their facility;
- continued advocacy for noise abatement measures at the federal level; and,
- offsetting the income generated by flights schools through alternate revenue sources, such as increasing commercial services, to ensure the Airport remains financially viable.

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

- clarification regarding the proposed noise abatement procedures submitted to Transport Canada;
- publicly available documents that may be distributed to Council and residents for their information;
- the anticipated timeline for the Airport to provide a response to Transport Canada regarding the proposed noise abatement procedures;
- common complaints received by the Town regarding noise generated by the Airport;
- the impact of the proposed noise abatement procedures on other airports, should the procedures be approved; and,
- whether increasing commercial services offered by the Airport will generate a similar amount of noise compared to the noise generated by a flight school.

6. Delegations

6.1 David Airdrie, Resident (In-Person Attendance)

Re: PDP 05-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited
Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 8.3, PDP 05-24

David Airdrie, Resident, appeared before Council to express his concerns with the proposed development at 1650 Halls Road North, including:

- the impact of the proposed development on existing residential properties in the neighbourhood;
- the proximity of the proposed development entrance to his property; and,
- a desire for sound mitigation measures and relocation of the proposed development entrance onto Lake Ridge Road.

A question and answer period ensued between Members of Council and Mr. Airdrie regarding the delegate's request for sound mitigation measures and entrance location.

6.2 Scott Waterhouse and Toni Wodzicki, representing Halls-Lake Ridge Limited Partnership (In-Person & Virtual Attendance)

Re: PDP 05-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, Halls-Lake Ridge Limited
Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

Refer to Item 8.3, PDP 05-24

Scott Waterhouse and Toni Wodzicki, representing Halls-Lake Ridge Limited Partnership, appeared before Council to provide an overview of the consultation between the applicant, Town Staff, the adjacent land owner, and residents. Mr. Waterhouse detailed the applicant's concerns regarding the proposed use of a Holding (H) provision applied to the Prestige Employment Zone for the subject property. He advised that the applicant would continue to investigate the feasibility and practicality of gaining alternate site access onto Lake Ridge Road through the adjacent property. Mr. Waterhouse noted that the applicant remains supportive of the original Staff recommendation as presented in Report PDP 05-24, and does not support the use of a Holding (H) provision.

A question and answer period ensued between Members of Council, Staff, Mr. Waterhouse and Mr. Wodzicki regarding:

- clarification regarding consultation between the applicant and the adjacent property owner; and,
- the anticipated timeline for completing a feasibility assessment of the alternate access through the adjacent property.

It was the consensus of Council to hear Item 8.3, PDP 05-24, at this time.

6.3 Trevor Arkell, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)

Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 8.5, PDP 07-24

Trevor Arkell, Resident, appeared before Council to comment on the proposed development, including:

- the location of the proposed structure in relation to the existing apartment building on the property;
- the impact of the proposed structure on sun exposure and privacy to the existing apartment building;
- an increased level of noise and debris resulting from the increased number of residents, vehicle traffic, HVAC systems, and the construction phase of the development;
- access to the development by emergency service vehicles; and,
- concerns regarding the removal of mature trees to accommodate the proposed development.

A question and answer period ensued between Members of Council and Mr. Arkell regarding whether the delegate supports the proposed amendment to the Staff recommendation.

6.4 Leah Van Roessel, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)

Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 8.5, PDP 07-24

Leah Van Roessel, Resident, appeared before Council to comment on the proposed development, including:

- the location of the new structure in relation to the existing apartment building;
- concerns expressed by residents pertaining to construction noise, increased traffic, groundwater contamination, the impact on mature trees, and privacy concerns; and,
- support for locating the proposed structure far enough from the existing apartment building to preserve the structural integrity of the apartment building.

6.5 Judith Blazina, Resident (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 8.5, PDP 07-24

Judith Blazina, Resident, appeared before Council to express her support for locating the proposed structure parallel to High Street to maintain the beauty and value of the property, and reduce the impact on the existing apartment building.

6.6 Mike Zavershnik, representing 2622974 Ontario Inc. (In-Person Attendance)

Re: PDP 07-24, Planning and Development (Planning Services)
Department Report

Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Refer to Item 8.5, PDP 07-24

Mike Zavershnik, representing 2622974 Ontario Inc., appeared before Council and thanked residents for providing their feedback. Mr. Zavershnik expressed a desire to improve the availability of rental housing, and committed to maintaining the beauty of the property.

A question and answer period ensued between Members of Council and Mike Zavershnik regarding confirmation that the applicant will continue to

consult with the residents to ensure their concerns and requests are addressed.

It was the consensus of Council to hear Item 8.5, PDP 07-24, at this time.

