



Regular Council Meeting Revised Agenda

Monday, April 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.

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1. **Call To Order: The Mayor**
 2. **Call of the Roll: The Clerk**
 3. **Declarations of Conflict of Interest**
 4. **Adoption of Minutes**
Regular Council - March 18, 2024

Special Council - March 18, 2024 (Confidential Minutes Under Separate Cover)

Special Council - April 8, 2024 (Confidential Minutes Under Separate Cover)

Recommendation:

That the Regular Council Minutes of March 18, 2024 and the Special Council Minutes of March 18 and April 8, 2024 be approved.

5. Presentations

5.1 Whitby Public Library Staff

Recognition: Les Fowlie Intellectual Freedom Award & Ontario Library Boards' Association Joyce Cunningham Award

5.2 Lorraine Gray, Chair, Whitby Public Library Board (In-Person Attendance)

Re: Whitby Public Library Strategic Plan 2024-2028

5.3 Brenda Slomka and Audrey Andrews, Sloane's House Board of Directors (In-Person Attendance)

Re: Paediatric Respite and Hospice Care Centre for Durham Region

6. Delegations

7. Correspondence

*7.1 Correspondence

That the following requests be endorsed:

- Mental Health Week - Flag Raising - May 6 to 10, 2024
- National Nursing Week - May 6 to 12, 2024 *
- National AccessAbility Week - Flag Raising - May 27 to 31, 2024
- Menstrual Health Day - May 28, 2024
- Bike Month - June 2024

Recommendation:

1. That the proclamations for National Nursing Week, Menstrual Health Day and Bike Month and the flag raising for Mental Health Week be endorsed; and,
2. That the flag raising for National AccessAbility Week be endorsed for 2024 and for the week following the last Sunday of May for all future years.

8. Committee of the Whole Report - Planning and Development

Planning and Development - April 8 and 15, 2024

8.1 PDP 14-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, 3425 Coronation Developments Limited, Northeast Corner of Coronation Road and Twin Streams Road, File Number: DEV-29-23 (CW-2023-05)

Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-05) subject to the comments included in Planning Report PDP 14-24 and the Conditions of Approval, included in Attachment #4;
 2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
 3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.
- 8.2 PDP 15-24, Planning and Development (Planning Services) Department Report
Re: Official Plan Amendment and Zoning By-law Amendment Applications, Devon Downs Developments Ltd., 2002 Rossland Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

Note: Consideration of this matter was deferred from the Committee of the Whole meeting on April 8, 2024 to the May 27, 2024 Council meeting.

- 8.3 PDE 02-24, Planning and Development (Engineering Services) Department Report
Re: Port Whitby Traffic Consideration

Recommendation:

1. That Report PDE 02-24 be received for information;
 2. That Council direct Staff to undertake the following traffic calming elements identified in Report PDE 02-24 in the Port Whitby area as soon as reasonably possible in 2024:
 - a. Implementation of a Community Safety Zone from Charles Street to Dufferin Street;
 - b. The addition of crosswalk pavement markings at stop signs to delineate pedestrian crossings;
 - c. An area specific speed limit of 40 km/h and installation of signage at entry points into the community and supplementary signage throughout Port Whitby to advise drivers of the speed limit;
 - d. Request additional enforcement from By-law Services and Durham Regional Police Service for parking and the Highway Traffic Act infractions, respectively; and,
 3. That Item P&D-0017 be removed from the New and Unfinished Business list.
9. **Committee of the Whole Report - General Government**
General Government - April 8 and 15, 2024

- 9.1 FS 13-24, Financial Services Department and Office of the Chief Administrative Officer Joint Report
Re: Downtown Whitby Business Improvement Area (BIA) 2024 Budget and 2023 Reporting

Recommendation:

1. That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Beautification Report and the 2023 Annual Report, (Attachments 2 and 3 of Report FS 13-24), be received; and,
2. That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Budget, (as outlined in Attachment 1 of Report FS 13-24), inclusive of a \$220,500 special tax levy for businesses within the Downtown Whitby Business Improvement Area, be approved.

- 9.2 FS 07-24, Financial Services Department Report
Re: Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

See also Memorandum from B. Bozzer, Senior Investment and Financial Analyst, Financial Accounting dated April 29, 2024 regarding Annual Review of Investment Policy - 2024

Recommendation:

1. That a by-law, (as shown in Attachment 1 to Report FS 07-24), in support of the Town of Whitby's involvement in the Prudent Investment offering of the ONE Joint Investment Board ("ONE JIB") be brought forward to a future Council meeting, which:
 - a. Approves an amended ONE JIB Agreement, including a revised Terms of Reference to increase the maximum number of ONE JIB members from 10 to 12;
 - b. Approves the ONE JIB Records Retention By-law and the delegation to ONE JIB's Secretary of the necessary powers and duties to deal with the records of ONE JIB; and,
 - c. Approves changes to the amendment provisions of the ONE JIB Agreement.

- 9.3 FS 12-24, Financial Services Department Report
Re: 2024 Property Tax Rates and Final Billing Due Dates

Recommendation:

1. That the 2024 property tax rates for the General Municipal Town Levies, shown in Attachment A of Report FS 12-24, be approved;
2. That the special tax levy and tax rates for the year 2024 for the properties located within the Downtown Whitby Business Improvement Area (BIA), shown in Attachment B of Report FS 12-24, be approved;
3. That the final property tax bill due dates all property tax classes be June 24, 2024 and September 24, 2024;
4. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates and notify Council at the earliest opportunity; and,
5. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2024 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

9.4 CAO 08-24, Office of the Chief Administrative Officer Report

Re: Durham Region Farmer's Market Association 2024 - 2027 Lease Agreement

Recommendation:

1. That Report CAO 08-24 be received for information;
2. That staff be authorized to prepare a Lease Agreement between the Durham Region Farmers' Market Association and the Town of Whitby, in accordance with the recommendations contained in Report CAO 08-24 for the use of Parking Lot 9 in Brooklin and Celebration Square at the Whitby Public Library effective May 1, 2024, to April 30, 2027; and,
3. That the Mayor and Clerk be authorized to execute the Lease Agreement upon terms substantially in accordance with Attachment 1 of the Report and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor or designate.

9.5 FES 01-24, Fire and Emergency Services Department Report

Re: Durham College Partnership – Whitby Fire and Emergency Services Inclusivity Excellence Scholarship Award

Recommendation:

1. That Whitby Fire & Emergency Services (WFES) partners with Durham College via the Inclusive Excellence Scholarship Award in exchange for fleet usage in the Fire Pre-service Program for a period of three (3) years, with Durham College's option to renew for an additional three (3) years;
2. That Durham College solely funds two (2) Inclusive Excellence Scholarships valued at approximately \$7,500 per recipient/student for a total cost of \$15,000 annually, for the term of the lease, as consideration for the annual lease payments to the Town;
3. Scholarship recipients will be comprised of racialized and/or economically challenged high school students from the Town of Whitby, who have been accepted into either the Fire Fighter Pre-Service Education and Training or the Fire Prevention and Technology programs;
4. WFES continues to provide Durham College access to a 2009 Seagrave Marauder II Pumper for use in the Pre-service Firefighter Education and Training program, as required throughout the curriculum;
5. That the Mayor and Clerk be authorized to execute the lease agreement upon terms substantially in accordance with Report FES 01-24, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate;
6. WFES services and communicates the maintenance schedule for the 2009 Seagrave Marauder II Pumper, ensuring the apparatus is available and transported to the appropriate service destination; and,
7. Through newly created public education programming for high school students and signage at Fire Headquarters, WFES promotes the strategic alliance and scholarship with Durham College.

9.6 CMS 04-24, Community Services Department Report
Re: Commemorative Tree and Bench Policy Update

See also Memorandum from J. Romano, Commissioner of Community Services dated April 18, 2024 regarding Revision to Report CMS 04-24, Attachment 2 - Commemorative Tree and Bench Policy MS 260. Policy MS 260 included with the Staff Report as Attachment 2 has been updated in accordance with the Memorandum.

Recommendation:

1. That Council approve the proposed amendments to the Commemorative Tree and Bench Policy, Policy Number MS 260, Attachment 2 of Report CMS 04-24;
2. That Council approve the proposed 2024 fee structure for the updated Tree and Bench Commemorative Program, as shown in Attachment 5 of Report CMS 04-24;
3. That the Fees and Charges By-law be updated to reflect the minimum donation amounts listed in Attachment 5 of Report CMS 04-24; and,
4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.

9.7 CMS 05-24, Community Services Department and Legal and Enforcement Services Department Joint Report

Re: Department of Fisheries and Oceans Canada ("DFO") request to utilize Town lands to facilitate Harbour Remediation

Recommendation:

1. That Report CMS 05-24 be received as information;
2. That Council grant approval to The Department of Fisheries and Oceans Canada ("DFO") for use of a portion of Gordon Fields adjacent to the Gordon Street Boat Ramp between July 15, 2024 and October 31, 2026 in exchange for in kind remediation (clean up) of Town owned water lots as identified in attachments #1 and #2;
3. That Council grant approval to DFO for use of a portion of the Gordon Street Boat Ramp parking lot between July 15, 2024 and October 31, 2026 in order to facilitate dredging contractor vehicle parking;
4. That Council grant approval for DFO to access Town lands adjacent to Promenade Lake Park to allow loading/unloading of barges from the Federally owned portions of the promenade and pier as identified in attachment #3; and,
5. That Staff be delegated authority to execute any agreement(s) which may be required to carry out the above recommendations in a form satisfactory to the Commissioner of Community Services and the Commissioner of Legal and Enforcement Service/Town Solicitor, or their designate.

9.8 Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

Recommendation:

That Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby be received for information.

- 9.9 CMS 06-24, Community Services Department Report
Re: Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

Recommendation:

1. That Report CMS 06-24 be received for information;
2. That staff be directed to continue the collection of batteries through a pilot program utilizing the Town of Whitby's curbside waste and organics collection program; and,
3. That the Commissioner, Community Services and the Commissioner, Financial Services/Treasurer be authorized to execute an Agreement for promotional and education services with Circular Materials Ontario, in a form as approved by the Commissioner of Legal Services/Town Solicitor, or their designate.

- 9.10 CAO 07-24, Office of the Chief Administrative Officer Report
Re: 9-1-1 Telephone System Agreement with Durham Region

Recommendation:

1. That Report CAO 07-24 be received;
2. That the Mayor and Clerk be authorized to sign the 9-1-1 Joint Powers Agreement; and,
3. That the Region of Durham be so advised.

10. For information only - Committee of the Whole Minutes of April 8 and 15, 2024

11. Notice of Motion

12. New and Unfinished Business

13. By-laws

Recommendation:

That leave be granted to introduce By-laws # 8066-24 to # 8076-24 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 # 8066-24

Being a By-law to adopt Amendment Number 133 to the Official Plan of the Town of Whitby

Refer to PDP 09-24, Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

- 13.2 By-law # 8067-24
Being a By-law to prohibit or regulate any alteration to the grade (topography) and drainage of land within the Town of Whitby to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated grading and drainage alterations as a result of Infill Developments, to limit the use of improper fill and potential environmental impacts, to limit erosion arising from such changes and to limit impacts on neighboring and surrounding properties.
- Refer to PDE 01-24, Infill Development By-law
- 13.3 By-law # 8068-24
Being a By-law to amend the Fees and Charges By-law # 7220-17, as amended.
- Refer to PDE 01-24, Infill Development By-law and CMS 04-24, Commemorative Tree and Bench Policy Update
- 13.4 By-law # 8069-24
Being a By-law to set and levy tax rates for the calendar year 2024 for the Town of Whitby and to set penalty and interest rates for unpaid taxes.
- Refer to FS 12-24, 2024 Property Tax Rates and Final Billing Due Dates
- 13.5 By-law # 8070-24
Being a By-law to set and levy tax rates for the Business Improvement Area (BIA) and to set penalty and interest rates for unpaid taxes.
- Refer to FS 12-24, 2024 Property Tax Rates and Final Billing Due Dates
- 13.6 By-law # 8071-24
Being a By-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.
- Refer to PDP 11-24, Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Applications – Frontdoor Developments (Palmerston) Inc. – 400 Palmerston Avenue – File # DEV-25-23 (OPA-2023-W/03, SW-2023-03 & Z-09-23)
- 13.7 By-law # 8072-24
Being a By-law to Amend 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.
- 13.8 By-law # 8073-24
Being a By-law to Amend 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.

13.9 By-law # 8074-24

Being a By-law to authorize, as a Participating Municipality, the approval of amendments to the ONE Joint Investment Board Agreement and the draft Records Retention By-law of ONE Joint Investment Board (“ONE JIB”) in addition to the delegation to the Secretary of ONE JIB of the powers and duties in respect of ONE JIB’s records as set out in the draft by-law.

Refer to FS 07-24, Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

13.10 By-law # 8075-24

Being a By-law to adopt Amendment Number 134 to the Official Plan of the Town of Whitby.

Refer to PDP 10-24, DEV-33-22: Official Plan Amendment Application OPA-2022-W/04, Zoning By-law Amendment Application Z-22-22, Whitby 108 Victoria Inc., 106 & 110 Victoria Street West

*13.11 By-law # 8076-24

Being a By-law to extend the effective date of Administrative Penalty By-law # 8056-24 and Traffic By-law # 8059-24.

See also Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor dated April 29, 2024 regarding Extension of time to implement the new Administrative Penalty System By-law # 8056-24 (the “APS By-law”) and new Traffic By-law # 8059-24 (the “Traffic By-law”)

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

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 April 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

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



Special Council Minutes

March 18, 2024, 5:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy (Left at 5:33 p.m.)
Councillor Bozinovski
Councillor Cardwell (Virtual Attendance)
Councillor Leahy (Virtual Attendance)
Councillor Lee
Councillor Lundquist (Arrived at 5:33 p.m.)
Councillor Mulcahy (Virtual Attendance)
Councillor Shahid
Councillor Yamada (Virtual Attendance, Arrived at 5:33 p.m.)

Also Present: M. Gaskell, Chief Administrative Officer
J. Long, Head of Organizational Effectiveness
J. Romano, Commissioner of Community Services
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Douglas, Sr. Legislative Specialist
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

Mayor Roy declared a conflict of interest regarding Item 4.1, Confidential Verbal Update from Matt Gaskell, Chief Administrative Officer, and Jacqueline Long, Head of Organizational Effectiveness Re: Collective Bargaining Update - Canadian Union of Public Employees (CUPE), Local 53 - Part Time, noting that she has a family member who is a member of CUPE Local 53 - Part Time. Mayor Roy left the meeting during the discussion on this matter.

Councillor Lee assumed the Chair.

4. Closed Session

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

Moved by Councillor Bozinovski

Seconded by Councillor Shahid

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(d) labour relations or employee negotiations.

Carried

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

Re: Collective Bargaining Update - Canadian Union of Public Employees (CUPE), Local 53 - Part Time

5. Rising and Reporting

Motion to Rise

Moved by Councillor Shahid

Seconded by Councillor Bozinovski

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Chair Lee advised that during the closed portion of the meeting, Council received a verbal update from Staff regarding collective bargaining.

6. Adjournment

Moved by Councillor Shahid

Seconded by Councillor Lundquist

That the meeting adjourn.

Carried

The meeting adjourned at 5:56 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor



Special Council Minutes

April 8, 2024, 5:30 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Cardwell (Virtual Attendance)
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy (Virtual Attendance)
Councillor Shahid
Councillor Yamada (Arrived at 5:38 p.m.)

Regrets: Councillor Bozinovski

Also Present: M. Gaskell, Chief Administrative Officer
S. Klein, Director of Strategic Initiatives
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. Delegations

There were no delegations.

5. Items for Consideration

5.1 PDP-16-24, Planning and Development (Planning Services) Department Report

Re: Extension to Draft Approved Plan of Subdivision SW-2016-07, Uxbridge Nurseries Ltd., Part of 590 Myrtle Road West

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

- whether the applicant may seek an additional extension if they do not proceed with registering the Draft Plan of Subdivision within the proposed three year extension to the expiry date; and,
- notification of interested parties and residents regarding the proposed deadline extension.

Resolution # 65-24

Moved by Councillor Leahy

Seconded by Councillor Shahid

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2016-07, by an additional 3 years, to April 20, 2027.

Carried

6. 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 Lundquist

Seconded by Councillor Shahid

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary

value, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Carried

6.1 FS 10-24, Confidential Financial Services Department and Legal and Enforcement Services Department Joint Report

Re: Update on the City of Pickering's Proposed Sale of Elexicon Shares

7. Rising and Reporting

Motion to Rise

Moved by Councillor Shahid

Seconded by Councillor Yamada

That Council rise from the closed portion of the meeting.

Carried

7.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting Council provided direction to Staff, received information that contained commercial, financial, and other confidential information, and received advice subject to solicitor-client privilege.

FS 10-24, Confidential Financial Services Department and Legal and Enforcement Services Department Joint Report

Re: Update on the City of Pickering's Proposed Sale of Elexicon Shares

Resolution # 67-24

Moved by Councillor Yamada

Seconded by Councillor Leahy

1. That the Town of Whitby's 32% ownership of Elexicon Corporation be retained as a long-term investment;
2. That the Town of Whitby reserves its right to purchase a pro-rata portion of Pickering's/other shareholders' shares subject to receipt of a Purchase Notice; and,

3. That the Town phase-out Elexicon dividend revenue from the annual operating budget over the next 10 years (2026 to 2035).

Carried

8. Confirmatory By-law

Resolution # 68-24

Moved by Councillor Shahid

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 special meeting held on April 8, 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

9. Adjournment

Moved by Councillor Yamada

Seconded by Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 6:32 p.m.

Christopher Harris, Town Clerk

Elizabeth Roy, Mayor

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: DEV-29-23: Draft Plan Condominium Application CW-2023-05, 3425 Coronation Developments Limited, Northeast Corner of Coronation Road and Twin Streams Road

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: PDP 14-24

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:

L. England, Planner I, x. 2822

1. Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-05) subject to the comments included in Planning Report PDP 14-24 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

2. Highlights:

- A Condominium Application has been submitted by 3425 Coronation Developments Limited for the land located at the northeast corner of Coronation Road and Twin Streams Road.
- The Draft Plan of Condominium is required to enable the transfer of title to the future property owners and create a Condominium Corporation to adhere to the conditions of Site Plan Approval (SP-12-22) and the Subdivision Agreement (SW-2017-06).

- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions being addressed.

3. Background:

3.1 Site and Area

The subject land is located at the northeast corner of Coronation Road and Twin Streams Road (refer to Attachment #1). The subject land is approximately 1.15 hectares (2.84 acres) in size.

Surrounding land uses to the Draft Plan of Condominium, include open space/environmentally sensitive lands to the east, and existing and future residential uses to the north, west, and south (refer to Attachment #2).

3.2 Application and Proposed Development

A Condominium Application (CW-2023-05) was submitted for sixty-two (62) townhouse dwelling units on common element condominium roads (refer to Attachment #3). Fifty-six (56) of the townhouse dwelling units are residential, and six (6) of the townhouse dwelling units are live/work residential with commercial space at grade.

4. Discussion:

Planning Conformity

The Subject Land has previously been considered through a number of planning applications, specifically a Site Plan Application (SP-12-22), and a Subdivision Application (SW-2017-06). These applications were circulated to the appropriate internal departments and external agencies and all comments and concerns have since been addressed through the relevant Subdivision and Site Plan Agreements.

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

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

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Not Applicable.

7. Input from Departments/Sources:

External Agencies

Region of Durham

Comments provided by the Region of Durham include:

- In February 2023, the Region issued final clearance for the related subdivision application. Our concerns with regards to conformity with the Regional Official Plan, Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities which included environmental concerns, site contamination, and archaeology were addressed through the subdivision approval process.
- The proposed infill condominium development contributes to providing a full range of housing options for the residents of Durham Region of all ages and abilities and supports compact built form to optimize existing services. The proposed condominium application conforms with the new ROP.
- Any noise control recommendation from the Noise Impact Study must be included in the related Condominium Agreement to the satisfaction of the Region of Durham.
- Servicing to the subject lands has been approved and constructed through the related Site Plan Application (SP-12-22).

Durham Region Transit

The Region has reviewed the condominium proposal from a transit perspective and we offer the following comments:

- The Plan must protect for a bus stop on the east side of Coronation Street, north of Twin Streams Road, in front of Part 29 and 30;
- The Plan must protect for a bus stop on the north side of Twin Streams Road, east of Coronation Street, in front of Part 24; and
- The protected space should adhere to the S-12 drawing.

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

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

8. Strategic Priorities:

The development review process has provided opportunity for agency input. The recommendations contained in this report align with the priorities of the Community Strategic Plan, specifically Section 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 mixed-use 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

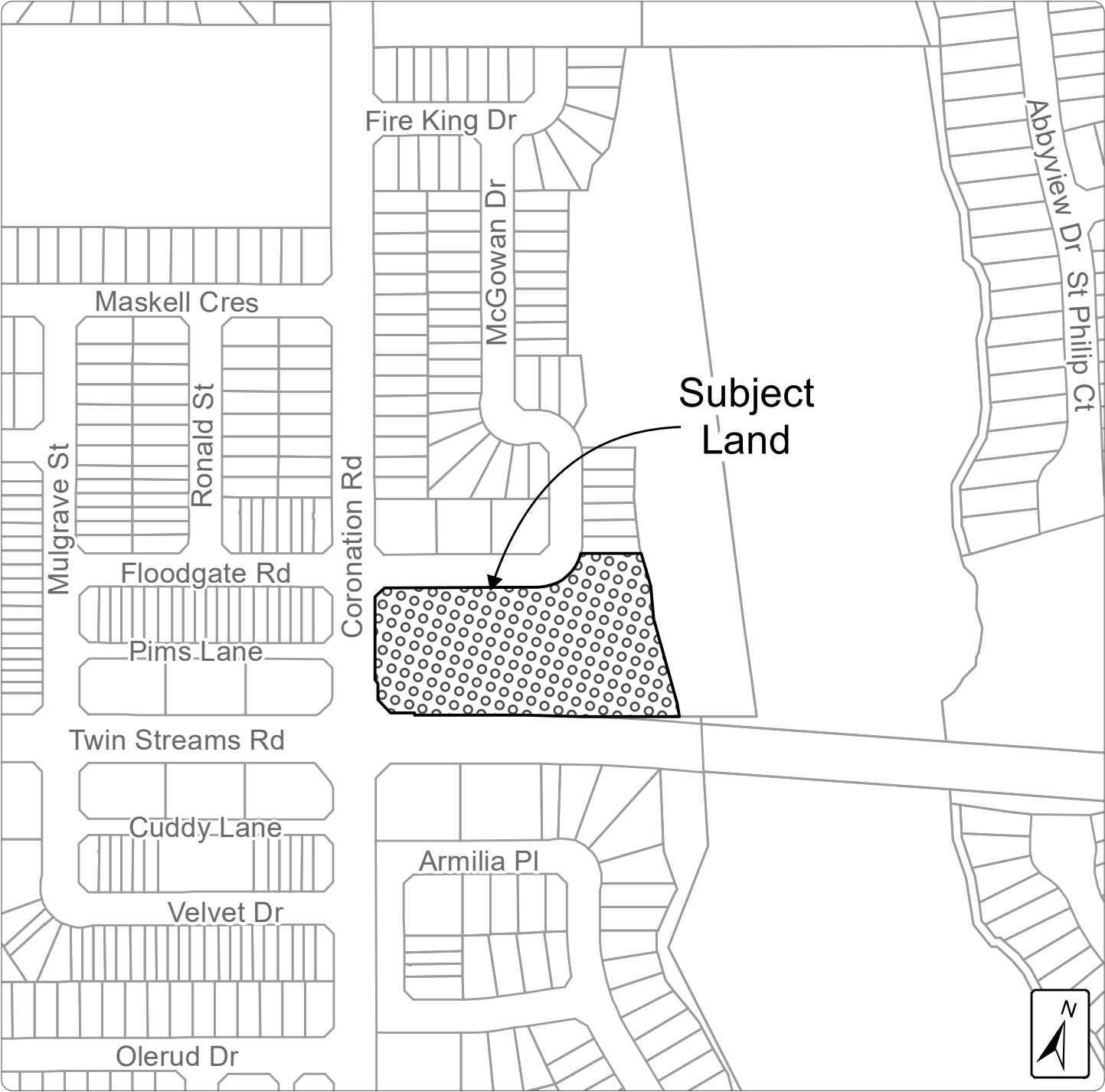
Attachment #3: Proponents Proposed Common Element Condominium Plan


Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency and Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 14-24




Town of Whitby Planning and Development Department

Proponent: 3425 Coronation Developments Limited	File Number: DEV-29-23 (CW-2023-05)	Date: April 2024
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External Data Sources:
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Attachment #2 Aerial Context Map

PDP 14-24



Town of Whitby Planning and Development Department

Proponent:
3425 Coronation Developments Limited

File Number:
DEV-29-23 (CW-2023-05)

Date:
April 2024

External Data Sources:
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[illegible]

Attachment #4

Draft Plan of Condominium Conditions

File CW-2023-05

1. The Proponent shall prepare the final plan on the basis of the approved draft plan of common element condominium, prepared by J. D. Barnes Ltd., identified as Reference No.: 23-25-167-00, dated July 25, 2023, which illustrates common facilities and services including laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, snow removal, visitor parking, water meter building, and community mailboxes.
2. The Proponent shall agree in the Town of Whitby's Condominium Agreement to implement the noise recommendations from the "Noise Impact Study," prepared by J. E. Coulter Associates Ltd., dated August 2, 2023, which specifies noise attenuation measures for the development. These measures shall be included in the Condominium 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.
3. The Proponent shall provide the Town with the fees and legal costs incurred for the preparation and registration of the Condominium Agreement including the Release Fee in the amount of \$3,752.97.
4. The Proponent covenants and agrees to implement the provisions of Site Plan Agreement (SP-12-22) and to confirm the same through the Condominium Agreement.
5. Any requirements under the Subdivision Agreement (SW-2017-06) between 3425 Coronation Developments Limited and the Corporation of the Town of Whitby are to be satisfied where applicable to this site.
6. Prior to final approval, the proponent shall provide the Commissioner of Planning and Development for the Town of Whitby with a copy of the Condominium Corporation documents, demonstrating that all relevant Site Plan conditions of approval have been included in said documents. This shall include all clauses in all offers of purchase and sale or lease and registered upon the title of the dwellings within the block, to advise potential purchasers of the following:
 - a. The proponent covenants and agrees to implement the provisions of the Site Plan Agreement (SP-12-22) and Subdivision Agreement (SW-2017-06) and to confirm the same through the Condominium Agreement;
 - b. The maintenance of all common elements such as, but not limited to, the internal roads, water meter room, hydro transformer, internal sidewalks, lighting, fencing, landscaping, driveway, and visitor parking area;

- c. The collection and disposal of residual garbage, recycling, yard waste and organic materials shall be the responsibility of the Condominium Corporation;
 - d. The allocation of visitor/accessible parking spaces of the condominium are to be owned and maintained by the Condominium Corporation, shall contain a clause in the condominium documents clearly specifying that the visitor/accessible parking spaces shall be properly signed and be solely for the use of visitors to the proposed condominium; and
 - e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board.
- 7. That the proponent is required to provide a permanent pedestrian access easement in support of the Town's community goals of walkable neighbourhoods, in favour of the Town to allow pedestrians free access through the condominium corporation on Part 1 and 2 on Plan 40R-32486. Part 1 being the private driveway, and Part 2 being a pathway to the adjacent open space.
- 8. Prior to final approval of the plan of condominium, the Commissioner of Planning and Development for the Town of Whitby shall be advised in writing by:
 - a. The Regional Municipality of Durham how conditions 1 and 2 have been satisfied.

PDP 14-24

Attachment #5
Agency & Stakeholder Detailed Comments
File CW-2023-05

External Agencies

Region of Durham

We have completed our review of the above-noted proposed common element condominium application and offer the following comments for the proposed development.

The subject lands are located on the east side of Coronation Road, north of the planned Twin Streams Road extension. The property is approximately 0.35 hectares and is identified as Block 75 within Registered Plan 40M-2746, part of subdivision (S-W-2017-06).

Proposed Application

The proposed draft common element condominium application will permit common facilities and services including laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, snow removal, visitor parking, water meter building, and community mailboxes.

The proposed condominium will facilitate the development of 62 townhouse units by Parcels of Tied Land. Access to the proposed development will be from McGowan Drive.

The proposed application is required to enable the transfer of title to the future townhouse owners, create a Condominium Corporation that will be responsible for the common elements, and to require the Condominium Corporation to adhere to the conditions of the related Site Plan Approval (SP-12-22) and the Subdivision Agreement (S-W-2017-06).

In February 2023, the Region issued final clearance for the related subdivision application. Our concerns with regards to conformity with the Regional Official Plan, Provincial Plans and Policies, the Region's delegated Provincial Plan Review responsibilities which included environmental concerns, site contamination, and archaeology were addressed through the subdivision approval process.

In regards to the condominium proposal, we offer comments with respect to conformity with the new adopted Regional Official Plan, noise requirements, Regional servicing, and transit.

Council Adopted Regional Official Plan, Envision Durham (May 2023)

The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new ROP. Plan Community Areas are intended for a variety of housing types, sizes, and tenures.

Attachment #5

Agency & Stakeholder Detailed Comments

File CW-2023-05

PDP 14-24

The future planned Twin Streams Road extension is located south of the subject lands, as identified on Map 3b – Road Network in the new ROP.

The proposed infill condominium development contributes to providing a full range of housing options for the residents of Durham Region of all ages and abilities and supports compact built form to optimize existing services. The proposed condominium application conforms with the new ROP.

Delegated Provincial Plan Review Responsibilities

Noise Impact Study

Any noise control recommendation from the Noise Impact Study must be included in the related Condominium Agreement to the satisfaction of the Region of Durham.

Regional Servicing

Servicing to the subject lands has been approved and constructed through the related Site Plan Application (SP-12-22).

Durham Region Transit

The Region has reviewed the condominium proposal from a transit perspective, and we offer the following comments:

- The Plan must protect for a bus stop on the east side of Coronation Street, north of Twin Streams Road, in front of Part 29 and 30;
- The Plan must protect for a bus stop on the north side of Twin Streams Road, east of Coronation Street, in front of Part 24; and
- The protected space should adhere to the attached S-12 drawing (refer to Attachment 1).

Conclusion

The proposed infill condominium development contributes to providing a full range of housing options for the residents of Durham Region and promotes compact built form and efficient use of infrastructure. The proposed condominium application conforms with the new ROP.

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

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

Attachment #5
Agency & Stakeholder Detailed Comments
File CW-2023-05

PDP 14-24

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

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: DEV-21-18: Official Plan Amendment Application OPA-2018-W/06, Zoning By-law Amendment Application Z-33-18, Devon Downs Developments Ltd., 2002 Rossland Road East

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: PDP 15-24

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:

Danielle Coore, Planner 1, Policy &
Heritage, Planning & Development
Department, Telephone. 905.444.1946

1. Recommendation:

1. That Council approve Official Plan Amendment Number #135 to the Whitby Official Plan (File No.: OPA- 2018-W/06), as shown on Attachment #6, and that a By-law to adopt Official Plan Amendment Number #135 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 15-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number # 135 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the amendment to Zoning By-law # 1784, (File No.: Z-33-18), as outlined in Planning Report No. PDP 15-24 and that a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and
4. 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.

2. Highlights:

- Applications for Official Plan Amendment (OPA) and Zoning By-Law Amendment (ZBLA) as well as an application for Site Plan Approval have been submitted by D.G. Biddle & Associates on behalf of Devon Downs Developments Ltd. for lands municipally known as 2002 Rossland Road East, located on the north side of Rossland Road East between Meadow Road and William Davidson Street.
- The OPA application seeks to add a site-specific exception policy to increase the maximum permitted residential density in the Official Plan from 65 units per net hectare to 75 units per net hectare. The ZBLA application seeks to change the Zoning to an appropriate zone category with an increase in the maximum building height from 3 storeys to 4 storeys. The applications are to allow for the proposed development of a 4-storey apartment building, containing a total of 59 apartment dwelling units.
- All of the commenting departments and external agencies have indicated no objection to the proposed development, subject to their comments and requested conditions being addressed.
- It is recommended that the applications for Official Plan Amendment and Zoning By-law Amendment be approved, the increase in height and number of units is minor in nature; the proposed development would provide an appropriate intensification opportunity; medium density residential development is already permitted on the subject land; and, the development would contribute to Whitby's housing pledge of 18,000 new homes by 2031.

3. Background:

3.1 Site Area and Description

The subject land is municipally known as 2002 Rossland Road East and has an area of approximately 0.8 hectares, with approximately 45 metres of frontage on the north side of Rossland Road East, west of William Davidson Street (refer to Attachment #1).

The subject land is currently vacant and has some overgrown vegetation. It appears from aerial photographs that some of the rear yards and associated amenity space of the adjacent single detached uses to the east have encroached on the subject land, including gardens, patios, and accessory structures refer to attachment # 2, which will need to be resolved between the owners prior to development proceeding.

Surrounding uses include:

- Single detached dwellings to the north;
- Single detached dwellings to the east;
- Single detached dwellings to the south;
- Whitby Free Methodist Church to the west.

3.2 Applications and Proposed Development

The applications propose the development of a 4-storey apartment building with a total of 59 dwelling units. Access would be provided from Rossland Road with at grade parking for 90 vehicles.

An Official Plan Amendment Application has been submitted to add a site-specific policy exception to increase the maximum permitted residential density from 65 to 75 dwelling units per net hectare.

A Zoning By-law Amendment Application has been submitted to Increase the maximum permitted building height from 3 to 4 storeys; increase the maximum permitted number of dwelling units from 43 to 59; and decrease the minimum required front yard setback from 7.5 m to 6.0 m.

The proponent has also submitted an application for Site Plan Approval for the proposed development which will be processed through the Commissioner of Planning and Development.

3.3 Documents Submitted in Support of the Applications

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

Original Submission:

- Proposed Site Plan, prepared by Mark J. Riva Architect;
- Proposed Floor Plans and Elevations, prepared by Mark J. Riva Architect;
- An Airport Proximity Plan, prepared by D.G. Biddle & Associates (Biddle), dated October 2018;
- An Archaeological Assessment prepared by Northeastern Archaeological Associated Limited;
- An Environmental Impact Study, prepared by Niblett Environmental Associates Inc., dated December 2018;
- A Functional Servicing and Stormwater Management Report, prepared by Biddle, dated November 2018;
- A Noise Impact Study; prepared by Biddle, dated November 2018;
- A Phase I Environmental Site Assessment, prepared by Golder Associates, dated October 2017;
- A Planning Justification Report, prepared by Biddle, dated October 2018;
- A Reference Plan 40R-16722, prepared by Donevan Fleischmann Petrich Ltd., dated January 26, 1996;
- A Site Grading Plan, prepared by Biddle, dated July 2018; and,
- A Site Servicing Plan, prepared by Biddle, dated July 2018.

Following circulation of the original submission materials and review by commenting agencies and departments, the following supplemental information was provided.

Revised/Updated Submissions:

- Angular Plane Study, prepared by Marc J. Riva Architect, dated April, 2023;
- Aeronautical Study, prepared by OCTANT Aviation Inc., dated July 11, 2023, which concluded that the location of the proposed structure would pose no conflicts to Oshawa Airport Zoning Regulations or maximum take-off surface following the clearway elevations;
- Aeronautical Obstacle Assessment Coordinates, prepared by NAV Canada, dated August 2, 2023 and Application Evaluation Letter to the Proponent, prepared by NAV Canada, dated, September 13, 2023 which concludes NAV Canada has evaluated the captioned proposal and has no objection to the project as submitted;
- (Revised) Airport Proximity Plan (AP-1) and (AP-2), prepared by D.G. Biddle & Associates Limited, dated August, 2019;
- Construction Management Report, prepared by D.G. Biddle & Associates, dated May 2023;
- (Revised and Updated) Erosion and Sediment Control Plan, prepared by D.G. Biddle & Associates, dated July, 2023;
- (Revised and updated) Functional Servicing and Stormwater Management Report, prepared by D.G. Biddle & Associates, dated January 5, 2023, which concluded that watermain services and sanitary sewer services can be provided with existing infrastructure; surface/underground storage can handle peak 100 year events; on-site storm sewers have been sized to accommodate a 5-year return post development per Town of Whitby guidelines; permanent stormwater quality controls are proposed; and, pre-development water balances cannot be met due to site constraints so best efforts towards site infiltration targets will be employed, along with temporary sediment control measures during construction;
- Infiltration Testing Letter Report prepared by Cambium Inc., dated November 23, 2023; which concluded the site is suitable for best management practices for bioretention swale infiltration systems as requested by CLOCA;
- Landscape Plans prepared by Henry Kortekaas & Associates dated, August 2017;
- (Revised) Noise Study, prepared by Jade Acoustics Inc, dated December 19, 2019; which concluded that appropriate noise abatement measures will be required which can be addressed through the Site Plan approval process;
- Shadow Studies dated April 2022 and September 2022;
- Traffic Management Report, prepared by D.G. Biddle & Associates Ltd., dated August 2019, Traffic Impact Brief prepared by D.G. Biddle Associates Ltd., dated February 2020 and a Traffic Impact Study, prepared by GHD, dated June 22, 2023, which concludes an adequate supply of parking can be provided on site, and the traffic generated by the proposed development can be accommodated by the existing network and study intersections without adverse impacts;

- (Updated) Site Grading Plans prepared by D.G. Biddle & Associates, dated July 2018;
- (Updated) Site Plan and Elevations, prepared by D.G. Biddle & Associates, dated July, 2023 (refer to Attachments #3a and 3b);
- (Revised and updated) Phase One Environmental Site Assessment, prepared by WSP Canada Inc., dated May 17, 2023, which concluded no water wells were identified on the property and although the site was previously used for agricultural purposes until 1974, it has since been vacant, and no contaminants were found on the property;
- Site Lighting Photometric Plan, prepared by D.G. Biddle & Associates Limited, dated September, 2019;
- Water Balance Study, prepared by PGL Environmental Consultants, dated February, 2020 which concluded no net loss of infiltration was anticipated at the site due to the proposed development as losses in infiltration are mitigated by the LID measures which are likely to increase infiltration volumes above pre-development levels.

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

4. Discussion:

4.1 Provincial and Regional Planning

The general goals and intent of the policies in the Province's Provincial Policy Statement (PPS), 2020, the Province's A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the Durham Regional Official Plan are to use land within settlement areas efficiently; promote a mix of housing types and tenures; plan for and support appropriate forms of intensification, including (re)development on underutilized lots.

The proposed development is consistent with the policies of the PPS and conforms to the Province's Growth Plan and the Region's Official Plan in that it takes advantage of existing infrastructure and public services facilities; provides increased residential densities on underutilized lots; supports a range of housing choice and mix; and represents an appropriate form of intensification along an arterial road, at the edge of existing neighbourhood, and within the 'Built Boundary' as defined by the Province, contributing to the Town's intensification allocation.

4.2 Whitby Official Plan

The subject land is designated Residential on Schedule 'A' – Land Use of the Town of Whitby Official Plan (refer to Attachment #4a). The subject land has been designated to permit medium density residential development since the late 1980's, including a site-specific Official Plan policy (Section 4.4.5.3.c)) through previous Official Plan Review in 2018, which indicates that residential development shall include and integrate Medium Density Residential

components in accordance with the Medium Density Residential policies. Medium Density Residential areas permit various forms of multiple unit dwellings, including apartments, at a height of up to 4 storeys and a density range between 30 and 65 dwelling units per net hectare.

The OPA application seeks to include a site-specific exception policy in the Official Plan to increase the current maximum permitted residential density from 65 units per net hectare to 75 units per net hectare.

The subject land also includes areas of Natural Hazards identified on Schedule 'C' – Environmental Management, related to Corbett Creek to the south (refer to Attachment #4b). Development applications on natural hazards require the review and consideration by Central Lake Ontario Conservation Authority.

The applicant's Environmental Impact Study and other environmental reports have been reviewed by the Town, Region and CLOCA. The supporting materials indicate that there will be no negative impacts on the natural heritage features or their ecological functions, provided the report recommendations (e.g. Low Impact Development (LID) measures) are implemented [through conditions of site plan approval]. As such, the Region and CLOCA are satisfied and have no objection to approval of the applications. The EIS assessed compensation for the unevaluated wetland and determined removal of any vegetation from the subject land could be considered through compensation elsewhere within the Corbett Creek watershed, including potential for compensation on Town owned land. The subject land has been designated and intended for some form of medium density development for decades. The proposed increase in density is minor in nature. The proposed development provides for compact built form, in an appropriate location along an arterial road at the edge of an existing neighbourhood, with appropriate consideration for transition (angular plane) to adjacent low density residential uses. The proposed Amendment is consistent with the overall goals and intent of the Official Plan regarding providing for a range of housing types and tenures and accommodating appropriate forms of intensification.

It is recommended that Council approve the Official Plan Amendment (refer to Attachment #6) that seeks a minor increase in the maximum permitted residential density on the subject land.

4.3 Zoning By-law 1784

The subject land is currently zoned Holding-Residential Zone, H-R5A* in the Town's Zoning By-Law 1784, which has been in place since 1989. Subject to removal of the 'H' holding symbol, the R5A zone provisions would allow for an apartment dwelling house with a maximum building height of 3 storeys and a maximum of 43 dwelling units. The 'H' - holding symbol was originally applied to the subject land to ensure that Development Charges were collected prior to removal of the 'H'. However, Development Charges are now collected at the building permit stage, so the purpose of the 'H' is no longer relevant.

An amendment to the Zoning By-Law is required to increase the maximum permitted building height from 3 to 4 storeys; to increase the maximum permitted dwelling units from 43 to 59, and to reduce the minimum required front yard from 7.5 m to 6.0 m or as required.

The subject land is already zoned to permit medium density residential development in the form of an apartment building. The proposed Zoning By-law Amendment seeks a minor increase in height and a minor increase in units and would implement the intent of the Official Plan for medium density residential development on the subject land.

It is recommended that Council approve the Zoning By-law Amendment application that seeks a minor increase in maximum permitted building height and number of units.

4.4 Conclusion

The subject land has been designated in the Official Plan and Zoned in By-law 1784 to permit medium density residential uses for decades. Lands designated and zoned for medium density residential uses are intended to support a variety of residential uses including apartment buildings up to 4 storeys in height. The OPA and ZBLA applications seek only a minor increase in the maximum permitted height (Zoning only) and density, in an appropriate location along an arterial road, at the edge of the existing neighbourhood. The proposed development represents an intensification opportunity within the Built Boundary, with consideration for impact on, and transition to, adjacent low density residential land uses, through appropriate site design.

Commenting departments and agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions being addressed [through site plan approval].

Based on the detailed review of the applications and consideration of public input (refer to Section 6) and agency comments (refer to Section 7), it is concluded that the proposed development is consistent with the Provincial Policy Statement, is in conformity with the Growth Plan and the Region's Official Plan and meets the overall goals and intent of the Town's Official Plan. Therefore, it is recommended that Council approve the applications.

The proposed building design and articulation will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context.

5. Financial Considerations:

Not Applicable

6. Communication and Public Engagement:

A Public Meeting was held on March 25, 2019 in accordance with Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested

persons and agencies the opportunity to make representation in respect of the Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #7.

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 April 8th, 2024 Committee of the Whole Meeting.

A summary of the issues raised at the public meeting are as follows:

- Concerns that the proposed development would add to traffic congestion, making it difficult to turn onto Rossland Road;
- Environmental concerns and modifications to the drainage ditch, concerns related to destruction of creek adjacent to property which is home to wildlife;
- Privacy, security, lighting, and shadowing concerns about the proposed development in residents' backyards, homes and neighbourhood;
- Compatibility of the proposed development with the surrounding community which consists mainly of bungalows, changes to neighbourhood character;
- The development would impact mature trees and the scenery from a resident's backyard and loss of the wooded lot adjacent to residents' homes;
- Building Height and size, topography, proximity to the airport and building height impacts on plane flyover area.

Written public correspondence raised various concerns including:

- Traffic congestion on Rossland Road and William Davidson St.;
- Safety due to increased traffic;
- Privacy impacts;
- Property value impacts;
- Request for privacy fencing at the property line;
- Shadow impacts;
- Loss of trees and vegetation / loss of wildlife habitat; and
- Noise impacts.

The oral and written submissions by the public have been considered in the review and assessment of the proposed Official Plan Amendment and Zoning By-law Amendment Applications. The concerns raised above were considered further by the applicant's consultants and by commenting departments and agencies as follows:

- The revised and updated Traffic Impact Study, dated June 22, 2023 determined peak hour trips to/from the site would be similar to the traffic patterns observed at William Davidson Street/Rossland Road East intersection. The study concludes that under the future traffic forecasts, the traffic generated by the proposed development along with non-site related traffic growth can be accommodated by the study intersections. Traffic generated by the proposed development does not add significant adverse impacts on the study intersections. A construction

management report was provided which outlined how traffic will be managed during the construction project.