7. Correspondence

7.1 Correspondence

That the following requests be endorsed:

- Guillain-Barré Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy Awareness Month - May 2024
- International Fibromyalgia Awareness Day - May 12, 2024
- Deafblind Awareness Month - June 2024
- Filipino Heritage Month - Flag Raising - June 24 to 28, 2024

Resolution # 34-24

Moved by Councillor Bozinovski

Seconded by Councillor Leahy

That the proclamations for Guillain-Barré Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy Awareness Month, International Fibromyalgia Awareness Day, and Deafblind Awareness Month, and the flag raising for Filipino Heritage Month be endorsed.

Carried

8. Committee of the Whole Report - Planning and Development

Planning and Development - February 26, 2024 and March 4, 2024

8.1 Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations

A question and answer period ensued between Members of Council and Staff regarding the anticipated timeline for Staff to provide an update to Council.

Resolution # 35-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

That the Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated January 22, 2024 re: Port Whitby Traffic Considerations, be received for information.

Carried

8.2 PDP 04-24, Planning and Development (Planning Services) Department Report

Re: Van Horne Outdoors / AllVision Proposal

Resolution # 36-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council support the request from Van Horne Outdoors and AllVision to permit digital billboards on three railway bridges; and,
2. That staff be authorized to enter into the necessary agreement substantially as outlined in Report PDP 04-24, and to the satisfaction of the Town Solicitor, and prepared amendments to Permanent Sign By-law #7379-18, to be brought forward for Council's consideration.

Carried

8.3 PDP 05-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

See also Memorandum from R. Saunders, Commissioner of Planning and Development, dated March 6, 2024 regarding Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Rd N (Report No. PDP 05-24)

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

- the impact of applying a Holding (H) provision to the Prestige Employment Zone for the subject property on achieving Council's intended outcome;

- a history of the land designation through the West Whitby Secondary Plan;
- whether the applicant may appeal Council's decision regarding the proposed Holding (H) provision of the by-law with the Ontario Land Tribunal (OLT);
- the strength of the Town's position, should the proponent appeal Council's decision to the OLT;
- traffic mitigation strategies on Halls Road;
- whether removal of the Holding (H) provision requires Council direction, and whether interested parties may be notified of future updates regarding the development; and,
- stipulated criteria for removing the Holding (H) provision.

Resolution # 37-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve an amendment to Zoning By-law No. 1784 (File No. Z-08-23), as outlined in Planning Report PDP 05-24, subject to a Holding (H) provision being added to the Prestige Employment Zone for the property, to be removed by amendment at such time as alternative vehicular transport truck ingress and egress routes using either private driveway right-of-way and/or public streets have been established or suitable arrangements have been made to create such ingress and egress routes in order to provide transport trucks servicing 1650 Halls Road North an alternative access route other than Halls Road North; and,
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council at the March 18, 2024 Council Meeting.

	For	Against	Conflict
Mayor Roy	X		
Councillor Bozinovski		X	

Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist	X		
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
Results	8	1	0

Carried (8 to 1)

It was the consensus of Council to hear Item 6.3, delegation from Trevor Arkell, Resident, at this time.

8.4 PDP 06-24, Planning and Development (Planning Services) Department Report

Re: 780 Garden Street, Designation of a Property under Part IV, Section 29 of the Ontario Heritage Act - Update

Resolution # 38-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council mutually agree to the owner's request for an extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 1(2) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Mayfield House, located at 780 Garden Street in Whitby; and,
2. That the extension be in effect until December 31, 2024.

Carried

8.5 PDP 07-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, 300 High Street, 2622974 Ontario Inc., File Number: DEV-05-19 (Z-03-19)

Having previously declared a conflict of interest, Councillor Lundquist did not take part in the discussion or voting regarding this Item.

A question and answer period ensued between Members of Council and Staff regarding opportunities for the applicant to explore additional modifications to the proposed location of the building on the property.

Resolution # 39-24

Moved by Councillor Mulcahy

Seconded by Councillor Yamada

1. That Council approve an amendment to Zoning By-law 2585 (Z-03-19), subject to the comments included in Planning Report PDP-07-23;
2. That a by-law to amend Zoning By-law 2585 be brought forward for consideration by Council at such time as the Site Plan Application has been approved; and,
3. That Council direct Staff through the Site Plan Application process to locate the proposed building in the location noted in Attachment 4 to PDP 07-23, being the proponent's original site plan.

Carried

It was the consensus of Council to recess for five minutes. Council recessed at 9:11 p.m. and reconvened at 9:16 p.m.

It was the consensus of Council to hear Item 7.1, Correspondence, at this time.