- The environmental reports determined that grading and drainage impacts can be addressed through best practices regarding site infiltration targets, including the implementation of a bio retention swale, along with temporary sediment control measures during construction, as well as infiltration being mitigated by LID measures which are likely to increase infiltration volumes above pre-development levels.
- A tree preservation fence will be included on the site to separate the vegetation which will remain. A tree preservation zone is incorporated on the Landscape Plan and identifies which trees will be preserved and retained.
- A noise study determined that with the incorporation of appropriate noise abatement measures it is feasible to develop these lands for residential use. A construction management plan has been provided and outlined measures to minimize noise disruption, including complying with the Town of Whitby Noise By-law and not permitting construction activities during Sundays, holiday weekends and during evenings.

7. Input from Departments/Sources:

The applicable agencies and departments were circulated the applications and copies of the associated supporting materials for their review and comment.

The following agencies have indicated no objection to the OPA and ZBLA applications, subject to any outstanding comments/conditions being addressed (through the Site Plan approval process):

Internal Departments:

- Accessibility
- Planning and Development Services - Urban Design, Landscaping;
- Community and Marketing Services Department Parks Development Division;
- Engineering Services;
- Whitby Hydro Energy Services Corporation; and,
- Whitby Fire and Emergency Services.

External Agencies:

- Central Lake Ontario Conservation Authority (CLOCA);
- City of Oshawa;
- Canada Post;
- Durham District School Board;
- Durham Catholic District School Board;
- Durham Region;
- Enbridge; and,
- Oshawa Airport Authority.

Refer to Attachment #8 for additional detailed comments which will be addressed through the site plan approval process.

8. Strategic Priorities:

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

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

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

9. Attachments:

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context

Attachment #3a – Proponent's Proposed Site Plan

Attachment #3b – Proponent's Proposed Building Elevation Plans

Attachment #4a – Excerpt from Schedule 'A' – Land Use, Whitby Official Plan

Attachment #4b – Excerpt from Schedule 'C' – Environmental Management, Whitby Official Plan

Attachment #5 – Excerpt from Zoning By-law 1784

Attachment #6 – Draft Proposed Official Plan Amendment #135

Attachment #7 – Excerpt from Minutes of Public Meeting

Attachment #8 – Summary of Detailed Agency Comments

Attachment #1
Location Sketch

PDP 15-24



Town of Whitby Planning and Development Department

Proponent:
Devon Downs Developments Ltd.

File Number:
DEV-21-18
(OPA-2018-W/06, Z-33-18)

Date:
April 2024

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 15-24



Town of Whitby Planning and Development Department

Proponent:
Devon Downs Developments Ltd.

File Number:
DEV-21-18
(OPA-2018-W/06, Z-33-18)

Date:
April 2024

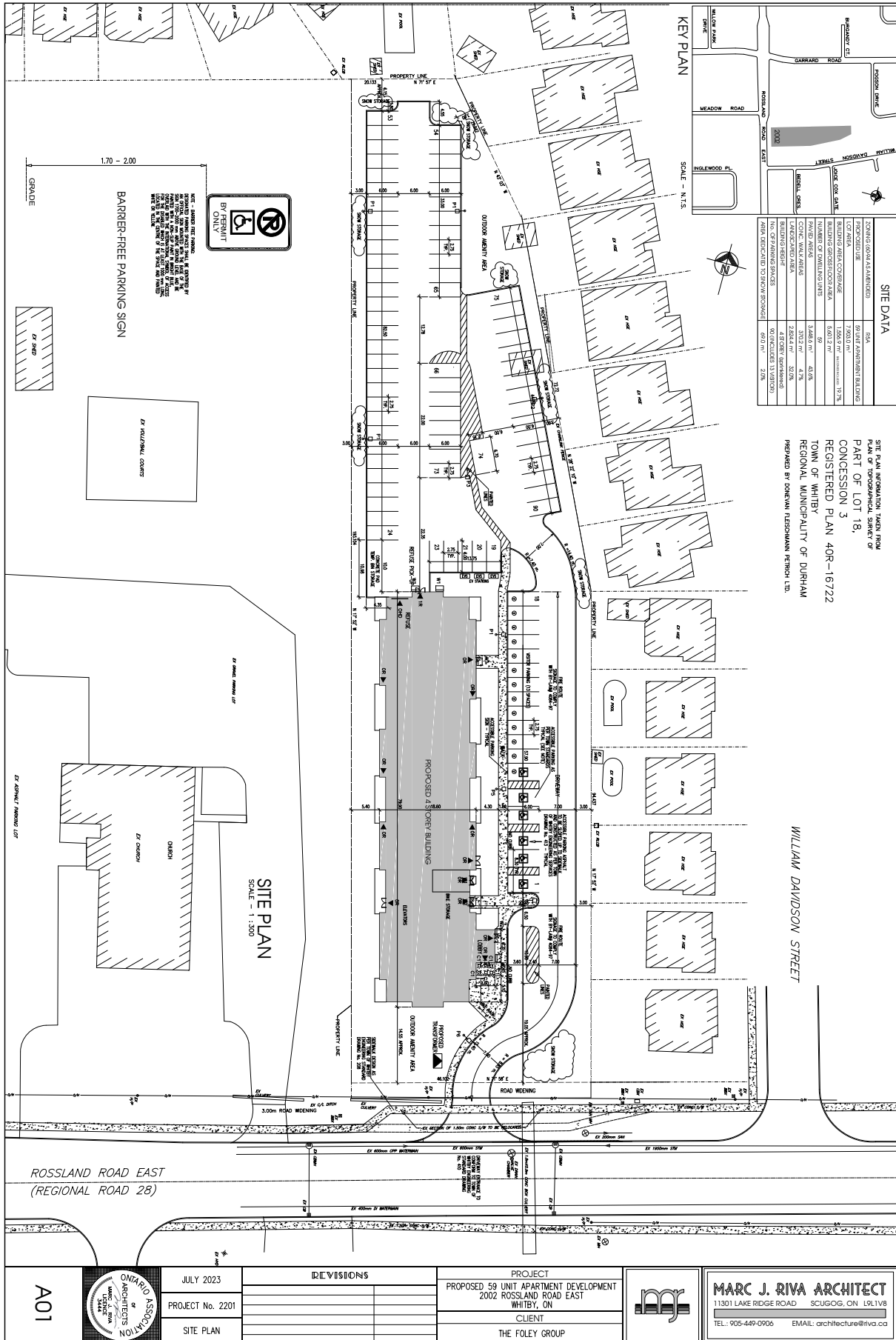
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Attachment #3a Proponent's Proposed Site Plan

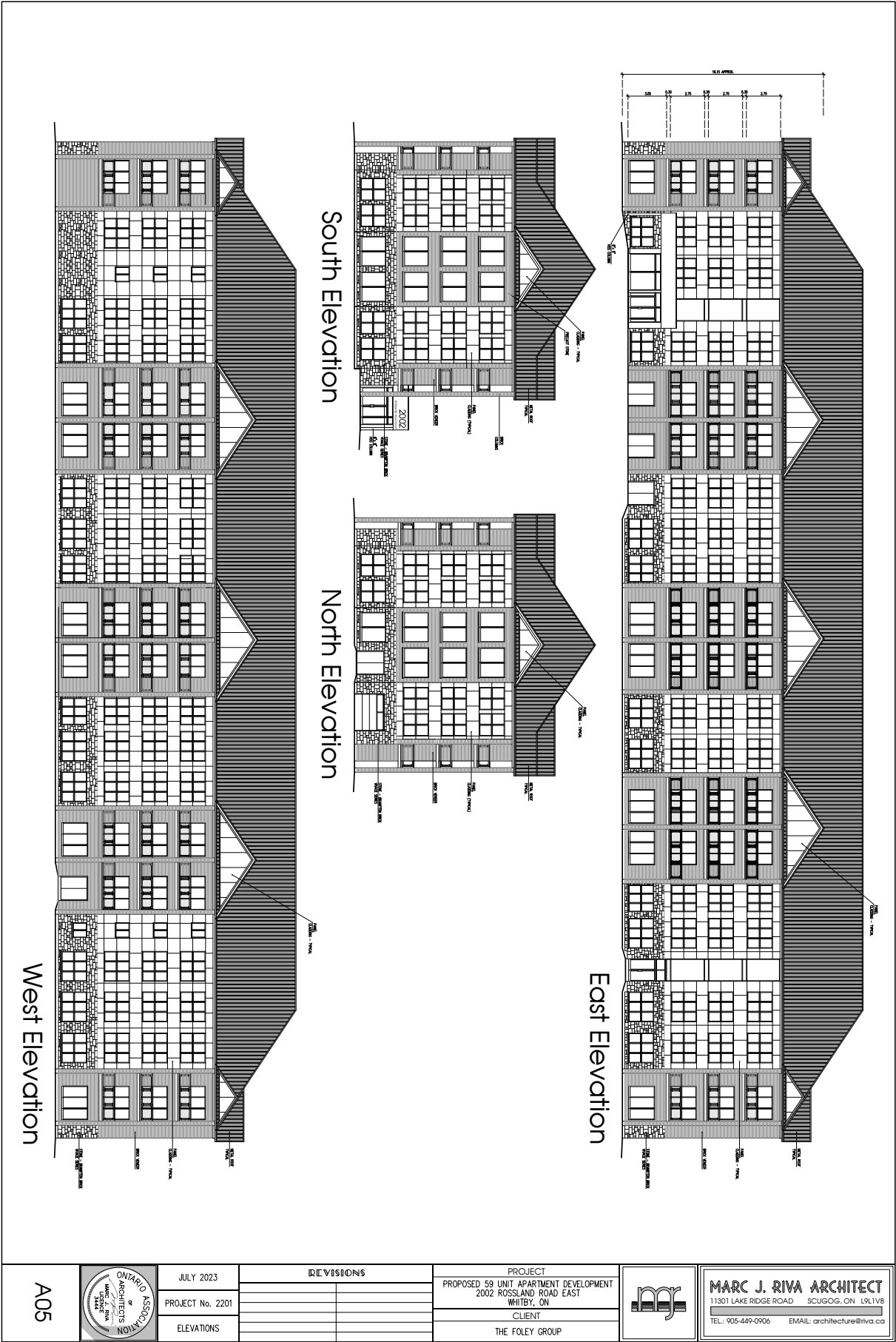
PDP 15-24



Attachment #3b

Proponent's Proposed Building Elevations

PDP 15-24



A05



JULY 2023
PROJECT No. 2201
ELEVATIONS

REVISIONS	

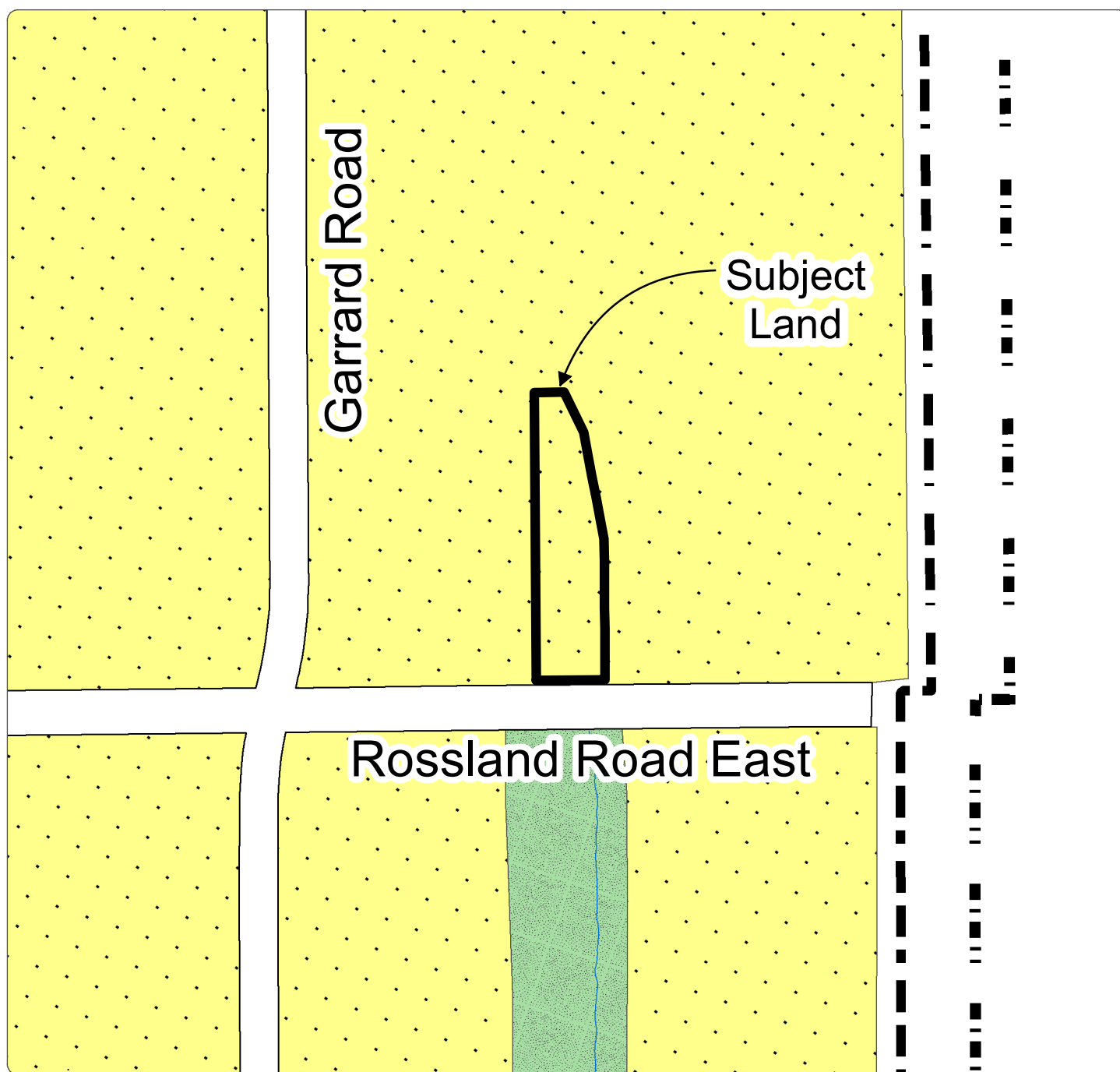
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PROPOSED 59 UNIT APARTMENT DEVELOPMENT
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WHITBY, ON
CLIENT
THE FOLEY GROUP

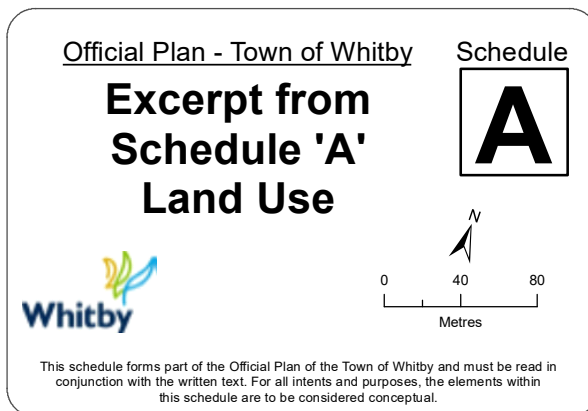
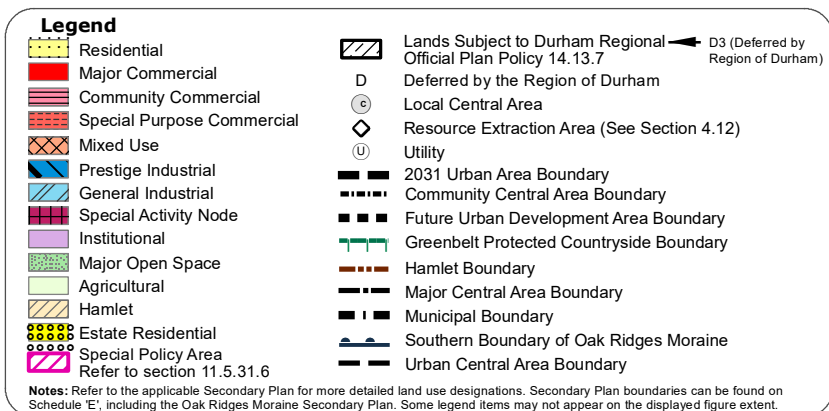


MARC J. RIVA ARCHITECT
11301 LAKE RIDGE ROAD SCUSOG, ON L9L1V8
TEL.: 905-449-0906 EMAIL: architecture@mrva.ca

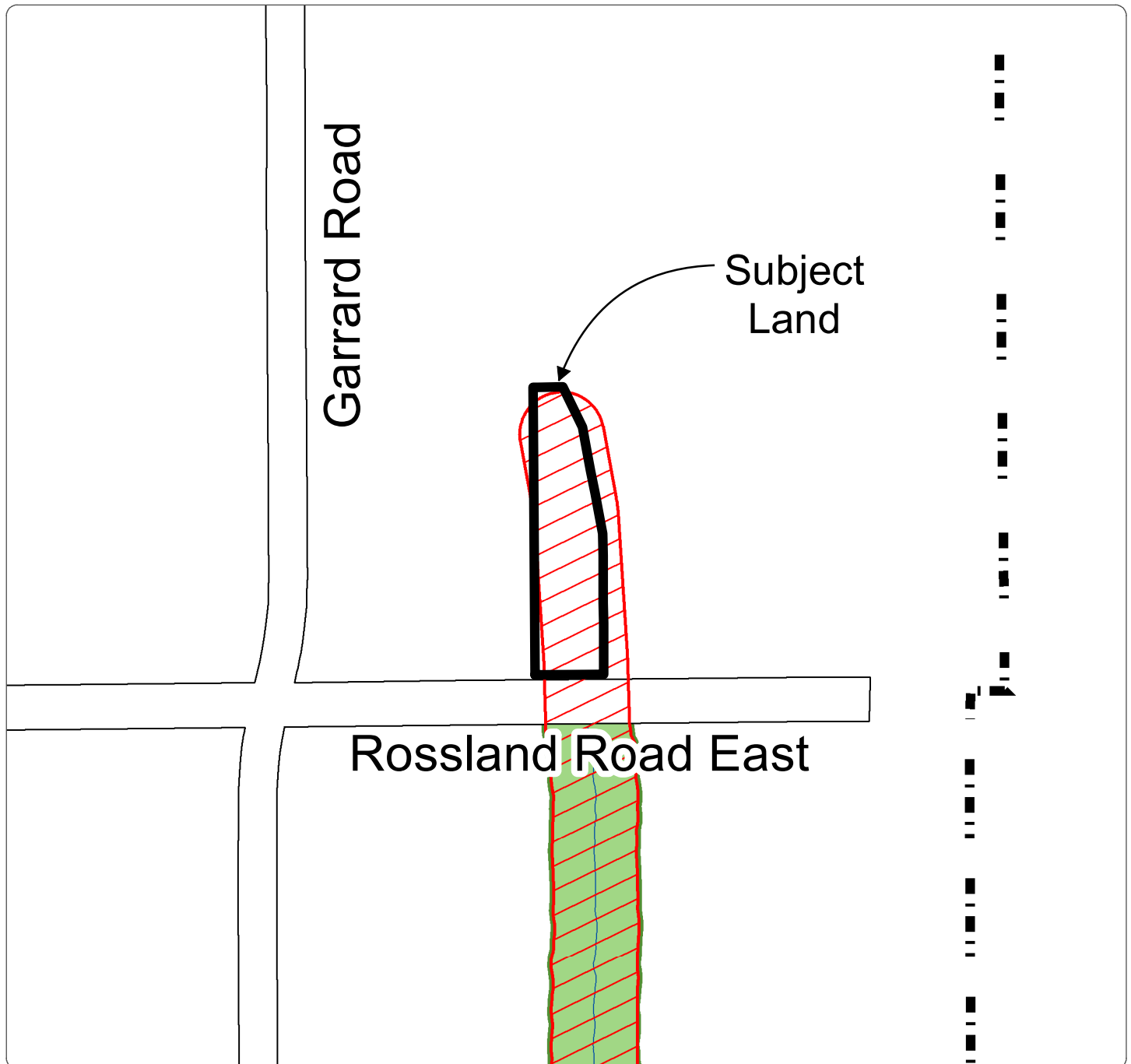
Attachment #4a

Excerpt from the Town of Whitby Official Plan Schedule 'A'





Excerpt from the Town of Whitby Official Plan Schedule 'C'

**Legend**

- ▲ Former Waste Disposal Site — D12 (Deferred by Region of Durham)
- 1 km Lake Ontario Shoreline Limit
- Greenbelt Protected Countryside Boundary
- Municipal Boundary
- Southern Boundary of Oak Ridges Moraine
- Former Lake Iroquois Beach
- Natural Heritage System
- Greenbelt Natural Heritage System
- Natural Hazards

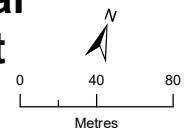
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Official Plan - Town of Whitby

Schedule

Excerpt from Schedule 'C' Environmental Management

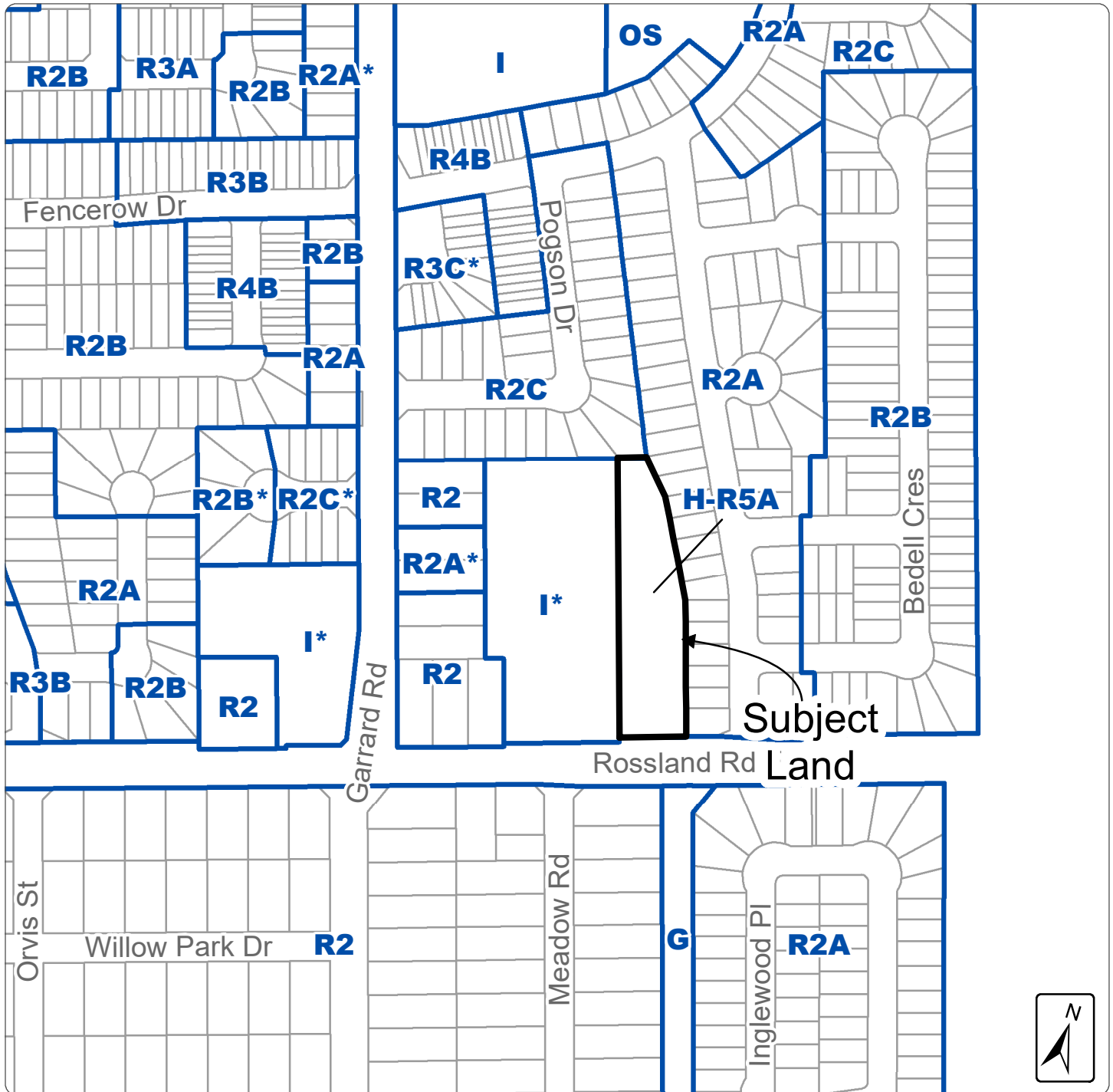
C



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

Attachment #5 Excerpt from Zoning By-Law 1784

PDP 15-24



Town of Whitby Planning and Development Department

Proponent:
Devon Downs Developments Ltd.

File Number:
DEV-21-18
(OPA-2018-W/06, Z-33-18)

Date:
April 2024

External Data Sources:
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Attachment # 6

Draft Proposed Amendment # 135 to the Town of Whitby Official Plan

- Purpose:** The purpose of this Amendment to the Whitby Official Plan is to add a site-specific policy exception to increase the maximum permitted residential density from 65 to 75 dwelling units per net hectare on the subject lands.
- Location:** The lands subject to the Amendment are generally located at the north side of Rossland Road East, west of William Davidson Street, currently municipally known as 2002 Rossland Road East.
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV- 21-18 (OPA-2018-W/06)), as submitted by D.G. Biddle & Associates on behalf of Devon Downs Developments Ltd.
- The Amendment would increase the maximum permitted residential density from 65 units per net hectare to 75 units per net hectare on the subject lands, to permit the proposed development of a 4-storey apartment building with a total of 59 dwelling units.
- The proposed residential development is consistent with the policies of the Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Durham Regional Official Plan, in that it would support increased housing supply and residential densities through intensification of an underutilized lot; take advantage of existing infrastructure and public services facilities; and, provide a pedestrian-oriented compact built form.
- The proposed development meets the general goals and intent of the Whitby Official Plan regarding the residential, housing and intensification policies in that it would allow for the development of a broader range of tenure types and housing forms while contributing to the achievement of the intensification targets for the municipality within the 'Built Boundary' as defined by the Province.
- Development of the subject lands would be subject to the provisions in the implementing Zoning By-law and an approved Site Plan Approval.

Actual Amendment:

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

- 1) By amending Section 4.4.5.3 c) of the Town of Whitby Official Plan, by adding the following new sentence at the end of the paragraph:

“Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density shall be 75 units per net hectare.”

Implementation:

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

Interpretation:

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

Attachment #7

Excerpt from Public Meeting Minutes, March 25, 2019

Public Meetings Minutes
March 25, 2019 - 7:00 PM

- 5. Planning and Development Department Report, PL 31-19
Re: Applications for Official Plan Amendment, Zoning By-law
Amendment and Site Plan Approval, 2002 Rossland Road East, Devon
Downs Developments Ltd. File: DEV-21-18 (OPA-2018-W/06, Z-33-18,
SP-43-18)**

G. Wilson, Planner I, provided a PowerPoint presentation which included an overview of the application.

Michael Fry, from D.G. Biddle and Associated Ltd., representing Devon Downs Developments Ltd., provided an overview of the application.

The Chair opened the floor for comments from the public.

Patricia Weber, 8 William Davidson Street, raised concerns about the creek running behind her property and asked if the proposed development would cause environmental concerns. She expressed privacy concerns about the proposed development. Ms. Weber stated that the proposed development would add to traffic congestion, making it difficult to turn onto Rossland Road and that the development would impact mature trees and the scenery from her backyard. She stated that the creek is home to wildlife and she expressed concerns that this area would be destroyed.

The Chair requested that the proponent comment on the environmental assessment report.

The proponent stated that an environmental study was completed. The results indicated that the creek was a drainage ditch and not a creek. The former creek in the area was diverted many years ago by a development in the adjacent area. The report stated that there were no environmental issues with the proposed development.

Amy Duga, 21 Pogson Drive, stated concerns with losing the dense wooded lot behind her home, privacy in her backyard, and her quiet neighbourhood. She indicated that these features were the main

attractions when she bought her property. She requested that a 10 foot high sound proof fence be built between her property and the proposed development. Ms. Duga stated that the location of the amenity area in the development was behind the building and she requested that the developer provide security and lighting to ensure safety of residents and neighbours.

Phil Egginton, 90 Bedell Court, raised concerns regarding the proposed development's compatibility with the existing community. He stated that most homes in the area were bungalows and the 4-storey development would change the look of the neighbourhood. Mr. Egginton requested access to the environmental assessment report and stated that the creek was a wildlife sanctuary.

The Chair advised that Central Lake Ontario Conservation Authority (CLOCA) had reviewed the report. The proponent confirmed the report had been reviewed by CLOCA.

Carolyn Mcnabney, 14 William Davidson Street, asked when the CLOCA report was issued and indicated that CLOCA had not shared the environmental assessment report with neighbours when they requested. Ms. Mcnabney noted that the creek hosted wildlife and rare birds and was part of Corbett Creek which flows into Lake Ontario. She raised concerns with the height of the development, the existing topography, and asked if the area would be levelled for construction. She stated that loss of privacy and constant shadowing were concerns. Ms. Mcnabney raised concerns with the size of proposed development and stated that the neighbourhood is not suitable for a high-rise building. She added that the community needed to be provided with more information and indicated that the mature trees on the property needed to be maintained. She stated that adding high cedars and privacy fencing would help to maintain privacy to existing residents in the neighbourhood.

The Chair requested Planning and Development Department Staff to comment on the environmental assessment report.

Planning and Development Department Staff stated that reports and documents submitted by the proponent would be analyzed. Staff added that they had received the environmental assessment report in December 2018.

William Espie, 18 William Davidson Street, raised concerns relating to privacy and the proposed 4-storey building casting shadows on neighbouring homes. He noted safety concerns related to traffic congestion that the development would cause.

Patty Pietrow, 17 William Davidson Street, raised concern with having limited information about the proposed development. She stated that the proposed 4-storey structure was too tall and not compatible with the existing density of the neighbourhood. She expressed concern about shadows from the proposed development. She added that zoning changes would encourage other high-rise developments within the area. She asked if the Oshawa Executive Airport was consulted as the proposed development would be within the flight path. Ms. Peitrow

raised concern related to on-street parking and wanted information about visitor's parking for the proposed development. She raised concerns with parking of construction vehicles during and after the construction, mature trees being cut down, and stated that the proponent needed to provide a privacy fence.

Christina Hall, 31 Lloyd Gibson Crescent, raised concerns that there were empty parcels of land in the area that could be used for future high-rise developments and change the character of the neighbourhood. She indicated concerns with density and said turning onto Rossland Road would be difficult due to added traffic congestion from the proposed development. The Chair advised that documents and reports pertaining to the proposed development were available for public viewing in the Town's Planning and Development Department. The Chair requested that the Planning and Development Department Staff speak to the Oshawa Executive Airport issue.

Planning and Development Department Staff stated that the proponent had submitted an airport proximity report and that they were awaiting response from the City of Oshawa.

Michael Newell, 22 William Davidson, raised concerns with the zoning by-law amendment and increasing the height of the development from 3 to 4-storeys. He stated that the proposed development was in line with the east-west approach for a runway at the Oshawa Executive Airport. He stated that the planes circled over the intersection of Rossland Road and Garrard Road before landing at the airport. He raised safety concerns as trainee pilots flew planes in the area at low altitudes, and that the approach path would be over the proposed development, raising the possibility of an accident. Mr. Newell stated the proposed development would require aircraft warning lights installed on the roof and this would add to light pollution for neighbouring residents. He noted that the proposed development would depreciate the value of homes.

Adam Hillen, 3315 Garrard Road, raised environmental concerns with the development. He stated that the area had saturated soil and asked for access to the environmental assessment report. Mr. Hillen stated that a driveway going to a nearby Church had a drainage ditch which ran from west to east on the south side of the property and that this ditch was filled in December 2018. He asked if the modifications to the

drainage ditch were part of the development, and if so, was drainage considered before the environmental assessment report was prepared.

The Chair advised that the environmental assessment report was available in the Town's Planning and Development Department and stated that the Town Staff would examine the drainage ditch issue.

There were no further submissions from the public.

The Chair asked the proponent if they would be willing to organize a public open house for area residents to discuss their concerns in more detail.

The proponent indicated a public open house would be an option, but he needed to confirm this with the owner of the proposed development.

The meeting adjourned at 8:56 p.m.

Kevin Narraway, Manager of Legislative
Services/Deputy Town Clerk

Attachment #8

Agency & Stakeholder Comments

File: DEV-21-18 (OPA-2018-W/06; Z-33-18; 2002 Rossland Road East)

Internal Departments

Whitby Accessibility

Planning staff note that detailed accessibility comments regarding the Site Plan will be addressed through the Site Plan Approval process.

Whitby Engineering Services – Development

Engineering Services comments regarding the Site Plan (e.g. Construction Management; Site Grading and Drainage; site Servicing; sidewalks; erosion/sedimentation control; cost estimates; etc.) will be addressed through the Site Plan Approval process.

Whitby Engineering Services – Transportation

Transportation Services is satisfied with the submission.

Other matters (e.g. bicycle parking) will be addressed through engineering submission through the Site Plan approval process.

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services have reviewed the above name application and make the following comments:

1. An adequate water supply for firefighting purposes shall be provided as per Section 3.2.5.7 of the Ontario Building Code.
2. Fire Department access routes shall be designed and constructed to comply with 3.2.5.6 of the Ontario Building Code and shall be signed to comply with Whitby By-law #4084-97

Elexicon (formerly Whitby Hydro Energy Services Corporation)

[Elexicon] has no objection permitting the development of four storey apartment building with 59 units at the above location.

The applicant or its authorized representative is to be advised that they become familiar with our Conditions of Service and shall consult with [Elexicon] as the project develops concerning the availability of supply voltage, service location, metering costs and any other details.

[Elexicon] will complete a service layout and confirm, in writing, the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Whitby Hydro will also identify the costs that the applicant will be responsible for.

These requirements are separate from (and in addition to those of) the ESA.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in wiring on our website via a connection/upgrade request form.

The application is further required to provide [Elexicon] with sufficient lead-time in order to ensure:

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

Please ensure a minimum of 3m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

Whitby Planning and Development Department – Development Control, Design and Technical Services

Landscaping:

Detailed comments will be addressed through the Site Plan Approval process.

Urban Design:

Detailed comments will be addressed through the Site Plan Approval process.

Whitby Parks Development

The Parks Division of the Community and Marketing Services Department has reviewed the applications dated January 11, 2019 and has the following comments:

- The Community and Marketing Services Department recommends incorporating indoor and outdoor private amenity space for the future residents of this development. The closest local park is Eric Clarke Park located north more than 500 metres walking distance.

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

1. The Department will require cash-in-lieu of parkland dedication at a rate of 1 hectare per 312 dwelling units. This is consistent with the Town's Official Plan policy 4.9.4.3 and the Department's standard practice regarding high density residential development.

External Agencies

Central Lake Ontario Conservation

Central Lake Ontario Conservation Authority (CLOCA) staff have reviewed [the applications and supporting materials] and are satisfied that all previous comments have been addressed to our satisfaction. The following clarification and direction is provided for each of the applications listed above.

Official Plan Amendment (OPA-2018-W/06)

Based on our review of the circulated supporting documents for this application, CLOCA staff have no objection to any approval of the Official Plan Amendment necessary to allow for higher density within a Medium Density Residential designation.

Zoning By-law Amendment (Z-33-18)

Based on our review of the circulated supporting documents for this application, CLOCA staff have no objection to any approval of the Zoning By-law Amendment necessary to support the development of the proposed project within these lands.

Site Plan Application (S-43-18)

Based on our review of the circulated supporting documents for this application, CLOCA staff have no objection to any approval of the Site Plan Application for the development of this site subject to the following conditions:

1. That the Landowner obtain a permit from CLOCA prior to any site alteration and/or development of this property in accordance with Ontario Regulation 42/06 of the Conservation Authorities Act.
2. That the Landowner agree through a Development Agreement with the Town of Whitby to complete this project in accordance with the approved studies and documents.

City of Oshawa – Planning Services

Further to the public meeting notice circulated for Files OPA-2018-W-06 and Z-33-18, please note that City of Oshawa Planning Services have no comments on the subject applications. However, we understand that comments have been provided by the Oshawa Executive Airport. Those comments should be considered during the further processing of the applications.

City of Oshawa – Oshawa Airport Authority

Oshawa Airport Authority notes the receipt of the proponent's documents.

It appears as per the submitted documentation that the structure does not impact the [Airport Zoning Regulation], or the instrument procedures for the airport and satisfies the comments from APM Wilcox. We have a few additional comments and they can be found below:

1. The proponent must ensure any means to construct the building (i.e. cranes) do not exceed the [Airport Zoning Regulation] at any time. We will require a plan of construction on how they will ensure the [Airport Zoning Regulation] is respected;
2. The proponent will be required to submit an application to the NAV Canada land use process for the cranes used to construct. No impact on the instrument approaches at the airport will be accepted. We would want to see the response letter from NAV Canada illustrating no impacts for temporary obstacles.
3. The proponent shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace.
4. The proponent shall ensure the new structure and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.

Canada Post

Service type and location

1. Canada Post will provide mail delivery service to this development through centralized mailroom (Lockbox Assemblies).
2. Apartment / Condominium Building(s): As the building in this project consist of more than two adjoining units, sharing a common indoor entrance, the developer/owner must supply, install and maintain a centralized mail room facility to Canada Post's specifications. Buildings with more than 99 self contained units require rear loading lockboxes.
3. By default, since this development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.
4. Please see attached linked for delivery standards:
http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual_en.pdf

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).

2. Should this application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline, obligations and installation

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

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

Durham District School Board (DDSB)

Durham District School Board staff has reviewed the above noted applications and under the mandate of the DDSB has no objections.

Durham Catholic District School Board (DCDSB)

Planning staff at the Durham Catholic District School Board have reviewed the above noted Applications and have no objections to the proposed development of 59 apartment residential units.

This development is within the boundary of St. Paul Catholic School located at 200 Garrard Road.

Durham Region

Durham Region staff have reviewed [the applications and supporting materials] and the following comments are offered with regards to the Provincial Plan Review Responsibilities, transportation and servicing.

Provincial Plan Review Responsibilities:

A Phase One Environmental Site Assessment (ESA) Report and Update was provided. The Phase One ESA report and Update did not identify any new Potentially Contaminating Activities (PCAs) and no Areas of Potential Environmental Concern were identified.

The Regional Reliance Letter and Certificate of Insurance were provided for the Phase One ESA Update Report and is acceptable to the Region. However, no Reliance Letter and Certificate of Insurance was submitted for the Phase One ESA Reports prepared in 2017 and 2019 by Golder Associates Ltd. The Reliance Letter and Certificate of Insurance from Golder/WSP should be provided.

A Stage 1 and 2 Archaeological Assessment was prepared by Northeastern Archaeological Associates Limited (December 2017) for the subject site. The clearance letter from the Ministry of Tourism, Culture and Sport (February 2018) was provided in this fourth submission. There are no further matters of archaeological concern.

The Preliminary Environmental Noise Report prepared by Jade Acoustics (December 2019) was reviewed. It is noted that central air conditioning will be used in the building, which will address all acoustical requirements. Warning clauses will also be required to be placed in offers of purchase and sale and/or lease agreements. This should be included in the Town of Whitby's [site plan] development agreement.

The predicted unmitigated sound level associated with the at-grade outdoor amenity area adjacent to Rossland Road East is 66 dBA. This is in excess of the 60 dBA permissible sound level, accounting for a 5 dB increase above 55 dBA. The study notes that a noise barrier along the Rossland Road frontage is not desirable. There is another outdoor amenity area at the north side of the building, where the sound level is less than 55 dBA. The Region recommends that the site plan be revised to remove the outdoor amenity label for the area fronting Rossland Road.

Regional Transportation and Works staff reviewed the [the applications and supporting materials] and have no further comments on the revised Traffic Impact Study. The Region has no objection to further processing of the Official Plan Amendment subject to submissions addressing the Provincial Plan Review Responsibilities being addressed. Detailed servicing/transportation comments can be provided through future site plan application submissions.

Enbridge Gas Distribution

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea40@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

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

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

In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. For more details contact SalesArea40@enbridge.com.

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Report PDE 02-24 Port Whitby Traffic Consideration

Report to: Committee of the Whole

Date of meeting: April 15, 2024

Report Number: PDE 02-24

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

Roger Saunders, Commissioner,
Planning and Development

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

For additional information, contact:

Peter Angelo, Director, Engineering
Services, x4918

Tara Painchaud, Sr. Manager,
Transportation Services, x4937

1. Recommendation:

1. That Report PDE 02-24 be received for information.
2. That Council provide direction to staff regarding potential Port Whitby traffic calming elements identified in Report PDE 02-24.
3. That Item P&D-0017 be removed from the New and Unfinished Business list.

2. Highlights:

- Engineering Services staff met with two Port Whitby residents to discuss their concerns, as well as potential traffic calming and/or traffic control modifications to the Port Whitby area that might address their concerns.
- Potential modifications to traffic control and prospective traffic calming elements, including preliminary costs estimates, are provided in Table 1.
- Depending on Council direction, amendments to Traffic By-law 1862-85 may need to be brought forward for Council approval, as well as budget considerations.

3. Background:

Port Whitby area is the area generally bounded by Highway 401 to the north, Gordon Street/Jim Flaherty Street to the west, Harbour Street to the east and Lake Ontario to the south. The Port Whitby Secondary Plan is considered in Section 11 and Schedule F of the [Town's Official Plan](#).

The Port Whitby area includes a Major Transit Station Area and is one of several Intensification Areas located within the Town of Whitby where increased residential densities infilling and/or intensification is anticipated to create a compact neighbourhood. The population of Port Whitby/Whitby GO Station Area is expected to increase by an additional 10,500 people and 3,290 more jobs by 2031.

A petition requesting traffic enforcement and traffic control measures to address speeding, aggressive driving, and excessive noise from modified mufflers and motorcycles was received in February 2023. Excluding signatures from the same household, but including signatures from outside the Port Whitby area, 176 households signed the petition.

4. Discussion:

There are numerous traffic calming elements available to slow down vehicles, including speed humps, raised intersections or crosswalks, chicanes, etc. Given the various options, the Town is developing a Traffic Calming Policy that will guide traffic calming within the Town. The policy will include a process for prioritizing streets as well as identifying the traffic calming elements to be consistently applied within the Town. Until the policy is developed and implemented, Ward Councillors identify the streets that will receive traffic calming and Fire Services is consulted for feedback and agreement. At the time of writing Report PDE 02-24, the 2024 traffic calming program had not been finalized.

Potential traffic calming elements discussed with the Port Whitby residents are provided in Table 1. Refer to Attachment No. 1 for approximate geographic location. The cost to implement the traffic calming elements are preliminary estimates and may be refined.

Table 1 Traffic Calming or Traffic Control Elements

Element(s) for Consideration	Location(s)	Details
Pedestrian Crossover (PXO)	Mid-block crossing at Watson Street and the Waterfront Trail/Victoria Fields	Upgrading the existing uncontrolled pedestrian crossing to a Level 2, Type C PXO was planned for 2024. A Level 2, Type C PXO includes flashing beacons. The 2023 locations were previously committed through staff reports or development applications and cost sharing.