8.6 PDP 08-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications for 5035 Anderson Street, Whitby Anderson Estates Inc., File Numbers: DEV-14-21 (SW-2021-04, Z-09-21)

Resolution # 40-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-04) and approve an amendment to Zoning By-law #1784 (Z-09-21), subject to the comments included in Planning Report PDP-08-24 and the Conditions of Draft Approval included in Attachment #10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

Carried

8.7 PDP 09-24, Planning and Development (Planning Services) Department Report

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

Resolution # 41-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve Amendment 133 to the Whitby Official Plan, regarding the updated Whitby Official Plan and Secondary Plans, as shown on Attachment #1 to Planning and Development Report PDP 09-24, and that a by-law to adopt Amendment 133 be brought forward for Council's consideration;
2. That the Clerk forward a copy of Planning of Planning and Development Report PDP 09-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment 133 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and,

3. That the Clerk send a Notice of Council's decision regarding adoption of Amendment 133 to those persons and agencies who have requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

Carried

8.8 PDP 10-24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, Whitby 108 Victoria Inc., 106 and 110 Victoria Street West, File Numbers: DEV-33-22 (OPA-2022-W/04, Z-22-22)

Resolution # 42-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve Amendment Number 134 to the Whitby Official Plan (File: OPA-2022-W/04), as shown on Attachment #7, and that a By-law to adopt Official Plan Amendment Number 134 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 10-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 134 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 2585, (File: Z-22-22), as outlined in Planning Report No. PDP 10-24;
4. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council upon Site Plan approval by the Commissioner of Planning and Development; and,
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

Carried

8.9 PDE 01-24, Planning and Development (Engineering Services)
Department Report

Re: Infill Development By-law

Resolution # 43-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That an Infill Development By-law in accordance with the recommendations contained in Report PDE 01-24, be brought forward for Council's approval;
2. That the Director of Engineering Services be directed to finalize and implement the Guidelines to Infill Developments and Grading, Servicing and Drainage Permit in accordance with the recommendations contained in Report PDE 01-24 and in the proposed Infill Development By-law;
3. That the Director of Engineering Services be provided with the delegated authority to amend the Guidelines to Infill Developments and Grading, Servicing and Drainage Permit from time to time;
4. That Council approve the proposed Infill Development Fees and Securities as outlined in Report PDE 01-24; and,
5. That the Fees and Charges By-law # 7220-17, as amended, be further amended to include the proposed Infill Development By-law Fees and Securities, as outlined in Report PDE 01-24.

Carried

8.10 PDP 11-24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Applications, Frontdoor Developments (Palmerston) Inc., 400 Palmerston Avenue, File Number: DEV-25-23 (OPA-2023-W/03, SW-2023-03 and Z-09-23)

See also Memorandum from R. Saunders, Commissioner of Planning and Development dated March 18, 2024 regarding Update to Report PDP 11-24: Official Plan Amendment, Draft Plan of Subdivision and

Zoning By-law Amendment Applications – Front Door Developments (Palmerston) Inc. – 400 Palmerston Ave

Discussion ensued between Members of Council regarding appreciation for the efforts of Staff in addressing concerns regarding the proposed building height on the west side of the new internal street.

Resolution # 44-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-03), subject to the comments included in Planning Report PDP 11-24 and the conditions of draft plan approval included in Attachment #12;
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 #2585 (File No. Z-09-23), as outlined in Planning Report No. PDP 11-24, including a provision to restrict building height on the west side of the municipal road to 2-storeys; and,
5. That a by-law to amend Zoning By-law #2585 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval.

Carried

8.11 PDP 12-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Icon Taunton Limited, 945 Taunton Road East, File Numbers: DEV-28-23 (SW-2023-04, Z-10-23)

Resolution # 45-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-04), subject to the comments included in Planning Report PDP 12-24 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 #1784, (File No. Z-10-23), as outlined in Planning Report No. PDP 12-24; and,
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 Site Plan Approval is issued by the Commissioner of Planning and Development.

Carried

8.12 Three Way Stop at White Ash Drive and Palmerston Avenue

Resolution # 46-24

Moved by Councillor Mulcahy

Seconded by Councillor Cardwell

That Staff be directed to include consideration of a three way stop at White Ash Drive and Palmerston Avenue as part of a report on new stop controls by Q2 2024.

Carried

9. Committee of the Whole Report - General Government

General Government - February 26 and March 4, 2024

9.1 CMS 03-24, Community Services Department Report

Re: Appointment of Members to the Whitby 55+ Recreation Advisory Committee

Resolution # 47-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Council approve and appoint the following members to the Whitby 55+ Recreation Advisory Committee effective immediately for a term ending December 31, 2025:

- Lena Ebrekdjan
- Lynda Kruitiz
- Susan Lythgoe

Carried

9.2 LS 03-24, Legal and Enforcement Services Department Report

Re: Assignment and Transfer of Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, being all of PIN 26515-0401 (LT) from Victorian Order of Nurses Durham Region Community Corporation to Hospice Whitby

See also Memorandum from L. Scott, Real Estate Law Clerk, Legal and Enforcement Services, dated March 18, 2024 regarding Update to Report LS 03-24