Element(s) for Consideration	Location(s)	Details
		Nonetheless, the PXO at Watson Street has been added to the 2023 contract (delayed to 2024 construction due to the labour disruption) through discussions with the successful contractor/ change order and will be prioritized over other 2023 locations. Cost: \$30,000 to \$55,000
Speed Humps	Charles Street between Watson Street and Front Street Watson Street between Brock Street and Harbour Street	Traffic calming is planned for 10 streets annually. The current process is through discussions with the Ward Councillor and Fire Services. Following the completion of the Traffic Calming Policy, streets are expected to be prioritized based on identified criteria. Cost: \$25,000 - \$40,000
Radar Speed Feedback Signage	Charles Street between Watson Street and Front Street Watson Street between Brock Street and Harbour Street	Installation of permanent radar speed feedback signage. This could be a layered traffic calming approach, to be installed with speed humps, or could be installed independent of speed humps. Cost per unit: \$3,500 capital cost, \$500 annual operating cost
On-Road Planters	Charles Street between Watson Street and Front Street	On-road planters to narrow the road width and provide separation between the multi-use path users and vehicles. The planters would be seasonal. Maintenance has not been planned and may need to be a contracted service. Cost: \$35,000 capital cost, \$10,000 operating cost
Community Safety Zone	Watson Street between Charles	Community Safety Zones within the Town are installed adjacent to district

Element(s) for Consideration	Location(s)	Details
	Street and Dufferin Street	<p>parcs/schools and allow Durham Regional Police Services to double fines.</p> <p>Through PDE 13-23, Council approved the Community Safety Zone adjacent to Victoria Fields. Residents have requested the extension of the Community Safety Zone to the east (from Charles Street to Dufferin Street).</p> <p>Cost: \$2,000</p>
Signalization	Brock Street and Watson Street	<p>The intersection is under the jurisdiction of the Region of Durham and currently under All-Way Stop control.</p> <p>Region staff have confirmed that the existing volume of vehicles, pedestrians and the historical rate of preventable collisions is below the minimum Warrant threshold to justify installing traffic control signals. The intersection has been added to their spring 2024 count program to confirm the warrant.</p> <p>If signalization is not warranted, the Town would be responsible for 50% of the construction costs and 100% of the operating costs. With area development future costs may be shared with others.</p> <p>Installation of a signal is not possible in 2024 and would require discussions with Regional staff.</p> <p>Cost: \$250,000 capital cost, \$8,000 annual operating costs</p>
Crosswalk Pavement Markings	At Stop control locations	<p>The addition of crosswalk pavement markings at stop signs to delineate pedestrian crossings.</p> <p>Cost: \$7,500</p>

Element(s) for Consideration	Location(s)	Details
Construction Traffic Rerouting	From Brock Street South to Water Street and South Blair Street	<p>There is currently positive truck route signage on Victoria Street (installed in 2023) and South Blair Street (installed in 2019). With on-going construction at several properties on Water Street, the request from residents is to have heavy vehicles use Water Street and South Blair Street.</p> <p>The rerouting of truck traffic could be implemented through communication with the developers/property owners and additional positive guidance truck signage.</p> <p>Cost: \$2,000</p>
Wayfinding Signage	Victoria Street	<p>Wayfinding signage on Victoria Street can be installed to direct waterfront visitors via Brock Street. With the completion of the Town's Accessible Signage and Wayfinding Study signage could be designed and installed.</p> <p>Cost: \$20,000 - \$40,000</p>
Area Specific Speed Limit (40 km/h)	South of Victoria Street, east of Victoria Fields, West of Harbour Street	<p>The Traffic Calming Policy will consider traffic calming elements including neighbourhood specific speed limits (40 km/h). Port Whitby was identified as a pilot area.</p> <p>Installation of signage at entry points into the community and supplementary signage throughout Port Whitby would advise drivers of the speed limit.</p> <p>Cost: \$5,000 - \$10,000</p>
Enforcement	Port Whitby	<p>Request By-law Services and Durham Regional Police Service to enforce parking and Highway Traffic Act infractions, respectively. This would include enforcement of parking restrictions, posted</p>

Element(s) for Consideration	Location(s)	Details
		speed limit, compliance with stop control and heavy vehicle restrictions. Cost: N/A
School Crossing Guard(s)	Brock Street and Watson Street	School crossing guards are Town of Whitby employees that assist walking elementary school students to/from school. As of December 2023, there were 854 bus stops for elementary school students. Providing a school crossing guard for bused students is not feasible. Buses are equipped with flashing lights and stop sign to alert drivers to not pass the school bus. Cost: \$20,000 annually for Crossing Guard

5. Financial Considerations:

One-time capital costs of potential traffic calming and traffic control measures for the Port Whitby area totals \$380,000 to \$445,000 with annual operating costs of \$38,500/year (as outlined in Table 1, above).

The signalization at Brock Street and Watson Street (\$250,000) and Wayfinding Signage (\$20,000 to \$40,000) initiatives outlined in Table 1, above, do not fit within any of the Town of Whitby's existing/approved capital projects and would be recommended to be considered in the 2025 capital budget should Council wish to proceed with these two projects. Further, signalization projects are handled by the Region of Durham so timing of installation of signals are dependent upon the Region's program and consideration. Excluding Signalization and Wayfinding, the projects in Table 1 total \$110,000 to \$155,000 of one-time/capital costs and \$30,500 of on-going operating costs.

The Town's 2024 approved capital projects related to Town-wide traffic calming and traffic control totals \$1,011,525 as outlined in Table 2, below:

Table 2 Capital Budget

Project Number	Project Name	Approved Budget
35226411	Pedestrian Crossovers	\$386,525
40236066	Traffic Calming Initiatives	\$450,000

Project Number	Project Name	Approved Budget
40236068	Misc Signage & Pavement Markings	\$175,000
Total		\$1,011,525

Should Council direct staff to move forward with the traffic calming elements included in Table 1 (excluding signalization and wayfinding):

- the annual operating costs of \$30,500 would be added as a pressure to the 2025 operating budget;
- one-time costs for implementation of traffic calming/control measures in the Port Whitby area would be committed against the \$1,011,525 of the 2024 capital budget; and
- Following this commitment, there would be \$856,525 to \$901,525 (= \$1,011,525 - \$155,000; and = \$1,011,525 - \$110,000, respective) remaining in the 2024 capital projects for traffic calming and traffic control measures for the rest of the Town.

6. Communication and Public Engagement:

There is no statutory requirement for consultation or public engagement. Residents that Engineering Services staff met with have been advised of Report PDE 02-24.

7. Input from Departments/Sources:

The traffic calming elements identified in Table 1 have been developed in collaboration with local residents. Community Services staff and Financial Services staff have provided input into Report PDE 02-24.

8. Strategic Priorities:

Report PDE 02-24 supports Pillar 1 and Pillar 4 priorities of the Community Strategic Plan. Specifically, the Pillar 1 area of focus is to support road safety through the implementation of traffic calming. Pillar 4 is premised on the best use of technology, transparent and open decision-making, meaningful engagement, and a commitment to continuous improvement. In addition, sustainable transportation such as supporting walkability is a key sustainability principle.

9. Attachments:

Attachment 1 – Potential Traffic Calming or Traffic Control Elements Location



Port Whitby Traffic Calming Consideration

Legend:

- | | |
|---------------------------------|---------------------------------------|
| 1. Pedestrian Crossover (PXO) | 5. Signalization |
| 2. Speed Humps | 6. Crosswalk Pavement Markings |
| 3. Radar Speed Feedback Signage | 7. Construction Traffic Rerouting |
| 4. Community Safety Zone | 8. Wayfinding Signage |
| | 9. Area Specific Speed Limit (40km/h) |



PDE-02-24

March 12, 2024 \zz council report attachment\pde-02-24 port whitby calming

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



**Report Title: Downtown Whitby Business Improvement Area (BIA)
2024 Budget and 2023 Reporting**

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: FS 13-24

Department(s) Responsible:

Financial Services Department
Office of the Chief Administrative Officer

Submitted by:

Fuwing Wong, Commissioner, Financial
Services, Treasurer

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

For additional information, contact:

Crystal Doucette x 2815
Christy Chrus x 3164

1. **Recommendation:**

1. **That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Beautification Report and the 2023 Annual Report, (Attachments 2 and 3 of Report FS 13-24), be received; and,**
2. **That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Budget, (as outlined in Attachment 1 of Report FS 13-24), inclusive of a \$220,500 special tax levy for businesses within the Downtown Whitby Business Improvement Area, be approved.**

2. **Highlights:**

- The proposed Downtown Whitby Business Improvement Area ("BIA") budget for 2024 is \$282,283 which is \$93,159 lower than the approved 2023 budget.
- Despite a lower overall operating budget, the proposed 2024 BIA budget includes a proposed 5% (or \$10,500) increase in the Special Tax Levy (i.e. 2024 special tax levy of \$220,500 from \$210,000 in 2023).
- The Special Tax Levy for the BIA is in addition to the general tax levy and is collected from properties in one of the prescribed business property classes within the Downtown Whitby Business Improvement Area.

- The proposed 2024 BIA budget also includes a \$29,783 draw from their reserves (previous surpluses) which is not sustainable in the long-term.

3. Background:

The Downtown Whitby Business Improvement Area was established on April 17, 2017, through By-law # 7268-17 in accordance with Section 204 of the Municipal Act. The by-law included a schedule that outlined the defined boundary of the Downtown Whitby Business Improvement Area (see Attachment 4).

The Downtown Whitby Business Improvement Area Board of Management (“**BIA Board**”) is a local board for the municipality and has the responsibility to promote the Business Improvement Area as a business or shopping area. The BIA Board may also oversee the improvement, beautification, and maintenance of municipally owned land, buildings, and structures within the BIA beyond the service levels and budgets provided for within the Town’s budget. A Terms of Reference was developed (ToR-LB-03) which includes requirements for the BIA Board to submit various financial and non-financial reports annually to the Town of Whitby. This report contains the annual reports from the BIA Board, including the Board’s proposed 2024 Downtown Whitby Business Improvement Area budget.

The BIA’s budget is mainly funded through a Special Tax Levy. Other sources of funding for the BIA include grants and event revenues. The Special Tax Levy for the BIA is applied only to properties within the Downtown Whitby Business Improvement Area that are in one of the rateable business tax classes. For property owners within the boundaries of the BIA, the Special Tax Levy is in addition to the General Tax Levy collected by the Town.

4. Discussion:

Annual reports from the BIA Board are attached and include:

- The BIA Board’s 2023 Annual Report (Attachment 3)
- The 2024 BIA Beautification Report (Attachment 2)
- The BIA Board’s Proposed 2024 Budget (Attachment 1)

Further, there will be a delegation from members of the BIA Board at the April 8, 2024, Committee of the Whole meeting.

The BIA Board presented their proposed 2024 budget (attachment 1) to BIA members via an Annual General Meeting held on March 14, 2024 and approved their budget at a BIA Board meeting on March 11, 2024

Subject to Council approval of the BIA Board’s proposed 2024 budget, staff will finalize the Special Tax Levy By-law to collect a Special Levy from businesses located within the boundaries of the Downtown Whitby Business Improvement Area. The Special Tax Levy will support the initiatives outlined in the proposed 2024 BIA budget and is in addition to the General Tax Levy collected for Town of Whitby services.

5. Financial Considerations:

Full Details of the BIA's proposed 2024 budget are included in Attachment 1. Highlights of the proposed 2024 BIA budget are as follows:

- The BIA Board has presented a balanced budget where the proposed 2024 revenues and expenses are equal (at \$282,283).
- Overall, the proposed 2024 BIA budget is \$93,159 lower than the BIA's approved 2023 budget:
 - 2023 approved budget was \$375,442
 - 2024 proposed budget is \$282,283
 - \$50,000 of the decrease in the BIA's 2024 proposed budget is related to the cancellation of the Beer Fest event
- The Special Tax Levy included in the proposed 2024 BIA budget is proposed to increase by 5% or \$10,500 (from \$210,001 in 2023 to \$220,500 in 2024).
 - This special levy, along with event revenues and other revenues, is to fund the BIA Board's operating and capital programs outlined in the BIA's 2024 budget.
 - The Special Tax Levy for the BIA is in addition to the general tax levy and is collected from property owners with property that is within the BIA boundary and is in one of the prescribed business property classes.
- The proposed 2024 BIA budget includes \$29,783 to be funded from reserves (or previous BIA operating surpluses).
 - Town staff do not recommend the practice of using reserves to fund on-going operations and have advised the BIA Board of this during the 2024 BIA budget review;
 - Using reserves to fund on-going operations may lead to higher special tax rate increases in the future or result in core BIA programs/events being cancelled, with no on-going source of funding when reserves are fully depleted;
 - Further, depleted reserves leaves the BIA Board with no "rainy day" fund for unforeseen costs/emergency repairs, etc.
- Note: the financial audit for 2023 has not yet been completed so the 2023 actuals noted in the Proposed 2024 BIA Budget are unaudited at this time and may change following completion of the audit.

6. Communication and Public Engagement:

The BIA has held consultation with its members and this budget was voted on and approved at their Annual General Meeting on March 14, 2024.

7. Input from Departments/Sources:

The BIA held meetings with staff members from the Finance and Strategic Initiatives Departments as part of developing this proposed budget.

8. Strategic Priorities:

This report and the Downtown Whitby Business Improvement Area supports action item 3.2.5 – “Implement initiatives that support our downtowns as thriving destinations” in the Town of Whitby’s Community Strategic Plan.

9. Attachments:

Attachment 1 – Proposed 2024 BIA Budget

Attachment 2 – 2024 BIA Beautification Report

Attachment 3 – 2023 BIA Annual Report

Attachment 4 – Downtown Whitby Business Improvement Area Map

Revenue	2024 Budget	2023 YE Estimate	2023 ACTUALS TO SEPT 30 (Unaudited)	2023 Budget	2023 Notes
BIA Tax Levy	\$ 220,500.00	\$ 210,001.00	\$ 155,001.00	\$ 210,000.00	5% increase
T shirts and hoodie sales				\$ -	
GIC Dividends				\$ -	
Donations & Sponsorships	\$ -	\$ 11,000.00	\$ 11,000.00	\$ 21,400.00	Beerfest
Beer Fest Event Income	\$ -	\$ 52,692.00	\$ 52,692.00	\$ 50,000.00	
Cask and Comedy - CANCELLED				\$ -	
Christmas Market	\$ 8,000.00	\$ 7,500.00	\$ 500.00	\$ 8,000.00	Xmas Market
New 2021 Street Event - CANCELLED				\$ -	
Grants - Digital Main Street 3.0		\$ 36,017.54	\$ 36,017.54	\$ 46,349.00	
Grants - Digital Main Street FuturePROOF				\$ -	
Grants - Tourism destination grant		\$ 99,315.67	\$ 99,315.67	\$ -	For Christmas Market and beer fes for 2022
Grants - Central County Partnership grant		\$ 7,000.00			For Beerfest
Shop Durham Region - Regional Funding				\$ -	
Flowers - Town of Whitby Funding	\$ 19,000.00	\$ 19,000.00	\$ 1,344.70	\$ 19,000.00	Still to be invoiced
Extra Taxation Growth in Area				\$ -	
Transfer from Reserve				\$ 693.00	
Surplus from prior years	\$ 29,783.00			\$ -	Surplus in 2022 was \$66,725
Transfer to Petty Cash				\$ -	
In Kind Donations TOW	\$ 5,000.00	\$ 5,000.00		\$ 5,000.00	
Regional Municipality of Durham Wage Subsidy					
Ontario BIA Association			\$ -		
Other Revenues				\$ 15,000.00	
Total Revenue	\$ 282,283.00	\$ 447,526.21	\$ 355,870.91	\$ 375,442.00	
Expenditures	2024 Budget	2023 YE Estimate	2023 ACTUALS TO SEPT 30 (Unaudited)	2023 Budget	2023 Notes
Administrative Expenditures					
Salaries and Wages	\$ 120,750.00	\$ 115,000.00	94,539	\$ 115,000.00	
Sponsorship Commission				\$ 7,000.00	
Grant commission	\$ 5,000.00	\$ 24,063.14	\$ 24,063		
Digital Main Street Wages	\$ 18,545.00	\$ 26,208.00	\$ 17,472	\$ 46,349.00	
Digital Main Street FuturePROOF				\$ -	
Shop Durham Region Wages				\$ -	
Benefits	\$ 10,100.00	\$ 10,022.67	\$ 7,517.00	\$ 8,700.00	
Payroll Taxes and Deductions	\$ 8,600.00	\$ 8,510.67	\$ 6,383.00	\$ 12,000.00	
Office Supplies	\$ 2,000.00	\$ 5,000.00	\$ 1,356.00	\$ 4,000.00	
Membership Fees	\$ 1,000.00	\$ 909.00	\$ 909.00	\$ 868.00	
OBIAA Conference				\$ 2,000.00	
Misc. Seminar Fees				\$ -	
Rent	\$ 9,625.00	\$ 9,625.99	\$ 7,126.00	\$ 10,000.00	
Accounting/Auditing	\$ 8,000.00	\$ 7,930.00	\$ 4,930.00	\$ 8,500.00	
Computer Software	\$ 2,000.00	\$ 3,657.33	\$ 2,743.00	\$ 2,000.00	
Storage Unit	\$ 4,428.00	\$ 4,428.00	\$ 3,321.00	\$ 4,995.00	
Banking	\$ 200.00	\$ 200.00	\$ 152.00	\$ 300.00	
Advertising				\$ -	
Computer				\$ 90.00	
Subtotal	\$ 190,248.00	\$ 215,554.80	\$ 170,511.00	\$ 221,802.00	
Capital and Maintenance					
Phone	\$ 1,080.00	\$ 2,085.00	\$ 1,732.00	\$ 2,500.00	
Beautification	\$ 7,000.00		\$ -	\$ 7,000.00	Lightpost banners, STEPS
Flowers & Planters	\$ 24,000.00	\$ 23,911.00	\$ 23,911.00	\$ 19,000.00	Managed by BIA, funded by Town, in & out (Flowers - Town of Whitby Funding under revenue)
Murals	\$ 5,000.00	\$ 1,695.00	\$ 1,695.00	\$ -	Paid for design in the previous year
Data Collection				\$ -	
COVID 19 Expenses				\$ -	
Maintenance	\$ 2,500.00	\$ 1,200.00		\$ 2,500.00	Banner installation and removal (Beer Fest, Remembrance Day)
Other (Capital)				\$ -	
Subtotal	\$ 39,580.00	\$ 28,891.00	\$ 27,338.00	\$ 31,000.00	
Events					
Shop Late Shop Local			\$ -	\$ -	
Beer Festival	\$ -	\$ 61,419.00	\$ 61,419.00	\$ 50,000.00	
Cask and Comedy - new for 21				\$ -	
Christmas Market - 2020	\$ 50,000.00	\$ 50,000.00	\$ 20.00	\$ 50,000.00	
Volunteer Appreciation Event				\$ 1,000.00	
New 2021 Street Event				\$ -	
Other (Events)	\$ 18,000.00	\$ 1,225.52	\$ 1,225.52	\$ 15,000.00	Sidewalk Sale
Shop Durham Region Expenses				\$ -	
Subtotal	\$ 68,000.00	\$ 112,644.52	\$ 62,664.52	\$ 116,000.00	
Promotion and Advertising					
Website - Domain Registration		\$ 6,000.00	\$ 922.00	\$ 40.00	
Hosting & Maintenance	\$ 1,000.00	\$ -	\$ -	\$ 2,600.00	
AODA Compliance				\$ -	
Local Advertising	\$ 2,000.00	\$ 2,832.00	\$ 1,732.00	\$ 2,000.00	
Printing & Production				\$ 1,000.00	
Promotion Items				\$ 1,000.00	
Subtotal	\$ 3,000.00	\$ 8,832.00	\$ 2,654.00	\$ 6,640.00	
Assessment Loss & Reserves					
Digital mainstream grant deferred to 2024	-\$ 18,545.00		- 18,545.00		Balance of Digital Mainstream Grant of \$46,349 to be applied to salary in 2024
Grant received in 2023 for 2022 Events		\$ 99,315.68	\$ 99,315.68	\$ -	Transfer of Grant by Audit to 2022 because was for 2022 Beerfest and Xmas market
Commision paid on 2022 Grants		\$ (24,063.14)	\$ (24,063.14)	\$ -	Transfer of Commission paid by Audit to 2022 related to 2022 grants and sponsorships
Subtotal	\$ (18,545.00)	\$ 75,252.54	\$ 56,707.54	\$ -	
Total Expenditures	\$ 282,283.00	\$ 441,174.86	\$ 319,875.06	\$ 375,442.00	
Surplus/Deficit	\$ -	\$ 6,351.35	\$ 35,995.85	\$ -	

BEAUTIFICATION REPORT

DOWNTOWN WHITBY BIA

209 Dundas St. E, Whitby, Ontario, L1N 7H8

www.whitbybia.org

info@whitbybia.org

(905) 431 - 3271

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24



Whitby



ABOUT THE BIA

Historic Downtown Whitby is more than just a downtown; it's a destination. In the heart of the Durham Region, Downtown Whitby offers a unique mix of historic charm and modern vibrancy. In 2017, business and property owners within the downtown voted to establish the Downtown Whitby Business Improvement Area (DWBIA). Since then, the DWBIA has continued to serve business and property owners through advocacy, beautification, and tourism efforts.

As a town-supported organization, the DWBIA accounts for the downtown core as a whole and operates to benefit all businesses within the area. In the past six years, the DWBIA has completed meaningful work that has put Downtown Whitby on the map as a destination of choice.

This report contains an overview of the BIA's beautification initiatives for 2024.



PLANTERS & FLORAL BASKETS

Since 2022, the Downtown Whitby BIA has been managing the installation of floral baskets and planters in the downtown along Brock Street as part of its annual beautification initiatives. Previously managed by Town of Whitby, BIA staff have since been overseeing this project from start to finish. While the Town of Whitby covers the associated costs, the Downtown Whitby BIA oversees the procurement process, selection of the foliage, fulfillment of invoices, and maintenance.



In 2024, the Downtown Whitby BIA will continue to manage this beautification initiative. In efforts to support local businesses, the BIA aims to collaborate with local vendors or nurseries to procure a variety of colorful and seasonal foliage.



This beautification initiative not only adds a burst of color and beauty to the streets but also fosters a sense of community pride and engagement. Businesses, residents and visitors alike can enjoy the visual display of blossoming flowers and lush greenery, enhancing the overall ambiance of the downtown!

PATIOS & LIGHT POST ACTIVATIONS

03

PATIOS & LIGHT POST ACTIVATIONS

In 2024, the The Downtown Whitby BIA will once again partner with the Town of Whitby to install its annual on-street patio on the northeast corner of Brock St. & Colborne St., in front of the businesses along Brock St. This beautification initiative allows local businesses to utilize the space to expand their seating capacity and attract more customers, and contributes to a vibrant street scene, encouraging foot traffic and fostering a sense of community connection.

The Town of Whitby will oversee the installation process of the patio while the BIA will provide Adirondack chairs and picnic tables as well as floral planters for this space.

As the 2024 holiday season approaches, the Downtown Whitby BIA will continue to work with the Town of Whitby to activate the lightposts along Brock Street, illuminating the streets with a magical and festive glow.

As done so in previous years, the DWBIA and the Town of Whitby will work with Skedaddle Wildlife to install lit garlands and bows, and winter-themed banners and lights.





STOREFRONT WINDOW ART ACTIVATIONS

In fall of 2023, the Downtown Whitby BIA (DWBIA) partnered with Whitby Economic Development and STEPS Public Art to facilitate an upcoming public art initiative that aims at transforming storefronts into vibrant storytelling windows, depicting the past, present, and future of Downtown Whitby.

The project seeks to foster inclusivity, economic revitalization, and cultural tourism. STEPS Public Art and Whitby Economic Development have both offered to contribute to the BIA's budget for this project to ensure an ethical artist selection process, and recruitment of a well qualified artist for the project.

The team worked closely to identify the following four business locations, aiming to complete art installations in 2024:

- One More Cocoa
- Multiplex Office
- Couture Alterations
- Turquoise Boutique

The selected businesses look forward to having their storefronts beautified as it fosters community pride, supports local artists and attracts visitors to the area.



DOWNTOWN WHITBY EARTH DAY CLEANUP

April 22, 2024 is Earth Day! Earth Day is an annual event aimed at demonstrating support for environmental protection. It serves as a reminder of the importance of preserving our planet, and a day to reflect on its beauty.

Earth Day is marked by a wide range of activities and initiatives, both large-scale and grassroots. The Downtown Whitby BIA plans to do its part by hosting a Downtown Whitby cleanup campaign.

The BIA's Board of Management, along with BIA members, and prospective volunteers will be invited to join forces to clean up our downtown and restore its beauty by removing litter and debris! After all, a clean and welcoming downtown is a downtown worth visiting and Downtown Whitby is no exception!

Beyond April 22nd, the DWBIA hopes this initiative will serve as a reminder that every day is an opportunity to make a positive impact on our communities and our planet through our individual choices, collective efforts, and commitment to protect and preserve the Earth for future generations.



ANNUAL REPORT

DOWNTOWN WHITBY BIA

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Whitby

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ABOUT THE BIA

Historic Downtown Whitby is more than just a downtown; it's a destination. In the heart of the Durham Region, Downtown Whitby offers a unique mix of historic charm and modern vibrancy. In 2017, business and property owners within the downtown voted to establish the Downtown Whitby Business Improvement Area (DWBIA). Since then, the DWBIA has continued to serve business and property owners through advocacy, beautification, and tourism efforts.

As a town-supported organization, the DWBIA accounts for the downtown core as a whole and operates to benefit all businesses within the area. In the past six years, the DWBIA has completed meaningful work that has put Downtown Whitby on the map as a destination of choice.

This report contains an overview of the BIA's 2023 initiatives, events, advocacy and communication efforts, and 2024 financials.





NEW BOARD OF MANAGEMENT

The Downtown Whitby Business Improvement Area's (DWBIA) Board of Management oversees the improvement, beautification and maintenance of municipally-owned land and works to promote the downtown as a business and shopping area. Together with BIA staff members, they strive to execute the mission: "Feet on the street, dollars through the doors". This mission is achieved through place-making attractions, signature events, and both traditional and digital marketing.

Each member of the BIA Board of Management is elected by the BIA membership and must be an owner or tenant of commercial or industrial property within the BIA, or an individual appointed by a Corporation that is the owner or tenant of commercial or industrial property within the BIA.

At the 2022 Annual General Meeting (AGM), the Downtown Whitby BIA approved a proposed slate of eight new BIA Board of Directors for the 2022-2026 Term. Each new member, presented as follows, is thrilled to join the board and committed to represent the BIA membership across Downtown Whitby.

NEW BOARD OF MANAGEMENT

03

JD

JENNIFER DIGUER CHAIR

Jennifer Diguer is the Owner of Reiki Spirit Healing. For the past 10 years, she has volunteered with various community organizations, including Well Earth Collaborative. As a new business owner, she looks forward to helping promote the vibrant downtown core.

DP

DIANDRA PERSAUD VICE-CHAIR

Diandra Persaud is the Owner of Pranic Traditions. She has a background in Corporate Consulting and loves the downtown Whitby business community. She joined the BIA Board this year in hopes of furthering business transformation and improvement in the area.

BM

BOBBY MCBRIDE TREASURER

Bobby McBride is a Financial and Investment Advisor with a passion for community engagement. He's very active within the Durham community and serves various boards throughout. This year, he was appointed to the BIA Board on behalf of The Food and Art Café.

NN

NELLA NOAKES SECRETARY

Nella Noakes is the Owner of Unique Town Boutique. She has hosted many events at the Promenade over the years, including the Annual Winter Wonderland, and has always stepped up as an active and engaged member of the Downtown Whitby BIA.

CC

CORINA CONTRERAS BOARD MEMBER

Corina Contreras is the Owner of Crystal Bliss and has been actively engaged with neighboring businesses in cross-promotion initiatives. She joined the BIA Board this year in hopes of taking that community engagement to the next level.

NEW BOARD OF MANAGEMENT

04



JF

JAYNE FLIELER

BOARD MEMBER

Jayne Flieler is the Owner of Jayne Fashion Boutique. She loves the tight-knit business community on Brock St and is very involved in cross-promotion initiatives. She also clothes and styles her fellow neighboring business owners when they have functions to attend.



JD

JEANNIE DHUN

BOARD MEMBER

Jeannie Dunn is the Founder of Osteo Genie Wellness Hub. She has a unique background in Nursing, Osteopathy, and Energy & Movement Medicine. She loves the downtown Whitby community and has a passion for helping others on their health and wellness journey.



SD

STEPHANIE DAGA

BOARD MEMBER

Stephanie Daga is the Owner of Blush Pretty Inc. and Lowe & Simone. With two thriving downtown businesses, Stephanie is motivated to help further the growth and development of the Downtown Whitby business community.



ER

MAYOR ELIZABETH ROY

MAYOR, TOWN OF WHITBY

Elizabeth Roy has been a Member of Council for seventeen years and is serving her first term as Mayor of Whitby. She has held a variety of roles on both local and regional boards and committees, including the Downtown Whitby BIA.



CC

CHRISTY CHRUS

LIASON, TOWN OF WHITBY

Christy Chrus is the Manager of Creative Communications at the Town of Whitby. She is very active in the Whitby community and has been an indispensable resource for the BIA, assisting with navigation of new projects, initiatives, and community concerns.

BIA STAFF MEMBERS

The Downtown Whitby BIA is operated by two full time staff members who manage the day-to-day administration of the BIA. Executive Director, Clorraine Dennie, and Marketing & Communications Manager, Nina Hotak, have been working diligently over the last two years to help ensure the success of the BIA programs and projects established in previous years as well as new initiatives.

In 2023, the DWBIA also welcomed Lorena Purchase to the team to serve as Digital Main Street Ambassador, assisting businesses with DMS Grants applications and enhancing their online presence.



CLORRAINE DENNIE EXECUTIVE DIRECTOR

Clorraine Dennie is a seasoned BIA professional. With over 10 years of BIA leadership experience and a passion for community partnerships and local economic development, she has been determined to make Downtown Whitby a vibrant destination in Durham Region.



NINA HOTAK MARKETING & COMMUNICATIONS MANAGER

Nina Hotak joined the BIA in 2022 to oversee the Shop Durham Region Online Marketplace and took on the role of Marketing & Communications Manager in 2023. She has a background in Digital Marketing, e-Commerce, and Graphic Design.



LORENA PURCHASE DMS DIGITAL SERVICE AMBASSADOR

Lorena Purchase is the Owner of Brock St. Espresso. She served as Chair of the BIA Board of Directors in the previous term. This year, she took on the role of Digital Main Street Ambassador and has helped businesses to receive DMS grants and enhance their online presence.

DIGITAL MAIN ST.

Digital Main Street (DMS) is an innovative program designed to help main street small businesses achieve digital transformation. The program is built around an online learning platform, structured training programs, grants and Digital Service Squad teams of street-level experts that help main street small businesses manage and grow their operations through technology adoption.

In 2022, The Downtown Whitby BIA successfully secured nearly \$47,000 in funding through Digital Main Street. This allowed the BIA to hire Lorena Purchase as the new Digital Service Squad Member in 2023. Lorena's vast business experience, as well as connection to and familiarity with Downtown Whitby allowed her to successfully take on the new role.

From May 2023 to December 2023, Lorena was able to serve 100 businesses in person, as well as virtually via phone, zoom, and email. Additionally, she assisted several businesses in securing the \$2,500 Digital Transformation Grant, while also helping businesses improve their digital literacy and enhancing their online presence on various social media platforms.



DOWNTOWN WHITBY Meet & Greet

DOWNTOWN WHITBY MEET & GREET

On Tuesday, March 21, 2023, the Downtown Whitby BIA joined the Town of Whitby and the Whitby Chamber of Commerce for a drop-in style Meet and Greet event at Brock Street Brewery.

The event had an impressive turnout, and fostered valuable connections among the participating Downtown Whitby business and property owners. Everyone had the opportunity to engage in networking, getting to know their neighbors and local community, and learning more about upcoming activities and initiatives.

Each of the three participating organizations had a designated booth with informative presentations to engage attendees and facilitate interactive discussions, as well as gain valuable community feedback and insights. The Downtown Whitby BIA distributed postcards equipped with QR codes and was able to encourage attendee registration for upcoming signature events, as well as offering avenues for inquiries, feedback, and deeper engagement with the BIA's mission and activities.

BUILDING NEW PARTNERSHIPS

One of the ongoing goals of the Downtown Whitby BIA is to continue to build and foster partnerships within Whitby in efforts to develop a more vibrant and engaged community.

The BIA is pleased to announce collaboration this year with the Whitby Legion and Wounded Warriors Canada for a Remembrance Day initiative. Additionally, the BIA formed partnerships with Visit Durham Region for the Holidays, as well as Beech Street Theatre Company, Crock A Doodle Whitby, North Brothers, and Kaylan Phillips Videography, all of whom participated in the 2023 Christmas Market.



NORTH BROS.
FILMS



WHITBY HOMELESSNESS TASK FORCE

Durham is currently the fastest-growing region in Canada, with Whitby alone expecting an additional 101,000+ residents by 2051.

As the Town of Whitby continues to grow, there is also a growing concern for homelessness and food insecurity. The Downtown Whitby BIA members have reported numerous occasions of people experiencing homelessness in the area. In efforts to address this important issue in the community, the Downtown Whitby BIA joined the Town of Whitby's new Homelessness Task Force which strives to serve as an integrated and accessible system of supports to help those in need.

The new Whitby Homelessness Task Force was created by the Town to focus and partner on several initiatives related to shelter, food security, and other supports for those experiencing homelessness. Current initiatives include:

- A new shelter for individuals, seniors, and families experiencing homelessness (1635 Dundas)
- Durham's first family shelter (316 Colborne Street West)
- A "marketplace model" foodbank for working families & individuals
- Programming to support those experiencing homelessness in Whitby

Whitby's new Homelessness Task Force includes members from the Town of Whitby, Whitby Public Library, Durham Region Income, Employments and Homelessness Supports Division, Durham Regional Police, Salvation Army, and the Downtown Whitby Business Improvement Area (BIA).



REMEMBRANCE DAY

In November of 2023, the Downtown Whitby BIA, in partnership and consultation with the Whitby Legion and Wounded Warriors Canada (WWC), created a Banner to commemorate Remembrance Day and honour our Veterans. The banner was displayed at the Whitby Public Library's central location in Downtown Whitby.

Wounded Warriors Canada is a nationally recognized organization and mental health service provider dedicated to serving ill and injured Trauma Exposed Professionals (TExPs) and their families in both official languages.

The organization recognizes that only through ongoing partnerships, multi-organizational collaboration, and sustained community involvement can TExP's and their families recover from their injuries and return to a state of well-being in community.

Their range of clinically facilitated programs are developed to support individuals, couples and spouses,

surviving Family members, and children of those who serve or have served our country and communities.

The Downtown Whitby BIA is proud and honoured to have partnered with the WCC and Whitby Legion on this project, and hopes to continue to foster this relationship in the years to come.



Tourism Relief Fund



GRANT APPLICATIONS

Towards the end of 2022, The Downtown Whitby BIA applied for and successfully secured a non repayable contribution of \$100,000 from Federal Economic Development Agency for Southern Ontario (FedDevOntario) and Central Counties Tourism to boost economic viability of the downtown by providing a welcoming experience for visitors.

The contribution was part of the Government of Canada's Tourism Relief Fund, delivered by the Federal Economic Development Agency for Southern Ontario. Central Counties Tourism received \$8.65 million from FedDevOntario to help local tourism organizations and businesses safely welcome back visitors, recover from the impacts of the pandemic and prepare for future growth.

The generous funding from Central Counties and FedDevOntario allowed for the BIA to divert some expenses and free up some cashflow to expand existing events. The grant was able to cover the majority of the costs of the BIA's main signature events in 2023, the Downtown Whitby Beer Fest and Christmas Market.

In 2023, the Downtown Whitby BIA was also able to secure an additional \$7,000 in sponsorship funds from Central Counties Tourism for the Downtown Whitby Beer Fest, thereby significantly reducing the cost of running this major event.

Canada 



PLANTERS & FLORAL BASKETS

As part of its beautification efforts for 2023, the Downtown Whitby BIA worked with Ranger Greenhouses to install floral baskets and planters along Brock Street. The BIA oversaw the procurement process, including picking out the foliage, ensuring maintenance, and fulfilling invoices, while the Town of Whitby covered the associated costs.

LIGHT POSTS & PATIOS

Continuing its seasonal beautification traditions, the BIA partnered with the Town of Whitby in the summer of 2023 to install the on-street patio in front of the businesses along the northeast corner of Brock Street. The DWBIA provided the floral planters as well as several Adirondack chairs and picnic tables for the installation.

During the holiday season, the DWBIA wrapped all of the light posts along Brock Street in lit garlands and bows. The Town of Whitby completed the activation by installing winter-themed banners and lit snowflakes for a festive ambiance.



STEPS PUBLIC ART PARTNERSHIP DOWNTOWN WHITBY WINDOW ART INITIATIVE

In fall of 2023, the Downtown Whitby BIA (DWBIA) partnered with Whitby Economic Development and STEPS Public Art to facilitate an upcoming public art initiative that aims at transforming storefronts into vibrant storytelling windows, depicting the past, present, and future of Downtown Whitby.

The project seeks to foster inclusivity, economic revitalization, and cultural tourism.

Both STEPS Public Art and Whitby Economic Development offered to contribute to the BIA's budget for this project to ensure an ethical artist selection process, and recruitment of a well qualified artist for the project.

The team worked closely to identify the following four business locations, aiming to complete art installations by spring/summer of 2024:

- One More Cocoa
- Multiplex Office
- Couture Alterations
- Turquoise Boutique





DOWNTOWN WHITBY BEER FEST

The Downtown Whitby BIA (DWBIA) introduced Beer Fest as a signature event in 2018. Since then, this event has taken place on the second Saturday of September. Beer Fest highlights the best that Durham Region has to offer in both breweries and grassroots musical talent, drives visitor traffic to Downtown Whitby, and makes historic Downtown Whitby a tourism destination of choice. The event has become much anticipated among residents and visitors alike. In 2022, it even won the Durham Region Reader's Choice Diamond Award for Best Local Event!

The 2023 Beer Fest took place on September 8 and September 9 in Celebration Square (405 Dundas St. W). The BIA hosted a total of three sessions and was able to draw over 1100 people to Downtown Whitby, locally and even from the GTA.

Attendees were able to sample drinks from 10 amazing vendors, including Brock Street Brewing, Town Brewery, Glory Days Brewing, 5-Paddles, C'est What Durham, Paniza Brewing, Old Flame Brewing, Sir Monty's Brewing, Durham Distillery and Hip Vodka.

Attendees paired their drinks with authentic wood-fire pizzas from Lowland Fire Foods, and snacks and Jerk chicken from Express Fusion. Patrons were able to capture the fun with selfies at the photo kiosk. To complete the festival vibes, everyone jammed out to the sweet tunes of Zac Honey, Justin Cooper, Ian Conboy, The Doozies, as well as Beer Fest first-timers, Gypsy Blue, who instantly became a crowd favourite!

This year, the BIA also launched a brand new Beer Fest website aiming not only to bolster its marketing efforts but also to lower the fees tied to ticket and token sales, offering a much more cost-effective alternative to platforms such as Eventbrite. The website effectively showcased each sponsor, vendor, and musician by offering brand descriptions and relevant backlinks to their websites and social media profiles.

The BIA was able to secure \$17,500 in sponsorships in addition to the FedDevOntario Tourism Grant to help fund this event. Sponsors included:

- Central Counties Tourism
- Durham Tourism
- Dentistry on Dundas
- Brookfield Residential
- 360 Insights
- Jacquelynn Tanner, Sutton Group





Sponsorship dollars, ticket sales, token sales and a strategic budget allowed the BIA to successfully host this event at a significantly reduced cost this year compared to previous years. As is the case each year, the overall feedback from all participants and guests was very positive!

During Beer Fest 2023, the BIA collected postal codes from visitors, a sample of which was used by Central Counties Tourism to conduct a Postal Code Analysis. The data was based on a sample of 388 postal codes and is summarised as follows:

- 6.70% attendees tourists (40km+) vs. 93.3% locals
- 33.5% attendees visible minority group
- Avg. Household Income: \$148, 402
- Avg. Age of Household Maintainer: 51
- Top 10 markets that visited: Whitby (57.99%), Oshawa (12.89%), Ajax (7.73%), followed by Toronto, Pickering, Clarington, Markham, Mississauga, Stouffville, & Quebec.
- Top 5 social media apps used by attendees: Facebook, Youtube, WhatsApp, Instagram, & LinkedIn

This data was helpful in shedding light on which markets came to Beer Fest and which ones the BIA could target in the future.



DOWNTOWN WHITBY CHRISTMAS MARKET

Alongside Beer Fest, the Downtown Whitby BIA also introduced Christmas Market as a signature event in 2018. Christmas Market allows friends and families to come together to celebrate the spirit of Christmas by enjoying winter activities, live music, delicious eats, warm fires, white lights and the best holiday shopping in Durham Region. This event has become a well-loved tradition in Downtown Whitby and was able to snag the Durham Region Reader's Choice Platinum Award in 2021, as well as the Diamond Award in 2022, for Best Local Event.

The 2023 Christmas Market took place on November 18 in Celebration Square (405 Dundas St. W.). This new date allowed the BIA to take advantage of much better weather so visitors could stroll the downtown after enjoying the market. This free, family-friendly event drew interest from over 4,500 people, and was very well attended and received by all participants and visitors alike. Similar to last year, the BIA offered Downtown Whitby BIA Member businesses a free designated booth at the Square to showcase their products and services and promote their business.



The 2023 Christmas Market featured amazing marketplace vendors from the downtown, fabulous food vendors including Gangster Cheese and Express Fusion, performances from Beech Street Theatre Company and Zac Honey, and festive activities including Christmas crafts with Crock-a-Doodle, face painting, and photos with Santa!

This year, the Downtown Whitby BIA saw an unprecedented increase in traffic not just at Celebration Square but also throughout the downtown as witnessed by many BIA businesses. Within the first hour of opening, the BIA ran out of all 500 complimentary tote bags and brochures which highlighted event activities and promoted participating businesses in the area. Several of the vendors at Celebration Square were completely sold out midway through the event.



Activity stations were consistently full through out the event. Attendees eagerly lined up to have photos of their little ones taken with Santa. The face painting booth was packed through out the day with the artists barely taking a break. The Crock-a-Doodle craft station ran out of ornaments within a few hours of the event, but luckily the DWBIA came prepared with a fun backup painting activity for the kids.

Efforts were made to drive this traffic further by offering free rides on the Town Trolley which saw long line-ups all day with the driver reporting to have onboarded at least 1000 visitors. The trolley made quick and frequent stops around the downtown including to and from Unique Town Boutique's Third Annual Winter Wonderland on Mary Street, which also had an impressive turnout.

The BIA provided each participating business with an event A-Frame sign to place at their storefront for additional visibility. Each business was also given the opportunity to provide coupons, swag, and other marketing material for the BIA to distribute to visitors at Celebration Square. These promotional items too, were all collected within the first

few hours of the event along with the tote bags and brochures.

The Downtown Whitby BIA was able to secure \$10,000 in sponsorship for this year's Christmas Market. Sponsors included:

- Trafalgar Castle School
- Durham Tourism
- Blyth Academy
- Brookfield Residential
- Jacquelyn Tanner, Sutton Group

This generous funding in addition to the FedDevOntario Tourism Grant assisted the BIA greatly in covering the majority of the costs of running this major event. The BIA gained valuable insights this year and is sure to make this annual event even better in years to come!





LADIES NIGHT SIP AND SHOP

In late September of 2023, the DWBIA facilitated a Ladies Night shopping extravaganza in efforts to support its local businesses. Select shops joined in on the fun, extending their hours for an evening of exclusive shopping, complete with enticing sales, swag bags, treats and more. There was a beautiful outdoor market along the Promenade with over 25 vendors! The Downtown Whitby BIA provided branded shopping bags & balloons, adding a touch of charm to the festivities. The event reached close to 10,000 accounts on Facebook and Instagram organically with nearly 200 shares, and was further amplified by the Town of Whitby & BIA partners.



GRAND OPENINGS

The Downtown Whitby BIA has hosted many Grand Openings over the years since its establishment in 2017. With every new business that opens its doors within the BIA boundaries, the BIA makes sure to reach out and welcome the business and business owners to the community. The BIA helps to facilitate each grand opening by inviting special dignitaries. On the day of, the BIA leads the formal portion of the grand opening which includes remarks from the attending dignitaries, as well as the ribbon-cutting ceremony, for which the BIA supplies the ribbon and large scissors.

Throughout 2023, Downtown Whitby welcomed many new businesses to the community, and the BIA organized and celebrated many of their Grand Openings. These new businesses included *Indraprastha Kitchen & Bar*, *Marito's Coffee and Things*, *Harbord Fish & Chicken*, *Coryma Dental* and *Lloyd's Lunchbox*. The DWBIA also welcomed *Style Loft Boutique*, *Branton Law* and *Another Spin Records*!

The DWBIA hopes to welcome more new businesses in 2024 and looks forward to celebrating many more grand openings!



2023 EVENTS

22

INDRAPRASTHA KITCHEN & BAR

227 BROCK ST S

*Grand Opening:
March 11, 2023
11:00am*



MARITO'S COFFEE & THINGS

105 MARY ST W

*Grand Opening:
July 23, 2023
9:00am*



HARBORD FISH & CHICKEN

201 DUNDAS ST W

*Grand Opening:
August 18, 2023
11:00am*



2023 EVENTS

23



CORYMA DENTAL

220 DUNDAS ST W

*Grand Opening:
September 29, 2023
12:00pm*

LLOYD'S LUNCHBOX

111 DUNDAS ST W

*Grand Opening:
November 1, 2023
2:00pm*



ADDITIONAL GRAND OPENINGS

*Style Loft Boutique
Branton Law
Another Spin Records*



SOCIAL MEDIA, E-NEWSLETTERS & PRINT MARKETING

The Downtown Whitby BIA continues to leverage social media to communicate to the BIA membership, residents, and tourists. The majority of the BIA's social media graphics, and content is created in-house. Similarly, most of the photos shared on social media are sourced by the BIA team and all copy is written by the BIA team, making social media a laborious, but worthwhile task.

In 2023, the BIA had five large social media campaigns: *Downtown Whitby Appreciation Month*, *Beer Fest*, *Christmas Market*, *Ladies Night*, and *Discover Downtown Whitby Holiday Campaign*. These campaigns were carried out on all platforms across the social media board.

The BIA team manages 3 Facebook pages (Downtown Whitby BIA, Whitby Christmas Market, and Whitby Beer Fest) along with the official BIA Twitter, Instagram, and LinkedIn accounts. The BIA also has a Youtube Channel which it hopes to revive in the coming years with high quality video content.



The table below depicts the steady growth in followers across the BIA's main social media channels.

In 2023, the Downtown Whitby BIA focused its social media efforts on Instagram, being the platform that typically gets the most engagement. Throughout the year, the BIA was able to increase its Instagram following organically by 25.67% compared to a 10% increase from the previous year.

In addition to social media, the BIA also relies on monthly e-newsletters to communicate with its members. These newsletters include information about events, programs, initiatives, and important BIA & Town of Whitby

updates. In 2023, a consistent and above average email open rate indicates that communications are being received effectively.