Resolution # 48-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

1. That Council direct staff to negotiate and enter into an assignment and assumption agreement with Victorian Order of Nurses Durham Region Community Corporation (“VON”) and Hospice Whitby to provide consent to the assignment and transfer of title of the lands legally described as Part Block K, Plan M1133, designated as Part 2 on Plan 40R-30532, Town of Whitby, being all of PIN 26515-0401 (LT) (the “Property”) to Hospice Whitby;
2. That Council direct staff to alter the condition in the Right of First Refusal Agreement so that the owner would only be required to offer the Property back to the Town if construction of the hospice does not commence within a reasonable timeframe, such timeframe to be determined at the discretion of the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate,

and that the Commissioner of Legal and Enforcement Services/Town Solicitor and the Commissioner of Financial Services/Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto;

3. That the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate, be directed to register the Assignment and Assumption Agreement and/or Right of First Refusal Agreement on title to the Property, as required; and,
4. That the Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services and Treasurer be authorized to take all actions and execute all documents necessary to give effect thereto.

Carried

9.3 Comprehensive Review of the Procedure By-law

Resolution # 49-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That the Clerk be directed to undertake a comprehensive review of the Procedure By-law and report to Council prior to summer recess 2024 with recommended amendments based on an environmental scan of comparator municipalities and consultation with Members of Council; and,
2. That the procedural matters to review include but not be limited to Council remuneration, appointments to advisory boards and committees, assigned seating in Council Chambers, delegations, meeting start and end times, notices of motion, speaking limits, and the appointment of a Deputy Mayor, with the goal of addressing meeting efficiency and enhancing public participation.

Carried

9.4 Memorandum from H. Ellis, Council and Committee Coordinator, dated February 2, 2024 re: Whitby Sustainability Advisory Committee Request that Council Support the Ontario Energy Board's Decision to end the Gas Pipeline Subsidy

A question and answer period ensued between Members of Council and Staff regarding the differing information presented by Durham Region Home Builder's Association and Enbridge Gas Inc. in response to the Ontario Energy Board's decision to end the gas pipeline subsidy.

Resolution # 50-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

Whereas residents are struggling with energy bill increases and need relief; and,

Whereas natural gas is no longer the cheapest way to heat homes because electric heat pumps are now much more efficient, can provide all heating needs even in cold climates, and result in far lower energy bills compared to gas heating; and,

Whereas natural gas is methane gas, which is a fossil fuel that causes approximately one-third of Ontario's GHG emissions, and must be phased out because it is inconsistent with all climate targets, while heat pumps result in the lowest GHG emissions and are consistent with a zero-carbon future; and,

Whereas the Ontario Energy Board (OEB) decided to end a subsidy for methane gas pipelines to be built in new construction developments, effective 2025, finding that this would lower energy bills for existing gas customers and improve affordability for new homebuyers, but this decision is at risk of being overturned by the provincial government; and,

Whereas the OEB decision will help lower energy bills and encourage heating systems that are consistent with climate targets and plans; and,

Whereas the construction of new methane gas pipelines, which have 60-year lifetimes, should not be subsidized because they are inconsistent with the Town's climate targets and will result in higher carbon emissions, higher energy bills, higher future decarbonization retrofit costs to phase out fossil fuel heating, and a continued financial drain as dollars leave the province to pay for fossil fuels extracted in other jurisdictions.

Now therefore, be it resolved:

1. That the Town of Whitby expresses its support for the decision of the Ontario Energy Board to end the gas pipeline subsidy and ask the Ontario Government to allow the decision to stand; and,
2. That this resolution be circulated to Premier Doug Ford; the Minister of Energy, Todd Smith; the Minister of Finance, Peter Bethlenfalvy; the Minister of Municipal Affairs and Housing, Paul Calandra; the Associate Minister of Housing, Rob Flack; President of AMO, Colin Best, the Region of Durham, and all local Ontario municipalities requesting support of the proposed changes.

Carried

- 9.5 Correspondence 2024-87 from A. Adams, Regional Clerk, Regional Municipality of Peel, dated February 2, 2024 re Supreme Court of Appeal in Sudbury v. Ontario (Ministry of Labour)

Resolution # 51-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

Whereas in 2015 the City of Greater Sudbury (“Sudbury”) entered into a contract with a contractor to complete a project in its downtown core; and,

Whereas the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the “Act”); and,

Whereas an employee of the constructor operating a grader on the project struck and killed a pedestrian; and,

Whereas Sudbury was charged with offences under the Act as the constructor and the employer; and,

Whereas after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found Sudbury to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time; and,

Whereas the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in the dismissal of Sudbury’s appeal; and,

Whereas the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume oversight and authority over the work on such site as the constructor; and,

Whereas the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province; and,

Whereas the Town of Whitby believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites.

Now therefore be it resolved:

1. That Correspondence 2024-87 from A. Adams, Regional Clerk, Regional Municipality of Peel, dated February 2, 2024 re Supreme Court of Appeal in Sudbury v. Ontario (Ministry of Labour) be endorsed by Council; and,
2. That the Council of The Town of Whitby requests that the province amend the Occupational Health and Safety Act to clarify the definition of “employer” to exclude owners that have contracted with a constructor for a project; and,
3. That this resolution be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Mayors and Regional Chairs of Ontario, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Greater Toronto Area municipalities.

Carried

9.6 LS 04-24, Legal and Enforcement Services Department Report

Re: Implementation of Administrative Penalty System for parking infractions in Whitby & School Zone Parking Enforcement Update

See also Memorandum from A. Gratton, Manager of Enforcement Services, dated March 5, 2024 regarding Consideration of 3rd tier set fines for the Proposed New Traffic By-law

Discussion ensued between Members of Council regarding justification for increasing the time frame for 3rd tier set fines stipulated in the proposed new Traffic By-law.

Moved by Councillor Bozinovski

Seconded by Councillor Cardwell

1. That staff be directed to facilitate and implement an Administrative Penalty System (“APS”) for the Town of Whitby for Parking infractions with an implementation date of May 1, 2024.
2. That upon passing of the Administrative Penalty System By-law and new Traffic By-law, that Traffic By-law # 1862-85, as amended, is repealed after the transition period.
3. That the proposed new Administrative Penalty System By-law, be brought forward to the next Council meeting for consideration and adoption, substantially in accordance with Attachment 2 to this Report, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor.
4. That the proposed new Traffic By-law, be brought forward to the next Council meeting for consideration and adoption, substantially in accordance with Attachment 1 to this Report, and in a form satisfactory to the Commissioners of Legal and Enforcement Services/Town Solicitor and Planning and Development.
5. That Council approve the proposed Prevention of Political Interference Policy and Conflict of Interest Policy, substantially in accordance with Attachments 3 and 4, respectively.
6. That the Commissioner of Legal and Enforcement Services/Town Solicitor be directed to draft and implement a Standard Operating

Procedure for public complaints in relation to the Administrative Penalty System.

7. That the Commissioner of Legal and Enforcement Services/Town Solicitor be delegated the authority to appoint both a Screening Officer and a Hearings Officer for the administration of the APS, and that the Clerk be directed to update the Policy G 020, Delegation of Powers and Duties Policy, accordingly.
8. That staff be directed to transition other applicable municipal by-laws to an Administrative Penalty System.
9. That Item GG-0020 be removed from the New and Unfinished Business List.

Carried later in the meeting (see following motions)

Moved by Councillor Bozinovski

Seconded by Councillor Cardwell

That Item 3 and 4 of the main motion be amended to read as follows:

3. That the proposed new Administrative Penalty System By-law, be brought forward to the next Council meeting for consideration and adoption, substantially in accordance with Attachment 2 to this Report, as amended as noted in the memorandum to Council from A. Gratton, Manager of Enforcement Services, dated March 5, 2024 regarding increasing the time frame for 3rd tier set fines, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor.
4. That the proposed new Traffic By-law, be brought forward to the next Council meeting for consideration and adoption, substantially in accordance with Attachment 1 to this Report, as amended as noted in the memorandum to Council from A. Gratton, Manager of Enforcement Services, dated March 5, 2024 regarding increasing the time frame for 3rd tier set fines, and in a form satisfactory to the Commissioners of Legal and Enforcement Services/Town Solicitor and Planning and Development.

Carried

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

Resolution # 52-24

Moved by Councillor Bozinovski

Seconded by Councillor Cardwell

1. That staff be directed to facilitate and implement an Administrative Penalty System (“APS”) for the Town of Whitby for Parking infractions with an implementation date of May 1, 2024.
2. That upon passing of the Administrative Penalty System By-law and new Traffic By-law, that Traffic By-law # 1862-85, as amended, is repealed after the transition period.
3. That the proposed new Administrative Penalty System By-law, be brought forward to the next Council meeting for consideration and adoption, substantially in accordance with Attachment 2 to this Report, as amended as noted in the memorandum to Council from A. Gratton, Manager of Enforcement Services, dated March 5, 2024 regarding increasing the time frame for 3rd tier set fines, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor.
4. That the proposed new Traffic By-law, be brought forward to the next Council meeting for consideration and adoption, substantially in accordance with Attachment 1 to this Report, as amended as noted in the memorandum to Council from A. Gratton, Manager of Enforcement Services, dated March 5, 2024 regarding increasing the time frame for 3rd tier set fines, and in a form satisfactory to the Commissioners of Legal and Enforcement Services/Town Solicitor and Planning and Development.
5. That Council approve the proposed Prevention of Political Interference Policy and Conflict of Interest Policy, substantially in accordance with Attachments 3 and 4, respectively.
6. That the Commissioner of Legal and Enforcement Services/Town Solicitor be directed to draft and implement a Standard Operating Procedure for public complaints in relation to the Administrative Penalty System.
7. That the Commissioner of Legal and Enforcement Services/Town Solicitor be delegated the authority to appoint both a Screening Officer and a Hearings Officer for the administration of the APS, and that the Clerk be directed to update the Policy G 020, Delegation of Powers and Duties Policy, accordingly.
8. That staff be directed to transition other applicable municipal by-laws to an Administrative Penalty System.