In 2023, the BIA also created brochures as part of its Christmas Market print-marketing efforts. The brochures were designed in-house and highlighted event activities as well as a map of the Town Trolley stops. It also promoted participating businesses in the area as well as market sponsors. The brochures were distributed to visitors at Celebration Square along with coupons, and branded Downtown Whitby BIA tote bags which were also a big hit.

SOCIAL MEDIA PLATFORM	2022	2023	INCREASE (%)
INSTAGRAM	3,611	4,538	927 (25.67%)
FACEBOOK	2,117	2,324	207 (9.78%)
X (TWITTER)	991	1,052	61 (6.15%)



DOWNTOWN WHITBY APPRECIATION MONTH

In March of 2021, the Downtown Whitby BIA launched a marketing campaign called Downtown Whitby Appreciation Month (WAM) in efforts to support BIA businesses, engage residents and keep Downtown Whitby top of mind.

The campaign leveraged social media to encourage residents to shop and support local and show their appreciation for Downtown Whitby. After great feedback and success, the BIA decided to make March the official Downtown Whitby Appreciation Month (WAM).

In 2023, the Downtown Whitby BIA successfully ran the campaign again and collaborated with twelve BIA member businesses to host gift card giveaways on social media, generating an increase in followers and putting dollars directly in the pockets of participating businesses.

The 2023 lineup of businesses included, Blush Pretty, Lowe & Simone, Computer Parts & Direct, Osteo Genie Wellness Hub, Unique Town Boutique, Bohemian Bliss Yoga, Artisanthropy, Words on Wood, Crystal Bliss, Jayne Fashion, Pranic Traditions and Frame by Design.



BLUSH PRETTY

117 Brock St. S
2nd Floor Unit 1

BlushPretty is your premier provider of makeup and hair for bridal and special events in the Durham region.

Fun Fact: BlushPretty has had the pleasure of providing services to many celebrities, including Lucy Lawless, a.k.a Xena the Warrior Princess! If you grew up in the 90s – you know her character was iconic!

BLUSH
PRETTY



VISIT DURHAM REGION COLLABORATION

During the holidays, the Downtown Whitby businesses decorated and lit up their windows with the most festive displays! Inspired by the festive ambiance, and to get everyone into the holiday spirit, the Downtown Whitby BIA hosted a Downtown Whitby Photo Contest in partnership with Visit Durham Region on Instagram. The coordinators from Visit Durham Region went strolling through the downtown in early December to capture video reels of all the festive window displays. What better way to encourage holiday shopping and invite shoppers to explore BIA businesses!

The video reel was posted to Instagram and followers were encouraged to go out and snap a photo with their favourite shop and window display, for a chance to be entered into a draw for a \$100 Downtown Whitby Gift Card.

Nearly 20 holiday window displays were captured by the Visit Durham Region team, with the collaborative post reaching 3,500 accounts on Instagram with nearly 6000 video playbacks, and dozens of shares!

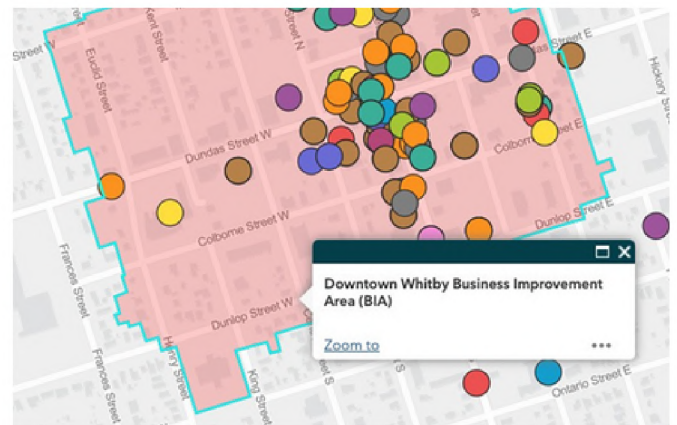


DISCOVER DOWNTOWN WHITBY: HOLIDAY SHOPPING CAMPAIGN

In December of 2023, the Downtown Whitby BIA launched a holiday social media campaign called “Discover Downtown Whitby”. The goal of this campaign was to encourage local shopping during the busy holiday season and support local BIA businesses. From December 13 until December 21, 2023, the BIA featured a total of ten Downtown Whitby businesses across its social media platforms.

With the launch of the campaign, the DWBIA also promoted the Town of Whitby’s GIS mapping platform, Shop Where You Live-Whitby. This platform allows users to apply filters to the map to see the businesses within a

set of categories, with BIA members businesses being highlighted in the red centre area of the map. Businesses that did not have their information uploaded to the platform were, and still are, encouraged to add their details to the site through designated business intake form.



WEBSITE REVAMP INITIATIVE

In 2021, the Downtown Whitby BIA's website was redeveloped in order to make sure it complied with the AODA standards that came into effect in January 2021. The BIA worked to improve the accuracy of the site and its directory and this large-scale project was carried into subsequent years. The BIA website serves as a tool for BIA members as well as visitors of the downtown, to access information on a number of topics.

In 2023 the Downtown Whitby BIA recognized that in order for the website to be fully leveraged as an effective informational and marketing tool, it would need a major update and revamp.

Various web developers were sought out to get the project started, however, due to time constraints, this large scale project will be carried into 2024.



 (905) 431-3271  info@whitbybia.org



≡ Menu

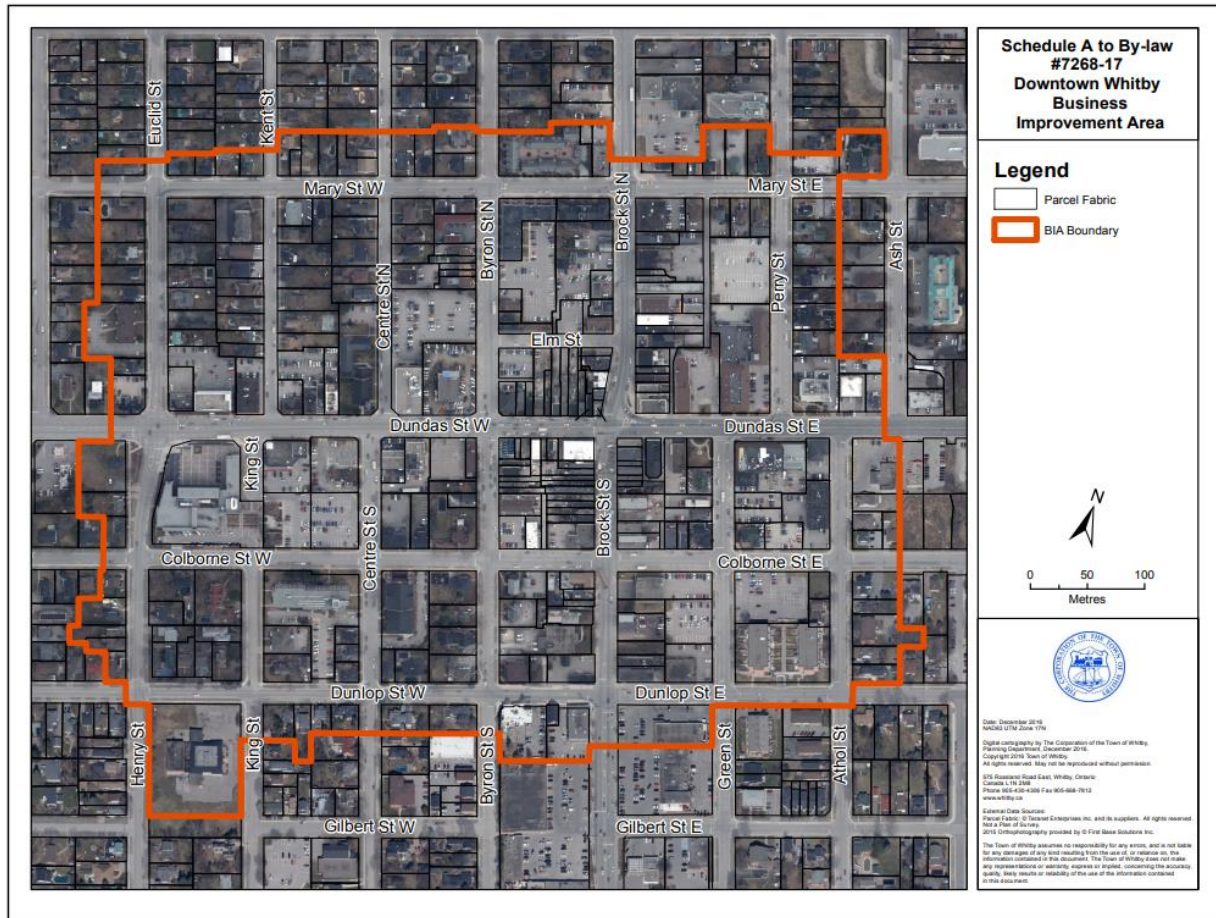


2024 FINANCIALS

30

2024 PROPOSED BUDGET

Revenue	2024 Budget	2023 YE Estimate	2023 ACTUALS TO SEPT 30 (Unaudited)	2023 Budget	2023 Notes
BIA Tax Levy	\$ 220,500.00	\$ 210,001.00	\$ 155,001.00	\$ 210,000.00	5% increase
T shirts and hoodie sales				\$ -	
GIC Dividends				\$ -	
Donations & Sponsorships	\$ -	\$ 11,000.00	\$ 11,000.00	\$ 21,400.00	Beerfest
Beer Fest Event Income	\$ -	\$ 52,692.00	\$ 52,692.00	\$ 50,000.00	
Cask and Comedy - CANCELLED				\$ -	
Christmas Market	\$ 8,000.00	\$ 7,500.00	\$ 500.00	\$ 8,000.00	Xmas Market
New 2021 Street Event - CANCELLED				\$ -	
Grants - Digital Main Street 3.0		\$ 36,017.54	\$ 36,017.54	\$ 46,349.00	
Grants - Digital Main Street FuturePROOF				\$ -	
Grants - Tourism destination grant		\$ 99,315.67	\$ 99,315.67	\$ -	For Christmas Market and beer fes for 2022
Grants - Central County Partnership grant		\$ 7,000.00			For Beerfest
Shop Durham Region - Regional Funding				\$ -	
Flowers - Town of Whitby Funding	\$ 19,000.00	\$ 19,000.00	\$ 1,344.70	\$ 19,000.00	Still to be invoiced
Extra Taxation Growth in Area				\$ -	
Transfer from Reserve				\$ 693.00	
Surplus from prior years	\$ 29,783.00			\$ -	Surplus in 2022 was \$66,725
Transfer to Petty Cash				\$ -	
In Kind Donations TOW	\$ 5,000.00	\$ 5,000.00		\$ 5,000.00	
Regional Municipality of Durham Wage Subsidy					
Ontario BIA Association			\$ -		
Other Revenues				\$ 15,000.00	
Total Revenue	\$ 282,283.00	\$ 447,526.21	\$ 355,870.91	\$ 375,442.00	
Expenditures	2024 Budget	2023 YE Estimate	2023 ACTUALS TO SEPT 30 (Unaudited)	2023 Budget	2023 Notes
Administrative Expenditures					
Salaries and Wages	\$ 120,750.00	\$ 115,000.00	\$ 94,539	\$ 115,000.00	
Sponsorship Commission				\$ 7,000.00	
Grant commission	\$ 5,000.00	\$ 24,063.14	\$ 24,063		
Digital Main Street Wages	\$ 18,545.00	\$ 26,208.00	\$ 17,472	\$ 46,349.00	
Digital Main Street FuturePROOF				\$ -	
Shop Durham Region Wages				\$ -	
Benefits	\$ 10,100.00	\$ 10,022.67	\$ 7,517.00	\$ 8,700.00	
Payroll Taxes and Deductions	\$ 8,600.00	\$ 8,510.67	\$ 6,383.00	\$ 12,000.00	
Office Supplies	\$ 2,000.00	\$ 5,000.00	\$ 1,356.00	\$ 4,000.00	
Membership Fees	\$ 1,000.00	\$ 909.00	\$ 909.00	\$ 868.00	
OBIAA Conference				\$ 2,000.00	
Misc. Seminar Fees				\$ -	
Rent	\$ 9,625.00	\$ 9,625.99	\$ 7,126.00	\$ 10,000.00	
Accounting/Auditing	\$ 8,000.00	\$ 7,930.00	\$ 4,930.00	\$ 8,500.00	
Computer Software	\$ 2,000.00	\$ 3,657.33	\$ 2,743.00	\$ 2,000.00	
Storage Unit	\$ 4,428.00	\$ 4,428.00	\$ 3,321.00	\$ 4,995.00	
Banking	\$ 200.00	\$ 200.00	\$ 152.00	\$ 300.00	
Advertising				\$ -	
Computer				\$ 90.00	
Subtotal	\$ 190,248.00	\$ 215,554.80	\$ 170,511.00	\$ 221,802.00	
Capital and Maintenance					
Phone	\$ 1,080.00	\$ 2,085.00	\$ 1,732.00	\$ 2,500.00	
Beautification	\$ 7,000.00		\$ -	\$ 7,000.00	Lightpost banners, STEPS
Flowers & Planters	\$ 24,000.00	\$ 23,911.00	\$ 23,911.00	\$ 19,000.00	Managed by BIA, funded by Town, in & out (Flowers - Town of Whitby Funding under revenue)
Murals	\$ 5,000.00	\$ 1,695.00	\$ 1,695.00	\$ -	Paid for design in the previous year
Data Collection				\$ -	
COVID 19 Expenses				\$ -	
Maintenance	\$ 2,500.00	\$ 1,200.00		\$ 2,500.00	Banner installation and removal (Beer Fest, Remembrance Day)
Other (Capital)				\$ -	
Subtotal	\$ 39,580.00	\$ 28,891.00	\$ 27,338.00	\$ 31,000.00	
Events					
Shop Late Shop Local			\$ -	\$ -	
Beer Festival	\$ -	\$ 61,419.00	\$ 61,419.00	\$ 50,000.00	
Cask and Comedy - new for 21				\$ -	
Christmas Market - 2020	\$ 50,000.00	\$ 50,000.00	\$ 20.00	\$ 50,000.00	
Volunteer Appreciation Event				\$ 1,000.00	
New 2021 Street Event				\$ -	
Other (Events)	\$ 18,000.00	\$ 1,225.52	\$ 1,225.52	\$ 15,000.00	Sidewalk Sale
Shop Durham Region Expenses				\$ -	
Subtotal	\$ 68,000.00	\$ 112,644.52	\$ 62,664.52	\$ 116,000.00	
Promotion and Advertising					
Website - Domain Registration		\$ 6,000.00	\$ 922.00	\$ 40.00	
Hosting & Maintenance	\$ 1,000.00	\$ -	\$ -	\$ 2,600.00	
AODA Compliance				\$ -	
Local Advertising	\$ 2,000.00	\$ 2,832.00	\$ 1,732.00	\$ 2,000.00	
Printing & Production				\$ 1,000.00	
Promotion Items				\$ 1,000.00	
Subtotal	\$ 3,000.00	\$ 8,832.00	\$ 2,654.00	\$ 6,640.00	
Assessment Loss & Reserves					
Digital mainstream grant deferred to 2024	\$ 18,545.00		\$ 18,545.00		Balance of Digital Mainstream Grant of \$46,349 to be applied to salary in 2024
Grant received in 2023 for 2022 Events		\$ 99,315.68	\$ 99,315.68	\$ -	Transfer of Grant by Audit to 2022 because was for 2022 Beerfest and Xmas market
Commission paid on 2022 Grants		\$ (24,063.14)	\$ (24,063.14)	\$ -	Transfer of Commission paid by Audit to 2022 related to 2022 grants and sponsorships
Subtotal	\$ (18,545.00)	\$ 75,252.54	\$ 56,707.54	\$ -	
Total Expenditures	\$ 282,283.00	\$ 441,174.86	\$ 319,875.06	\$ 375,442.00	
Surplus/Deficit	\$ -	\$ 6,351.35	\$ 35,995.85	\$ -	



Memorandum to Council

Financial Services Department

Treasury Division



To: Mayor and Members of Council

CC: Fuwing Wong, Commissioner Financial Services/ Treasurer

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

From: Bren Bozzer, Senior Investment and Financial Analyst, Financial Accounting

Date: April 29, 2024

File #:

Subject: Annual Review of Investment Policy - 2024

This memo accompanies report FS 07-24 regarding “Amendment to ONE JIB Agreement and Approval of Retention By-law”. Ontario Regulation 438/97: Eligible Investments, Related Financial Agreements and Prudent Investment, requires that Council review the investment policy on an annual basis and update as necessary.

The Investment Policy is attached to this memo for Council review. As reported in the March report on the March 6, 2024 Staff Report FS 06-24, the “2023 Annual Investment Report”, staff have completed the annual review of the Investment Policy and have no recommended updates to the policy for 2024. Despite no proposed changes to the Investment Policy approved by Council in 2023, the policy was not included with the 2024 report for Council review. Going forward, the Investment Policy will be included in the annual investment report.

If there are no updates to the Investment Policy noted by Council, a copy of the policy will be signed by the Treasurer and sent to ONE JIB as part of the annual ONE Investment Plan review.



Town of Whitby Policy

Policy Title:	Investment Policy
Policy Number:	F 100
Reference:	<i>Municipal Act, 2001</i> Eligible Investments, Regulation 438/97 and Council Resolution #106-23
Date Approved:	June 4, 2018
Date Revised:	April 3, 2023
Approval:	Council
Point of Contact:	Financial Services – Treasury Services

Policy Statement

It is the policy of The Corporation of the Town of Whitby (the "Town") to invest municipal funds in a manner which will provide the highest return within risk tolerances that are appropriate for the Town. Investments must comply with the *Municipal Act, 2001*, Sections 418-420 and Eligible Investments, Regulation 438/97 (Appendix B).

Purpose

To provide investment guidelines which govern the investment of the Town's Long-Term Money or "Money that is Not Required Immediately" ("MNRI") and also Short-Term Money or "Money that is Required Immediately" ("MRI"). It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE Joint Investment Board ("ONE JIB") in the investment of MNRI.

The Investment Policy Statement ("IPS") governs the investment of the Town's MNRI and MRI. It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE JIB in the investment of MNRI pursuant to which the Town authorized the establishment of guidelines for the prudent management of the Town's MNRI pursuant to section 418.1 of the Act.

In addition to the Town's MRI and MNRI, the Town is from time to time entrusted with the management of money and investments for a third-party beneficiary ("Third-Party Trust Funds").

There are also source(s) of money in which the Town may have an indirect interest but which the Town currently has no authority to invest. Such source(s) of money, referred to in this IPS as "Designated Funds", are listed in Schedule A attached hereto. The Designated Funds are identified in this IPS for the sole purpose of enabling the Town to better see, on an aggregated basis, the various financial assets in which the Town has

an interest. The Town is not responsible for the investment activities or performance of Designated Funds.

Scope

The IPS, as outlined, applies to all investment of Working Capital, Reserves, Reserve Funds, sinking funds, trust funds and any new funds created by the Town unless specifically exempted.

The goals of this IPS is to:

- Define and assign responsibilities for investment of MRI and MNRI;
- Direct ONE JIB as to the Town's investment goals and risk tolerance;
- Describe the Town's responsibilities with respect to third party trust funds;
- Ensure compliance with the applicable legislation;
- Direct ONE JIB as to the Town's investment goals and risk tolerance;
- Provide guidance and limitations regarding the investments and their underlying risks;
- Describe the Town's responsibilities with respect to Third-Party Trust Funds and Designated Funds;
- Establish a basis of evaluating investment performance and the underlying risks; and,
- Establish a reporting standard to Council.

This IPS applies to employees of the Town, to ONE JIB and to the employees of ONE Investment. ONE JIB, the Treasurer, and any agent or advisor providing services to ONE JIB in connection with the investment of the portfolio shall accept and strictly adhere to this IPS.

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1. Definitions

The following capitalized terms are defined terms which have the meanings set out below:

Act: means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

Agent: means any administrator, custodian, payment servicer, portfolio manager, investment counsel, consultant, banker, broker, dealer or other service provider engaged or appointed by ONE JIB and authorized by ONE JIB to exercise any of the functions of ONE JIB pursuant to a written agreement, in the manner and to the extent provided in the Regulation and without limiting the generality of the foregoing, Agent includes ONE Investment.

Asset Class: means a specific category of assets or investments, such as cash, fixed income, equities, alternative investments, real estate etc.

Asset Mix (or Asset Allocation): means the proportion of each asset class in a portfolio. Asset classes include bank deposits, money market securities, bonds and equities, among other things.

Authorizing By-law: means a by-law of a founding municipality which authorizes: (i) entering into an Initial Formation Agreement; (ii) the establishment of ONE JIB; (iii) the approval of the Client Questionnaire and the adoption of the IPS; and (iv) entering into the ONE JIB Agreement.

Benchmark: means an index that is representative of a specific securities market (e.g. the S&P/TSX Composite Index, the FTSE/TMX 91 Day T-bill Index, etc.) against which investment performance can be compared. Performance benchmarks refer to total return indices in Canadian dollar terms.

CFA Institute: refers to the global, not-for-profit professional association that administers the Chartered Financial Analyst (CFA) and the Certificate in Investment Performance Measurement (CIPM) curricula and examination programs worldwide, publishes research, conducts professional development programs, and sets voluntary, ethics-based professional and performance reporting standards for the investment industry.

Credit Risk: means the possibility of a loss resulting from a borrower's failure to repay a loan or meet contractual obligations. That is, the risk that a lender may not receive the owed principal and interest.

Custodian: means a specialized financial institution that is responsible for safeguarding a municipality's investments and is not engaged in "traditional" commercial or consumer/retail banking. Global custodians hold investments for their clients in multiple jurisdictions around the world, using their own local branches or other local custodian banks ("sub-custodians" or "agent banks").

Derivative: means a contract between two or more parties whose value is based on an agreed-upon underlying financial asset (like a security) or set of assets (like an index). Common underlying instruments include bonds, commodities, currencies, interest rates, market indexes, and stocks.

Environmental, Social and Governance (ESG) Investing: means considering and integrating ESG factors into the investment process, rather than eliminating investments based on ESG factors alone. Integrating ESG information can lead to more comprehensive analysis of a company.

External Portfolio Managers: means external third-party investment management firms whose investment offerings are accessed by ONE JIB directly or through services provided to a Pooled Fund. External Portfolio Managers are agents authorized by ONE JIB in accordance with Part II of the Regulation.

Interest Rate Risk: refers to the possibility that the value of a bond or other fixed-income investment will suffer as the result of a change in interest rates. Interest rate risk can be managed to help improve investment outcomes.

Internal Controls: means a system of controls that may include authorities, policies, procedures, separation and segregation of duties, compliance checks, performance measurement and attribution, reporting protocols, measures for safekeeping of property and data, and the audit process.

Investment Plan: means the investment plan applicable to the Long-Term Funds investments and adopted by ONE JIB under the Regulation, as it may be amended from time to time.

Investment Policy Statement (IPS): means the investment policy applicable to the Town's investments adopted and maintained by the Council of the Town for Long-Term Money under the Regulation, and for Short-Term Money, as the same may be amended from time to time. The IPS may also apply to the money and investments held by the Town for the benefit of persons other than the Town itself and may make reference to source(s) of money in which the Town may have an indirect interest but which the Town has no authority to invest.

JIB: is short for Joint Investment Board and means a joint municipal service board that is established under section 202 of the Act by two or more municipalities for the purposes of Part II of the Regulation.

Legal List Securities: means the securities and other investments and financial instruments that are included from time to time in Part I of the Regulation.

Leverage: means an investment strategy of using borrowed money—specifically, the use of various financial instruments or borrowed capital to increase the potential return of an investment. Typically leverage also tends to increase investment risks.

Local Distribution Corporation or LDC: means a corporation incorporated under section 142 of the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A., as amended.

Long-Term Money: means money that the Town has defined as long-term and characterized as money that is not required immediately by the Town as described in section 5.2. Monies that are Long Term Money will be invested in accordance with the Prudent Investor Standard.

Modern Portfolio Theory: means a theory of portfolio management that looks towards the portfolio as a whole, rather than towards the prudence of each investment in the portfolio. This is found in the CFA Institute Standards of Practice Handbook.

ONE JIB: means ONE Joint Investment Board, established by certain founding municipalities under section 202 of the Act as a JIB for purposes of Part II of the Regulation, which is the duly appointed JIB for the Town, as constituted from time to time and which acts in accordance with the Act, the Regulation, the ONE JIB Agreement, including the Terms of Reference, this IPS and the Investment Plan.

ONE JIB Agreement: means the agreement effective as of July 2, 2020, entered into in accordance with the requirements of the Regulation, pursuant to which ONE JIB has control and management of the Town's Long-Term Money.

Outcome: in the context of the Town's IPS the word 'Outcome' is used interchangeably with 'Solutions'. Investment Outcomes are a set of investment allocations with varying risk/return characteristics. The Outcomes assigned to each investor are intended to reflect the needs and circumstances of the Town. MNRI may be invested into several Outcomes based on the characteristics of the Town's accounts/reserves and its saving and spending needs.

ONE JIB's Outcome Framework: a set of Investment Outcomes designed by the ONE JIB to categorize the potential goals of investing MNRI. Each Outcome has a unique Asset Allocation with risk/return characteristics that are aligned with the intended use of the money assigned to the outcome.

Pooled Fund: means a unit trust established under a trust instrument, generally not available to the public, in which institutional, sophisticated or high net worth investors contribute monies that are invested and managed by an External Portfolio Manager. Monies are pooled or combined with monies of other investors.

Portfolio: means any collection of funds that are grouped together and required for specific purposes.

Proxy Voting: means a legal transfer to another party of a shareholder's right to vote thereby allowing shareholders who cannot attend meetings to participate. External Portfolio Managers usually vote proxies on behalf of their clients.

Prudent Effective Date: means July 2, 2020, the date on which the prudent investor regime applies to the Town.

Prudent Investor Standard: means the standard that applies when the Town invests money that it does not require immediately under section 418.1 of the Act. It requires the Town to exercise the care, skill, diligence and judgment that a prudent investor would exercise in making such an investment and the standard does not restrict the securities in which the Town can invest. The Prudent Investor Standard makes use of Modern Portfolio Theory and applies the standard of prudence to the entire portfolio in respect of the Town's Long-Term Money rather than to individual securities. It identifies the fiduciary's central consideration as the trade-off between risk and return as found in the CFA Institute Standards of Practice Handbook.

Regulation: means Ontario Regulation 438/97.

Risk: means the uncertainty of future investment returns or chance of loss of capital.

Risk Tolerance: means the financial ability and willingness to absorb a loss in return for greater potential for gains.

Securities Lending: means loaning a security to another market participant. The borrower is required to deliver to the lender, as security for the loan, acceptable collateral with value greater than the value of the securities loaned. The Securities Lending program is managed by the Custodian or another appointed agent on behalf of investors. A Securities Lending program is widely used by institutional investors to generate additional marginal returns on the total portfolio.

Short-Term Money: means money that is required immediately by the Town as described in section 5.1 and which remains under the control and management of the Town. The money can be invested in appropriate Legal List Securities.

Sinking Fund: means a fund established to fulfil the requirements to make annual contributions in respect of various debenture issues wherein money is to be regularly set aside for the payment of the principal of the debentures at maturity.

Sinking Fund Required Contributions (Annual Sinking Fund Requirement): means the amount of money to be set aside each year for deposit into a sinking fund or a retirement fund, as applicable, for each sinking fund and term debenture issue in accordance with the Town's debenture by-laws.

Sinking Fund Required Earnings: means the investment earnings needed for the Sinking Fund Contributions to continue to grow to a value sufficient to repay the principal at maturity for each issue of sinking fund and term debentures.

Sinking Fund Excess Earnings: means the investment earnings in excess of the required earnings.

2. PURPOSE AND LEGISLATIVE FRAMEWORK

2.1. Governing Legislation

Investments of MRI will, in accordance with this IPS, only be made in Legal List Securities. The primary objectives of the Short-Term investment program, in priority order, shall be: Preservation of Capital, Maintenance of Liquidity, earning a Competitive Rate of Return and Legality of Investments. This will be achieved by investing in eligible legal list securities, high credit quality rated bonds to mitigate credit risk, highly liquid assets to respond to cash flow requirements and seeking the best ongoing return possible subject to the constraints of this Policy, respectively.

Investments of Long-Term Money or, MNRI are governed by the Prudent Investor Standard in accordance with Section 418.1 of the Act. This standard is similar to that which governs trustees and pension fund administrators and creates a fiduciary responsibility. Prudent investment in compliance with the Act and the Regulation enhances the potential for the Town to earn improved risk-adjusted rates of return.

Money and investments that the Town holds as Third-Party Trust Funds or has an interest in as Designated Funds will be subject to applicable legislation and any related agreements or instruments.

The Act provides that the Town, and therefore ONE JIB, must consider the following criteria in planning investments of MNRI, in addition to other criteria relevant to the circumstances:

- General economic conditions;
- The possible effect of inflation or deflation;
- The role that each investment plays within the Town's total portfolio of investments;
- The expected total return from income and the appreciation of capital; and
- Needs for liquidity, regularity of income and preservation or appreciation of capital.

2.2. Prudent Investor Standard

For MNRI, the standard to be used by the Town and ONE JIB shall be the Prudent Investor Standard as required by section 418.1 of the Act and Part II of the Regulation in the context of managing the Town's MNRI and investments thereof. Investments shall be made with the care, skill, diligence, and judgment, taking into account the prevailing circumstances,

that persons of prudence, discretion and integrity would exercise in the management of investments, considering the necessity of preserving capital as well as the need for income and appreciation of capital. The Act includes a duty to obtain the advice that a prudent investor would obtain under comparable circumstances.

Officers, employees, and investment agents acting in accordance with written procedures and the IPS and exercising due diligence shall take all necessary actions to optimize performance of investments on a portfolio basis, taking into account the prescribed risk and other parameters set out in this IPS and market factors. The Town's staff acting in accordance with written procedures and this IPS, shall be relieved of personal responsibility for an investment's performance, provided underperformance relative to expectations is reported to Council and the liquidation or sale of investments is carried out in accordance with this IPS.

3. MONEY REQUIRED IMMEDIATELY AND MONEY NOT REQUIRED IMMEDIATELY

3.1. Determination of MNRI and MRI

Determination of the Town's MNRI is the responsibility of Council. In making the determination, Council may consider:

- the time horizon within which the monies are needed to meet financial obligations;
- the purpose for which the monies have been collected or set aside and are to be used;
- the source of the money; or
- any combination of the foregoing

MNRI will be comprised of money that is to be used to meet financial obligations that become due more than 24 months from the date of receipt of such money by the Town.

For certainty, all money and investments of the Town that have not been identified as MNRI (other than Third-Party Trust Funds and any Designated Funds referenced in Section 2.1) shall be deemed for purposes of this IPS to be MRI.

Determination of the Town's MNRI and MRI may be modified at any time and from time to time by action of Council and with respect to specific monies by the Treasurer in accordance with the provisions of Section 6.2.

Any changes in this IPS regarding the Town's MNRI and MRI must be communicated immediately in writing to ONE JIB.

3.2. Overview of Portfolios

The Town's portfolios represent funds required for specific purposes. A high-level description of each of these portfolios and their objectives is provided in Section 5 below. This IPS applies to the following money of the Town, its agencies, boards and commissions including:

- MRI which is invested in Legal List Securities; and/or,
- MNRI which is invested under the Prudent Investor Standard.

4. ROLES AND RESPONSIBILITIES

4.1. Role of ONE JIB

ONE JIB has been appointed by the Town in accordance with the requirements of the Act and the Regulation and on the terms and conditions set out in the ONE JIB Agreement.

ONE JIB exercises control and management of the Town's MNRI and the investments made by it in accordance with the objectives and risk tolerance established in this IPS.

Among the responsibilities of ONE JIB are the following:

- Reviewing this IPS;
- Adopting and maintaining an Investment Plan that complies with this IPS;
- Engaging External Portfolio Managers, Custodians, Administrators and other investment professionals (Agents);
- Allocating the money and investments under its control and management among External Portfolio Managers and their funds in compliance with this IPS;
- Monitoring the performance of the Agents; and,
- Reporting to the Town.

The foregoing is subject to the more detailed terms and conditions contained in the ONE JIB Agreement.

4.2. Role of Municipal Staff

This IPS is approved and adopted by Council with input from the Treasurer, and from ONE JIB with respect to MNRI. MRI of the Town, and any Third-Party Trust Funds referenced in Section 2.1, remain under the control and management of the Treasurer.

Consistent with this IPS, the Treasurer is responsible for the implementation of the investment program and the establishment of investment procedures which shall include:

- Investment management of MRI and any Third-Party Trust Funds referenced in Section 2.1 by, or under the direction of, the Treasurer;

- The deposit or withdrawal of MNRI, under the explicit delegation of authority regarding MNRI, and the investment thereof, to ONE JIB, which is responsible for the control and management of such funds and investments; and,
- A system of controls exercised by the Treasurer to regulate the activities of Town staff when investing MRI.

No person including, without limitation, ONE JIB, may engage in an investment transaction except as provided under the terms of this IPS.

In the management of MRI of the Town, and any Third-Party Trust Funds referenced in Section 2.1, the Treasurer may engage one or more agents and service providers. ONE Investment can assist with the investment of the Town's MRI, in Legal List Securities, and with the investment of Third-Party Trust Funds, in accordance with the terms of the applicable trust, if permitted, at the request of the Town.

4.3. Ethics and Conflicts of Interest

Individuals who are responsible for the Town's Short-Term Portfolio shall comply with the Town's Conflict of Interest guidelines and any relevant sections of professional codes of conduct (e.g., the CPA Code of Professional Conduct).

ONE JIB, in its capacity as a joint municipal service board, is subject to a Code of Conduct as required by the Municipal Act, 2001 (the "Act"). This Code of Conduct applies to the Chair and the other Members of ONE JIB acting in their capacity as Members of ONE JIB.

5. INVESTMENTS

5.1. MRI: Short-Term Money

The Town's MRI is described in this IPS as Short-Term Money. Short-Term Money consists of money that is needed to meet the short-term financial obligations coming due within 24 months from the date of receipt of such money and are controlled and managed by the Treasurer.

For clarification, any debenture or promissory note issued by a LDC to the Town, together with any payments or interest earned thereon, shall be considered Short-Term Money.

5.1.1. Short-Term Money: Investment Objectives

The main focus of the investment of Short-Term Monies is cash management, and interest income generated by investments is a contributor to municipal revenues. To the extent possible, the Town shall

attempt to match its investments with anticipated obligations. Capital preservation is the paramount objective for short-term investments, and these investments need to be highly liquid. Consequently, only high quality, short-term investments that are also Legal List Securities will be held in this portfolio. The Town may invest in fully liquid money market securities and deposit accounts. The Town aims to maximize returns subject to the constraints set out in Part I of the Regulation, as amended from time to time, with a view to preserving capital and to further manage risk through diversification by issuer and credit quality.

The investment objectives for Short-Term Money, ranked in priority, are as follows:

a) Security of Principal

The primary objective for MRI is to ensure the security of principal. To minimize the risk of loss, investments shall be subject to minimum credit ratings and shall be diversified by maturity, type of investment and issuer. Investing activities will be reviewed on a regular basis as actual, revised and forecasted operating and capital plans are completed. Maturity dates should be structured so that investment cash inflows occur when needed.

b) Liquidity Requirements

Liquidity is measured by the ease with which securities can be converted to cash to meet forecast spending. The investments that are eligible under Ontario's Eligible Investments and Related Financial Agreements Regulation possess different features and thus market prices will vary depending on market conditions, as well as the particular features of the type of investment.

To ensure adequate liquidity, the Town's investments shall be diversified by holding securities of various terms to maturity and by various types of investments and issuers and to the extent possible, the term of such investments shall match the forecasted requirements for such monies to meet expenditures.

c) Rate of Return

The Town's money shall be invested to maximize the rate of return within acceptable risk levels while respecting the security of principal, legal constraints and the liquidity needs of each investment portfolio.

The composition of each portfolio, including its term to maturity and type of investments, shall be adjusted within the guidelines of this Policy to take advantage of market opportunities. Such changes shall be made with the periodic interest rate outlook and target portfolio structure approved by the Treasurer.

5.2. MNRI: Long-Term Money

The Town's MNRI is described in Section 3.1 as Long-Term Money. In accordance with the ONE JIB Agreement and this IPS, ONE JIB has exclusive control and management of the Long-Term Money and the investments made therewith.

From time to time, the Town may require money immediately to meet financial obligations and may require ONE JIB to liquidate one or more investments in order to generate money to meet those obligations. ONE JIB will select the investment(s) to be liquidated. The timing of such liquidation will be determined by ONE JIB in consultation with the Treasurer.

5.2.1. Long-Term Funds: Investment Objectives

In setting the objectives noted below, the Town has taken into account the following considerations:

- Preservation of capital;
- Adequate liquidity that takes into account the needs of financial obligations and reasonably anticipated budgetary requirements;
- Diversification by asset class, market, sector, issuer, credit quality and term to maturity;
- Income and capital appreciation; and,
- Macro risks, such as inflation, economic growth and interest rates.

The Town's Investment objectives for its Long-Term Money (MNRI) can be achieved via allocations to the Outcomes defined within the ONE JIB's Outcome Framework. Table 1 provides a summary of this framework.

Table 1: ONE JIB's Outcome Framework

Outcome Category	Outcome Strategy	Objective	Risk Tolerance, Liquidity	Investment Horizon
Cash	Cash	Preservation of Capital	Low risk; high liquidity	< 3 years
Stable Return	Stable Return	Income generation: To generate returns to fund recurring needs	Moderate risk with emphasis on growth and stable returns, regular liquidity	> 5 years (Perpetual)

Contingency	Contingency	Contributions for unexpected and infrequent events	Higher risk; emphasis on longer-term capital growth with some liquidity	> 5 years (Perpetual)
	Asset Mgt Reserves	Contributions to generate returns to fund asset management reserves	Higher risk; emphasis on longer-term capital growth; low liquidity	> 10 years (Perpetual)
Target Date	Target Date 3-5 yrs	Preservation of capital	Low risk; high liquidity	3 – 5 years
	Target Date 5-10 yrs	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Moderate risk, liquid	5 – 10 years
	Target Date 10+ yrs	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Higher risk, emphasis on long-term inflation-adjusted growth	> 10 years

Investment of Long-Term Money is to be managed by ONE JIB in a way that balances the investment objectives with a level of risk that is appropriate for the Town. The MNRI invested will be broadly diversified to help reduce the volatility of investment returns. Returns have an impact on revenues, as well as a longer-term impact on future years' budgets and should, at a minimum, keep pace with inflation. To the extent possible, the Long-Term Money's investment horizons are aligned with the Town's obligations and cash flow requirements and may consist of liquid and non-liquid securities based on future cash flow requirements.

5.2.2. Long-Term Money: Eligible Investments

Eligible investments for Long-Term Money include any pooled fund or other collective investment vehicle or institutional investment management product sponsored or managed by ONE Investment for the Prudent Investment Program (Prudent Investment Offering), provided always that the products and the selection of products comply in all material respects with the IPS.

Additionally, nothing in this IPS prevents Long-Term Money from being held in cash, short term money market instruments, or overnight deposits.

5.2.3. Long-Term Funds: Local Distribution Corporation (LDC)

The direct investment in LDC shares and/or promissory notes, as may be applicable, prior to July 2, 2020, shall be permitted and included as part of the Long-Term Funds/MNRI held by ONE JIB. Specific details of this investment shall be approved by Council in its sole and absolute discretion, and ONE JIB shall adhere to all terms and conditions as directed. More specifically, ONE JIB shall be prohibited from selling, transferring, assigning, or pledging the LDC shares.

LDC shares are considered restricted, special assets and remain in the custody of the Town. LDC shares are to be viewed as separate standalone investments with the subject matter expertise and administrative functions remaining under the purview of the Town. These assets are not marketable securities and were acquired by the Town pursuant to separate legislative provisions and shareholder agreement(s). Council retains direct, de facto control of the LDC shares and ONE JIB shall adhere to all terms and conditions as directed. More specifically, Council controls all acquisition and disposition decisions related to current and future LDC assets. Any voting related to LDC shares will be undertaken solely by the Town.

The investment in LDC shares will not be included in calculations regarding asset mix/allocations or other constraints that apply to the Long-Term Funds.

5.2.4. Long-Term Funds: Other Portfolios

The Town does not currently have any other investment portfolios which require management by ONE JIB under the Prudent Investor Standard.

5.3. Third-Party Trust Funds and Designated Funds

In addition to the Town's own money, the Town is from time to time entrusted with Third-Party Trust Funds, and the responsibilities and obligations with respect thereto may be subject to other legislation and governed by other agreements and instruments. To the extent that there is any conflict or inconsistency between the provisions of this IPS and the terms and conditions contained in such other legislation, agreements or instruments applicable to Third-Party Trust Funds, the latter shall prevail.

The Municipality's Third-Party Trust Funds and the Designated Funds are listed in Appendix A.

For certainty, the third-party trust funds and the Designated Funds are not MNRI of the Town, and such monies are not under the control or management of ONE JIB.

5.4. Investment Management

5.4.1. Investment Management of Short-Term Money

The investment of Short-Term Money shall be controlled and managed by the Treasurer.

5.4.2. Investment Management of Long-Term Money

The investment of Long-Term Money shall be controlled and managed by ONE JIB in accordance with this IPS.

Competent External Portfolio Managers shall be appointed by ONE JIB, and they shall enter into an agreement with ONE Investment that complies with this IPS and Part II of the Regulation and provide compliance and performance reports. In accordance with the applicable regulatory requirements, ONE JIB shall make any External Portfolio Manager changes deemed in the best interest of the Town. For each External Portfolio Manager, ONE Investment shall agree on a set of operational guidelines including constraints, discretion limits, diversification and quality standards, and performance expectations, which are documented in each External Portfolio Manager's guidelines.

5.4.3. Transition to Prudent Investor Regime

Upon and after the Prudent Effective Date, the control and management of money and investments that are determined to be not required immediately shall be given to ONE JIB. Nothing in this IPS requires that such investments need be liquidated or disposed of. It is not contrary to this IPS for investments that the Town does not require immediately to be held, and to continue to be held by, ONE JIB in instruments such as term deposits, guaranteed investment certificates or principal protected notes issued by a financial institution. They can be held to maturity and invested upon receipt of cash proceeds. The Town holds Principal Protected Notes that have been identified as MNR that will be held to maturity.

Management of Third-Party Trust Funds and any Designated Funds is not directly affected by the Prudent Effective Date.

5.5. Investment Constraints

5.5.1. Environmental, Social and Governance (ESG) Investing

The Town supports ESG investing for Short-Term and Long-Term Money. The Town believes that well-managed companies are those that demonstrate high ethical and environmental standards and respect for their employees, human rights, and the communities in which they do business, and that these actions contribute to long term financial performance.

The Town has chosen to monitor the developments of ESG factors and will reconsider its approach to ESG investing for the Short-Term Portfolio as and when appropriate to do so.

For the investment of Long-Term Money, ONE JIB is required to explore how External Portfolio Managers are implementing responsible investing principles at the time of hiring and during periodic reviews. It may report on results periodically, if requested.

5.5.2. Securities Lending

For the investment of Short-Term Money, the Town may invest in pooled funds, and other investment funds that are controlled by an External Portfolio Manager who may engage in Securities Lending if the policies of the External Portfolio Manager that apply to such pools permit such an action.

For the investment of Long-Term Money, the Town may invest in pooled funds, and other investment funds that are managed by an External Portfolio Manager who may engage in Securities Lending if the policies of the External Portfolio Manager permit such an action.

5.5.3. Derivatives

Derivatives may not be used for speculative purposes. They may be used for the investment of Long-Term Money where they are fully covered by a backing asset, e.g., as for currency or other hedging, to change portfolio duration or in covered call strategies.

5.5.4. Pooled Funds

All investment strategies may be pursued directly through holdings of corporate and government issuers and indirectly via pooled funds and investment funds or any combination thereof. The investment strategies may also include allocations to cash or short-term investment vehicles.

5.5.5. Currency Hedging

The Short-Term Portfolio will not utilize currency hedging.

The Town's funding requirements are in Canadian dollars. However, some exposure to foreign currencies in the Long-Term Portfolio may be advantageous to provide diversification and potentially enhance returns. Therefore, it shall not be a violation of this IPS for investments in global mandates to be unhedged, in whole or in part, where the diversification benefits embedded in the currency exposure are considered to be beneficial or desirable by ONE JIB.

5.5.6. Prohibited Investments

In no event may investments be made through foreign direct investment in countries subject to Canadian or UN economic sanctions.

5.5.6.1. Letters of Credit

With respect to MRI investments, the Town will accept irrevocable Letters of Credit in the prescribed format issued by a Schedule I bank with a minimum Dominion Bond Rating Service (DBRS) rating of R-1 low or A (low) or Schedule II (as approved) bank with a minimum DBRS rating of R-1 middle or AA (low).

Letters of credit issued may be accepted from any of the five largest banks set out in Schedule I of the Bank Act listed below:

1. Bank of Montreal
2. The Bank of Nova Scotia
3. Canadian Imperial Bank of Commerce
4. Royal Bank of Canada
5. Toronto Dominion Bank

Letters of credit may be accepted from Schedule I or II banks meeting the minimum DBRS rating criteria on the approval of the Treasurer or designate.

If a Letter of Credit was previously accepted in accordance with this policy and the bank has since been downgraded and no longer meets the minimum requirements, the Town may request a new acceptable Letter of Credit.

5.6. Performance Monitoring, Rebalancing and Management

5.6.1. Short-Term Money

The Treasurer shall monitor the performance, rebalance asset mix, and manage short-term funds in a manner that achieves the investment objectives set out in this IPS. The Investment & Financial Analyst will provide regular performance reporting to the Treasurer on the portfolio, as required.

5.6.2. Long-Term Money

For the investment of Long-Term Money, ONE JIB shall establish parameters for monitoring investments and rebalancing through policy or directly within the investment plan.

Investments are expected to achieve returns at least equal to their benchmarks measured over a rolling five-year period. At minimum, ONE JIB shall provide reporting described in Section 6.7 that shows the Town's holdings, declares compliance with this IPS and shows External Portfolio Manager performance.

6. ADMINISTRATIVE POLICIES

6.1. Flow of Money and Annual Town Budget

6.1.1. Transfer to ONE JIB as Part of Annual Review Process

On an annual basis, as part of the Town's annual review process, the Town shall identify the amount, if any, of Long-Term Money that it holds. Any Long-Term Money not already under the control and management of ONE JIB shall be transferred to ONE JIB as soon as practicable.

6.1.2. Transfer to Town as Part of Annual Review Process

On an annual basis, as part of the Town's annual review process, ONE JIB shall be notified by the Treasurer as to the amount, if any, required by the Town from the Long-Term Money then under the control and management of ONE JIB for the Town's operational purposes. Such amount shall be deemed to be Short-Term Money and shall be returned to the Town in a lump sum or by way of periodic payments, as directed by the Treasurer.

6.2. Flow of Money Otherwise than through the Annual Review Process

6.2.1. Surplus Funds

The Short-Term Funds capture revenues received by the Town during each year after the approval of the Town's budget for the year. Any amounts deemed to be MNRI by the Treasurer at any such time during the year shall be transferred to ONE JIB to be under its management and control as Long-Term Funds. Amounts so transferred will be recorded annually in the Investment Plan and allocated by ONE JIB in accordance with the Investment Plan.

6.2.2. Contingencies

The Treasurer is authorized to direct ONE JIB to return any amounts determined by the Treasurer to be required to meet expenditures for unexpected contingencies not anticipated by the Town's budget in force for

that year, provided however that the aggregate of the amounts to be returned to the Town under this Section 6.2.2 during the year shall not exceed 25% of the Long-Term Money under the control and management of ONE JIB as at the date that the Town approved its budget for the year (the Budgeted Long-Term Money). In determining the Budgeted Long-Term Money for purposes of calculating the 25% limit, any Long-Term Money to be transferred to the control and management of ONE JIB in accordance with that year's Annual Review pursuant to Section 6.1.1 shall be included and any amount to be returned by ONE JIB to the Town pursuant to Section 6.1.2 shall be excluded.

6.3. Valuation of Investments

Investments shall be valued according to the values provided by the Custodian(s). For the investment of Long-Term Money, values of unitized vehicles shall be valued according to the unit values published by the Custodian. Other investments shall be valued at their market value when that is available from regular public trading. If a market valuation of an investment is not available, then a fair value shall be supplied by the External Portfolio Manager to the Custodian no less frequently than quarterly.

6.4. Voting Rights

Where External Portfolio Managers have been appointed, such External Portfolio Managers shall assume the responsibility of exercising voting rights and will report their voting policies to ONE JIB annually. The Town may access these policies at any time.

6.5. Internal Controls

The Treasurer shall establish an annual process of review of all investments made under this IPS. This review will provide internal control by assuring compliance with governing legislation and with policies and procedures established by the Treasurer. To the extent ONE JIB's input is needed, these requirements will be communicated in advance to ONE JIB.

6.6. Custodians

All investments and assets of the investment portfolios shall be held by a Custodian and any of the Custodian's sub-custodians or nominees. For Long-Term Money, the Custodian shall be acceptable to ONE Investment. For Short-Term Money the Custodian shall be acceptable to ONE Investment if ONE Investment is administering the investment of the Town's Short-Term Money, otherwise the Custodian shall be acceptable to the Town.

6.7. Reporting

6.7.1. Short-Term Money

For the investment of Short-Term Money, the Treasurer shall report at least annually to Council in a form and contain such content as Council may request. The report to Council shall include investment performance during the period covered and any other information as required under the Regulation and that the Treasurer may consider to be pertinent.

6.7.2. Long-Term Money

The Regulation provides that ONE JIB shall submit an investment report to Council in respect of the investment of Long-Term Money at least annually. This report shall include the following.

- Investment performance during the period covered by the report;
- Asset mix of the total portfolio;
- A listing of individual investments held at the fund level at the end of the reporting period showing, where appropriate, book value, market value, realized/unrealized gains/losses and actual income received;
- A list of all transactions including the security name, trade date, and the purchase and/or sale price;
- A statement by the Treasurer as to whether all investments were made in accordance with the IPS and as to whether all investments were made in accordance with the Investment Plan; and
- Any other pertinent information in the opinion of the Treasurer.

All securities invested on behalf of the Town by ONE JIB or with the assistance of ONE Investment shall be held for safekeeping in the name of the Town by a custodian.

7. APPROVAL, SUBSEQUENT MODIFICATIONS AND EFFECTIVE DATE

7.1.Revocation / Amendment of Previous Investment Policy

Upon coming into effect, this IPS supersedes previously approved investment policies of the Town.

7.2.Modifications to the IPS

At least annually, Council shall review the IPS and update it, if required. In the course of reviewing the IPS, Council may request comments from the Treasurer with respect to the investment of Short-Term Money and from ONE JIB with respect to the investment of Long-Term Money.

Following the Council's review of the IPS, ONE JIB shall review the Investment Plan and update it, if required.

At a minimum, the annual IPS review will consider:

- the adequacy of funding for capital works;

- the Town's ability to reduce other spending;
- flexibility of the timeframe to payout; and
- sensitivity to loss.

7.3. Effective Date

This IPS is adopted by Council of the Town effective July 2, 2020. The Treasurer is directed to sign a copy of this IPS to evidence approval and to deliver a copy of this IPS to ONE JIB.

Signed by:

Treasurer

Date

APPENDICES

- Appendix A** Third-Party Trust Funds and Designated Funds
- Appendix B** Ontario Regulation 438/97 (Eligible Investments & Prudent Investment)
- Appendix C** Authorized Investments & Sector Limitations (Short Term Portfolio)
- Appendix D** Dominion Bond Ratings Service Credit Quality

This Policy is hereby approved by Council Resolution #106-23 on this 24th day of April, 2023.

Appendix A: Third-Party Trust Funds

1. Groveside Cemetery care and maintenance trust funds under the *Funeral, Burial and Cremation Services Act*, 2002 which are to be invested pursuant to the *Trustee Act*.

APPENDIX B: ONTARIO REGULATION 438/97

ELIGIBLE INVESTMENTS, RELATED FINANCIAL AGREEMENTS AND PRUDENT INVESTMENT

Consolidation Period: From March 1, 2018 to the [e-Laws currency date](#).

Last amendment: 43/18.

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PART I

ELIGIBLE INVESTMENTS AND FORWARD RATE AGREEMENTS

Investment under s. 418 of the Act

1. (1) This Part applies in respect of investments by a municipality under section 418 of the Act. O. Reg. 43/18, s. 2.

(2) A municipality does not have the power to invest under section 418 of the Act in a security other than a security prescribed under this Part. O. Reg. 43/18, s. 2.

Eligible investments

2. The following are prescribed, for the purposes of subsection 418 (1) of the Act, as securities that a municipality may invest in:

- 1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by,
 - i. Canada or a province or territory of Canada,
 - ii. an agency of Canada or a province or territory of Canada,

- iii. a country other than Canada,
 - iv. a municipality in Canada including the municipality making the investment,
 - iv.1 the Ontario Infrastructure and Lands Corporation,
 - v. a school board or similar entity in Canada,
 - v.1 a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,
 - v.2 a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*,
 - vi. a local board as defined in the *Municipal Affairs Act* (but not including a school board or a municipality) or a conservation authority established under the *Conservation Authorities Act*,
 - vi.1 a board of a public hospital within the meaning of the *Public Hospitals Act*,
 - vi.2 a non-profit housing corporation incorporated under section 13 of the *Housing Development Act*,
 - vi.3 a local housing corporation as defined in section 24 of the *Housing Services Act, 2011*, or
 - vii. the Municipal Finance Authority of British Columbia.
2. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if,
 - i. the bond, debenture or other evidence of indebtedness is secured by the assignment, to a trustee, as defined in the *Trustee Act*, of payments that Canada or a province or territory of Canada has agreed to make or is required to make under a federal, provincial or territorial statute, and
 - ii. the payments referred to in subparagraph i are sufficient to meet the amounts payable under the bond, debenture or other evidence of indebtedness, including the amounts payable at maturity.
 3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
 - i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada),
 - ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*, or
 - iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
 - 3.1 Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
 - i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada), or
 - ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*.
 - iii. REVOKED: O. Reg. 43/18, s. 3 (1).
 4. Bonds, debentures, promissory notes or other evidence of indebtedness, the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made if issued or guaranteed by an institution listed in paragraph 3.1.
 - 4.1 Bonds, debentures, promissory notes or other evidence of indebtedness, the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made if issued or guaranteed by an institution listed in paragraph 3.1.
 - 4.2 Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments, the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
 - 4.3 Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
 5. Short term securities, the terms of which provide that the principal and interest shall be fully repaid no later than three days after the day the investment was made, that are issued by,
 - i. a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,

- ii. a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, or
- iii. a board of a public hospital within the meaning of the *Public Hospitals Act*.
- 6. Bonds, debentures, promissory notes, other evidence of indebtedness or other securities issued or guaranteed by the International Bank for Reconstruction and Development.
- 6.1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by a supranational financial institution or a supranational governmental organization, other than the International Bank for Reconstruction and Development.
- 7. Securities that are arrangements for the sale of assets that entitle the purchaser to an undivided beneficial interest in a pool of assets.
- 7.1 Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than five years after the date on which the municipality makes the investment.
- 7.2 Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than one year and no later than five years after the date on which the municipality makes the investment.
- 8. Negotiable promissory notes or commercial paper, other than securities referred to in paragraph 7, maturing one year or less from the date of issue, if that note or commercial paper has been issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
- 8.1 Shares issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
- 9. Bonds, debentures, promissory notes and other evidences of indebtedness of a corporation incorporated under section 142 of the *Electricity Act, 1998*.
- 10. Any security if the municipality acquires the security as a gift in a will or as a donation not made for a charitable purpose.
- 11. REVOKED: O. Reg. 43/18, s. 3 (5).
- 12. Shares of a corporation if,
 - i. the corporation has a debt payable to the municipality,
 - ii. under a court order, the corporation has received protection from its creditors,
 - iii. the acquisition of the shares in lieu of the debt is authorized by the court order, and
 - iv. the treasurer of the municipality is of the opinion that the debt will be uncollectable by the municipality unless the debt is converted to shares under the court order. O. Reg. 438/97, s. 2; O. Reg. 265/02, s. 1; O. Reg. 399/02, s. 2; O. Reg. 655/05, s. 2; O. Reg. 607/06, s. 1; O. Reg. 39/07, s. 1; O. Reg. 373/11, s. 1; O. Reg. 74/16, s. 1, 2; O. Reg. 43/18, s. 3.

Eligible investments, continued

2.1 A security is prescribed for the purposes of subsection 418 (1) of the Act as a security that a municipality may invest in if,

- (a) the municipality invested in the security before January 12, 2009; and
- (b) the terms of the municipality's continued investment in the security have been changed pursuant to the Plan Implementation Order of the Ontario Superior Court of Justice dated January 12, 2009 (Court file number 08-CL-7440) and titled "In the matter of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 as amended and in the matter of a plan of compromise and arrangement involving Metcalfe & Mansfield Alternative Investments II Corp. et al". O. Reg. 292/09, s. 1.

Ratings, financial indicators

3. (1) A municipality shall not invest in a security under subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 or paragraph 4 of section 2 unless the bond, debenture, promissory note or evidence of indebtedness is rated,

- (a) REVOKED: O. Reg. 265/02, s. 2 (1).
- (b) by Dominion Bond Rating Service Limited as "AA(low)" or higher;
- (b.1) by Fitch Ratings as "AA-" or higher;

- (c) by Moody's Investors Services Inc. as "Aa3" or higher; or
 - (d) by Standard and Poor's as "AA-" or higher. O. Reg. 438/97, s. 3 (1); O. Reg. 265/02, s. 2 (1); O. Reg. 399/02, s. 3 (1); O. Reg. 655/05, s. 3 (1, 2); O. Reg. 607/06, s. 2; O. Reg. 39/07, s. 2; O. Reg. 43/18, s. 4 (1).
- (2) A municipality shall not invest in a security under paragraph 3.1 or 4.1 of section 2 unless the bond, debenture, promissory note or evidence of indebtedness is rated,
- (a) by Dominion Bond Rating Service Limited as "A(low)" or higher;
 - (b) by Fitch Ratings as "A-" or higher;
 - (c) by Moody's Investors Services Inc. as "A3" or higher; or
 - (d) by Standard and Poor's as "A-" or higher. O. Reg. 43/18, s. 4 (2).
- (2.0.1) If a municipality's total investments in securities under subparagraph 3 iii and paragraph 4.2 of section 2 have, in the opinion of the treasurer, a value in excess of \$250,000, the municipality shall not invest in any additional security under paragraph 4.2 of section 2 unless the credit union or league that issues, guarantees or endorses the security provides, within 30 days before the day the investment is made,
- (a) audited financial statements indicating that the financial indicators mentioned in subsection (2.0.2) are met by the credit union or league; or
 - (b) certification in writing that all of the financial indicators mentioned in subsection (2.0.2) are met by the credit union or league. O. Reg. 43/18, s. 4 (2).
- (2.0.2) For the purposes of subsection (2.0.1), the financial indicators to be met by the credit union or league are the following:
1. Positive retained earnings in its audited financial statements for its most recently completed fiscal year.
 2. Regulatory capital of at least the percentage of its total assets set out in subsection (2.0.3) as of the date of the latest audited financial statements, calculated in accordance with Ontario Regulation 237/09 (General) made under the *Credit Unions and Caisses Populaires Act, 1994*.
 3. Regulatory capital of at least the percentage of its total risk weighted assets set out in subsection (2.0.4) as of the date of the latest audited financial statements, calculated in accordance with Ontario Regulation 237/09 (General).
 4. Positive net income in its audited financial statements for three of its five most recently completed fiscal years. O. Reg. 43/18, s. 4 (2).
- (2.0.3) The percentage mentioned in paragraph 2 of subsection (2.0.2) is the percentage obtained by adding one percent to the minimum percentage set out in paragraph 1 of subsection 15 (3) of Ontario Regulation 237/09 (General). O. Reg. 43/18, s. 4 (2).
- (2.0.4) The percentage mentioned in paragraph 3 of subsection (2.0.2) is the percentage obtained by adding one percent to the minimum percentage set out in paragraph 2 of subsection 15 (3) of Ontario Regulation 237/09 (General). O. Reg. 43/18, s. 4 (2).
- (2.0.5) A municipality shall not invest in securities under paragraph 4.3 of section 2 unless the credit union or league that issues or guarantees the security satisfies the conditions set out in subsection (2.0.1). O. Reg. 43/18, s. 4 (2).
- (2.1) A municipality shall not invest in a security under paragraph 6.1 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "AAA";
 - (b) by Fitch Ratings as "AAA";
 - (c) by Moody's Investors Services Inc. as "Aaa"; or
 - (d) by Standard and Poor's as "AAA". O. Reg. 655/05, s. 3 (4).
- (3) A municipality shall not invest in a security under paragraph 7 of section 2 that matures more than one year from the date of issue unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "AAA";
 - (a.1) by Fitch Ratings as "AAA";
 - (b) by Moody's Investors Services Inc. as "Aaa"; or

- (c) by Standard and Poor's as "AAA". O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (2); O. Reg. 655/05, s. 3 (5); O. Reg. 43/18, s. 4 (3).
- (4) A municipality shall not invest in a security under paragraph 7 of section 2 that matures one year or less from the date of issue unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "R-1(high)";
 - (a.1) by Fitch Ratings as "F1+";
 - (b) by Moody's Investors Services Inc. as "Prime-1"; or
 - (c) by Standard and Poor's as "A-1+". O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (3); O. Reg. 655/05, s. 3 (6); O. Reg. 43/18, s. 4 (4).
- (4.1) A municipality shall not invest in a security under paragraph 7.1 or 7.2 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "A(low)" or higher;
 - (b) by Fitch Ratings as "A-" or higher;
 - (c) by Moody's Investors Services Inc. as "A3" or higher; or
 - (d) by Standard and Poor's as "A-" or higher. O. Reg. 43/18, s. 4 (5).
- (4.2) REVOKED: O. Reg. 43/18, s. 4 (5).
- (5) A municipality shall not invest in a security under paragraph 8 of section 2 unless the promissory note or commercial paper is rated,
- (a) by Dominion Bond Rating Service Limited as "R-1(mid)" or higher;
 - (a.1) by Fitch Ratings as "F1+";
 - (b) by Moody's Investors Services Inc. as "Prime-1"; or
 - (c) by Standard and Poor's as "A-1+". O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (4); O. Reg. 655/05, s. 3 (8).
- (6) If an investment made under subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 of section 2 or paragraph 3.1, 4, 4.1, 6.1, 7, 7.1, 7.2 or 8 of section 2 falls below the standard required by this section, the municipality shall create a plan, including expected timelines, for selling the investment and shall sell the investment in accordance with the plan. O. Reg. 43/18, s. 4 (6).
- (6.1) Subsection (6) does not apply with respect to an investment made by a municipality under paragraph 7 of section 2 on a day before the day this subsection comes into force. O. Reg. 292/09, s. 2 (3).
- (6.1.1) If a municipality's total investments in securities under subparagraph 3 iii and paragraph 4.2 of section 2 have, in the opinion of the treasurer, a value in excess of the limit mentioned in subsection (2.0.1) of this section and one of the following circumstances applies, the municipality shall create a plan, including expected timelines, for selling investments made under paragraph 4.2 of section 2 in excess of that limit and shall sell the investments in accordance with the plan:
1. The financial indicators mentioned in subsection (2.0.2) are not met.
 2. The credit union or league fails to provide audited financial statements or a certification as mentioned in subsection (2.0.1). O. Reg. 43/18, s. 4 (7).
- (6.1.2) For the purposes of determining the value of investments under subsection (6.1.1), the value of all investments under subparagraph 3 iii of section 2 shall be counted as part of the total first, followed by the value of all investments made under paragraph 4.2 of section 2. O. Reg. 43/18, s. 4 (7).
- (6.1.3) If one of the circumstances in paragraph 1 or 2 of subsection (6.1.1) applies, the municipality shall create a plan, including expected timelines, for selling investments made under paragraph 4.3 of section 2 and shall sell the investments in accordance with the plan. O. Reg. 43/18, s. 4 (7).
- (7) A municipality shall not invest in a security under paragraph 9 of section 2 unless, at the time the investment is made and as long as it continues, the investment ranks, at a minimum, concurrently and equally in respect of payment of principal and interest with all unsecured debt of the corporation. O. Reg. 265/02, s. 2 (2).
- (8) A municipality shall not invest in a security under paragraph 9 of section 2 unless, at the time the investment is made, the total amount of the municipality's investment in debt of any corporation incorporated under section 142 of the *Electricity Act, 1998* that would result after the proposed investment is made does not exceed the total amount of

investment in debt, including any interest accrued on such debt, of the municipality in such a corporation that existed on the day before the day the proposed investment is to be made. O. Reg. 265/02, s. 2 (2).

(9) Any investment made under paragraph 9 of section 2, including any refinancing, renewal or replacement thereof, may not be held for longer than a total of 10 years from the date such investment is made. O. Reg. 265/02, s. 2 (2).

(10) Subsections (7), (8) and (9) do not prevent a municipality from holding or disposing of a security described in paragraph 9 of section 2 issued by a corporation incorporated under section 142 of the *Electricity Act, 1998*, if the municipality acquired the security through a transfer by-law or otherwise under that Act. O. Reg. 655/05, s. 3 (9).

(11) If a municipality acquires a security under paragraph 10 of section 2 that is not otherwise prescribed under this Part, the municipality shall create a plan, including expected timelines, for selling the investment and shall sell the investment in accordance with the plan. O. Reg. 43/18, s. 4 (8).

(12) REVOKED: O. Reg. 292/09, s. 2 (4).

Investment limit

4. (1) A municipality shall not invest more than 25 per cent of the total amount in all sinking and retirement funds in respect of debentures of the municipality, as estimated by its treasurer on the date of the investment, in short-term debt issued or guaranteed by the municipality. O. Reg. 438/97, s. 4 (1).

(2) In this section,

“short-term debt” means any debt, the terms of which provide that the principal and interest of the debt shall be fully repaid no later than 364 days after the debt is incurred. O. Reg. 438/97, s. 4 (2).

Conditions

4.1 (1) A municipality shall not invest in a security under paragraph 7 of section 2 or in a promissory note or commercial paper under paragraph 8 of section 2 unless, on the date that the investment is made,

(a) the municipality itself is rated, or all of the municipality’s long-term debt obligations are rated,

(i) by Dominion Bond Rating Service Limited as “AA(low)” or higher,

(i.1) by Fitch Ratings as “AA-” or higher,

(ii) by Moody’s Investors Services Inc. as “Aa3” or higher, or

(iii) by Standard and Poor’s as “AA-” or higher; or

(b) the municipality has entered into an agreement with the Local Authority Services and the CHUMS Financing Corporation to act together as the municipality’s agent for the investment in that security, promissory note or commercial paper. O. Reg. 265/02, s. 3; O. Reg. 399/02, s. 4; O. Reg. 655/05, s. 4 (1, 2); O. Reg. 43/18, s. 5 (1).

(1.1) A municipality shall not invest in a security under paragraph 7.1 or 8.1 of section 2 unless, on the date the investment is made, the municipality has entered into an agreement with the Local Authority Services and the CHUMS Financing Corporation to act together as the municipality’s agent for the investment in the security. O. Reg. 655/05, s. 4 (3); O. Reg. 43/18, s. 5 (2).

(1.2) Subsection (1.1) does not apply to investments in securities by the City of Ottawa if all of the following requirements are satisfied:

1. Only the proceeds of the sale by the City of its securities in a corporation incorporated under section 142 of the *Electricity Act, 1998* are used to make the investments.
2. The investments are made in a professionally-managed fund.
3. The terms of the investments provide that,
 - i. where the investment is in debt instruments, the principal must be repaid no earlier than seven years after the date on which the City makes the investment, and
 - ii. where the investment is in shares, an amount equal to the principal amount of the investment cannot be withdrawn from the fund for at least seven years after the date on which the City makes the investment.
4. The City establishes and uses a separate reserve fund for the investments.
5. Subject to paragraph 6, the money in the reserve fund, including any returns on the investments or proceeds from their disposition, are used to pay capital costs of the City and for no other purpose.

6. The City may borrow money from the reserve fund but must repay it plus interest. O. Reg. 655/05, s. 4 (3).
- (2) The investment made under clause (1) (b) or described in subsection (1.1), as the case may be, must be made in the One Investment Program of the Local Authority Services and the CHUMS Financing Corporation with,
- (a) another municipality;
 - (b) a public hospital;
 - (c) a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*;
 - (d) a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
 - (d.1) a foundation established by a college mentioned in clause (d) whose purposes include receiving and maintaining a fund or funds for the benefit of the college;
 - (e) a school board;
 - (f) any agent of an institution listed in clauses (a) to (e);
 - (g) Local Authority Services;
 - (h) CHUMS Financing Corporation;
 - (i) Association of Municipalities of Ontario; or
 - (j) Municipal Finance Officers' Association of Ontario. O. Reg. 265/02, s. 3; O. Reg. 655/05, s. 4 (4); O. Reg. 607/06, s. 3; O. Reg. 292/09, s. 3; O. Reg. 52/11, s. 1; O. Reg. 74/16, s. 1, 3; O. Reg. 43/18, s. 5 (3-5).

School purposes

5. A municipality shall not invest in a security issued or guaranteed by a school board or similar entity unless,
- (a) the money raised by issuing the security is to be used for school purposes; and
 - (b) REVOKED: O. Reg. 248/01, s. 1.

O. Reg. 438/97, s. 5; O. Reg. 248/01, s. 1.

Canadian dollars

6. (1) Subject to subsection (3), a municipality shall not invest in a security that is expressed or payable in any currency other than Canadian dollars. O. Reg. 43/18, s. 6 (1).
- (2) Subsection (1) does not prevent a municipality from continuing an investment, made before this Regulation comes into force, that is expressed and payable in the currency of the United States of America or the United Kingdom. O. Reg. 438/97, s. 6 (2).
- (3) Subsection (1) does not apply in respect of securities listed in paragraphs 3, 3.1 and 4.2 of section 2, which may also be expressed or payable in the currency of the United States of America. O. Reg. 43/18, s. 6 (2).

Statement of policies and goals

7. (1) Before a municipality invests in a security prescribed under this Part, the council of the municipality shall, if it has not already done so, adopt a statement of the municipality's investment policies and goals. O. Reg. 438/97, s. 7; O. Reg. 43/18, s. 7.
- (2) In preparing the statement of the municipality's investment policies and goals under subsection (1), the council of the municipality shall consider,
- (a) the municipality's risk tolerance and the preservation of its capital;
 - (b) the municipality's need for a diversified portfolio of investments; and
 - (c) obtaining legal advice and financial advice with respect to the proposed investments. O. Reg. 265/02, s. 4.
- (3) REVOKED: O. Reg. 655/05, s. 5.
- (4) In preparing the statement of the municipality's investment policies and goals under subsection (1) for investments made under paragraph 9 of section 2, the council of the municipality shall consider its plans for the investment and how the proposed investment would affect the interest of municipal taxpayers. O. Reg. 265/02, s. 4.

Investment report

8. (1) If a municipality has an investment in a security prescribed under this Part, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council, each year or more frequently as specified by the council, an investment report. O. Reg. 438/97, s. 8 (1); O. Reg. 43/18, s. 7.

(2) The investment report referred to in subsection (1) shall contain,

- (a) a statement about the performance of the portfolio of investments of the municipality during the period covered by the report;
- (b) a description of the estimated proportion of the total investments of a municipality that are invested in its own long-term and short-term securities to the total investment of the municipality and a description of the change, if any, in that estimated proportion since the previous year's report;
- (c) a statement by the treasurer as to whether or not, in his or her opinion, all investments are consistent with the investment policies and goals adopted by the municipality;
- (d) a record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security; and
- (e) such other information that the council may require or that, in the opinion of the treasurer, should be included. O. Reg. 438/97, s. 8 (2); O. Reg. 655/05, s. 6.

(2.1) The investment report referred to in subsection (1) shall contain a statement by the treasurer as to whether any of the following investments fall below the standard required for that investment during the period covered by the report:

- 1. An investment described in subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 of section 2.
- 2. An investment described in paragraph 3.1, 4, 4.1, 6.1, 7, 7.1, 7.2 or 8 of section 2.
- 3. An investment described in subsection 9 (1). O. Reg. 292/09, s. 4; O. Reg. 43/18, s. 8 (1).

(2.2) The investment report referred to in subsection (1) shall contain a statement by the treasurer as to whether any investments under paragraphs 4.2 and 4.3 of section 2 are affected by the circumstances set out in paragraphs 1 and 2 of subsection 3 (6.1.1) during the period covered by the report. O. Reg. 43/18, s. 8 (2).

(3) Upon disposition of any investment made under paragraph 9 of section 2, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council a report detailing the proposed use of funds realized in the disposition. O. Reg. 265/02, s. 5.

Inconsistencies, treasurer's duty

8.1 If an investment made by the municipality is, in the treasurer's opinion, not consistent with the investment policies and goals adopted by the municipality, the treasurer shall report the inconsistency to the council of the municipality within 30 days after becoming aware of it. O. Reg. 655/05, s. 7.

Investments pre March 6, 1997

9. (1) Despite this Part, an investment by a municipality in bonds, debentures or other indebtedness of a corporation made before March 6, 1997 may be continued if the bond, debenture or other indebtedness is rated,

- (a) REVOKED: O. Reg. 265/02, s. 6.
 - (b) by Dominion Bond Rating Service Limited as "AA(low)" or higher;
 - (b.1) by Fitch Ratings as "AA-" or higher;
 - (c) by Moody's Investors Services Inc. as "Aa3" or higher; or
 - (d) by Standard and Poor's as "AA-" or higher. O. Reg. 438/97, s. 9 (1); O. Reg. 265/02, s. 6; O. Reg. 399/02, s. 5; O. Reg. 655/05, s. 8; O. Reg. 43/18, s. 7.
- (1.1) REVOKED: O. Reg. 43/18, s. 9 (1).

(2) If the rating of an investment continued under subsection (1) falls below the standard required by that subsection, the municipality shall create a plan, including expected timelines, for selling the investment and shall sell the investment in accordance with the plan. O. Reg. 43/18, s. 9 (2).

FORWARD RATE AGREEMENTS

Forward rate agreements

10. (1) A municipality that enters into an agreement to make an investment on a future date in a security prescribed by section 2 may enter one or more forward rate agreements with a bank listed in Schedule I, II or III to

the *Bank Act* (Canada) in order to minimize the cost or risk associated with the investment because of fluctuations in interest rates. O. Reg. 655/05, s. 9.

(2) A forward rate agreement shall provide for the following matters:

1. Specifying a forward amount, which is the principal amount of the investment or that portion of the principal amount to which the agreement relates.
2. Specifying a settlement day, which is a specified future date.
3. Specifying a forward rate of interest, which is a notional rate of interest applicable on the settlement day.
4. Specifying a reference rate of interest, which is the market rate of interest payable on a specified future date on an acceptance issued by a bank listed in Schedule I, II or III to the *Bank Act* (Canada).
5. Requiring a settlement payment to be payable on the settlement day if the forward rate and the reference rate of interest are different. O. Reg. 655/05, s. 9.

(3) A municipality shall not enter a forward rate agreement if the forward amount described in paragraph 1 of subsection (2) for the investment whose cost or risk the agreement is intended to minimize, when added to all forward amounts under other forward rate agreements, if any, relating to the same investment, would exceed the total amount of the principal of the investment. O. Reg. 655/05, s. 9.

(4) A municipality shall not enter a forward rate agreement unless the settlement day under the agreement is within 12 months of the day on which the agreement is executed. O. Reg. 655/05, s. 9.

(5) A municipality shall not enter a forward rate agreement if the settlement payment described in paragraph 5 of subsection (2) exceeds the difference between the amount of interest that would be payable on the forward amount calculated at the forward rate of interest for the period for which the investment was made and the amount that would be payable calculated at the reference rate of interest. O. Reg. 655/05, s. 9.

(6) A municipality shall not enter a forward rate agreement except with a bank listed in Schedule I, II or III to the *Bank Act* (Canada) and only if the bank's long-term debt obligations on the day the agreement is entered are rated,

- (a) by Dominion Bond Rating Service Limited as "A(high)" or higher;
- (b) by Fitch Ratings as "A+" or higher;
- (c) by Moody's Investors Service Inc. as "A1" or higher; or
- (d) by Standard and Poor's as "A+" or higher. O. Reg. 655/05, s. 9.

Statement of policies and goals

11. (1) Before a municipality passes a by-law authorizing a forward rate agreement, the council of the municipality shall adopt a statement of policies and goals relating to the use of forward rate agreements. O. Reg. 655/05, s. 9.

(2) The council of the municipality shall consider the following matters when preparing the statement of policies and goals:

1. The types of investments for which forward rate agreements are appropriate.
2. The fixed costs and estimated costs to the municipality resulting from the use of such agreements.
3. A detailed estimate of the expected results of using such agreements.
4. The financial and other risks to the municipality that would exist with, and without, the use of such agreements.
5. Risk control measures relating to such agreements, such as,
 - i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,
 - ii. standard agreements, and
 - iii. ongoing monitoring with respect to the agreements. O. Reg. 655/05, s. 9.

Report to council

12. (1) If a municipality has any subsisting forward rate agreements in a fiscal year, the treasurer of the municipality shall prepare and present to the municipal council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements. O. Reg. 655/05, s. 9.

(2) The report must contain the following information and documents:

1. A statement about the status of the forward rate agreements during the period of the report, including a comparison of the expected and actual results of using the agreements.
2. A statement by the treasurer indicating whether, in his or her opinion, all of the forward rate agreements entered during the period of the report are consistent with the municipality's statement of policies and goals relating to the use of forward rate agreements.
3. Such other information as the council may require.
4. Such other information as the treasurer considers appropriate to include in the report. O. Reg. 655/05, s. 9.

PART II PRUDENT INVESTMENT

Definitions

13. In this Part,

"Investment Board" means a municipal service board that is established under section 196 of the Act by a municipality for the purposes of this Part and includes, for the purposes of paragraph 3 of section 15, subsection 17 (3) and sections 21 and 23, the Toronto Investment Board; ("commission des placements")

"Joint Investment Board" means a municipal service board that is established under section 202 of the Act by two or more municipalities for the purposes of this Part; ("commission mixte des placements")

"Toronto Investment Board" means the board of the City of Toronto described in subsection 46 (2) of Ontario Regulation 610/06 (Financial Activities) made under the *City of Toronto Act, 2006*. ("Commission des placements de Toronto") O. Reg. 43/18, s. 10.

Application

14. This Part applies in respect of investments by a municipality under section 418.1 of the Act. O. Reg. 43/18, s. 10.

Requirements under s. 418.1 (3) of the Act

15. A municipality must satisfy one of the following requirements on the day referred to in subsection 418.1 (3) of the Act in order to pass a by-law for the purposes of that subsection:

1. The municipality must have, in the opinion of its treasurer, at least,
 - i. \$100,000,000 in money and investments that it does not require immediately, or
 - ii. \$50,000,000 in net financial assets, as indicated in Schedule 70 of the most recent Financial Information Return supplied to the Ministry of Municipal Affairs by the municipality under the Act and posted on the Ministry's website on the day the municipality passes the by-law under subsection 418.1 (2) of the Act.
2. The municipality must have entered into an agreement to establish and invest through a Joint Investment Board with one or more other municipalities, and all of the municipalities must have, in the opinion of each of their treasurers, a combined total of at least \$100,000,000 in money and investments that the municipalities do not require immediately.
3. The municipality must have entered into an agreement with the following parties to invest through an Investment Board or a Joint Investment Board that was established by another municipality or municipalities before the day the municipality passes the by-law:
 - i. The Investment Board or Joint Investment Board, as the case may be.
 - ii. Any other municipalities investing through the Investment Board or Joint Investment Board on the day the municipality passes the by-law. O. Reg. 43/18, s. 10.

Limitation, school board securities

16. A municipality shall not invest money in a security issued or guaranteed by a school board or similar entity in Canada unless the money raised by issuing the security is to be used for school purposes. O. Reg. 43/18, s. 10.

Investments only through Investment Board or Joint Investment Board

17. (1) A municipality that satisfies the requirement set out in paragraph 1 of section 15 may invest money only by having an Investment Board that meets the following criteria do so on its behalf:

1. The Investment Board has been established by the municipality.
 2. The Investment Board has been given the control and management of the municipality's investments by the municipality delegating to the Investment Board,
 - i. the municipality's powers to make the investments, and
 - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.
- (2) A municipality that satisfies the requirement set out in paragraph 2 of section 15 may invest money only by having a Joint Investment Board that satisfies the following criteria do so on its behalf.
1. The Joint Investment Board is the subject of an agreement referred to in paragraph 2 of section 15.
 2. The Joint Investment Board has been given the control and management of the municipality's investments, together with that of all the other municipalities that are party to the agreement referred to under paragraph 2 of section 15, by each municipality delegating to the Joint Investment Board,
 - i. the municipality's powers to make the investments, and
 - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.
- (3) A municipality that satisfies the requirement under paragraph 3 of section 15 may invest money only by having an Investment Board or Joint Investment Board, as the case may be, that satisfies the following criteria do so on its behalf:
1. The Investment Board or Joint Investment Board is the subject of an agreement referred to in paragraph 3 of section 15.
 2. The Investment Board or Joint Investment Board has been given the control and management of the municipality's investments by the municipality delegating to the Investment Board or Joint Investment Board,
 - i. the municipality's powers to make the investments, and
 - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.
- (4) The following persons may not be appointed as members of the Investment Board or Joint Investment Board:
1. An officer or employee of any municipality for which it invests.
 2. A member of council of any municipality for which it invests. O. Reg. 43/18, s. 10.
- (5) Subsection (3) does not apply to any treasurer of a municipality for which the board invests provided that treasurers do not make up more than one quarter of the members. O. Reg. 43/18, s. 10.

Investment policy

18. (1) The council of a municipality shall adopt and maintain an investment policy in relation to investing under this Part. O. Reg. 43/18, s. 10.

(2) The investment policy shall include requirements with respect to the following:

1. The municipality's objectives for return on investment and risk tolerance.
2. The municipality's need for liquidity including, for greater certainty, the municipality's anticipated needs for funds for planned projects and the municipality's needs to have funds available for unanticipated contingencies. O. Reg. 43/18, s. 10.

(3) The investment policy may include other requirements with respect to investment matters that council considers to be in the interests of the municipality. O. Reg. 43/18, s. 10.

(4) At least annually, the council shall review the investment policy and update it, as necessary, as a result of the review. O. Reg. 43/18, s. 10.

Investment plan

19. (1) An Investment Board or Joint Investment Board shall adopt and maintain an investment plan in respect of all municipalities that have delegated to it,

- (a) the municipality's powers to make investments; and
- (b) the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.

(2) The investment plan shall deal with how the Investment Board or Joint Investment Board will invest each municipality's money and set out the Board's projections of the proportions of each municipality's portfolio of

investments to be invested at the end of the year in each type of security selected by the Investment Board or Joint Investment Board and may include other requirements. O. Reg. 43/18, s. 10.

(3) At least annually, following each council's review of the investment policy under subsection 18 (4), the Investment Board or Joint Investment Board shall review the investment plan and update it, as necessary, as a result of the reviews. O. Reg. 43/18, s. 10.

Investment report

20. (1) An Investment Board or Joint Investment Board shall prepare and provide to the council of each municipality referred to in subsection 19 (1), each year or more frequently as specified by the council, an investment report. O. Reg. 43/18, s. 10.

(2) The investment report shall contain,

- (a) a statement about the performance of the municipality's portfolio of investments during the period covered by the report;
- (b) a statement by the treasurer of the municipality as to whether or not, in the opinion of the treasurer, all investments are consistent with the municipality's investment policy under section 18 and the investment plan for the municipality under section 19; and
- (c) such other information that the council may require or that, in the opinion of the treasurer, should be included. O. Reg. 43/18, s. 10.

Inconsistencies, treasurer's duty

21. If an investment made by an Investment Board or a Joint Investment Board is, in the opinion of the municipality's treasurer, not consistent with the municipality's investment policy under section 18 and the investment plan for the municipality under section 19 of this Regulation or section 48.1 of Ontario Regulation 610/06 (Financial Activities) made under the *City of Toronto Act, 2006*, as the case may be, the treasurer shall report the inconsistency to the council within 30 days after becoming aware of it. O. Reg. 43/18, s. 10.

Agents of the Investment Board

22. (1) Subject to subsections (2) and (3), an Investment Board or Joint Investment Board may authorize an agent to exercise any of the board's functions to the same extent that a prudent investor, acting in accordance with ordinary investment practice, would authorize an agent to exercise any investment function. O. Reg. 43/18, s. 10.

(2) An Investment Board or Joint Investment Board may not authorize an agent under subsection (1) unless a written agreement between the board and the agent is in effect and the agreement includes,

- (a) a requirement that the agent comply with the requirements included in the investment policy or policies under section 18 and with the investment plan under section 19; and
- (b) a requirement that the agent report to the board at regular stated intervals. O. Reg. 43/18, s. 10.

(3) An Investment Board or Joint Investment Board shall exercise prudence in selecting an agent, in establishing the terms of the agent's authority and in monitoring the agent's performance to ensure compliance with those terms. O. Reg. 43/18, s. 10.

(4) For the purpose of subsection (3), prudence in monitoring an agent's performance includes,

- (a) reviewing the agent's reports;
- (b) regularly reviewing the agreement between the Investment Board or Joint Investment Board and the agent and how it is being put into effect, including assessing whether the requirement described in clause (2) (a) is being complied with;
- (c) considering whether directions should be provided to the agent or whether the agent's appointment should be revoked; and
- (d) providing directions to the agent or revoking the appointment if the Investment Board or Joint Investment Board considers it appropriate to do so. O. Reg. 43/18, s. 10.

(5) This section does not prevent the investment, by the Investment Board or Joint Investment Board, in mutual funds, pooled funds or segregated funds under variable insurance contracts, and the manager of such a fund is not an agent for the purpose of this section. O. Reg. 43/18, s. 10.

Withdrawal from investment arrangement

23. A municipality may withdraw from investing through an Investment Board or Joint Investment Board that the municipality has not established if all of the following conditions are met:

1. All the municipalities investing through the board agree to the withdrawal.
2. The municipality has done one of the following:
 - i. Entered into an agreement with another municipality that has established an Investment Board, that Investment Board and any other municipalities investing through that Investment Board, to invest through that Investment Board.
 - ii. Entered into an agreement with the municipalities that have established a Joint Investment Board, that Joint Investment Board and any other municipalities investing through that Joint Investment Board, to invest through that Joint Investment Board.
 - iii. Established an Investment Board on its own or established a Joint Investment Board with one or more other municipalities.
3. The municipality has given the Investment Board or Joint Investment Board through which it will be investing the control and management of the municipality's investments by delegating to the board,
 - i. the municipality's powers to make the investments, and
 - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.

Application of Part, withdrawal or dissolution

- 24.** (1) This section applies if a municipality establishes an Investment Board or a Joint Investment Board,
- (a) in order to meet the condition set out in subparagraph 2 iii of section 23 with respect to withdrawing from investing; or
 - (b) in order to meet a condition set out in Ontario Regulation 42/18 (Dissolution of and Prescribed Changes to Investment Board or Joint Investment Board) made under the Act. O. Reg. 43/18, s. 10.
- (2) The municipality must satisfy the requirement set out in paragraph 1 or 2 of section 15 at the time of establishing the board and the reference in subparagraph 1 ii of section 15 to "the day the municipality passes the by-law under subsection 418.1 (2) of the Act" is deemed for the purposes of this section to be a reference to "the day the Investment Board is established". O. Reg. 43/18, s. 10.
- (3) Subsections 17 (1) and (2) apply to the municipality. O. Reg. 43/18, s. 10.
- (4) Sections 16 and 18 to 22 apply with respect to the investment of money by the Investment Board or Joint Investment Board. O. Reg. 43/18, s. 10.

Transitional matters, what may be done in advance

- 25.** For greater certainty, before a municipality passes a by-law under subsection 418.1 (2) of the Act and before the effective date of the by-law,
- (a) the municipality may establish an Investment Board or Joint Investment Board and appoint the members;
 - (b) the municipality may enter into an agreement described in paragraph 2 or 3 of section 15;
 - (c) the municipality may adopt an investment policy under section 18;
 - (d) an Investment Board or Joint Investment Board may adopt an investment plan under section 19; and
 - (e) an Investment Board or Joint Investment Board may authorize an agent under section 22. O. Reg. 43/18, s. 10.

Transitional matters, s. 418.1 of the Act

- 26.** (1) No municipality shall pass a by-law under subsection 418.1 (2) of the Act until January 1, 2019. O. Reg. 43/18, s. 10.
- (2) Despite the passing of a by-law by a municipality under subsection 418.1 (2) of the Act,
- (a) section 8 of this Regulation continues to apply to the municipality for the purposes of reporting in respect of any period up to and including the effective date of the by-law; and
 - (b) section 20 of this Regulation applies to an Investment Board or Joint Investment Board for the purposes of reporting in respect of any period following the effective date of the by-law. O. Reg. 43/18, s. 10.
- (3) Despite the passing of a by-law by a municipality under subsection 418.1 (2) of the Act,
- (a) section 8.1 of this Regulation continues to apply with respect to investments made on or before the effective date of the by-law; and

- (b) section 21 of this Regulation applies with respect to investments made following the effective date of the by-law. O. Reg. 43/18, s. 10.
- (4) Despite the passing of a by-law by a municipality under subsection 418.1 (2) of the Act, reports shall be made by the treasurer under subsection 12 (1) of this Regulation until reports have been made covering the periods up to and including the period ending on the effective date of the by-law. O. Reg. 43/18, s. 10.