9. That Item GG-0020 be removed from the New and Unfinished Business List.

Carried

9.7 LS 02-24, Legal and Enforcement Services Department Report

Re: Conveyance of a Portion of Old Lake Ridge Road from the Regional Municipality of Durham and Boundary Road Agreement between Town of Whitby and Town of Ajax

Resolution # 53-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Part of Lot 1, Concession 1 (Geographic Township of Pickering) and Part of Road Allowance between Township of Whitby and Township of Pickering, designated as Part 4 on Plan 40R-30216, being a portion of PIN 26494-0728 (LT) ("Property #1"), and Part of Lot 1, Concession 1 (Geographic Township of Pickering) and Part of Road Allowance between Township of Whitby and Township of Pickering, designated as Part 3 on Plan 40R-29191, SAVE and EXCEPT Parts 3 and 4 on Plan 40R-30216, being all of PIN 26494-0745 (LT) ("Property #2"), (collectively, the "Properties" or "Old Lake Ridge Road") be acquired from The Regional Municipality of Durham subject to the conditions set forth in Legal Services Report LS 02-24;
2. That Council direct staff to negotiate and enter into a Boundary Road Agreement with The Corporation of the Town of Ajax to the satisfaction of the Commissioner of Legal Services and Enforcement/Town Solicitor, or designate, to outline the future rights and obligations relating to Old Lake Ridge Road (the "Boundary Road Agreement");
3. That the requirement to obtain an appraisal and give public notice in accordance with Town of Whitby Policy F-190 regarding the Acquisition, Sale or other Disposition of Land Policy be waived for the acquisition of the Properties;
4. That the Clerk be authorized to bring forward a by-law authorizing the acquisition of the Properties; and,

5. That the Mayor and Clerk be authorized to undertake all necessary actions and execute an Offer to Sell with the Regional Municipality of Durham, a Boundary Road Agreement with The Corporation of the Town of Ajax, and any other documents to give effect thereto.

Carried

- 9.8 LS 05-23, Legal and Enforcement Services Department and Financial Services Department Joint Report

Re: R. v. City of Greater Sudbury – Staff Comments concerning Recent Supreme Court of Canada Decision

Resolution # 54-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Report LS 05-23 be received for information.

Carried

- 9.9 FS 05-24, Financial Services Department and Legal and Enforcement Services Department Joint Report

Re: Land Exchange between the Town of Whitby and the Canadian Pacific Railway Company for future work to Des Newman Boulevard

Resolution # 55-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

1. That Part of the Road Allowance of Coronation Road between Lots 32 and 33, Concession 3, designated as Parts 8, 9 and 10 on Plan 40R-29953 (being a portion of PIN 26548-3682 (LT)) ("Property #1"), and Part of the Road Allowance of Ash Street, East of Brock Street, Plan H50029, designated as Part 1 on Plan 40R-32017 (being a portion of PIN 26532-0111 (LT)) ("Property #2), (collectively the "Town's Parcels") be declared surplus and conveyed to the Canadian Pacific Railway Company ("CPR"), and that Part of Lot 34, Concession 3, designated as Part 1 on Plan 40R-31999 (being a portion of PIN 26548-0437 (LT)) ("Property

#3”), (the “CPR Parcel”) be acquired from CPR, subject to the conditions set forth in Financial Services Report 05-24;

2. That the Clerk be authorized to bring forward by-laws authorizing the disposition of the Town’s Parcels and the acquisition of the CPR Parcel;
3. That the Clerk be authorized to bring forward a by-law to stop up and close Property #1 and Property #2 as a public highway;
4. That the requirement to obtain an appraisal and give public notice in accordance with Town of Whitby Policy F-190 regarding the Acquisition, Sale or other Disposition of Land Policy be waived for the acquisition and disposition of the lands described herein;
5. That the requirement to provide notice to permanently close a highway in accordance with Town of Whitby Public Notice Policy CA-150 be waived for the lands described herein; and,
6. That Council hereby delegate authority to the Commissioner, Planning and Development and the Commissioner, Financial Services and Treasurer to undertake the necessary actions and execute a land exchange agreement and all other necessary documents to give effect thereto, with such actions and agreements being in a form satisfactory to the Commissioner, Legal and Enforcement Services/Town Solicitor, or designate.

Carried

9.10 FS 06-24, Financial Services Department Report

Re: 2023 Annual Investment Report

Resolution # 56-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

That Report FS 06-24, the 2023 Annual Investment Report, be received.