APPENDIX C: Authorized Investments & Sector Limitations (Short Term Portfolio)

Category	Minimum Credit Rating	Maximum Portfolio Share	Institutional Limit per Issuer
Government of Canada	N/A	100%	100%
Provincial Governments	R-1 low, A (low)	50%	25%
Municipalities and local boards	N/A	50%	10%
Schedule I banks	R-1 low, A (low)	100%	100%
Schedule II banks	R-1 middle, AA (low)	50%	15%
Loan or trust corporations	R-1 low, A (low)	10%	5%
Credit unions ⁽¹⁾	R-1 low, A (low)	20%	10%
Incorporated under Electricity Act	N/A	15%	5%
ONE Funds HISA	N/A	50%	100%
ONE Funds 'Other' ⁽²⁾	N/A	35%	100%

Notes:

- (1) Increased investment with Credit Unions subject to the requirements set out in subsection (2.0.1). O. Reg. 43/18, s. 4 (2).
- (2) One Funds 'Other' includes the Bond, Universe Corporate Bond, Equity & Money Market Funds.

APPENDIX D: Dominion Bond Ratings Service Credit Quality

Commercial Paper and Short Term Debt		Bond and Long Term Debt	
Symbol	Credit Quality	Symbol	Credit Quality
R-1 (high)	Highest	AAA	Highest
R-1 (middle)	Superior	AA	Superior
R-1 (low)	Satisfactory	A	Satisfactory
R-2 (high)	Adequate	BBB	Adequate
R-2 (middle)	Adequate	BB	Speculative
R-2 (low)	Adequate	B	Highly Speculative
R-3 (high)	Speculative	CCC	Very Highly Speculative
R-3 (middle)	Speculative	CC	Very Highly Speculative
R-3 (low)	Speculative	C	Very Highly Speculative
D	In Arrears	D	In Arrears
R	Not rated		

Dominion Bond Rating Service (DBRS) provides ratings on institutional quality. A company having an R-1 rating is a high grade prime credit. It has a very high ability to repay its current liabilities as they become due. The strength of various liquidity ratios is unquestioned and alternative sources of funds to commercial paper profitability has been reasonable and relatively stable with only modest fluctuations. No substantial qualifying negative factors exist and the firm is of sufficient size to be a strong influence in its industry. DBRS also indicates where within the rating classification the company falls (high, middle or low).

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: FS 07-24

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner, Financial Services & Treasurer, Ext. 4314

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Bren Bozzer, Senior Investment and Financial Analyst

1. Recommendation:

1. That a by-law, (as shown in Attachment 1 to Report FS 07-24), in support of the Town of Whitby's involvement in the Prudent Investment offering of the ONE Joint Investment Board ("ONE JIB") be brought forward to a future Council meeting, which:
 - a. Approves an amended ONE JIB Agreement, including a revised Terms of Reference to increase the maximum number of ONE JIB members from 10 to 12;
 - b. Approves the ONE JIB Records Retention By-law and the delegation to ONE JIB's Secretary of the necessary powers and duties to deal with the records of ONE JIB; and
 - c. Approves changes to the amendment provisions of the ONE JIB Agreement.

2. Highlights:

- Town of Whitby is a Founding Municipality in the One Prudent Investment Program.
- At its meeting of November 29, 2023, ONE JIB approved amendments to its Terms of Reference, which form part of the ONE JIB Agreement. Most amendments were minor “housekeeping” items intended to reflect current practice. However, one substantive change to the Terms of Reference involves an increase to the size of the Board of ONE JIB to increase the maximum number of members from ten to twelve.
- At its meeting of February 28, 2024, ONE JIB enacted a Records Retention By-law. ONE JIB also approved changes to the amendment provisions of section 12.02 of the ONE JIB Agreement. By virtue of these changes, future amendments to the ONE JIB Agreement would require approval of the Participating Municipalities only where required by applicable law.
- The Participating Municipalities of ONE JIB have been asked to approve these changes by by-law in order to satisfy the terms of the ONE JIB Agreement and the Municipal Act (“the Act”) regarding records retention by local boards such as ONE JIB.

3. Background:

Since July 2, 2020 the Town of Whitby has been a Founding Municipality in the ONE Joint Investment Board. ONE JIB currently invests Monies Not Required Immediately (MNRI) on behalf of 11 Ontario municipalities with the potential for this number to grow significantly in future years. For the Town of Whitby, MNRI is generally funds not required to be used/spent for over 24 months.

The ONE JIB Terms of Reference were developed prior to the establishment of ONE JIB and embedded as a schedule to the ONE JIB Agreement. ONE JIB entered into a ONE JIB Agreement with the original six Founding Municipalities (which are also referred to as “Participating Municipalities”) in 2020, and subsequently with five new Participating Municipalities. ONE JIB reviewed and amended its Terms of Reference in 2023.

ONE Investment, pursuant to a Services Agreement with ONE JIB is, and will continue to be, responsible for the maintenance of proper and complete records in connection with the ONE Prudent Investment Program.

ONE JIB is a local board within the meaning of the Act and constitutes a local board of each Participating Municipality. Under Section 254 of the Act, the Participating Municipalities are jointly responsible for retaining and preserving the records of ONE JIB in a secure and accessible manner. Under Section 255 of the Act, a majority of the Participating Municipalities as “affected municipalities”, may establish retention periods during which the records of ONE JIB must be retained and preserved in a secure and accessible manner. The Act provides that ONE JIB’s records may be destroyed if a retention period for a particular record has been established and the retention period has

expired (or if the record is a copy of the original copy). This is the same provision of the Act that applies to the Participating Municipalities, all of which have different Record Retention By-laws that apply to each of the Participating Municipalities' records.

The ONE JIB Records Retention By-law applies solely to the records of ONE JIB and has no impact on the Participating Municipalities or their records.

4. Discussion:

ONE JOINT INVESTMENT BOARD TERMS OF REFERENCE

At its meeting of November 29, 2023, the ONE JIB Terms of Reference were amended to address various housekeeping and clerical amendments. They were also amended to allow for a potential change to ONE JIB's membership to better position ONE JIB to attract large Ontario municipalities and grow financial assets under management, which is to the benefit of all Participating Municipalities. This change is subject to the approval of the Participating Municipalities, as noted below.

In anticipation of a large municipal investor wanting to potentially join the ONE Prudent Investment Program and invest through ONE JIB, and to support the desire of the Board to strengthen its municipal finance knowledge, the Board is seeking to add more individuals with the desired municipal skills. However, the Act limits the number of municipal treasurers that serve on ONE JIB to 25% of its members. The Board has approved an increase in the maximum number of ONE JIB members from 10 to 12 members to enable a third municipal treasurer to serve on the Board. Currently the municipal treasurer representatives on the Board of ONE JIB are:

- Mike Melinyshyn, CFO/Director of Corporate Services and Deputy Treasurer, Town of Innisfil
- Stephen Rettie, Chief Administrative Officer/Deputy Treasurer, Town of Bracebridge

The ONE Joint Investment Board reports that through consultation with their Legal Counsel, WeirFoulds LLP, it has been determined that the ONE JIB Agreement requires each Participating Municipality to pass a By-law to approve the increase in the number of members on the ONE JIB. This change will support effective governance and future growth opportunities.

ONE JOINT INVESTMENT BOARD RECORDS RETENTION BY-LAW

ONE JIB is a local board of more than one municipality under s. 255(4) of the Act. As such, a majority of the Participating Municipalities, as "affected municipalities" under the Act, may establish retention periods during which the records of ONE JIB must be retained and preserved.

To achieve these requirements, at its February 28, 2024 meeting ONE JIB enacted a Records Retention By-law prescribing retention periods for ONE JIB records. The By-law provides for a delegation to allow for the ONE JIB Board Secretary, in consultation with

the appropriate officials of ONE Investment, to establish procedures for the retention and disposition of the Board's records and establish and amend classes of records and retention periods. This provision mirrors one in the most recent Records Retention By-laws of some municipalities that give similar authority to the municipal clerk now that the Act no longer requires municipal auditor approval for the By-laws. The purpose of this By-law and delegation is to avoid ONE Investment having to return to all Participating Municipalities in the future for records retention-related changes that are largely administrative in nature and do not affect the Participating Municipalities.

The One Joint Investment Board reports that through consultation with their Legal Counsel, WeirFoulds LLP, it was determined that a By-law of each Participating Municipality is required to provide for the establishment of retention periods for ONE JIB records, as well as to delegate to the Secretary of ONE JIB the necessary powers and duties to deal with such records as set out in the Records Retention By-law.

Attachments 3 and 4 of this report contains the Records Retention By-law that was approved at the February 28, 2024, ONE JIB meeting.

Conclusion

Staff are supportive of the ONE JIB Records Retention By-law and the changes to the ONE JIB Agreement, including a revised Terms of Reference.

The Records Retention By-law applies only to ONE JIB's records and does not affect this municipality. The change to the maximum number of ONE JIB members from 10 to 12 will give ONE JIB the opportunity to add more members with the desired expertise as well as the potential to attract investments by larger municipalities.

The changes to the amendment provisions of section 12.02 of the ONE JIB Agreement will maintain the need for Participating Municipalities to approve any amendments that are required by applicable law.

Therefore, it is recommended that Council pass the attached authorizing by-law at a future Council meeting.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Not Applicable.

7. Input from Departments/Sources:

The ONE JIB Records Retention By-law has been reviewed by the Town Clerk's Office.

8. Strategic Priorities:

Not Applicable.

9. Attachments:

Attachment 1 - Draft By-law XXXX-24 - Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

Attachment 2 - ONE JIB Draft Records Retention By-law

Attachment 3 - Schedule "A" to the ONE JIB Records Retention By-law – ONE JIB Records Retention and Classification

Attachment 4 - Amended ONE JIB Agreement



Town of Whitby

By-law # XXXX-24

Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

Being a By-law to authorize, as a Participating Municipality, the approval of amendments to the ONE Joint Investment Board Agreement and the draft Records Retention By-Law of ONE Joint Investment Board ("ONE JIB") in addition to the delegation to the Secretary of ONE JIB of the powers and duties in respect of ONE JIB's records as set out in the draft by-law.

Whereas the Municipality entered into the ONE Joint Investment Board Agreement with ONE JIB ("ONE JIB Agreement") pursuant to which ONE JIB agreed to invest the Municipality's money and investments that are not required immediately under section 418.1 of the Municipal Act, 2001 ("Act");

AND WHEREAS ONE JIB is currently authorized to have ten members serve on its Board, two of which are municipal treasurers, but would like to increase that number to twelve so that it can strengthen the municipal finance knowledge of the Board by adding another municipal treasurer, while continuing to comply with the applicable legislation that limits the number of municipal treasurers who can serve on the Board to not more than 25% of its members;

AND WHEREAS the ONE JIB Agreement provides that Participating Municipalities representing at least 75% of the Participating Municipalities who are parties to the ONE JIB Agreement and who represent not less than 50% of the money and investments that are under the control and management of ONE JIB must approve ("Mandated Approval") the five matters described in subparagraphs (1) through (5) of paragraph (a) of section 12.02 of the ONE JIB Agreement being: (1) removal of any member of ONE JIB; (2) any increase in the size of ONE JIB, (3) any change relating to further authorizations (sub-delegations); (4) any change relating to section 7.03 of the ONE JIB Agreement that relates to municipal treasurers; and (5) any change to the amendment provisions of the ONE JIB Agreement;

AND WHEREAS it has been determined that the operations of ONE JIB and of its agent ONE Investment would be made more efficient if the Mandated Approval by the Participating Municipalities is no longer required in respect of the five matters described in the preceding recital and that instead the requirement for the Mandated Approval of the Participating Municipalities is restricted to amendments to the ONE JIB Agreement for which the Mandated Approval of the Participating Municipalities is required by applicable law;

AND WHEREAS ONE JIB as a local board of the Municipality has decided to pass a Records Retention By-law substantially in the form attached to this by-law as Schedule "A" ("Records Retention By-law");

AND WHEREAS the Municipality, as an "affected municipality" under the Act, is authorized to establish retention periods during which the records of ONE JIB must be retained and preserved in accordance with the Act and may establish such retention periods by approving the Records Retention By-law;

AND WHEREAS the Municipality is authorized under section 23.1 of the Act to delegate its powers and duties, and ONE JIB has determined that delegating the powers and duties in respect of its records described in the Records Retention By-law to the ONE JIB Secretary is appropriate, the Municipality, as an affected municipality under the Act, may also authorize such delegation to the ONE JIB Secretary in accordance with the provisions of the Records Retention By-law.

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

1. General

- 1.1. The Municipality hereby approves the increased number of members to serve on the Board of ONE JIB to twelve.
- 1.2. The Municipality hereby approves the amendment of the ONE JIB Agreement to delete the required Mandated Approval by the Participating Municipalities in respect of the matters described in subparagraphs (1) through (5) of paragraph (a) of section 12.02 and related changes to the ONE JIB Agreement on the basis that the Mandated Approval by the Participating Municipalities will only be required for amendments to the ONE JIB Agreement in respect of which such approval is required by applicable law.
- 1.3. The Municipality hereby approves the Records Retention By-law thereby establishing retention periods during which the records of ONE JIB must be retained and preserved in accordance with the Act.
- 1.4. The Municipality hereby delegates to the Secretary of ONE JIB the necessary powers and duties in respect of the records of ONE JIB in accordance with the Records Retention By law. The delegation of such powers and duties to the Secretary of ONE JIB will not be revoked prior to the end of the term of the current council of the Municipality but may be revoked at any time thereafter. However, the delegation remains in effect unless and until such revocation occurs.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

By-law Name: Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law
By-law # XXXX-24

ONE JOINT INVESTMENT BOARD

BY-LAW NO. XX

(NOTE: for consideration/adoption at Feb 28, 2024 ONE JIB Meeting)

A by-law to establish retention periods for records of ONE Joint Investment Board

WHEREAS ONE Joint Investment Board (the “Board”) is a local board within the meaning of the *Municipal Act, 2001* (the “Act”) for more than one municipality;

AND WHEREAS Section 254(1) of the Act provides that if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for retaining and preserving the records of the local board in a secure and accessible manner;

AND WHEREAS Section 254(2) of the Act provides that despite Section 254(1), a local board that has ownership and control of its records shall retain and preserve them in a secure and accessible manner;

AND WHEREAS Section 255(2) of the Act provides that a local board’s records may be destroyed if a retention period for the record has been established and the retention period has expired;

AND WHEREAS Section 255(4) of the Act provides that if a local board is a local board of more than one municipality, a majority of the affected municipalities may establish retention periods during which the records of the local board must be retained and preserved in accordance with Section 254;

AND WHEREAS ONE Investment, pursuant to section 2.3 (a) of a Services Agreement with the Board dated May 19, 2020 is responsible for the maintenance of proper and complete records in connection with the ONE Prudent Investment Program that is governed by the Board;

AND WHEREAS Section 23.1 of the Act provides that a municipality may delegate its powers to a person, subject to certain restrictions;

NOW THEREFORE the ONE Joint Investment Board hereby enacts as follows:

1. In this by-law:

“disposition” means the secure destruction of records;

“record” means any record of information, including a transitory record, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, metadata, any other documentary material regardless of physical form or characteristics, and any copy thereof; and
- (b) subject to any regulations under the *Municipal Freedom of Information and Protection of Privacy Act*, any record that is capable of being produced from a machine-readable record under the control of the Board by means of computer hardware and software or any other storage equipment ordinarily used by the Board;

“retention schedule” means the schedule prescribing retention periods for records set out in Schedule “A” to this by-law;

“Secretary” means the Board Secretary appointed by the Board, or designee;

“transitory record” means a record only having temporary value and that is not required for legal, financial, operational or official reasons, including:

- (a) miscellaneous notices or memoranda, including emails on minor administrative matters;
- (b) drafts of letters, memoranda or reports which do not record official positions or decisions;
- (c) duplicate copies of documents produced only for distribution or convenience, including multiple copies of reports, memoranda, agendas and minutes;
- (d) records of a personal nature not related to the Board’s business;
- (e) reference publications, including administrative manuals, directories, catalogues, newsletters, pamphlets and periodicals; and
- (f) unsolicited advertising, including brochures and flyers.

2. All staff who create records pertaining to the Board are responsible for the filing, retention, preservation and disposition of these records in accordance with this by-law.
3. Transitory records may be destroyed at any time. Where a record is destroyed upon expiry of the retention period described in Schedule "A" any corresponding transitory record shall also be destroyed.
4. Any record in a Class of Records set out in Schedule "A" shall be retained for the period set out opposite such Class and may thereafter be subject to disposition.
5. Any Board record relating to pending or actual litigation, investigation or a request under any access and privacy legislation shall not be destroyed until such record is no longer required for such purpose.
6. The Secretary, in consultation with the appropriate officials of ONE Investment, is responsible for establishing procedures for the retention and disposition of the Board's records, including but not limited to the establishment of archival appraisal and selection criteria, considering the legal, financial, operational and historical value of the records.
7. The Secretary is hereby delegated the authority to establish, in consultation with the appropriate officials of ONE Investment, Classes of Records and to amend any Classes of Records and retention periods set out in Schedule "A".
8. The Secretary is hereby authorized to amend Schedule "A" from time to time to reflect a decision made by the Secretary under section 7 of this by-law.
9. Schedule "A" is attached to and forms part of this by-law.
10. This by-law shall be known as the "Records Retention By-law".

ENACTED AND PASSED on February 28, 2024.

Board Chair

Board Secretary

Schedule “A” – ONE JIB Records Retention and Classification

NOTE: for consideration/adoption at February 28, 2024 ONE JIB Meeting

ONE Investment, pursuant to section 2.3 (a) of a Services Agreement with ONE Joint Investment Board (ONE JIB), dated May 19, 2020, is responsible for the maintenance of proper and complete records in connection with the ONE Prudent Investment Program that is governed by the Board.

CATEGORY: Finance	Notes	Classification	Retention
Auditor/Audit		F03 Agreements/Leases/Contracts	Termination plus 7 years
		F08 Financial Statements	15 years
		E13 Officers	7 years
Benchmarks for Prudent Investment Funds		F10 Investments	7 years
Chief Investment Officer		E13 Officers	7 years
Compliance Officer		E13 Officers	7 years
Compliance		F20 Compliance	7 years
External Fund Managers	More details under “Funds Operation”	F03 Agreements/Leases/Contracts	Termination plus 7 years
Financial Statements		F08 Financial Statements	15 years
Funds Operation	Sub-folder for each Fund Manager	F04 Banking	7 years
		F08 Financial Statements	15 years
		F10 Investments	7 years
Investment Allocation and Strategy		F10 Investments	7 years
Management Fees		F10 Investments	7 years
Meetings/Conferences		F19 Meetings/Conferences	2 years
Outcomes Framework		F10 Investments	7 years
Outsourced Chief Investment Officer	Agreement	F03 Agreements/Leases/Contracts	Termination plus 7 years
	Operations	F10 Investments	7 years
Participating Municipalities	Agreement	F03 Agreements/Leases/Contracts	Termination plus 7 years
	Operations	M00 Participating Municipalities subfolder for each of the ONE JIB investors	7 years
Securities		F21 Securities	7 years
Templates		A07 Policies and Procedures	Current version plus 2 years

CATEGORY: Administration, Governance and Membership	Notes	Classification	Retention
Administrative		A00 Administrative General	2 years
Annual Report		E01 Annual Report	Permanent
Board Chair		E12 Board Members	10 years
Board Governance Self Evaluation		E12 Board Members	7 years
Board Governance Training		E12 Board Members	7 years
Board Members		E12 Board Members	10 years
Board Secretary		E13 Officers	7 years
		A15 Access and Privacy (for any FOI)	7 years
Board Vice-Chair		E12 Board Members	10 years
Closed Meeting Investigator		E13 Officers	7 years
Code of Conduct		A07 Policies and Procedures	Current version plus 2 years
Committees		E04 Committee Agendas/Minutes	Permanent
Futures List		E03 Board and Executive Agenda Package	7 years
Integrity Commissioner		E13 Officers	7 years
Legal Opinions		A16 Legal Counsel/Opinions	Permanent
Meeting Schedules		E03 Board/Executive Agenda Package	7 years
ONE Investment		F03 Agreements/Leases/Contracts	Termination Plus 7 years
ONE JIB Agendas		E03 Board/Executive Agenda Package	Permanent
ONE JIB By- laws/Constitution		E07 Constitution/Bylaw	Permanent
ONE JIB Minutes		E02 Board and Executive Minutes	Permanent
Policies		A07 Policies and Procedures	Current version plus 2 years
Prospective Municipalities		M01 Prospective Municipalities	2 years
Skills Matrix		E12 Board Members	7 years
Strategic Planning/ Strategic Plan		E08 Organization/Strategic Plan	7 years

CATEGORY: Human Resources	Notes	Classification	Retention
Training, Development and Certification	For ONE JIB members and key ONE Investment staff	H06 Training and Development	5 years

MASTER COPY
ONE JOINT INVESTMENT BOARD AGREEMENT

Between

ONE JOINT INVESTMENT BOARD

and

ONE INVESTMENT

and

**Each of the Municipalities Listed in Schedule A hereto
(PARTICIPATING MUNICIPALITIES)**

and

[NAME OF MUNICIPALITY]

THE APPLICANT MUNICIPALITY

Approved on May 19, 2020

Dated as of July 2, 2020

As updated to December 15, 2023

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ONE JOINT INVESTMENT BOARD AGREEMENT

This Agreement Amended and Restated as of December 15, 2023 made between

ONE JOINT INVESTMENT BOARD

and

ONE INVESTMENT

and

Each of the Municipalities Listed in Schedule A hereto

and

[NAME OF MUNICIPALITY]

THE APPLICANT MUNICIPALITY

RECITALS:

- A. ONE Joint Investment Board was established by the Founding Municipalities as a Joint Investment Board under section 202 of the *Municipal Act, 2001* (the Act) and in accordance with Part II of Ontario Regulation 438/97 (the **Regulation**);
- B. The Regulation provides that ONE Joint Investment Board (**ONE JIB**) is a joint municipal service board established under section 202 of the Act for the purposes of Part II of the Regulation;
- C. The Founding Municipalities have entered into the Initial Formation Agreement pursuant to which they agreed to establish and invest through ONE JIB and they have agreed to invest through ONE JIB in accordance with this Agreement;
- D. The Applicant Municipality wishes to make investments pursuant to the provisions of section 418.1 of the Act, and in connection therewith, the Applicant Municipality proposes to pass a by-law (the **Prudent Investor Enabling By-law**) to have section 418.1 of the Act apply to it;
- E. Under the Regulation, the Applicant Municipality, provided that it is not a Founding Municipality, must have entered into an agreement with the parties hereto before the day that the Applicant Municipality passes its Prudent Investor Enabling By-law;
- F. ONE JIB is committed to performing its duties and responsibilities in a manner that is consistent with the Municipal Legislation, as defined below;

NOW THEREFORE, in consideration of the mutual covenants of the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties, the parties hereto agree as follows:

SECTION 1 - INTERPRETATION

1.01 Definitions.

In this Agreement

Act means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time;

Administrator means at any time an entity approved by ONE JIB from time to time to provide administrative and recordkeeping services including receiving and implementing investment instructions, keeping records of holdings and providing reports of such holdings;

Agent means any Administrator, Custodian, Payment Servicer, External Portfolio Manager, consultant, banker, broker, dealer, or other service provider engaged or appointed by ONE JIB and authorized by ONE JIB to exercise any of the functions of ONE JIB pursuant to a written agreement, in the manner and to the extent provided in the Regulation and without limiting the generality of the foregoing, Agent includes ONE Investment;

Agreement means this agreement, any schedules attached to this agreement from time to time as the agreement and the schedules may be added, amended, deleted, supplemented, restated, renewed or replaced from time to time;

Authorized Person has the meaning set out in Section 14.01;

Authorizing By-law means any by-law or other action of the Applicant Municipality (whether or not it is also a Founding Municipality) or a Participating Municipality to authorize such Municipality to enter into and be bound by this Agreement and to do all things in furtherance of this Agreement, including the approval and adoption of such Municipality's IPS, but in the case of a Founding Municipality, an Authorizing By-law does not include the Municipality's Prudent Investor Enabling By-law and in the case of a Participating Municipality that is not a Founding Municipality, an Authorizing By-law can also include such Municipality's Prudent Investor Enabling By-law;

Banking Day means a day on which the Payment Servicer and the Custodian are open for business in Toronto, Ontario, other than a Saturday or a Sunday or a statutory holiday in Toronto, Ontario;

CHUMS means CHUMS Financing Corporation and its successors;

Custodian at any time means a financial institution which at such time has been approved by ONE JIB to provide custodial and other custody related services in connection with the Participating Municipality's investments;

External Portfolio Managers means external third-party investment management firms whose investment and advisory services and product offerings are accessed by ONE JIB

directly (including in connection with the OCIO Offering) or through services provided to a ONE Investment Pool. External Portfolio Managers are agents authorized by ONE JIB in accordance with Part II of the Regulation;

Founding Municipalities means the municipalities of The Corporation of the Town of Bracebridge, The Corporation of the Town of Huntsville, The Corporation of the Town of Innisfil, The Corporation of the City of Kenora, The District Municipality of Muskoka, and The Corporation of the Town of Whitby, who established ONE JIB pursuant to the Regulation and pursuant to the Initial Formation Agreement;

Initial Formation Agreement means the agreement between the Founding Municipalities dated as of May 19, 2020 under which ONE JIB was formed;

Investment Account means an account or accounts maintained by an Agent in which the Managed Assets of the Participating Municipality are managed or held;

Investment Board means a municipal service board that is established under section 196 of the Act by a municipality for the purposes of Part II of the Regulation and includes for the purposes of Section 13 of this Agreement, the Toronto Investment Board;

IPS, with respect to a Participating Municipality, means the investment policy as adopted and maintained by the council of the Participating Municipality under the Regulation;

Investment Plan, with respect to a Participating Municipality, means the investment plan as adopted and maintained by ONE JIB for the Participating Municipality under the Regulation;

Investment Program Agreements means the agreements entered into, from time to time, by or under the authority of ONE JIB, for and on behalf of the Participating Municipality, with ONE Investment, an Administrator, a Custodian, an External Portfolio Manager and such other persons as ONE JIB considers appropriate for the purpose of carrying out the objectives of the Investment Plan and the IPS;

Joint Investment Board means a municipal service board that is established under section 202 of the Act by two or more municipalities for the purposes of Part II of the Regulation;

LAS means Local Authority Services and its successors;

Managed Assets means, with respect to a Participating Municipality, the assets of the Participating Municipality managed and controlled by ONE JIB pursuant to, and subject to, the terms and conditions set out in this Agreement;

Municipal Legislation means all applicable legislation that applies to ONE JIB including, without limitation, the Act, the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended from time to time, the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended from time to time, the Regulation and any other applicable regulations made under such Acts, as they may be amended from time to time;

Municipal Treasurer Representative means a member of ONE JIB who has been nominated by ONE JIB and ONE Investment, in consultation with the Participating Municipalities, to represent the views and interests of the municipal treasurers of the Participating Municipalities, and who holds the office of treasurer or duly appointed deputy treasurer of a Participating Municipality;

NI 31-103 means National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations*, of the Canadian Securities Administrators;

OCIO Offering means the comprehensive investment program made available through ONE JIB pursuant to which a duly qualified investment manager who is an External Portfolio Manager is engaged by ONE Investment to advise a Participating Municipality with regard to the investment of the Participating Municipality's Managed Assets and to invest and manage such Managed Assets in accordance with the terms and conditions set out in this Agreement;

ONE Investment means the not-for-profit corporation founded by CHUMS and LAS which provides certain management, administrative and other services to ONE JIB in connection with the ONE Investment Offering;

ONE Investment Offering means the comprehensive suite of products and services relating to investment by municipalities in Ontario made available through ONE Investment and includes the ONE Pools Offering and the OCIO Offering;

ONE Investment Pool means a pooled investment vehicle managed by ONE Investment whose securities are available to Participating Municipalities through ONE Investment as part of the One Pools Offering;

ONE JIB means the ONE Joint Investment Board, established by the Founding Municipalities as a Joint Investment Board under Part II of the Regulation, as constituted from time to time and acting pursuant to its Terms of Reference as set out in Schedule C;

ONE JIB Services Agreement means the service agreement effective as at May 19, 2020 between ONE JIB and ONE Investment pursuant to which ONE Investment has been appointed an Agent of ONE JIB to, among other things, provide certain management, administrative and other services to ONE JIB;

ONE Pools Offering means the comprehensive investment program made available through ONE JIB pursuant to which ONE Investment advises the Participating Municipality with regard to the investment of the Participating Municipality's Managed Assets and the underlying investment products consist of ONE Investment Pools and other investment products offered by ONE Investment from time to time;

Participating Municipalities means from time to time each of the municipalities for whom ONE JIB acts as the Joint Investment Board under the terms of this Agreement and includes the Founding Municipalities, any other Participating Municipalities from time to time and also, upon execution by the Applicant Municipality of this Agreement, the Applicant Municipality;

Payment Servicer means at any time a Canadian financial institution which at such time has been approved by ONE JIB to facilitate the transfer of assets of a Participating

Municipality between the Participating Municipality's financial institution and an Investment Account;

Prudent Effective Date means the effective date set out in the Prudent Investor Enabling By-law as the date on which section 418.1 applies to the Applicant Municipality;

Prudent Investor Enabling By-law means, with respect to a Municipality, the by-law under which the Municipality makes section 418.1 of the Act apply to it as of the effective date set out in such by-law; and

Regulation means Ontario Regulation 438/97 made under the Act, as it may be amended from time to time;

1.02 Governing Law.

This Agreement is governed by, and is to be construed and interpreted in accordance with, the laws of the Province of Ontario and the laws of Canada applicable in the Province of Ontario.

1.03 Headings and Table of Contents.

The division of this Agreement into sections, subsections, paragraphs, subparagraphs, clauses and schedules, the insertion of headings and the provision of a table of contents are for convenience of reference only and are not to affect the construction or interpretation of this Agreement.

1.04 Number and Gender.

Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders.

1.05 Severability.

If any provision of this Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, the illegality, invalidity or unenforceability of that provision will not affect the legality, validity or enforceability of any of the remaining provisions of this Agreement.

SECTION 2 - ONE JOINT INVESTMENT BOARD

2.01 Appointment.

The Applicant Municipality hereby appoints ONE JIB to be its Joint Investment Board, to invest money and investments that the Applicant Municipality, as a Participating Municipality, does not require immediately on behalf of such municipality and to exercise control and management of such money and investments, in accordance with the Act and the Regulation and subject to the terms and conditions of this Agreement.

2.02 Exclusive Appointment.

The appointment of ONE JIB as the Applicant Municipality's Joint Investment Board is exclusive and during the term of this Agreement, the Applicant Municipality, as a

Participating Municipality, shall not appoint any other Investment Board or Joint Investment Board to have management or control of any of its money that it does not require immediately under section 418.1 of the Act unless it withdraws from ONE JIB in accordance with Section 13.

2.03 Delegation.

To the fullest extent required by the Act and the Regulation, the Applicant Municipality hereby gives control and management of its money and investments that it does not require immediately to ONE JIB, and hereby delegates to ONE JIB (i) the Applicant Municipality's powers to make the investments and (ii) the Applicant Municipality's duties under section 418.1 of the Act.

2.04 Acceptance.

ONE JIB hereby accepts the foregoing appointment and delegation and hereby agrees to invest money and investments that the Applicant Municipality, as a Participating Municipality, does not require immediately on behalf of such municipality in accordance with the Act, the Regulation and such municipality's IPS and subject to the terms and conditions of this Agreement.

2.05 Acceptance by Participating Municipalities.

On execution and delivery of this Agreement and on and after the subsequent Prudent Effective Date, each of the Participating Municipalities shall be deemed to acknowledge and agree that the Applicant Municipality has made the foregoing appointment for ONE JIB to invest money and investments that the Applicant Municipality, as a Participating Municipality, does not require immediately and that the Applicant Municipality is added as a party to this Agreement such that ONE JIB shall act as the Joint Investment Board of such Applicant Municipality, as a Participating Municipality, on and after the Prudent Effective Date.

SECTION 3 - DUTIES OF ONE JIB

3.01 Duties.

ONE JIB shall have the following duties and responsibilities in connection with investing for and on behalf of the Participating Municipalities:

- (a) review the Participating Municipality's IPS, and at the request of the Participating Municipality, provide advice and recommendations with respect thereto;
- (b) adopt and maintain an Investment Plan for the Participating Municipality in accordance with the terms hereof;
- (c) engage one or more Administrators, Custodians, Payment Servicers, External Portfolio Managers, bankers, brokers, dealers, and other Agents as may be required to implement the Investment Plan in accordance with the IPS;
- (d) monitor the performance of the Agents; and

- (e) report to the Participating Municipality as required by the Act and the Regulation.

3.02 Engagement of Agents.

ONE JIB may authorize an Agent to exercise any of its functions to the same extent that a prudent investor, acting in accordance with ordinary investment practice, would authorize an agent to exercise any investment function. Any such engagement and authorization may be made only pursuant to an Investment Program Agreement with the Agent which includes the following provisions:

- (a) a requirement that the Agent comply with the requirements contained in each applicable IPS and each applicable Investment Plan;
- (b) a requirement that the Agent report to ONE JIB at regular intervals as specified in the written agreement with the Agent; and
- (c) a requirement that the Agent comply with any reasonable directions to the Agent given by ONE JIB.

3.03 Role of ONE Investment.

The Applicant Municipality hereby acknowledges and agrees that in the discharge of its duties and obligations hereunder, ONE JIB requires certain support and administrative services. To obtain such services, ONE JIB hereby engages ONE Investment as its Agent hereunder and under the ONE JIB Services Agreement. Notwithstanding such engagement, ONE JIB confirms that it will at all times be responsible to the Applicant Municipality in the manner contemplated in the Act and the Regulation and as set out herein. The Applicant Municipality further acknowledges and agrees that any fees and expenses payable by it hereunder, directly or indirectly, shall be paid to ONE Investment, who has been duly authorized on behalf of ONE JIB, LAS and CHUMS to collect all such fees and expenses.

3.04 Monitoring Performance.

ONE JIB shall exercise prudence in selecting an Agent, in establishing the terms of the Agent's authority and in monitoring the Agent's performance to ensure compliance with those terms. Prudence in monitoring an Agent's performance includes:

- (a) reviewing the Agent's reports;
- (b) regularly reviewing the agreement between ONE JIB and the Agent and how it is being put into effect, including assessing whether the requirements included in each applicable IPS and each applicable Investment Plan are being complied with;
- (c) considering whether directions should be provided to the Agent or whether the Agent's appointment should be revoked; and
- (d) providing directions to the Agent or revoking the appointment if ONE JIB considers it appropriate to do so.

3.05 Further Authorizations.

Except as may be consented to by the Participating Municipalities in accordance with Section 12.02, ONE JIB shall not permit any further authorization (or sub-delegation) of investment functions by any Agent (other than ONE Investment) to third parties unaffiliated with the Agent. The ONE JIB Services Agreement provides that ONE Investment similarly will not permit further authorization (or sub-delegation) of investment functions by any Agent to third parties unaffiliated with the Agent, and ONE JIB shall require ONE Investment to include provisions with substantially similar effect in all agreements with Agents.

3.06 OCIO Offering.

Any Participating Municipality may agree with ONE JIB and ONE Investment to have the Participating Municipality's Managed Assets invested pursuant to the OCIO Offering. The provisions of this Agreement, including Section 3.05, shall not be read so as to prevent ONE JIB or ONE Investment from properly delegating by written agreement to any External Portfolio Manager the powers and authorities necessary or desirable to give effect to the OCIO Offering. For the avoidance of doubt, nothing herein derogates from the duties and responsibilities of ONE JIB set out in Section 3.01 hereof.

SECTION 4 - REPRESENTATIONS AND WARRANTIES

4.01 Representations and Warranties of Applicant Municipality.

The Applicant Municipality represents and warrants to ONE JIB, ONE Investment and each of the Participating Municipalities that:

- (a) it has prepared a written IPS which complies with the Act and has been approved by council and such IPS has been delivered to ONE JIB and ONE Investment in the manner set out in Section 16.01.
- (b) it has taken all actions necessary to authorize it to enter into this Agreement, including passing an Authorizing By-law substantially in the form attached hereto as Schedule B (which Authorizing By-law also constitutes the Applicant Municipality's Prudent Investor Enabling By-law); and
- (c) under Section 8 of the Applicant Municipality's Authorizing By-law its treasurer has been authorized to determine the Applicant Municipality's Prudent Effective Date in consultation with ONE Investment and to enter into an agreement with ONE Investment confirming its Prudent Effective Date (after the Applicant Municipality has entered into this Agreement and after it has been signed by ONE JIB and by ONE Investment) at which time the Applicant Municipality shall be deemed to be a Participating Municipality under this Agreement.

4.02 Representations and Warranties of Participating Municipalities.

Each of the Participating Municipalities, provided that it is not a Founding Municipality, represents and warrants to the Applicant Municipality, ONE JIB and ONE Investment that:

- (a) it has taken all actions necessary to authorize it to enter into this Agreement, including passing such Authorizing By-law as the Participating Municipality has deemed necessary (which Authorizing By-law can also constitute the Participating Municipality's Prudent Investor Enabling By-law);
- (b) it has duly passed a Prudent Investor Enabling By-law (which can be included in the Participating Municipality's Authorizing By-law) under which section 418.1 of the Act applies to it as of the specified Prudent Effective Date, and such Prudent Investor Enabling By-law is in full force and effect; and
- (c) this Agreement constitutes a valid and binding obligation of such Participating Municipality.

4.03 Representations and Warranties of Founding Municipalities.

Each of the Participating Municipalities, which is also a Founding Municipality, represents and warrants to the Applicant Municipality, ONE JIB and ONE Investment that:

- (a) it has taken all actions necessary to authorize it to enter into this Agreement, including passing an Authorizing By-law;
- (b) it has passed a Prudent Investor Enabling By-law under which section 418.1 of the Act applied to it as of the Prudent Effective Date set out therein; and
- (c) this Agreement constitutes a valid and binding obligation of such Municipality.

4.04 Representations and Warranties of ONE JIB.

ONE JIB represents and warrants to the Applicant Municipality and each of the Participating Municipalities that:

- (a) it was duly established by the Founding Municipalities as a Joint Investment Board which meets the requirements of the Act and the Regulation;
- (b) it has taken all actions necessary to authorize it to enter into this Agreement;
- (c) this Agreement constitutes a valid and binding obligation of ONE JIB; and
- (d) on the date of the Applicant Municipality's Authorizing By-law, all other Participating Municipalities are parties to this Agreement.

4.05 Representations and Warranties of ONE Investment.

ONE Investment represents and warrants to the Applicant Municipality and each of the Participating Municipalities that:

- (a) it is a duly incorporated not-for-profit corporation formed by LAS and CHUMS for the purpose of facilitating the ONE Investment Offering;
- (b) it has taken all actions necessary to authorize it to enter into this Agreement; and
- (c) this Agreement constitutes a valid and binding obligation of ONE Investment.

SECTION 5 - INVESTMENT POLICY AND INVESTMENT PLAN

5.01 Investment Policy.

- (a) Without limiting the provisions of Section 4.01, the Applicant Municipality acknowledges that in the formulation of its IPS, the Applicant Municipality is required to obtain the advice that a prudent investor would obtain under comparable circumstances. The Applicant Municipality further acknowledges that in planning its investments, it is required to consider, in addition to any other criteria that are relevant in the circumstances, the following:
 - (1) general economic conditions;
 - (2) the possible effect of inflation or deflation;
 - (3) the role that each investment or course of action plays within the Applicant Municipality's portfolio of investments;
 - (4) the expected total return from income and the appreciation of capital; and
 - (5) needs for liquidity, regularity of income and preservation or appreciation of capital.
- (b) The Applicant Municipality confirms that its IPS has been arrived at after careful consideration of the foregoing and that it has been adopted by an Authorizing By-law of the council of the Applicant Municipality in compliance with the Act. The IPS includes the Applicant Municipality's (i) objectives for return on investment and risk tolerance; (ii) need for liquidity including, for greater certainty, anticipated needs for funds for planned projects and needs to have funds available for unanticipated contingencies; and (iii) other requirements with respect to investment matters that the council of the Applicant Municipality considers to be in the interests of the Applicant Municipality. For certainty, notwithstanding any assistance that the Applicant Municipality may have sought and obtained in the preparation of its IPS, including through consultations with ONE JIB or ONE Investment, the Applicant Municipality acknowledges and agrees that its IPS, and the entire contents thereof, is solely the responsibility of the Applicant Municipality and can only be amended or modified by the Applicant Municipality.

- (c) The Applicant Municipality, as a Participating Municipality, shall provide written notice to the board secretary of ONE JIB (the **Secretary of ONE JIB**) of any amendment or modification to its IPS. ONE JIB shall be under no obligation to make investments for an Applicant Municipality, as a Participating Municipality, other than in accordance with its written IPS and any amendments thereto made in writing and notified to ONE JIB as provided herein.
- (d) Where ONE JIB in its sole discretion determines that the IPS of a Participating Municipality is inconsistent with the obligations of the Participating Municipality under the Act to exercise the care, skill, diligence and judgment that a prudent investor would exercise in making investments, ONE JIB may decline to apply the IPS in whole or in part. If ONE JIB determines to rely on this Section 5.01 (d), ONE Investment shall promptly notify the Participating Municipality. In these circumstances, upon sending such notice, ONE JIB shall thereupon be relieved of its duties and obligations as set out in Section 10.05.

5.02 Investment Plan.

- (a) Without limiting the provisions of Section 3.01, ONE JIB acknowledges that the applicable Investment Plan, adopted and maintained by ONE JIB in respect of the Applicant Municipality, as a Participating Municipality, is required to deal with how ONE JIB will invest such municipality's money consistent with such municipality's IPS and is required to set out ONE JIB's projections of the proportions of such municipality's portfolio of investments to be invested at the end of the year in each type of security selected by ONE JIB and may include other requirements. The Investment Plan for the Applicant Municipality shall be delivered to the Applicant Municipality in the manner set out in Section 16.01.
- (b) Amendments to the Applicant Municipality's Investment Plan shall only be made as set out in Sections 5.03 and 5.04.

5.03 Amendments.

- (a) ONE JIB and the Applicant Municipality acknowledge that under subsection 18(4) of the Regulation, the council of the Applicant Municipality is required to review, and if necessary, update the IPS of the Applicant Municipality, as a Participating Municipality, at least annually (the **Annual Policy Review**). In connection with such Annual Policy Review, ONE JIB may make recommendations to such municipality to amend, modify, supplement, restate or replace its IPS. The treasurer of the Applicant Municipality, as a Participating Municipality, is responsible for arranging the Annual Policy Review by its council. Such municipality shall advise ONE JIB, on an annual basis, (i) of the date as of which the Annual Policy Review was made; (ii) whether any updates or amendments were made to the IPS, and where applicable, the text of any such update or amendment; and (iii) of other comments or observations regarding the municipality's IPS as the municipality considers to be necessary or desirable. Any amendment to the IPS must be provided to the Secretary of ONE JIB as soon as practicable and in any event within 15 days of approval by the municipality's council.

- (b) ONE JIB and the Applicant Municipality acknowledge that under subsection 19(3) of the Regulation, ONE JIB is required, following the Annual Policy Review, to review, and if necessary, update the Investment Plan of the Applicant Municipality, as a Participating Municipality (the **Annual Plan Review**). ONE JIB shall, within a reasonable period of time, not to exceed 90 days from the date that ONE JIB receives the results of the Annual Policy Review, conduct the Annual Plan Review for the municipality. If, following the completion of the Annual Plan Review, ONE JIB considers that an update or amendment of the Investment Plan is required (whether following from the results of the municipality's Annual Policy Review or otherwise), ONE JIB shall make the appropriate updates or amendments to the municipality's Investment Plan and shall provide a copy of the updated and amended Investment Plan to the municipality.
- (c) In addition to amendments made as a result of the Annual Policy Review, the parties acknowledge that the Applicant Municipality, as a Participating Municipality, may make amendments to its IPS, including for the purposes of adding or withdrawing amounts to be invested as contemplated in Section 5.04, at any time and from time to time by action of the council of the municipality. Amendments to an IPS for adding and withdrawing money and investments to be managed by ONE JIB shall be made in accordance with Section 5.04.
- (d) Notice of any amendment to the IPS of an Applicant Municipality, as a Participating Municipality (other than amendments made as a result of the Annual Policy Review), shall be given in writing to the Secretary of ONE JIB or to such other person as ONE JIB may direct as soon as practicable following authorization or adoption. For purposes hereof, the Applicant Municipality and ONE JIB recognize that an amendment to an IPS may be made by by-law or other decision of council (**Council Action**) that affects or purports to affect the IPS. ONE JIB has no obligation to take notice of any such Council Action, whether or not it was widely publicized, and no obligation to assess the validity of any Council Action. ONE JIB shall under no circumstances be deemed to have knowledge of any amendment to the IPS of a municipality or of any Council Action unless and until written notice thereof has been provided to ONE JIB by the treasurer of the Participating Municipality in accordance with Section 5.03(a), Section 5.03(c), or Section 5.03(d) and the notice provisions set out in Section 16.01.
- (e) On receipt of a notice of amendment to the IPS, where ONE JIB considers in its discretion that an update or modification to the corresponding Investment Plan is necessary or desirable, ONE JIB will update or modify such municipality's Investment Plan so as to provide for consistency between the Investment Plan and the IPS. Such update or modification shall be made and implemented as soon as reasonably practicable, having regard to prevailing economic and market conditions. A copy of any such updated or modified Investment Plan shall be provided to the treasurer of the Participating Municipality.
- (f) Despite any other provision hereof, ONE JIB may make such minor amendments to the Investment Plan of an Applicant Municipality, as a Participating Municipality, as it may consider to be necessary or desirable for the more efficient or effective administration of the assets held in such municipality's Investment Accounts, provided that following such minor amendment, the Investment Plan continues to be consistent with such municipality's IPS.

5.04 Additions and Withdrawals of Money and Investments.

- (a) The Applicant Municipality's IPS referenced in Section 5.01 shall include the Applicant Municipality's criteria for identifying the Managed Assets over which ONE JIB is to have management and control hereunder. Such Managed Assets shall be held in one or more Investment Accounts. It is the responsibility of the Applicant Municipality, as a Participating Municipality, to make contributions to the Investment Accounts in accordance with its IPS. The treasurer of the Applicant Municipality, as a Participating Municipality, shall provide ONE JIB with notice of such contributions, and follow such procedures and protocols in connection therewith, as ONE JIB may prescribe from time to time.
- (b) The Applicant Municipality, as a Participating Municipality, may from time to time amend its IPS so as to add to or withdraw amounts from the Managed Assets. No such amendment shall be binding on ONE JIB unless reasonable written notice has been provided to the Secretary of ONE JIB or other authorized person, in form satisfactory to ONE JIB. Without limiting the foregoing, ONE JIB shall have no obligation to return Managed Assets or part thereof to the Applicant Municipality unless a minimum of 30 days' prior written notice of any request for withdrawal, in form and substance satisfactory to ONE JIB, has been provided to ONE JIB, which notice period may be waived by ONE JIB in its discretion.
- (c) Notwithstanding Section 14.01, ONE JIB shall not be obliged to comply with any notice referred to in paragraphs (a) and (b) of Section 5.04 unless received in writing and signed by the treasurer of the Participating Municipality.
- (d) In all circumstances in which the Applicant Municipality, as a Participating Municipality, anticipates a withdrawal of Managed Assets, whether as a result of the planned maturity of any reserve or otherwise, such Municipality and ONE JIB shall co-operate and work together so as to ensure an orderly liquidation where necessary and timely transfer of Managed Assets or proceeds thereof.
- (e) Notwithstanding Section 5.04(b), if the aggregate dollar amount of the Managed Assets requested to be returned by a Participating Municipality is so large as to risk causing prejudice to other Participating Municipalities or requires additional time to effect an orderly liquidation, ONE JIB, ONE Investment and the Participating Municipality shall work together to extend the period for the return so that any negative effects of sudden or untimely liquidation are adequately ameliorated.
- (f) In extraordinary circumstances, including dislocated capital markets, acts of God, war, terrorism and the like which prevent normal trading operations in securities markets, or result in the suspension of trading in securities markets, ONE JIB may, in the exercise of its fiduciary obligations, decline to or delay the return of all or a portion of a Participating Municipality's requested Managed Assets. Any Managed Assets not so returned shall be returned as soon as practicable on the cessation of the events which gave rise to the refusal or delay.

SECTION 6 - AGENTS

6.01 Authority.

The Applicant Municipality, as a Participating Municipality, authorizes ONE JIB and ONE Investment to engage Agents on its behalf and to enter into Investment Program Agreements, from time to time, as provided in Section 3.02.

6.02 Administrator.

ONE JIB and ONE Investment will enter into an Investment Program Agreement with an Administrator who is a Canadian chartered Schedule I bank or other regulated Canadian financial institution or who has otherwise satisfied ONE JIB that it has the demonstrated ability to provide and maintain accurate recordkeeping and where required, valuation services for the Investment Accounts.

6.03 Custodian.

ONE JIB and ONE Investment will only enter into an Investment Program Agreement for custody and safekeeping of Managed Assets with a Custodian who, at the time of entering into the Investment Program Agreement, is a Canadian custodian for purposes of NI 31-103.

6.04 External Portfolio Managers.

With respect to

- (a) **Registration** - ONE JIB will not enter into an Investment Program Agreement with an External Portfolio Manager unless the Investment Program Agreement requires the External Portfolio Manager to maintain at all times its status in Ontario as a registered portfolio manager, unless the External Portfolio Manager is exempt from the requirement to be registered under applicable Ontario law.
- (b) **Insurance** - ONE JIB will not enter into an Investment Program Agreement with an External Portfolio Manager unless the Investment Program Agreement requires the External Portfolio Manager to maintain, in full force and effect, bonding or insurance in such amounts and of such types as are required from time to time by regulatory authorities and consistent with industry best practice.

6.05 No rights to assets.

None of ONE JIB, ONE Investment, an Administrator, a Custodian, an External Portfolio Manager or any other service provider or Agent shall have any beneficial or personal right, title or interest in or to the Managed Assets in any Investment Account, other than as specifically set out in any Investment Program Agreement.

SECTION 7 - COMPOSITION AND GOVERNANCE OF ONE JIB

7.01 Appointment and Term of Members.

The initial individual members (**Members**) of ONE JIB were appointed by the Founding Municipalities under the Initial Formation Agreement on the establishment of ONE JIB under the Regulation.

7.02 Prohibition re Membership.

Notwithstanding anything to the contrary contained herein or in any schedule hereto, the following persons may not be appointed to or serve on ONE JIB:

- (a) subject to Section 7.03, an officer or employee of a Participating Municipality;
- (b) a member of council of a Participating Municipality.

7.03 Municipal Treasurers.

- (a) Municipal treasurers are to be represented on ONE JIB as permitted by the Regulation. To give effect to such representation, up to 25% of the membership of ONE JIB shall be reserved for Municipal Treasurer Representatives. ONE JIB and ONE Investment, in consultation with Participating Municipalities, shall nominate individuals to serve as Municipal Treasurer Representatives. Such individuals must hold the office of treasurer or duly appointed deputy treasurer of a Participating Municipality. ONE JIB and ONE Investment shall work in good faith with the Participating Municipalities to give voice to the concerns of municipal treasurers through appropriate Municipal Treasurer Representatives.
- (b) In the event that an individual serving as a Municipal Treasurer Representative is a treasurer or duly appointed deputy treasurer of a Participating Municipality, and such Participating Municipality withdraws from ONE JIB pursuant to Section 13, such individual shall be deemed to have resigned as a Member of ONE JIB effective the date of the Participating Municipality's withdrawal. Provided however, that if such individual has been appointed as the treasurer or duly appointed deputy treasurer of another Participating Municipality prior to or at the time of the effective date of withdrawal, and such Participating Municipality agrees, the individual may continue to serve as a Municipal Treasurer Representative.

7.04 Procedural and Other Matters Relating to ONE JIB.

Rules, policies and procedures relating to the appointment, qualifications, conduct, removal, term of office, compensation of the Members, calling and holding of meetings and all ancillary matters are set out in Schedule C - *Terms of Reference for ONE JIB* appended hereto and such Terms of Reference form part of this Agreement. ONE JIB is intended to self-governing, subject to the applicable provisions of Municipal Legislation. The parties acknowledge and agree that following the formation of ONE JIB, the Members have authority to amend the Terms of Reference including the exhibits and schedules thereto in accordance with the amendment provisions contained in the Terms of Reference.

7.05 Paramountcy.

In the event of any conflict or inconsistency between a Participating Municipality's policies, by-laws, rules and procedures that otherwise apply to such Participating Municipality's local boards and the policies, by-laws, rules and procedures that apply to ONE JIB as provided under this Agreement, the latter shall prevail.

SECTION 8 - REPORTING

8.01 Annual Investment Report.

ONE JIB shall prepare and provide to the council of each of the Participating Municipalities, no less frequently than once annually, an investment report that includes a statement about the performance of the Participating Municipality's Managed Assets during the period covered by the report and such other information that the council of the Participating Municipality may require or that, in the opinion of its treasurer, should be included as required by the Regulation.

8.02 Compliance Reporting.

ONE JIB shall prepare or arrange for the preparation and delivery of such compliance reports as may be reasonably requested by a Participating Municipality. Such compliance report shall provide information so as to enable the treasurer of the Participating Municipality to state whether or not the Managed Assets have been invested and are held in a manner consistent with the Participating Municipality's IPS and Investment Plan.

SECTION 9 - FEES AND EXPENSES

9.01 Fees and expenses.

Participating Municipalities shall pay the fees and expenses as set out in Schedule D appended hereto, and such fees and expenses may be changed from time to time in accordance with Section 12.01(c).

9.02 Fees Payable to Agents.

To the extent fees and expenses are directly recoverable from a Participating Municipality, ONE JIB shall establish and disclose to the Participating Municipality, the maximum aggregate fees and expenses payable to the Administrator, the Custodian, the External Portfolio Managers and any other Agents and service providers.

SECTION 10 - STANDARD OF CARE AND LIMITATION OF LIABILITY

10.01 Standard of Care.

In the discharge of its duties hereunder, and in investing money of the Participating Municipality, ONE JIB shall exercise the care, skill, diligence and judgment that a prudent investor would exercise in comparable circumstances and in making such investment.

10.02 Limitation on liability.

Provided that the standard of care set out in Section 10.01 has been met, neither ONE JIB nor any Members shall incur any liability to a Participating Municipality by reason of acting or not acting or as a result of any error in instructions. Each Participating Municipality acknowledges and agrees that ONE JIB makes no representation or warranty as to performance or attaining any yield or appreciation of the Managed Assets in the Investment Accounts. Neither ONE JIB nor any Member shall be liable to a Participating Municipality for any loss or damage relating to any matter arising out of this Agreement, including any loss or diminution in the value of the Managed Assets so long as they acted in a manner consistent with the standard of care set out in Section 10.01.

10.03 Indemnification.

ONE JIB, ONE Investment, and any of their respective members, directors, officers and employees (in each case, an **Indemnified Party**) shall be indemnified by the Participating Municipalities for all liabilities, claims, damages, losses, costs and expenses incurred by them in connection with any action, suit or proceeding that is proposed or commenced or any other claim to which such Indemnified Party may be subject by reason of the management and control of the Managed Assets or otherwise arising out of or in connection with acting on behalf of the Participating Municipalities or in furtherance of the interests of the Participating Municipalities, except that this indemnity shall not apply to (a) losses arising from such Indemnified Party's own wilful misconduct or fraud, or (b) expenses of the Participating Municipalities that the Indemnified Party has agreed to bear. To the fullest extent permitted by law, expenses (including, without limitation, legal fees and expenses) incurred by an Indemnified Party in defending any claim, demand, action, suit or proceeding shall, from time to time, be advanced by the Participating Municipalities prior to the final disposition of such claim, demand, action, suit or proceeding upon receipt by the Participating Municipalities of an undertaking by or on behalf of the Indemnified Party to repay such amount if it shall be determined that the Indemnified Party is not entitled to be indemnified as authorized in this Section 10.03. Amounts required to be paid or advanced to an Indemnified Party under this Section 10.03 shall be paid by Participating Municipalities in such proportion as ONE JIB considers to be fair and equitable in the circumstances.

10.04 Performance of Trusts.

ONE JIB shall not be bound to recognize or see to the performance of any trust, express, implied or constructive, or of any charge, pledge or equity to which any of the Managed Assets or any interests therein are or may be subject, or to ascertain or inquire whether a contribution or withdrawal of any such Managed Assets or interests therein by any Participating Municipality or by its treasurer has been duly and properly authorized, or to recognize any person as having any interest in the Managed Assets, but shall be entitled to treat all monies and investments provided to ONE JIB hereunder solely as Managed Assets of the Participating Municipality.

10.05 Where IPS Imprudent.

Neither ONE JIB nor any Members shall incur any liability whatsoever to a Participating Municipality where ONE JIB has determined in its sole discretion, acting reasonably, that the IPS of the Participating Municipality is inconsistent with the duty of the Participating

Municipality under the Act to exercise prudence. So long as ONE JIB has provided notice to the Participating Municipality and acts in good faith, ONE JIB may elect to (a) apply the IPS to the best of its ability; or (b) decline to apply the IPS in whole or in part and hold the Managed Assets in cash or cash equivalent instruments pending receipt of an IPS which complies with the Act; or (c) seek direction from legal counsel and act in accordance with such direction. Until such time as ONE JIB has been provided with an IPS which complies with the Act, all of ONE JIB's duties and responsibilities to the Participating Municipality hereunder shall be suspended, and the Participating Municipality shall have no entitlement to have its Managed Assets managed by ONE JIB or to receive any prescribed reports from ONE JIB except to the extent required for ONE JIB to comply with the Act and the Regulation.

SECTION 11 - COMPLAINTS HANDLING

11.01 Initial Complaints.

If a Participating Municipality has a concern or complaint with respect to any aspect of the management of its money and investments by ONE JIB hereunder, including the operation of one or more Investment Accounts, such concern or complaint shall in the first instance be brought to the attention of ONE Investment. Within 30 days of receipt, ONE Investment shall provide the Participating Municipality with written acknowledgement of the complaint and proposed resolution or explanation, if any. If the concern or complaint is one that involves the acts or omissions of an Agent, ONE Investment, on behalf of ONE JIB, shall make the appropriate inquiries of the Agent and otherwise pursue the matter with the Agent.

11.02 Escalation.

In the event that the matter is not resolved to the satisfaction of the Participating Municipality through the procedure set out in Section 11.01, the Participating Municipality may provide written notice to the Chair of ONE JIB, with a copy to the Secretary of ONE JIB and to the Chair of ONE Investment, specifying the nature of the concern or complaint. Upon receipt of such written notice, ONE JIB, under the authority of its Chair, shall arrange for an independent investigation of the matter to be conducted by duly qualified persons who are not employees of ONE JIB or ONE Investment. A written report of the results of such investigation containing an explanation and, where appropriate, an outline of steps to redress the matter, shall be provided to the Participating Municipality and made available to all other Participating Municipalities.

SECTION 12 - AMENDMENTS TO THE AGREEMENT

12.01 Amendments not Requiring Approval of Participating Municipalities.

- (a) ONE JIB may, without the approval of, or notice to the Participating Municipalities, but subject to Section 12.01(b) and Section 12.02, make certain amendments to this Agreement, including amendments which:
 - (1) are necessary to remove any internal inconsistencies in this Agreement and the schedules hereto or to make minor corrections, including the rectification of any ambiguities, defective provisions, errors, mistakes, or

omissions that are, in the opinion of ONE JIB, necessary or desirable and not prejudicial to the Participating Municipalities;

- (2) are intended to ensure compliance with applicable laws, regulations or policies affecting the Participating Municipalities or ONE JIB;
- (3) effect certain changes to the policies, by-laws, codes of conduct, rules and procedures governing ONE JIB as contained in the Terms of Reference, provided that such changes are made in compliance with Section 12.01(b)(3);
- (4) are intended to provide additional protection to the Participating Municipalities;
- (5) are necessary to reflect a change that, in the reasonable opinion of ONE JIB is reasonable, necessary, or appropriate to enable the Participating Municipalities to take advantage of, or not be detrimentally affected by, changes in the Income Tax Act or other taxation laws; or
- (6) are intended or are necessary to facilitate efficient or cost effective administration of invested money or investments ;

provided that such amendment is not reasonably expected to materially adversely affect the interests of the Participating Municipalities.

(b) The following amendments shall only be made as provided below:

- (1) amendments requiring the approval of the Participating Municipalities under Section 12.02 shall be made in accordance with Section 12.02,
- (2) amendments relating to an update or modification of a Participating Municipality's IPS or Investment Plan shall be made in the manner set out in Section 5, and
- (3) amendments to the Terms of Reference (including the exhibits and schedules thereto) shall be made by ONE JIB in accordance with the amending provisions contained therein, as contemplated in Section 7.04;

(c) Subject to Section 12.01(a) and Section 12.02, any other amendment may be made by ONE JIB and shall take effect after not less than 60 days' prior written notice of such amendment has been given to the treasurers of the Participating Municipalities including, without limitation, amendments to fees and expenses made in accordance with Section 9.01.

(d) Notwithstanding anything else contained herein, provided that any such municipality has first executed a counterpart to this Agreement and has agreed to be bound hereby, the inclusion of a municipality as a Participating Municipality, and the corresponding amendment to Schedule A hereto, may be made at the sole discretion of ONE JIB without prior notice to or the consent of any Participating Municipality.

- (e) Subject to the foregoing, in its annual report to each Participating Municipality ONE JIB shall provide a description of any material amendments made to the Agreement in the year to which the report relates and ONE JIB shall, at its sole discretion, determine whether an amendment is material for this purpose.

12.02 Amendments Requiring Approval of Participating Municipalities.

- (a) No amendment to this Agreement may enlarge the power or authority of ONE JIB in a manner inconsistent with the Act or the Regulation.
- (b) Any amendment to this Agreement (including any schedule hereto) which under applicable law requires the approval of some or all of the Participating Municipalities shall be effective upon ONE JIB's receipt of approvals in writing from the percentage of Participating Municipalities prescribed by the applicable law and the written approval signed by the treasurers of the Participating Municipalities shall be in form and substance appropriate in the circumstances, as determined by the Chair of ONE JIB on the advice of the Secretary of ONE JIB and shall be delivered to ONE JIB and ONE Investment in the manner set out in Section 16.01;
- (c) Any amendment to this Agreement made under this Section 12.02 shall only be effective upon written notice to all Participating Municipalities regardless of whether a Participating Municipality was included in the Participating Municipalities who provided the necessary approval. The form and substance of such notice shall be appropriate in the circumstances, as determined by the Chair of ONE JIB on the advice of the Secretary of ONE JIB.

12.03 Restatements.

A restated Agreement, setting forth the terms hereof, as amended to the time of execution, may be executed at any time and from time to time by ONE JIB.

SECTION 13 - WITHDRAWAL

13.01 Withdrawal from ONE JIB by Regulation.

A Participating Municipality may withdraw from investing through ONE JIB if it has become subject to a regulation made under clause 16(d) of section 418.1 of the Act providing that section 418.1 of the Act no longer applies to the Participating Municipality.

13.02 Withdrawal from ONE JIB by a Participating Municipality that is not a Founding Municipality.

By entering into this Agreement, each of the Founding Municipalities and each of the other Participating Municipalities hereby agree and shall be deemed to agree at all times that any Participating Municipality which is not a Founding Municipality may withdraw from ONE JIB for any reason provided that the Participating Municipality wishing to withdraw has effected one of the following alternatives:

- (a) entered into an agreement with another municipality that has established an Investment Board, that Investment Board and any other municipalities investing through that Investment Board to invest through that Investment Board;

- (b) entered into an agreement with the municipalities that have established a Joint Investment Board, that Joint Investment Board and any other municipalities investing through that Joint Investment Board, to invest through that Joint Investment Board; or
- (c) established an Investment Board on its own or established a Joint Investment Board with one or more other municipalities

and such Participating Municipality has given the Investment Board or Joint Investment Board through which it will be investing the control and management of its investments by delegating to the board

- (d) the Participating Municipality's powers to make the investments; and
- (e) the Participating Municipality's duties under section 418.1 of the Act.

13.03 Withdrawal from ONE JIB by a Founding Municipality.

By entering into this Agreement, each of the Founding Municipalities and each of the other Participating Municipalities hereby agree and shall be deemed to agree at all times that any Founding Municipality may withdraw from ONE JIB for any reason provided that all of the following conditions are met:

- (a) ONE JIB is not dissolved upon the withdrawal;
- (b) the other Founding Municipalities that established ONE JIB have, in the opinion of each of their treasurers, a combined total of at least \$100,000,000 in money and investments that such municipalities do not require immediately;

and the Founding Municipality wishing to withdraw has taken one of the actions described in paragraph (a), (b) or (c) of Section 13.02 and has given the Investment Board or Joint Investment Board through which it will be investing the control and management of its investments by delegating to the board;

- (c) the Founding Municipality's powers to make the investments; and
- (d) the Founding Municipality's duties under section 418.1 of the Act.

13.04 Procedures re Withdrawal.

A Participating Municipality wishing to withdraw from ONE JIB pursuant to Section 13.02 (the **Withdrawing Municipality**) must give the Secretary of ONE JIB a minimum of 90 days' prior written notice of withdrawal. At least 10 days prior to the effective date of withdrawal (the **Effective Date**), ONE JIB must have received a direction (the **Transfer Direction**) duly authorized by a by-law of the council of the Withdrawing Municipality, passed in compliance with the Act, in form and substance satisfactory to ONE JIB. The Transfer Direction shall instruct ONE JIB to (i) pay to ONE JIB, ONE Investment or any Agents any and all fees and expenses payable or accrued to the Effective Date, and (ii) thereafter, to transfer and deliver to the successor Investment Board or Joint Investment Board named in the Transfer Direction, as at the Effective Date, all of the Withdrawing Municipality's money, investments and assets over which ONE JIB has control and

management. At the request of the Withdrawing Municipality, ONE JIB shall arrange for the orderly and secure transfer and transmission of such books and records relating to the Investment Accounts of the Withdrawing Municipality as may be reasonable and necessary. Upon such transfer and delivery, ONE JIB shall be relieved and discharged of and from all further obligations to the Withdrawing Municipality with respect to the money and investments of the Withdrawing Municipality. Notwithstanding the withdrawal of the Withdrawing Municipality from ONE JIB, the obligation of such Withdrawing Municipality to indemnify ONE JIB and the Members as set out in Section 10.03 shall be unaffected and shall survive any such withdrawal. The notice periods specified in this Section 13.04 may be waived by ONE JIB in its discretion.

SECTION 14 - DIRECTIONS, INSTRUCTIONS AND NOTICES

14.01 Certificate re Authorized Persons.

Each Participating Municipality shall from time to time and upon the written request of ONE JIB, furnish the Secretary of ONE JIB with a certificate signed by its treasurer setting forth the name(s) and title(s) of the authorized officer(s) of the Participating Municipality, which shall include the treasurer and of any other person(s) or representative(s) authorized to act on behalf of the Participating Municipality (**Authorized Persons**), together with specimen signatures of all such Authorized Persons and ONE JIB shall be entitled to rely upon the identification of such Authorized Persons as the person(s) entitled to act on behalf of, and provide directions, instructions and notices for, the Participating Municipality for the purposes of this Agreement until a replacement certificate respecting the same is delivered to ONE JIB.

14.02 Reliance on Authorized Persons.

Provided ONE JIB has complied with its standard of care set forth in Section 10.01, ONE JIB shall:

- (a) not be responsible for:
 - (1) the proper application by any Participating Municipality of any part of its Managed Assets so long as payments to the Participating Municipality have been made in accordance with written directions of such Participating Municipality or an Authorized Person or Authorized Persons as herein provided;
 - (2) the adequacy of the Managed Assets to meet and discharge any and all payments and liabilities in respect of a Participating Municipality; or
 - (3) the compliance by any Participating Municipality with the Act, the Regulation or any Municipal Legislation with respect to the formulation, adoption, or amendment of its IPS, or any decision with respect to additions or contributions to the Managed Assets or withdrawals from the Managed Assets or any other determination as to monies or investments which constitute Managed Assets;

- (b) be fully protected in acting upon any instrument, certificate or other writing believed by it to be genuine and to be signed or presented by an Authorized Person or Authorized Persons;
- (c) be under no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as conclusive evidence of the truth and accuracy of the statements therein contained; and
- (d) be entitled to decline to take any actions unless it has clear instructions.

14.03 Reliance on Experts and Others.

ONE JIB may rely and act upon any statement, report or opinion prepared by or any advice received from the auditor of the ONE Investment Pools, solicitors or other professional advisers with respect to the Managed Assets and shall not be responsible or held liable for any loss or damage resulting from so relying or acting if the advice was within the area of professional competence of the person from whom it was received, ONE JIB acted in good faith in relying thereon, and the professional adviser was aware that ONE JIB was receiving the advice in its capacity as fiduciary with respect to the Managed Assets. ONE JIB shall in no way be responsible for, nor incur any liability based on, the action or failure to act or for acting pursuant to or in reliance on instructions of the Participating Municipality, a Custodian, Administrator, Payment Agent or External Portfolio Manager or any Agent to whom its responsibilities are properly delegated.

SECTION 15 - TERM AND TERMINATION

15.01 Termination of Agreement.

Two or more Founding Municipalities may dissolve ONE JIB if no other Participating Municipalities are investing through ONE JIB and each such Founding Municipality has effected one of the following alternatives:

- (a) entered into an agreement with another municipality that has established an Investment Board, that Investment Board and any other municipalities investing through that Investment Board to invest through that Investment Board;
- (b) entered into an agreement with the municipalities that have established a Joint Investment Board, that Joint Investment Board and any other municipalities investing through that Joint Investment Board, to invest through that Joint Investment Board; or
- (c) established an Investment Board on its own or established a Joint Investment Board with one or more other municipalities

and each such Founding Municipality has given the Investment Board or Joint Investment Board through which it will be investing the control and management of its investments by delegating to the board

- (d) the Founding Municipality's powers to make the investments; and
- (e) the Founding Municipality's duties under section 418.1 of the Act.

15.02 Participating Municipalities may not Dissolve ONE JIB.

Participating Municipalities do not, either alone or collectively, have the power to dissolve ONE JIB.

SECTION 16 - GENERAL

16.01 Notice.

- (a) **Address for notices.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be delivered or sent by registered mail, postage prepaid or email to the addresses or facsimile numbers set out in Schedule A in respect of each Participating Municipality and in the case of ONE JIB or ONE Investment to:

ONE Joint Investment Board
155 University Ave., Suite 800
Toronto, ON M5H 3B7
Attention: The Secretary with copy to the Chair
email: secretary@oneinvestment.ca

ONE Investment
155 University Ave., Suite 800
Toronto, ON M5H 3B7
Attention: The Secretary - Treasurer
email: amajidi@amo.on.ca

Changes to the addresses and facsimile numbers may be made in the manner set out in this Section 16.01.

- (b) **Effective date.** Any such notice or other communication shall be deemed to have been given and received, if delivered, on the day of delivery (or, if the day is not a Banking Day, on the next following Banking Day) or, if mailed, on the second Banking Day following the day on which it is mailed. If a strike or lockout of postal employees is in effect or generally known to be impending on the date of mailing, any such notice or other communication shall be delivered and not sent by mail.

16.02 Application of the *Municipal Affairs Act*.

In the event that a Participating Municipality becomes subject to supervision under Part III of the *Municipal Affairs Act*, the duties and responsibilities of ONE JIB hereunder, in respect of such Participating Municipality, may be subject to the special jurisdiction and powers that can be exercised in respect of the Participating Municipality and ONE JIB as a local board of such Participating Municipality.

16.03 Further action.

Each party shall at all times promptly execute and deliver and cause to be executed and delivered such documents and take and cause to be taken such action as may be necessary or appropriate to give effect to the provisions of this Agreement.

16.04 Benefit.

This Agreement shall enure to the benefit of and be binding upon each party and their respective successors and permitted assigns.

16.05 Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall constitute one Agreement.

16.06 Electronic Signatures.

This Agreement may be executed by the parties electronically in accordance with the *Electronic Commerce Act, 2000*, S.O. 2000, c. 17.

[Balance of page intentionally blank]

The parties have executed this Agreement on the dates set out below.

[Municipality]

Date: _____

By: _____
Signature

Print Name

ONE JOINT INVESTMENT BOARD

Date: _____

By: _____
Signature

Print Name

Date: _____

By: _____
Signature

Print Name

ONE INVESTMENT

Date: _____

By: _____
Signature

Print Name

Date: _____

By: _____
Signature

Print Name

COUNTERPART OF
ONE JOINT INVESTMENT BOARD AGREEMENT

BY: [INSERT FULL LEGAL NAME OF APPLICANT MUNICIPALITY]

DATE: _____

BY: [HEAD OF COUNCIL]

(Signature)

(Print Name)

BY: [CLERK]

(Signature)

(Print Name)

**SCHEDULE A
PARTICIPATING MUNICIPALITIES
(INCLUDING ADDRESS FOR NOTICES)**

Town of Aurora

100 John West Way
Aurora, ON L4G 6J1
ATTN: Director,
Finance – Treasurer
Phone: (905) 727-1375

Town of Bracebridge

1000 Taylor Court
Bracebridge, ON P1L 1R6
ATTN: Director of Finance/Treasurer
Phone: (705) 645-6319 x262

Town of Innisfil

2101 Innisfil Beach Rd.
Innisfil, ON L9S 1A1
ATTN: Manager, Legal & Clerk
Services/Clerk
Phone: (705) 436-3740 x1401
Email: lparkin@innisfil.ca

City of Kenora

1 Main Street South
Kenora, ON P9N 3X2
ATTN: Treasurer
Phone: (807) 467-2013

The Corporation of the City of Quinte West

7 Creswell Drive
Trenton, ON K8V 5R6
ATTN: Director of Finance/Treasurer

Town of Whitby

575 Rossland Rd. E.
Whitby, ON L1N 2M8
ATTN: Commissioner,
Corporate Services/Treasurer
Phone: (905) 430-4314

Town of Aylmer

46 Talbot Street West
Aylmer, ON N5H 1J7
ATTN: Director of Financial
Services/Treasurer
Phone: (519) 773-3164 x4919

Town of Huntsville

37 Main St. East
Huntsville, ON P1H 1A1
ATTN: Manager of Finance/Treasurer
Phone: (705) 789-1751 x2251

Municipality of Neebing

4766 Highway 61
Neebing, ON P7L 0B5
ATTN: Clerk-Treasurer
Phone: (807) 474-5331

The District Municipality of Muskoka

70 Pine Street
Bracebridge, ON P1L 1N3
ATTN: Commissioner,
Finance & Corporate Services
Phone: (705) 645-2100 x4255

City of Thunder Bay

500 Donald Street E.,
Thunder Bay, ON P7E 5K4
ATTN: City Clerk
Phone: (807) 625-2236

**SCHEDULE B
FORM OF AUTHORIZING
AND PRUDENT INVESTOR ENABLING BY-LAW FOR APPLICANT MUNICIPALITIES**

[MUNICIPALITY FULL LEGAL NAME, INCLUDING THE CORPORATION OF THE XXXXX OR UPPER-TIER MUNICIPALITY FULL LEGAL NAME]

By-law Number [insert number]

A By-law of [Municipality full legal name, including The Corporation of the XXXX or Upper-tier Municipality full legal name] to authorize it to invest its money and investments that it does not require immediately in the Prudent Investment Program of ONE Joint Investment Board (“ONE JIB”) pursuant to section 418.1 of the *Municipal Act, 2001*, to approve various documents, the entering into of specific agreements and the delegation of certain powers and duties

WHEREAS section 418.1 of the *Municipal Act, 2001* (the “**Act**”) permits a municipality that meets certain requirements to invest money that it does not require immediately in any security in accordance with the Act and the related regulations in any securities provided that it exercises the care, skill, diligence and judgment that a prudent investor would exercise in making such an investment;

WHEREAS section 418.1 of the Act provides that a municipality may, pursuant to subsection 418.1 (2) of the Act, pass a by-law to have section 418.1 apply to the municipality (the “**Prudent Investor Enabling By-law**”) provided that the municipality satisfies the prescribed requirements on the day the municipality passes the by-law and the Act further provides that subsection 418.1(2) will apply to the municipality as of the effective date set out in the by-law;

AND WHEREAS paragraph 3 of section 15 of O. Reg. 438/97 (Part II) (the “**Regulation**”) requires that a municipality that intends to invest pursuant to section 418.1 of the Act through a Joint Investment Board that was established by other municipalities must have entered into an agreement with the Joint Investment Board and any other municipalities investing through the Joint Investment Board before it passes its Prudent Investor Enabling By-law;

AND WHEREAS section 18 of the Regulation provides that the council of a municipality shall adopt and maintain an investment policy in relation to investing under section 418.1 of the Act, and section 25 of the Regulation provides that a municipality may enter into an agreement described in paragraph 3 of section 15 and may adopt an investment policy under section 18 of the Regulation before a municipality passes a Prudent Investor Enabling by-law;

AND WHEREAS the treasurer of The Corporation of the [insert name of the relevant municipality] (the “**Municipality**”) completed a draft Municipal Client Questionnaire, in the form attached hereto as Schedule “A” (the “**Municipal Client Questionnaire**”) and prepared the draft investment policy statement attached hereto as Schedule “B”, which is referred to as its Investment Policy Statement (the “**IPS**”) and the Municipality intends to approve the completed draft Municipal Client Questionnaire and adopt the IPS, in accordance with section 18 of the Regulation;

AND WHEREAS effective on May 19, 2020 The Corporation of the Town of Bracebridge, The Corporation of the Town of Huntsville, The Corporation of the Town of Innisfil, The Corporation of the City of Kenora, The District Municipality of Muskoka and The Corporation of the Town of

Whitby (collectively the “**Founding Municipalities**”) established a Joint Investment Board pursuant to an Initial Formation Agreement as a joint municipal service board pursuant to section 202 of the Act (the “**Initial Formation Agreement**”), which Joint Investment Board is called ONE Joint Investment Board (“**ONE JIB**”) and all of the Founding Municipalities agreed under the Initial Formation Agreement to invest through ONE JIB;

AND WHEREAS ONE JIB and the Founding Municipalities have entered into an agreement that provides that ONE JIB will invest under section 418.1 of the Act on behalf of the Founding Municipalities under that agreement (the “**ONE JIB Agreement**”) and that ONE JIB will also invest under that agreement on behalf of other Ontario municipalities from time to time (each such municipality, including each Founding Municipality is a “**Participating Municipality**”, collectively the “**Participating Municipalities**”) on the basis that: (i) before any new Participating Municipality passes its Prudent Investor Enabling By-law it will have entered into the ONE JIB Agreement with ONE JIB and with all of the other Participating Municipalities on the day such new Participating Municipality passes its Prudent Investor Enabling By-law; and (ii) ONE JIB has met the criteria set out in subsection 17 (3) of the Regulation, and will, in accordance with section 418.1 of the Act, the Regulation and the ONE JIB Agreement, invest on behalf of the Participating Municipalities;

AND WHEREAS pursuant to the ONE JIB Agreement, all Participating Municipalities, consent to other municipalities entering into the ONE JIB Agreement from time to time so long as they comply with the applicable requirements and criteria under the Act and the Regulation;

AND WHEREAS ONE JIB is subject to all applicable provisions of the Act, including having: (i) a code of conduct established by the councils of each of the municipalities for which it is a local board (ii) an Integrity Commissioner and Closed Meeting Investigator appointed by the councils of the municipalities for which it is a local board; and (iii) a records retention by-law that establishes retention periods during which the records of ONE JIB must be retained and preserved in accordance with the Act;

AND WHEREAS it has been determined by ONE JIB that it would be prudent to have one code of conduct, one Integrity Commissioner and one Closed Meeting Investigator for ONE JIB, rather than one from each of the Founding Municipalities and one from each of the other municipalities that subsequently enter into the ONE JIB Agreement;

AND WHEREAS each of the Founding Municipalities and Participating Municipalities that subsequently entered into the ONE JIB Agreement pursuant to an authorizing by-law that is substantially in the same form as this By-law (“**Authorizing By-law**”), established the code of conduct for ONE JIB that is attached to the ONE JIB Agreement as part of the Terms of Reference (the “**Code of Conduct**”) and authorized ONE JIB to make future changes to the Code of Conduct;

AND WHEREAS after consultation with ONE Investment staff the Founding Municipalities directed ONE JIB’s agent, ONE Investment, to undertake a Request for Proposals (“**RFP**”) process to retain the services of both an Integrity Commissioner and a Closed Meeting Investigator for ONE JIB. After completion of the RFP process the recommended candidate was submitted to ONE JIB for its consideration and ONE JIB appointed the recommended candidate as its Integrity Commissioner and its Closed Meeting Investigator;

AND WHEREAS each Founding Municipality, pursuant to an Authorizing By-law, delegated to ONE JIB the authority to appoint its initial Integrity Commissioner and its initial Closed Meeting

Investigator and their respective successors, from time to time, in accordance with the process set out in the Terms of Reference which form part of the ONE JIB Agreement;

AND WHEREAS a records retention by-law was passed by ONE JIB on February 28, 2024 (the “**Records Retention By-law**”) and at that time more than a majority of the Participating Municipalities in their capacity as “affected municipalities” as that term is used in sections 254 and 255 of the Act, approved the establishment of the retention periods during which the records of ONE JIB must be retained and preserved and all of the Participating Municipalities at that time delegated the necessary powers and duties in respect of the records of ONE JIB to the Secretary of ONE JIB in accordance with the Records Retention By-Law;

AND WHEREAS the Municipality is required to have entered into the ONE JIB Agreement before the Municipality can pass its Prudent Investor Enabling By-law;

AND WHEREAS after ONE JIB confirms its acceptance of the Municipality as a Participating Municipality under the ONE JIB Agreement and after the Municipality, ONE JIB and ONE Investment have signed the ONE JIB Agreement ONE JIB, through its agent ONE Investment, and the Municipality will agree upon an effective date which date will be the effective date of the Municipality’s authorization of the application of section 418.1 of the Act to it, which effective date will also be known as the “**Prudent Effective Date**”;

NOW THEREFORE THE COUNCIL OF **THE CORPORATION OF THE MUNICIPALITY OF XXXX**, HEREBY ENACTS AS FOLLOWS:

1. The Municipality ratifies, confirms and approves the completion and execution by the treasurer of the Municipal Client Questionnaire for and on behalf of the Municipality.
2. The Municipality adopts the IPS and acknowledges and agrees that control and management of its money and investments that it does not require immediately will be given to ONE JIB pursuant to the ONE JIB Agreement as at the Prudent Effective Date described in section 8 of this By-law.
3. The Municipality authorizes the entering into of the ONE JIB Agreement after ONE JIB has accepted the Municipality as a Participating Municipality under the ONE JIB Agreement, substantially in the form attached hereto as Schedule “C”, pursuant to which ONE JIB will be given the control and management of the Municipality’s money and investments that it does not require immediately together with that of all of the other Participating Municipalities as at the day this By-law is passed with an effective date that is the Municipality’s Prudent Effective Date as described in section 8 of this By-law and the [head of council] and the treasurer are authorized to execute the ONE JIB Agreement for and on behalf of the Municipality.
4. Pursuant to the ONE JIB Agreement which the Municipality has authorized under this By-law, the Municipality agrees to the establishment of the Code of Conduct for ONE JIB as a local board of the Municipality on the basis that each municipality that invests through ONE JIB will similarly agree to the establishment of the Code of Conduct for ONE JIB in its capacity as a local board of that municipality and the Municipality hereby authorizes ONE JIB to make future changes to the Code of Conduct without further approval from the Municipality.
5. In accordance with the process for appointing an Integrity Commissioner and a Closed Meeting Investigator and their respective successors from time to time that is described in the Terms of Reference which form part of the ONE JIB Agreement the Municipality acknowledges

that ONE JIB has appointed its initial Integrity Commissioner and its initial Closed Meeting Investigator and the Municipality approves such initial appointments by ONE JIB and the delegation to ONE JIB of the authority to appoint their respective successors from time to time.

6. The Municipality acknowledges that ONE JIB as a local board of the Municipality has established the retention periods during which it must retain and preserve its records in accordance with the Act and that more than a majority of the Participating Municipalities at the time approved or shortly thereafter approved the establishment of such retention periods and the Municipality approves of the retention periods set out in the Records Retention By-law and hereby delegates to the Secretary of ONE JIB the necessary powers and duties in respect of the records of ONE JIB as described in the Records Retention By-law.

7. The delegation to ONE JIB of the power to appoint the successors of the initial Integrity Commissioner and of the initial Closed Meeting Investigator and the delegation to the Secretary of ONE JIB of the aforesaid powers and duties in respect of the records of ONE JIB will not be revoked prior to the end of the term of the council of the Municipality that made such delegations. These delegations may be revoked at any time thereafter. These delegations remain in effect unless and until such revocation occurs.

8. The Municipality hereby authorizes the application of section 418.1 of the Act to it after the ONE JIB Agreement has been signed by the Municipality, ONE JIB and ONE Investment on the basis that the effective date of the ONE JIB Agreement vis à vis the Municipality as a Participating Municipality will be the date that is set out as the Prudent Effective Date in a Prudent Effective Date Agreement substantially in the form attached hereto as Schedule "D" and the treasurer of the Municipality is hereby authorized to execute such agreement on behalf of the Municipality.

9. Any one or more of the [head of council], the treasurer and the clerk are, for and on behalf of the Municipality, each hereby authorized to do all things and to execute all other documents, instruments and papers in the name of the Municipality necessary or desirable to give control and management of its money and investments that it does not require immediately to ONE JIB and to deliver all documents, instruments and papers as required and as authorized by this By-law and such execution shall be conclusive evidence that such documents, instruments and papers so executed are the documents, instruments and papers authorized by this By-law.

10. Sections 1 to 7 inclusive and sections 9 and 10 of this By-law shall take effect on the day of passing and section 8 of this By-law shall take effect on the Municipality's Prudent Effective Date.

ENACTED and PASSED this [COUNCIL MEETING DATE]

[PRINT NAME XXXXX]

[PRINT NAME XXXXX]

[HEAD OF COUNCIL XXXXX]

[CLERK XXXXX]

SCHEDULE C TERMS OF REFERENCE FOR ONE JIB

1. ESTABLISHMENT & PURPOSE

ONE Joint Investment Board (“**ONE JIB**”) was established by the Founding Municipalities to invest, on behalf of each Founding Municipality, money that the Founding Municipalities do not require immediately and to invest money that is not required immediately on behalf of other Ontario municipalities (such other Ontario municipalities, together with the Founding Municipalities, called the “**Participating Municipalities**”) that subsequently enter into the ONE Joint Investment Board Agreement (the “**Agreement**”) and to have control and management of such money, in accordance with the Act and the Regulation.

Each member of ONE JIB (“**Member**”) has a duty to manage and to direct the management of the investments of the Participating Municipalities over which ONE JIB has been given management and control in accordance with the Act and the Regulation.

ONE JIB is a joint municipal service board established under section 202 of the Act.

2. DEFINITIONS AND INTERPRETATION

These Terms of Reference are a schedule to the Agreement and thus form part of the Agreement. Except as otherwise defined in this Section 2, or unless the context otherwise requires, defined terms used herein have the meanings ascribed to such terms in the Agreement. In addition to the defined terms found in Section 1.01 of the Agreement, these Terms of Reference repeat the definition for “Act” and contain the following additional defined terms:

“**Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time;

“**Closed Meeting Investigator**” means an individual appointed as the closed meeting investigator in accordance with the requirements of the Act.

“**Code of Conduct**” means the code of conduct applicable to Members in accordance with the Act, attached as Exhibit A.

“**Integrity Commissioner**” means an individual appointed as the integrity commissioner of ONE JIB in accordance with the requirements of the Act.

“**Procedure By-law**” means the procedure by-law applicable to ONE JIB in accordance with the Act.

All other rules of interpretation set out in the Agreement apply equally to these Terms of Reference.

3. DUTIES AND RESPONSIBILITIES

3.1 Compliance with Municipal Legislation

ONE JIB shall conduct its business and discharge its responsibilities in accordance with the Act and any other applicable provisions found in Municipal Legislation.

As a joint municipal service board established under section 202 of the Act, ONE JIB is required to adopt a procedure by-law.

As a joint municipal service board established under section 202 of the Act, ONE JIB is required to have a code of conduct, and the Code of Conduct set out in Exhibit A has been established to apply to ONE JIB and its Members.

As a joint municipal service board established under section 202 of the Act, ONE JIB is required to have procedures for the appointment of an integrity commissioner and, if necessary for the appointment of a closed meeting investigator. The Integrity Commissioner and the Closed Meeting Investigator shall be appointed or engaged in accordance with the process set out in Exhibit E.

3.2 Member Responsibility to Comply with Act and Regulation

Each Member shall perform the functions mandated by, and otherwise comply with, the Act and the Regulation, other applicable legislation including securities legislation and these Terms of Reference. If it is apparent that a Member has failed to comply with the Act, the Regulation, other applicable legislation or these Terms of Reference in any material respect, a majority of the other Members may vote to remove the Member and any such removal shall be final and binding and shall not be subject to any legal challenge by the removed Member or any Participating Municipality. As used herein, “material” non-compliance means an act or omission (or series of acts or omissions) which is deliberate and not inadvertent and which either at occurrence or with the passage of time, can reasonably be expected to result in (i) the Member being subject to regulatory sanction or discipline; (ii) damage or economic loss, including by way of opportunity cost, to a Participating Municipality; (ii) damage to the reputation of ONE JIB or ONE Investment; or (iv) any detrimental effect on the ability of ONE JIB to function effectively.