Carried

9.11 FS 08-24, Financial Services Department Report

Re: Asset Management Policy Update

Resolution # 57-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report FS 08-24 regarding the Asset Management Policy update be endorsed by Council;
2. That Staff continue to undertake asset management initiatives to remain in compliance with Ontario Regulation 588/17 and the Municipal Funding Agreement for the Transfer of Federal Gas Tax Funds; and,
3. That Staff report back to Council in June 2024 with an update to the Municipal Asset Management Plan.

Carried

- 9.12 CAO 06-24, Office of the Chief Administrative Officer and Financial Services Department Joint Report

Re: Community Development Funds - 2023 Annual Report

Resolution # 58-24

Moved by Councillor Lundquist

Seconded by Councillor Lee

1. That Report CAO 06-24 regarding the 2023 Annual Report for the Mayor's Community Development Fund and the Performing Arts Community Development Fund be received for information; and,
2. That Council approve the updated Mayor's Community Development Fund and Performing Arts Community Development Fund Policy as shown in Attachment 4.

Carried

- 9.13 CLK 03-24, Office of the Town Clerk Report

Re: Revised Public Notice Policy

Having previously declared a conflict of interest, Councillor Mulcahy did not take part in the discussion or voting regarding this Item.

Resolution # 58-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That Council approve the revised Public Notice Policy appended to Report CLK 03-24 as Attachment 1.

Carried

9.14 Recognitions at Council

Resolution # 59-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

That the Clerk be directed to amend the current criteria for those eligible to receive the Town's "Outstanding Achievement Award" in the form of a medal and certificate. These accolades will go to Whitby residents who have done outstanding deeds or had incredible triumphs at a National or International level. The presentation from the Mayor and Council will occur within the calendar year in which the achievement took place.

Carried

9.15 Removal of Tolls from Highway 407

Resolution # 60-24

Moved by Councillor Lundquist
Seconded by Councillor Lee

Whereas on February 15, 2024 the Province announced it will be introducing new legislation through the Get It Done Act in the Legislature's spring sitting, which if passed will prohibit Ontario from introducing new tolls on provincial highways and potentially require public consultation before considering new tolls; and,

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

Whereas if excluded from the proposed ban on tolls, Highway 407 East would become the only tolled provincially owned highway in Ontario, resulting in unfair economic impacts to Durham Region residents and businesses; and,

Whereas planned Regional 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 two construction seasons impacting travel times for residents and businesses; and,

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

Now therefore be it resolved:

1. That the Council of the Town of Whitby request the Province of Ontario to amend the Get It Done Act to include the permanent removal of road tolls on the existing Highway 407 East from Brock Road in Pickering to Highway 35/115; and,
2. That the Clerk be directed to circulate this motion to the Premier of Ontario, the Minister of Transportation, all Durham Region MPPs, all Durham municipalities, the City of Kawartha Lakes, the Township of Cavan Monaghan, the City of Peterborough, the Ontario Trucking Association, and the Ontario Federation of Agriculture.

Carried

10. For information only - Committee of the Whole Minutes of February 26, 2024 and March 4, 2024

11. Notice of Motion

There were no notices 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 F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, dated March 18, 2024 regarding Further update regarding 417 Byron Street North Business Licensing By-law Exemption Request

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

Discussion ensued between Members of Council and Staff regarding:

- the importance of affordable housing;
- concerns regarding the impact of over-crowding on the residents of a lodging/rooming house and their neighbours;
- concerns regarding implementing a permanent Business Licensing By-law exemption to accommodate greater than ten residents in a single rooming house;
- a desire for Staff to investigate and report on strategies to improve affordable housing in Whitby;
- clarification regarding the proposed Business Licensing By-law exemption request;
- removing the condition that the 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);
- by-law provisions that support the Town's ability to address future nuisances and concerns with rooming houses;
- a timeline for reviewing the Business Licensing By-law in the future;
- a desire to support the needs of current and future residents of 417 Byron Street;
- the timeline for achieving compliance through attrition;
- whether future amendments to the Business Licensing By-law may impact existing exemptions;
- whether the proposed exemption permanently applies to all future Lodging House licence renewals for 417 Byron Street; and,
- Business Licensing By-law provisions that permit the Town to refuse renewal of a Lodging House licence.

Moved by Councillor Lundquist
Seconded by Councillor Mulcahy

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.

Carried later in the meeting (see following motions)

Moved by Councillor Yamada
Seconded by Councillor Leahy

That Item 3 of the main motion be amended to read as follows:

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, save and except condition 2;

	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 (5 to 4)

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

Resolution # 61-24

Moved by Councillor Lundquist

Seconded by Councillor Mulcahy

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, save and except condition 2;
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.

	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 (9 to 0)

It was the consensus of Council to hear Item 8.10, PDP 11-24, at this time.

12.2 FS 02-24 , Financial Services Department Report

Re: 2023 Remuneration and Expenses for Members of Council and Council Appointees to Boards

Resolution # 62-24

Moved by Councillor Yamada
Seconded by Councillor Mulcahy

That Report FS 02-24 regarding 2023 Remuneration and Expenses for Members of Council and Council Appointees to Boards be received for information.