3.3 Enumerated Duties

ONE JIB shall perform such services, and have such duties and responsibilities, as may be provided in the Act and the Regulation and as the Participating Municipalities may determine and assign to ONE JIB from time to time, including the following:

- (a) Review the Participating Municipality’s Investment Policy, and at the request of the Participating Municipality, provide advice and recommendations with respect thereto, including the Participating Municipality’s investment objectives and strategies;
- (b) Adopt and maintain an Investment Plan for the Participating Municipality in accordance with the Act and the Regulation and consistent with the Participating Municipality’s Investment Policy;
- (c) Engage one or more Administrators, Custodians, Payment Servicers, External Portfolio Managers, investment counsel, bankers, brokers, dealers, and other Agents as may be required to implement the Investment Plan in accordance with the Investment Policy;
- (d) Monitor the performance of the Agents;
- (e) Report to the Participating Municipality as required by the Act and the Regulation;

- (f) Provide advice and observations to each Participating Municipality and its council regarding economic developments including matters affecting the business outlook, the investment environment and similar matters to assist the Participating Municipality and its council in assessing investment performance and planning;
- (g) Review and provide input on investment objectives, policies and procedures and appropriate risk management and mitigation measures with respect to the Participating Municipality's investments;
- (h) Review and monitor the investment performance of the Participating Municipality's investments, including selection of or recommendations as to appropriate benchmarks, peer group and similar metrics; and
- (i) Provide advice and recommendations with respect to such other matters as may be requested from time to time by ONE Investment or a Participating Municipality.

3.4 ONE JIB Reports to the Participating Municipalities

ONE JIB shall, within 90 days of the end of the financial year of the Participating Municipality, prepare and deliver to the council of the Participating Municipality (to the attention of the Treasurer), an investment report (the "**Annual Investment Report**") prepared in accordance with the Regulation that contains:

- (a) a statement about the performance of the Participating Municipality's Managed Assets during the period covered by the report;
- (b) a statement by the Treasurer of the Participating Municipality as to whether or not, in the opinion of the Treasurer, all investments making up the Managed Assets are consistent with the Participating Municipality's Investment Policy and Investment Plan; and
- (c) such other information related to or incidental to the foregoing that the council of the Participating Municipality may reasonably require.

Prior to finalizing the Annual Investment Report, ONE JIB shall provide a draft report to the Treasurer of the Participating Municipality and shall consider any comments on such draft report made by the Treasurer of the Participating Municipality. Where ONE JIB is requested to provide additional information as contemplated herein, ONE JIB may request that the Participating Municipality prepare a draft of the report for ONE JIB's consideration and approval.

3.5 ONE JIB Reports to the Municipal Treasurer

ONE JIB shall as soon as practicable notify the Treasurer of a Participating Municipality where the Managed Assets include an investment which is not consistent with the Participating Municipality's Investment Policy or Investment Plan. Such notice shall be accompanied by a written report of the results of any assessment which includes a description of each instance of a breach of the Participating Municipality's Investment Policy or Investment Plan, of which ONE JIB is aware or has reason to believe has occurred, and recommendations for any actions ONE JIB considers should be made to rectify the non-compliance.

3.6 ONE JIB Reports to Securities Regulatory Authorities

ONE JIB shall, as soon as practicable, notify in writing the Ontario Securities Commission or other applicable securities regulatory authority where ONE JIB becomes aware of the occurrence of a material breach of applicable securities legislation applicable to ONE JIB or to ONE Investment. ONE JIB may also, but is not required to, communicate directly with securities regulatory authorities with respect to any concerns or issues that it may not otherwise be required to report and any other matter, but only if it has first communicated its concerns to ONE Investment and to the relevant Participating Municipality and considered any response received from the Participating Municipality.

3.7 Secretary to ONE JIB

The work of ONE JIB shall be supported by a secretary (the “**Secretary to ONE JIB**”), who may be engaged or employed by ONE Investment, but who shall be appointed by ONE JIB, acting on the advice of ONE Investment, to the office of Secretary to ONE JIB and have a reporting relationship with the Chair of ONE JIB. The Secretary shall advise ONE JIB as to certain procedural and jurisdictional matters, including those matters specified in the Procedure By-Law, and be responsible to provide such secretarial, research, clerical and administrative services as ONE JIB may require in the discharge of its duties. From time to time, ONE JIB, acting on the advice of ONE Investment, may appoint an alternate Secretary or assistant to the Secretary to provide support as may be required in the circumstances.

3.8 Legal and Other Advisors

If ONE JIB determines that it is useful or necessary for ONE JIB to carry out its duties, ONE JIB may engage, or seek advice from, at the expense of the Participating Municipalities, legal counsel, accountants or any other advisors, in each case provided that such person has the requisite knowledge and experience to provide such advice. ONE JIB has the authority to agree to reasonable compensation and proper expenses for any independent legal counsel and other advisors engaged by ONE JIB. ONE JIB may retain advisors selectively, and only to assist, not replace, ONE JIB decision making. Prior to retaining an independent advisor, the Chair of ONE JIB will provide advance notice to ONE Investment.

4. CONSTITUTION

4.1 Number and Quorum

ONE JIB shall be comprised of not fewer than seven and not more than [twelve] Members. The Participating Municipalities may change the size of ONE JIB in accordance with the Agreement, but shall seek the input of the Chair of ONE JIB prior to doing so. A majority of Members shall constitute a quorum for the transaction of business at any meeting of ONE JIB.

4.2 Qualification

Each Member shall have such experience and expertise in investment management, risk management, finance, corporate governance, accounting, law or in such other areas of expertise as may be determined to be appropriate from time to time by ONE JIB or a committee thereof in consultation with ONE Investment.

No person shall be qualified to be a Member if that person is less than eighteen years of age, is of unsound mind and has been so found by a court in Canada or elsewhere, has been sanctioned or disciplined by a securities regulatory authority in Canada or elsewhere within the previous 20 years, or is not an individual or has the status of a bankrupt.

4.3 Appointment of Members and Nominating Committee

The Founding Municipalities have appointed the initial Members. Subsequent Members, including those appointed to fill vacancies as referred to in Section 4.6, are to be appointed as follows by the then incumbent Members and with the approval of ONE Investment.

ONE JIB in consultation with ONE Investment may form a nominating committee (the “**Nominating Committee**”), made up of no fewer than three and no more than nine persons to identify individuals to fill vacancies on ONE JIB. The Chair of the Nominating Committee shall be a Member. The other persons serving on the Nominating Committee need not be Members and may be senior officers of ONE Investment and/or representatives of the Participating Municipalities. The Nominating Committee, in recommending a new Member or reappointing a Member, shall consider:

- (a) the competencies and skills ONE JIB, as a whole, should possess;
- (b) the competencies and skills of each other Member; and
- (c) the competencies and skills the prospective Member would bring to ONE JIB.

The then incumbent Members and ONE Investment shall give consideration to individuals nominated by the Nominating Committee and a new Member shall be appointed with the affirmative vote of a simple majority of Members, and the approval of ONE Investment. Members may decline to follow the recommendation of the Nominating Committee, in which case the Chair of ONE JIB may form a new Nominating Committee.

Temporary vacancies may be filled by the the Chair of ONE JIB as the Chair may consider to be appropriate in the circumstances, provided that the filling of such vacancy receives the consent of a majority of the Members.

4.4 Consent

Upon first acting as a Member, every Member appointed in accordance with Section 4.3 shall be deemed to have consented to (a) acting as a Member on the terms and conditions set out herein, and (b) the public disclosure of the existence of ONE JIB, the names of its Members, the matters reviewed by ONE JIB, the recommendations of ONE JIB, the compensation and expenses of the Members, and any other matter that is required to be disclosed pursuant to the terms of applicable legislation and rules or any decision made under applicable municipal law; provided that the Members, acting reasonably and promptly following a request, shall be entitled to review and require changes to the text of any such disclosure.

4.5 Adherence to Code of Conduct

Every Member shall comply at all times with the Code of Conduct for Members of ONE JIB, as amended from time to time.

4.6 Vacancies of Office

A Member shall cease to hold office:

- (a) if the Member dies, resigns by a written resignation received and accepted by the Chair of ONE JIB in accordance with Section 4.7 or is removed from office in accordance with Section 4.8;
- (b) if the Member is a Municipal Treasurer Representative, and is a Treasurer of a Participating Municipality, and such Participating Municipality withdraws from ONE JIB; provided however, that if such individual has been appointed as the Treasurer of another Participating Municipality prior to or at the time of the effective date of withdrawal, and such Participating Municipality agrees, the individual may continue to serve as a Municipal Treasurer Representative;
- (c) upon the Member accepting employment or other engagement with a financial services provider, unless such employment or engagement has first been approved by the Integrity Commissioner and the Chair of ONE JIB;
- (d) if the Member is of unsound mind as determined by a court in Canada or elsewhere, bankrupt, prohibited from acting as a director or officer of any issuer in Canada, subject to any penalties or sanctions made by a court relating to provincial and territorial securities legislation or a party to a settlement agreement with a provincial or territorial securities regulatory authority;
- (e) if the Member is absent from meetings of ONE JIB for three consecutive regular meetings, without being authorized to do so by a resolution of ONE JIB;
- (f) if the Member's seat on ONE JIB is declared vacant in any judicial process; or
- (g) if the Member's membership is forfeited under the Act or any other act of the Ontario legislature.

Clause 4.6(e) does not apply to vacate the membership of a Member who is absent for 20 consecutive weeks or less if the absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.

If a vacancy occurs on ONE JIB, the Members shall fill the vacancy as soon as practicable and a person appointed to fill a vacancy shall continue as a Member for the remainder of the term so replaced.

4.7 Resignations

Unless otherwise agreed to by ONE Investment and a majority of the other Members, a Member shall resign from ONE JIB upon: becoming aware that personal circumstances may have an adverse impact on the reputation of ONE JIB, a material change in employment that may have an adverse effect on the Member's contribution or effectiveness on ONE JIB or accepting a directorship with a financial institution or a company which results in the Member becoming subject to a conflict of interest as described in Section 6.2.

A Member may resign by notice in writing filed with the Secretary and the Chair of ONE JIB. A resignation is not effective if it would reduce the number of Members to less than a quorum.

4.8 Removal of Member

A Member or Members may be removed from office by a majority vote of the other Members, including in the circumstances described in Section 3.2 or Section 4.6. Removal shall be effected by instrument in writing delivered to such Member or Members specifying the effective date of such removal. If a Participating Municipality recommends to ONE JIB that it remove a Member, ONE JIB shall consider such recommendation, although the final determination shall be in the discretion of ONE JIB.

4.9 Terms

The term of office of a Member shall be no more than three years and no less than one year, and shall be set by ONE JIB, acting on the recommendation of the Nominating Committee, at the time such Member is appointed. Staggered terms are permitted. A Member may not be reappointed for a term of office that, if served, would result in the Member serving on ONE JIB for longer than nine years unless ONE JIB, on the recommendation of the Nominating Committee, agrees to such reappointment.

4.10 Orientation and Continuing Education

ONE Investment and ONE JIB shall provide orientation consisting of educational or informational programs that enable a new Member to understand: (a) the role of ONE JIB and its Members collectively; and (b) the role of the individual Member, including the commitment of time and energy that is expected from the Member. ONE JIB may supplement such orientation, and any orientation provided by ONE Investment on the nature and operation of municipal finance with such educational programs that it reasonably deems necessary or desirable. Each Member shall participate in orientation and continuing education programs provided or recommended by ONE JIB or ONE Investment.

4.11 Chair and Vice-Chair

The Chair and the Vice-Chair of ONE JIB shall be elected for three-year terms by the Members and upon the resignation, death, disqualification or removal of the current Chair or of the Vice-Chair. The Members shall take into account ONE Investment's recommendations, if any, when electing the Chair and the Vice-Chair. Each of the Chair and the Vice-Chair must be a Member. The Chair is responsible for managing the mandate, responsibilities and functions of ONE JIB. The Chair's primary functions are to lead ONE JIB meetings, facilitate the operations and deliberations of ONE JIB, foster communications among Members, and ensure ONE JIB carries out its responsibilities in a timely and effective manner. The Chair shall work with the Secretary, who shall act as board secretary of ONE JIB and set agendas and circulate meeting materials for ONE JIB meetings in accordance with the Procedure By-law, and shall be ONE JIB's primary contact with ONE Investment in preparing for meetings. On an ongoing basis, the Chair shall assess whether ONE JIB has appropriate administrative support, access to senior management of ONE Investment and access to outside advisers for the purpose of ONE JIB fulfilling its mandate.

ONE JIB may, by by-law or resolution, appoint a Member to act in the place of the Chair or other Member designated to preside at meetings in ONE JIB's Procedure By-law when the

Chair or designated Member is absent or refuses to act or the office is vacant, and while so acting such Member has all of the powers and duties of the Chair or designated Member, as the case may be, with respect to the role of presiding at meetings.

4.12 Committees

In addition to the Nominating Committee provided for in Section 4.3, ONE JIB may authorize any other committee or subcommittee to assist in carrying out any of its functions, except the removal of a Member. Any such committee or subcommittee shall be chaired by a Member, and its members appointed by ONE JIB, but such members of such committee or subcommittee need not all be Members. If any such committee is constituted as an *ad hoc* committee, ONE JIB shall by resolution provide it with a written mandate or terms of reference, and if constituted as a standing committee of ONE JIB, ONE JIB shall amend and supplement these Terms of Reference to include a defined mandate. Any committee or subcommittee formed under this Section 4.12 shall report on its meetings to ONE JIB, generally by way of a report filed at the next following meeting of ONE JIB, and in any case at least annually. A committee or subcommittee formed under this Section 4.12 is authorized to make recommendations to ONE JIB on a matter within its mandate; however the decision to take action based on the recommendation is reserved to ONE JIB. The Procedure By-law applies to proceedings of committees of ONE JIB with necessary modifications.

4.13 Self Assessments

Annually, ONE JIB must review and assess:

- (a) its effectiveness as a board, as well as the effectiveness and contribution of each of its Members, including a consideration of:
 - (i) the competencies and knowledge each Member is expected to bring to ONE JIB;
 - (ii) the level of complexity of the issues reasonably expected to be raised by Members in connection with the matters under review by ONE JIB;
 - (iii) continuing education activities and industry knowledge of each Member; and
 - (iv) the ability of each Member to contribute the necessary time required to serve effectively on ONE JIB;
- (b) its structural effectiveness, including a consideration of:
 - (i) the frequency of meetings;
 - (ii) the substance of meeting agendas;
 - (iii) the policies and procedures that ONE Investment has established to refer matters to ONE JIB;
 - (iv) the usefulness of the materials provided to Members; and
 - (v) the collective experience and background of the Members.

- (c) The written minutes of ONE JIB meetings at which these assessments take place shall form the basis of the records of such assessments. ONE JIB may also establish a process for and determine the frequency of additional assessments as it sees fit. ONE JIB shall consider how to respond appropriately to address any opportunities for improvement found in a self-assessment.

5. MEETINGS OF ONE JIB

5.1 Calling and Place of Meetings

Meetings of ONE JIB shall be called by the Chair of ONE JIB, in accordance with the Procedure By-law and the schedule of meetings approved by ONE JIB.

Except as may be permitted under the Act, meetings of ONE JIB shall be open to members of the public. Members may participate electronically with all the rights and duties of the other Members under the circumstances set out in the Procedure By-law.

Exhibit B sets out the current limited circumstances under which meetings of ONE JIB may or shall be closed, in accordance with the provisions of the Act.

5.2 Notice of Meeting

Notice of the time and place of each meeting of ONE JIB shall be given by the Secretary as required under the Procedure By-law. The notice shall identify the main matters to be addressed at the meeting. The Secretary shall arrange for the notice of meeting to be posted or publicized as required.

Persons wishing to make deputations or representations to a meeting on any matter to be addressed at a meeting shall make appropriate arrangements to do so through the Secretary.

5.3 Persons Entitled to Participate

When submitting a matter to ONE JIB for its recommendation or approval, ONE Investment and its representatives shall be entitled to be present at meetings of ONE JIB to outline the nature of the question or matter to be reviewed by ONE JIB. Any other person may participate in the meeting in accordance with the Procedure By-law and on the invitation of the Chair of the meeting or with the consent of ONE JIB. ONE JIB may hold at least one segment of one meeting annually at which ONE Investment, any entity related to ONE Investment or any of their representatives are not in attendance.

5.4 Conduct of Meetings

All other procedural matters pertaining to the conduct of meetings, including voting at meetings, are governed by the Procedure By-Law.

5.5 Minutes of the Meetings and other Records

Minutes and closed session records of all meetings of ONE JIB and reports of all ONE JIB committee meetings shall be kept. The Secretary to ONE JIB or the Secretary's designee shall be responsible for taking the minutes of the meeting and otherwise serving as secretary

of the meeting. Procedures relating to approval, adoption and publication of minutes are contained in the Procedure By-law.

The Secretary to ONE JIB shall be responsible for maintaining records of these Terms of Reference, minutes, closed session records and reports of meetings, copies of the agenda and materials provided to ONE JIB, copies of materials and written reports prepared by ONE JIB and copies of ONE JIB's own determinations. ONE JIB may satisfy this recordkeeping requirement by arranging for ONE Investment to keep such records. Other than as set out in Exhibit C, all the foregoing records shall be subject to disclosure in accordance with the Act and the *Municipal Freedom of Information and Protection of Privacy Act*.

6. CONFLICTS OF INTEREST

6.1 Application of the Municipal Conflict of Interest Act

ONE JIB is a local board for purposes of the *Municipal Conflict of Interest Act* (MCIA) and Members are subject to this Act. A Member shall comply with this Act.

6.2 Duty to Disclose

Members of ONE JIB are required to make disclosure of their direct and indirect pecuniary interests in accordance with the requirements of the MCIA and the Code of Conduct. The Code of Conduct contains additional specific provisions relating to disclosure of pecuniary interests. The Secretary to ONE JIB shall be available to assist Members of ONE JIB with the disclosure process.

Furthermore, to the extent not covered by the provisions of the MCIA and the Code of Conduct, a Member shall disclose to ONE JIB and to ONE Investment any circumstances or relationships which exist at the time of appointment or which arise thereafter, which could constitute a conflict of interest. For purposes hereof, a conflict of interest includes circumstances or relationships, including serving on any other boards or commissions, which (a) a reasonable person would consider to constitute a conflict of interest which could interfere with the Member's ability to act in good faith and in the best interests of the Participating Municipalities; or (b) to a reasonable person would be expected to interfere with the Member's exercise of independent judgement.

Having disclosed or declared a conflict of interest, the Member shall thereupon take direction from the Chair of ONE JIB who shall be advised by the Secretary to ONE JIB.

7. STANDARD OF CARE AND INDEMNITY

7.1 Standard of Care

All Members of ONE JIB in exercising their powers and discharging their duties as a Member shall:

- i. act honestly and in good faith with a view to the best interests of each Participating Municipality; and
- ii. exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

7.2 Indemnification

All Members, their respective heirs, executors and assigns, (in each case, an “**Indemnified Party**”) shall be indemnified by the Participating Municipalities for all liabilities, claims, damages, losses, costs and expenses incurred by them in connection with any action, suit or proceeding that is proposed or commenced or any other claim to which such Indemnified Party may be subject by reason of the management and control of the Managed Assets or otherwise arising out of or in connection with acting on behalf of the Participating Municipalities or in furtherance of the interests of the Participating Municipalities, except that this indemnity shall not apply to (a) losses arising from such Indemnified Party’s own wilful misconduct or fraud, or (b) expenses of the Participating Municipalities that the Indemnified Party has agreed to bear. To the fullest extent permitted by law, expenses (including, without limitation, legal fees and expenses) incurred by an Indemnified Party in defending any claim, demand, action, suit or proceeding shall, from time to time, be advanced by the Participating Municipalities prior to the final disposition of such claim, demand, action, suit or proceeding upon receipt by the Participating Municipalities of an undertaking by or on behalf of the Indemnified Party to repay such amount if it shall be determined that the Indemnified Party is not entitled to be indemnified as authorized in this Section 7.2. Amounts required to be paid or advanced to an Indemnified Party under this Section 7.2 shall be paid by Participating Municipalities in such proportion as ONE JIB, on the recommendation of ONE Investment, considers to be fair and equitable in the circumstances.

Further, the Members shall not be liable to ONE Investment or the Participating Municipalities or to any person for any loss or damages relating to any matter regarding ONE Investment and its investments, including any loss or diminution in the value of the Participating Municipalities’ investments or assets. To the fullest extent permitted by law, expenses (including, without limitation, legal fees and expenses) incurred in defending any claim, demand, action, suit or proceeding shall, from time to time, be advanced by the Participating Municipalities prior to the final disposition of such claim, demand, action, suit or proceeding upon receipt by the Participating Municipalities of an undertaking by or on behalf of the Member to repay such amount if it shall be determined that the Member is not entitled to be indemnified. The foregoing indemnification applies only if the Member has acted in a manner consistent with the standard of care set out in Section 7.1 above.

7.3 Liability

Unless otherwise required by applicable legislation, no Member shall be liable to ONE Investment or the Participating Municipalities or any other person if the Member complied with the standard of care set forth in Section 7.1, including reliance on advice in the manner contemplated in Section 3.8.

7.4 Insurance

Each Member shall be entitled to an indemnity by ONE Investment and/or an affiliate of ONE Investment to the fullest extent permitted by applicable law. ONE JIB or ONE Investment may purchase and maintain (or reimburse individual Members for the cost of) insurance in such amounts and on such terms as are commercially reasonable on behalf of the Members against any liability that may be asserted against or expense that may be incurred by Members in connection with, or in any way related to, acting as Members of ONE JIB.

8. FEES AND EXPENSES

8.1 Compensation

The Founding Municipalities, together with ONE Investment, shall set the initial amount of compensation and expenses of the Members. After the initial compensation and expenses are set, the Members shall be entitled to receive such reasonable compensation and expenses for acting as Members of ONE JIB as ONE Investment, in consultation with ONE JIB, may from time to time determine. Such compensation may, but need not, include an annual retainer amount or stipend for acting as a Member, as well as compensation for attendance at information, continuing education and similar sessions at which no formal business is conducted. The compensation shall be set out in Exhibit D and amended from time to time as provided herein. ONE Investment must consider ONE JIB's most recent assessment of its compensation and ONE JIB's recommendations, if any, of the amount and type of compensation and expenses in setting the compensation of Members. In the event ONE JIB disagrees with ONE Investment's recommendation, ONE JIB shall discuss the issue with ONE Investment in a good faith attempt to reach an agreement. In determining the appropriate level of compensation, ONE Investment must consider:

- (a) the nature and complexity of the investments made by and on behalf of the Participating Municipalities;
- (b) the nature and extent of the workload of each Member, including the commitment of time and energy that is expected from each Member;
- (c) industry best practices, including industry averages and surveys on similar board compensation; and
- (d) the best interests of the Participating Municipalities.

8.2 Reimbursement of Expenses

Members shall be entitled to reimbursement for their reasonable expenses incurred in attending meetings of ONE JIB and other out of pocket expenses incurred in connection with acting as a Member. ONE Investment will request production of receipts and documents supporting expenses.

9. CONFIDENTIALITY

9.1 Maintaining Confidentiality

The definition of Confidential Information is found in the Code of Conduct. Each Member shall, in accordance with the Act and the Code of Conduct, protect the confidentiality, and prevent the unauthorized disclosure or use, of Confidential Information. Each Member shall promptly notify ONE JIB's Chair or ONE Investment of any advertent or inadvertent disclosure, misuse or misappropriation of Confidential Information of which the Member becomes aware.

The Members shall not be subject to any confidentiality obligation in respect of any Confidential Information that is or was (i) information in the public domain; (ii) disclosed to the Member by a third person not subject to a confidentiality obligation to ONE JIB, ONE Investment or a Participating Municipality; (iii) approved by ONE JIB, ONE Investment or a

Participating Municipality for disclosure to another person or the public; or (iv) required by law to be disclosed by the Member.

9.2 Public Statements and Dealing with Media

In the event ONE JIB, or any of its Members, is contacted by the media or a regulator, in respect of any issue related to ONE Investment, the request will be referred to the Chair of ONE JIB or the Chair's designate.

10. AMENDMENTS

10.1 General

A notice or document required to be sent to a Member or to ONE Investment may be sent by prepaid mail addressed to, or may be delivered personally or by courier to, the Member at the Member's latest address provided by the Member to ONE Investment, and to ONE Investment at:

ONE Joint Investment Board
or ONE Investment
155 University Ave., Suite 800
Toronto, ON M5H 3B7
Attention: The Secretary with copy to the Chair
email: secretary@oneinvestment.ca

or such other address as ONE Investment may notify each Member. A notice or document if mailed to a Member or ONE Investment shall be deemed to have been received at the time it would be delivered in the ordinary course of mail unless there are reasonable grounds for believing that the Member or ONE Investment did not receive the notice of the document at that time or at all.

10.2 Amendments

ONE JIB may amend these Terms of Reference from time to time, in consultation with ONE Investment and in compliance with the provisions of the Agreement, including where applicable, receipt of approval or consent of Participating Municipalities. A decision by ONE JIB to propose to amend these Terms of Reference must be approved at a meeting of ONE JIB. ONE JIB shall provide ONE Investment with at least 30 days' notice of any such proposal to amend these Terms of Reference and ONE JIB must consider ONE Investment's recommendations relating to such proposed amendment. Upon expiry of the 30-day notice period, and subject to receipt of any other consents or approvals as may be required, ONE JIB may approve the proposed amendment at a meeting of ONE JIB, and such amendment shall be effective immediately thereafter. As soon as is practicable, ONE JIB shall notify ONE Investment that the proposed amendment has been approved and is in effect. Where relevant to the Participating Municipality, ONE JIB shall include a description of any material amendments to these Terms of Reference in its annual report to each Participating Municipality. ONE JIB may not amend these Terms of Reference (i) in a manner inconsistent with the Act and the Regulation and any other provisions of applicable Municipal Legislation, (ii) to give ONE JIB functions other than those prescribed by the Act and the Regulation, or (iii) other than as permitted by the Agreement and this Section 10.2.

10.3 Electronic Delivery

Provided the addressees have consented in writing or electronically, the notice requirements may be satisfied by creating and providing an electronic document. An electronic document is deemed to have been received when it enters the information system designated by the addressee (provided that it has been properly addressed) or, if the document is posted on or made available through a generally accessible electronic source, when the addressee receives notice in writing of the availability and location of that electronic document.

10.4 Computation of Time

In computing the time when a notice or document must be given or sent under any provision requiring a specified number of days' notice of any meeting or other event, the day on which the notice or documents is given or sent shall be excluded and the day on which the meeting or other event occurs shall be included.

10.5 Omissions and Errors

The accidental omission to give any notice or send any document or the non-receipt of any notice or document or any error in any notice or document not affecting the substance thereof shall not invalidate any action taken at any meeting held pursuant to such notice or otherwise founded on such notice or document.

EXHIBIT A ONE JOINT INVESTMENT BOARD CODE OF CONDUCT

POLICY STATEMENT

This Code of Conduct establishes standards of conduct for Members of the ONE Joint Investment Board (“**ONE JIB**”) in the conduct of their official duties. It is a schedule to the agreement between ONE JIB, each Participating Municipality and ONE Investment under which all Participating Municipalities and ONE JIB agree to the terms pursuant to which ONE JIB will manage and control the money that is not required immediately of the Participating Municipalities (the “**ONE JIB Agreement**”).

Unless the context otherwise requires, defined terms used herein have the meanings ascribed to such terms in the ONE JIB Agreement. In the event of a discrepancy or inconsistency between the provisions contained in the ONE JIB Agreement and those contained in this Code of Conduct, the ONE JIB Agreement shall prevail.

APPLICATION

This Code of Conduct applies to the Chair and the other Members of ONE JIB acting in their capacity as Members. This includes, but is not limited to, the conduct of Members in the following circumstances:

- in relation to matters immediately before, and/or solely within the purview of ONE JIB;
- when interacting with ONE JIB and ONE Investment staff and/or another Member;
- in relation to business conducted by ONE JIB;
- while on the premises of ONE JIB, whether such premises are owned, leased or simply occupied by ONE JIB;
- during an event or function of ONE JIB;
- while serving on any board, committee or other body to which the Member was appointed by ONE JIB; and
- during a non-ONE JIB event or function where the Member has been expressly invited or is participating as a representative of ONE JIB.

PURPOSE

The purpose of this Code of Conduct is to set a standard of conduct for Members of ONE JIB as required by the *Municipal Act, 2001* (the “**Act**”). Abiding by this standard helps to promote good governance and maintain public confidence in ONE JIB and the Participating Municipalities.

1.0 DEFINITIONS

1.1 The following terms shall have the following meanings in this Code of Conduct:

- (a) **“Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25;
- (b) **“Child”** means a child born within or outside marriage and includes an adopted child and a person to whom a parent has demonstrated a settled intention to treat as a child of her or his family;
- (c) **“Committee”** means a committee or sub-committee established by ONE JIB;
- (d) **“Confidential Information”** means any non-public, proprietary or private information, related to the functions of ONE JIB, ONE Investment, the Participating Municipalities or any of the investment funds managed by ONE JIB or any agent of ONE JIB and, without limiting the foregoing, includes:
 - (i) any such information provided orally, in writing or electronically, and
 - (ii) all or any part of any documented information to the extent that any applicable legislation, including the Act and the *Municipal Freedom of Information and Protection of Privacy Act*, permits or requires such information, including personal information, to be private;
- (e) **“Integrity Commissioner”** means the Integrity Commissioner appointed by ONE JIB;
- (f) **“Member”** means a member of ONE JIB, including the Chair;
- (g) **“MNPI”** means material non-public information;
- (h) **“Non-pecuniary Interest”** means a private or personal interest that a Member may have that is non-financial in nature but that arises from a relationship with a person or entity that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the Non-pecuniary Interest arises;
- (i) **“ONE Investment”** means the not-for-profit corporation founded by CHUMS Financing Corporation and Local Authority Services which provides certain management, administrative and other services to ONE JIB under the ONE Joint Investment Board Services Agreement made between ONE JIB and ONE Investment;
- (j) **“ONE JIB”** means the ONE Joint Investment Board that has been established under subsection 202(1) of the Act in accordance with Part II of O. Reg. 438/97, as constituted from time to time, acting pursuant to the ONE JIB Agreement;
- (k) **“Parent”** means a person who has demonstrated a settled intention to treat a child as a member of that person’s family whether or not that person is the natural parent of the child;

- (l) **“Participating Municipalities”** means the municipalities for whom ONE JIB acts as the Joint investment Board under the terms of the ONE JIB Agreement from time to time;
- (m) **“Pecuniary Interest”** means a direct or indirect interest of a financial nature, including the interest of the Parent or Spouse or any Child of the Member, if known to the Member; and
- (n) **“Spouse”** means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

2.0 STATEMENT OF PRINCIPLES

2.1 The following principles will guide Members and assist with the interpretation of this Code of Conduct:

- (a) Members shall serve the public in a conscientious and diligent manner;
- (b) Members shall always act with integrity, accountability and transparency, and shall avoid the improper use of influence in their office as well as conflicts of interest, both apparent and real;
- (c) Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and will stand up to public scrutiny;
- (d) Members shall observe and comply with the laws of Canada, Ontario and the laws and policies adopted by ONE JIB, including but not limited to the following:
 - (i) *Criminal Code*,
 - (ii) *Municipal Act, 2001*,
 - (iii) *Municipal Conflict of Interest Act*,
 - (iv) *Municipal Freedom of Information and Protection of Privacy Act*,
 - (v) *Occupational Health and Safety Act*,
 - (vi) *Human Rights Code*,
 - (vii) *Securities Act*,
 - (viii) *ONE JIB Procedure By-law*; and
- (e) Members shall be fair and respectful of differences and have a duty to work together for goodwill, the common good and the public interest.

2.2 The statements set out in Section 2.1 are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are not operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

3.0 GENERAL DUTIES

- 3.1 In exercising the Member's powers and discharging her or his duties as a Member, each Member shall:
- (a) act honestly and in good faith with a view to the best interests of ONE JIB and the Participating Municipalities;
 - (b) exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
 - (c) refrain from making:
 - (i) any statement known to be false or with the intent to mislead ONE JIB, ONE Investment staff, the Participating Municipalities or the public, and
 - (ii) any disparaging comment or unfounded and speculative accusation about the motives of another Member, ONE Investment staff, the Participating Municipalities or the public.

4.0 CONDUCT AT MEETINGS

- 4.1 Members will conduct themselves at all ONE JIB and Committee meetings with decorum and in accordance with ONE JIB's Procedure By-law and any other applicable procedural rules and policies.

5.0 CONFIDENTIAL INFORMATION

- 5.1 Members receive confidential information from a number of sources as part of their work. This includes information ONE JIB receives in confidence that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws as well as information received during closed meetings of ONE JIB or its Committees. It also includes information that a Member is restricted from using or disclosing under the *Criminal Code*, the *Securities Act*, or due to any contractual obligations or policies of ONE JIB or ONE Investment.
- (a) Members are only entitled to information in the possession of ONE JIB that is relevant to matters before ONE JIB or its Committees.
 - (b) Members shall not use confidential information for personal or private gain or for the gain of any other person including, without limitation, a Parent, Spouse, Child, grandchild, friend or associate.
 - (c) Members shall not directly or indirectly benefit, or aid others to benefit, from knowledge relating to the property and assets of ONE JIB, ONE Investment or any of the Participating Municipalities.
- 5.2 Without limiting the generality of any provision of Section 5.0, Members acknowledge that in the course of discharging their responsibilities, they may have access to MNPI about securities issuers, including public companies. All such MNPI is considered "confidential information." Any use of MNPI to make an investment decision or recommendation or to

“tip” others who might make an investment decision on the basis of the MNPI is unethical and illegal and could result in civil and/or criminal penalties. If a Member learns of MNPI about an issuer, the Member must refrain from disclosing it (other than to another person with a need to know) or making use of such information in any manner until the information has been publicly disclosed or is no longer material.

- 5.3 Members shall not disclose the content of any confidential information, or the substance of confidential deliberations, of a closed meeting of ONE JIB or any of its Committees. Each Member has a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidentiality applies. Members must not, either directly or indirectly, release, make public or in any way divulge any confidential information or any confidential aspect of closed ONE JIB or Committee deliberations to anyone, unless authorized by ONE JIB or as required by law.
- 5.4 Members shall not disclose, use or release information in contravention of applicable privacy laws.

6.0 STAFF AND ONE JIB RELATIONS

- 6.1 ONE JIB, ONE Investment and the Participating Municipalities approve budgets, policies and other governance of ONE JIB through their by-laws, resolutions and other decisions. Individual Members do not direct or oversee the functions of ONE Investment staff.
- 6.2 Members shall respect the role of ONE Investment staff in the administration of the business affairs of ONE JIB. Members shall respect that:
- (a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. Members shall not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - (b) staff serves ONE JIB as a whole, and the combined interests of all Members as evidenced through the decisions of ONE JIB. Members shall not:
 - (c) make requests or statements or take actions which may be construed as an attempt to influence the independent administration of ONE JIB business, or
 - (d) attempt to intimidate, threaten, or influence any staff member from carrying out that person’s duties, including any duty to disclose improper activity;
 - (e) staff carry out their duties based on political neutrality and without undue influence from any individual Member. Members shall not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

7.0 DISCRIMINATION AND HARASSMENT

- 7.1 ONE JIB is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone acting in conjunction with ONE JIB and meeting its obligations under the *Human Rights Code* and the *Occupational Health and*

Safety Act. It is ONE JIB's goal to provide a healthy, safe, and respectful work environment that is free from any form of harassment or discrimination.

- 7.2 All Members have a duty to treat members of the public, one another and ONE Investment staff with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination, harassment and violence. This duty applies to all in-person activities and to all electronic communications, including the use of social media.

8.0 USE OF ONE JIB PROPERTY

- 8.1 ONE JIB and ONE Investment are the stewards of ONE JIB's assets. The Participating Municipalities and the community place their trust in ONE JIB to make decisions for the public good in relation to these assets.

- 8.2 By virtue of the Member's office or appointment, a Member shall not:

- (a) use or permit the use of ONE JIB or ONE Investment facilities, equipment, supplies, services, staff or other resources for activities other than ONE JIB's business;
- (b) seek financial gain for themselves, or for any other person including, without limitation the Member's Parent, Spouse, Child, grandchild, friend or associate, from the use or sale of information owned by ONE JIB or ONE Investment or intellectual property, computer programs, web or social media accounts, technological innovations, or other patents, trademarks or copyright held by ONE JIB or ONE Investment;
- (c) use any information the Member may obtain about any proposed trading activity in, or other transaction involving, the investment portfolios of the Participating Municipalities to trade for her or his own account or for the account of any other person including, without limitation, the Member's Parent, Spouse, Child, grandchild, friend or associate in respect of which the Member has trading authority.

9.0 CONFLICTS OF INTEREST

- 9.1 Members shall take appropriate steps to avoid conflicts of interest, both apparent and real and are required to comply with the *Municipal Conflict of Interest Act*. Proactive steps to mitigate conflicts of interest are important to maintaining public confidence in Members, ONE JIB and the Participating Municipalities.
- 9.2 Members shall seek guidance from the Integrity Commissioner if they believe that they may have a conflict between their responsibilities to the public as a Member and any other Pecuniary Interest or Non-pecuniary Interest.
- 9.3 To the extent not covered by the *Municipal Conflict of Interest Act* or the ONE JIB Agreement, a Member shall disclose to ONE JIB and to ONE Investment any circumstances or relationships which exist at the time of appointment or which arise thereafter which could constitute an existing or potential conflict of interest. For this

purpose, a potential conflict of interest includes circumstances or relationships, including serving on any other boards or commissions, which a reasonable person:

- (a) would consider to constitute a conflict of interest which could interfere with the Member's ability to act in good faith and in the best interests of ONE JIB and the Participating Municipalities; or
- (b) would expect to interfere with the Member's exercise of independent judgment.

10.0 BUSINESS RELATIONS

10.1 A Member shall not be a director or hold an executive position with any organization whose objectives and mandate are in conflict with, or may reasonably be perceived to be in conflict with, the objectives and mandate of ONE JIB. Before taking a new executive position, the Member shall inform the Chair and the Integrity Commissioner to obtain advice about the new circumstances.

10.2 A Member shall not act as a paid agent of ONE JIB or provide goods, consulting or other services to ONE JIB directly or indirectly through a partnership, professional or closely-held corporation.

10.3 If a Member becomes aware that an entity in which the Member has a material interest, as a director, employee or agent, may offer or provide goods, consulting or other services to ONE JIB, the Member shall:

- (a) disclose those circumstances to the Chair; and
- (b) seek written advice from the Integrity Commissioner about the application of the *Municipal Conflict of Interest Act* and whether, in consideration of the circumstances, the Member's ongoing membership is in the best interests of ONE JIB.

In providing written advice pursuant to Section 10.3(b), the Integrity Commissioner shall consider the risk of harm to the reputation of ONE JIB and the Participating Municipalities.

10.4 Unless otherwise agreed to by ONE Investment and a majority of the Members, a Member shall resign from ONE JIB upon becoming aware of:

- (a) any personal circumstances that may have an adverse impact on the reputation of ONE JIB;
- (b) a material change in employment that may have an adverse effect on the Member's contribution to ONE JIB; or
- (c) a conflict of interest as described in Sections 9.0 or 10.0 resulting from the Member accepting a directorship with a financial institution or other corporation.

11.0 IMPROPER USE OF INFLUENCE

11.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of their official duties.

- 11.2 Members shall not use the status of their position to influence the decision of another person which may affect the Pecuniary Interest or Non-pecuniary Interest of themselves, or of any other person including, without limitation, a Parent, Spouse, Child, grandchild, friend or associate, or for the purpose of creating a disadvantage to another person.

12.0 GIFTS AND BENEFITS

- 12.1 Gifts to Members risk the appearance of improper influence. Gifts may appear to induce influence or create an incentive for Members to make decisions on the basis of relationships rather than in the best interests of ONE JIB or its Participating Municipalities. Members shall not accept a fee, advance, gift, gift certificate, cash or personal benefit connected directly or indirectly with the performance of the Member's duties.
- 12.2 A gift, benefit or hospitality that is connected directly or indirectly to the performance of the Member's duties provided with the Member's knowledge to a Member's Spouse, Child, Parent, grandchild or to a Member's friend or associate is deemed to be a gift to that Member.
- 12.3 Notwithstanding Section 12.1, Members shall be entitled to accept any gifts or benefits in their public capacity in the following circumstances:
- (a) compensation authorized by law;
 - (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) gifts or benefits given in recognition of services provided without compensation by Members volunteering their time;
 - (d) a suitable memento at a function honouring the Member;
 - (e) food, lodging, transportation and entertainment provided by:
 - (i) provincial, regional or local governments or political subdivisions of them,
 - (ii) the federal government,
 - (iii) a foreign government within a foreign country,
 - (iv) Association of Municipalities of Ontario,
 - (v) Local Authority Services,
 - (vi) Municipal Finance Officers' Association of Ontario,
 - (vii) CHUMS Financing Corporation,
 - (viii) ONE Investment, or
 - (ix) a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity;

- (f) participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:
 - (i) attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce;
 - (ii) the person extending the invitation or a representative of the organizing entity is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent;
 - (g) gifts of nominal value (e.g. a baseball cap, t-shirt, flash drive, book);
 - (h) any gift or personal benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of the Member's duties.
- 12.4 The exceptions set forth in Section 12.3 do not apply where the gifts or benefits are provided by potential administrators, custodians, payment servicers, portfolio managers, investment counsel, bankers, brokers, dealers or other agents as may be required to implement the Investment Plan in accordance with a Participating Municipality's Investment Policy Statement.
- 12.5 In the case of Sections 12.3 (b), (d), (e) and (f) of, if the value of the gift or benefit exceeds \$500, or if the total value of gifts and/or benefits received from any one source during the course of a calendar year exceeds \$500, the Member shall, within thirty (30) days of receipt of the gift or benefit or reaching the annual limit, file a disclosure statement with the Integrity Commissioner. The disclosure statement will be a matter of public record. The disclosure statement shall provide the following information:
- (a) the nature of the gift or benefit;
 - (b) its source and date of receipt;
 - (c) the circumstances under which it was given or received;
 - (d) its estimated value;
 - (e) what the Member intends to do with the gift or benefit; and
 - (f) whether the gift or benefit will at any point be left with ONE JIB or ONE Investment.
- 12.6 On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes this preliminary determination, the Integrity Commissioner shall call upon the Member to justify receipt of the gift or benefit.
- 12.7 Should the Integrity Commissioner determine that receipt was inappropriate, the Integrity Commissioner may direct the Member to return the gift or benefit, reimburse the donor for

the value of the gift or benefit if already consumed, or forfeit the gift or benefit or remit the value of the gift or benefit if already consumed to ONE JIB or ONE Investment.

- 12.8 Except in the cases of Sections 12.3 (a) and (e), a Member may not under any circumstances accept a gift or benefit worth in excess of \$750 or gifts and benefits worth in the aggregate in excess of \$750 from one source during a calendar year.

13.0 COMMUNICATION

- 13.1 Members shall seek to advance the public interest with honesty and refrain from making any statement through any medium (including and without limiting the generality of the foregoing, through any social media platform) to Participating Municipalities, other stakeholder groups, the media or the public unless such statement is authorized by the Chair of ONE JIB or the Chair's delegate.

14.0 ELECTION ACTIVITY

- 14.1 Members are required to conduct themselves in accordance with elections legislation as may be amended from time to time, and any ONE JIB policies. The use of ONE JIB resources, including property and ONE Investment staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

15.0 INTEGRITY COMMISSIONER'S ADVICE

- 15.1 It is the duty of the Member to seek the Integrity Commissioner's written advice on any potential situation where the Member might reasonably be expected to be in contravention of this Code of Conduct.
- 15.2 Any written advice given to a Member by the Integrity Commissioner binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner and the facts remain unchanged.

16.0 RESPONSIBILITIES

- 16.1 Members shall:
- (a) consult with the Integrity Commissioner if they need any advice or clarification regarding their obligations under this Code of Conduct; and
 - (b) adhere to the provisions of this Code of Conduct and ensure compliance with all applicable legislation as well as all procedures, rules or policies of ONE JIB governing their ethical behaviour.
- 16.2 The Integrity Commissioner shall:
- (a) investigate complaints related to a Member's alleged contravention of this Code of Conduct;

- (b) provide written advice to Members with respect to their obligations under the Code of Conduct and the *Municipal Conflict of Interest Act*;
- (c) provide educational information about the Code of Conduct and the *Municipal Conflict of Interest Act*; and
- (d) provide such advice and opinions as may be from time to time requested by ONE JIB.

17.0 CONTRAVENTION

- 17.1 The Integrity Commissioner shall establish a complaint protocol to investigate complaints of contraventions by Members of this Code of Conduct and sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.
- 17.2 Members shall not act in reprisal or threaten reprisal against a person who makes a complaint, files an application or provides information to the Integrity Commissioner during an investigation.
- 17.3 Members are expected to cooperate with requests for information during investigations relating to the Code of Conduct and the *Municipal Conflict of Interest Act*. Members shall not destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been lodged under the Code of Conduct, the *Municipal Conflict of Interest Act* or any process for complaints adopted by ONE JIB.
- 17.4 Where a report is received from the Integrity Commissioner that there has been a contravention of the Code of Conduct, ONE JIB may impose either of the following penalties on the Member as permitted by the *Act*:
 - (a) a reprimand; or
 - (b) a suspension of the remuneration paid to the Member in respect of the Member's services on ONE JIB for a period up to 90 days.
- 17.5 ONE JIB may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:
 - (a) provide a written or verbal apology;
 - (b) return property or make reimbursement of its value or of money spent;
 - (c