Carried

13. By-laws

Resolution # 63-24

Moved by Councillor Shahid
Seconded by Councillor Leahy

That leave be granted to introduce By-laws # 8052-24 to # 8063-24, with By-laws # 8056-24 and # 8059-24 being as amended, and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and

that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

13.1 By-law # 8052-24

Being a By-law to dedicate Parts 1, 2 and 3 on Plan 40R-32182, as a Public Highway (Water Street).

13.2 By-law # 8053-24

Being a By-law to acquire ownership of lands described as Part of Lot 34, Concession 3, designated as Part 1, on Plan 40R-31999, being a portion of PIN 26548-0437 (LT), Town of Whitby, Regional Municipality of Durham (the "Lands") from the Canadian Pacific Railway Company.

Refer to FS 05-24, Land Exchange between the Town of Whitby and the Canadian Pacific Railway Company for future work to Des Newman Boulevard

13.3 By-law # 8054-24

Being a By-law to authorize the conveyance of lands legally described firstly as Part of the Road Allowance between Lots 32 and 33, Concession 3, designated as Parts 8, 9, and 10 on Plan 40R-29953, being a portion of PIN 26548-3682 (LT), and secondly as Part of Ash Street, East of Brock Street, Plan H50029, designated as Part 1 on Plan 40R-32017 being a portion of PIN 26532-0111 (LT), Town of Whitby, Regional Municipality of Durham (the "Lands") to the Canadian Pacific Railway Company.

Refer to FS 05-24, Land Exchange between the Town of Whitby and the Canadian Pacific Railway Company for future work to Des Newman Boulevard

13.4 By-law # 8055-24

Being a By-law to stop up and close part of the Public Highways known as Coronation Road and Ash Street.

Refer to FS 05-24, Land Exchange between the Town of Whitby and the Canadian Pacific Railway Company for future work to Des Newman Boulevard

13.5 By-law # 8056-24

Being a By-law to establish a system for Administrative Penalties in the Town of Whitby, as amended.

Refer to LS 04-24, Implementation of Administrative Penalty System for parking infractions in Whitby & School Zone Parking Enforcement Update

13.6 By-law # 8057-24

Being a By-law to dedicate Parts 1, 2, and 3 on Plan 40R-32255 and Parts 4 and 5 on Plan 40R-31686 as a Public Highway (Ashburn Road).

Refer to PDP 42-22, DEV-09-22: Zoning By-law Amendment Application, NF Ashburn Brook Ltd., 5355 & 5455 Ashburn Road, File No. Z-07-22

13.7 By-law # 8058-24

Being a By-law to acquire ownership of lands described as firstly, Part of Lot 1, Concession 1 (Geographic Township of Pickering) and Part of Road Allowance between Township of Whitby and Township of Pickering, designated as Part 4 on Plan 40R-30216, being a portion of PIN 26494-0728 (LT), and secondly, Part of Lot 1, Concession 1 (Geographic Township of Pickering) and Part of Road Allowance between Township of Whitby and Township of Pickering, designated as Part 3 on Plan 40R-29191, save and except Parts 3 and 4 on Plan 40R-30216, being all of PIN 26494-0745 (LT), (collectively, the "Lands") from The Regional Municipality of Durham.

Refer to LS 02-24, Conveyance of a Portion of Old Lake Ridge Road from the Regional Municipality of Durham and Boundary Road Agreement between Town of Whitby and Town of Ajax

13.8 By-law # 8059-24

Being a By-law to Regulate Traffic and Parking on the Highways, Private and Municipal property within the Town of Whitby, as amended.

Refer to LS 04-24, Implementation of Administrative Penalty System for parking infractions in Whitby & School Zone Parking Enforcement Update

13.9 By-law # 8060-24

Being a By-law to amend Business Licensing By-law # 5545-04, as amended.

Refer to LS 13-23, Business Licensing By-law Exception Request - 417 Byron Street North

13.10 By-law # 8061-24

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

Refer to PDP 41-23, DEV-22-23: Draft Plan of Subdivision Application (SW-2023-01), Zoning By-law Amendment Application (Z-06-23), Frontdoor Developments (Garrard) Inc., Garrard Road & Eric Clarke Drive

13.11 By-law # 8062-24

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

Refer to PDP 02-24, Draft Plan of Subdivision Application & Zoning By-law Amendment Application, 780 Garden Street File No. DEV-23-23 (SW-2023-02, Z-07-23)

13.12 By-law # 8063-24

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

PDP 05-24, Zoning By-law Amendment Application, Halls-Lake Ridge Limited Partnership, 1650 Halls Road North, File Number: DEV-24-23 (Z-08-23)

14. Confirmatory By-law

Resolution # 64-24

Moved by Councillor Yamada

Seconded by Councillor Shahid

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on March 18, 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.

Carried

15. Adjournment

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 10:05 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor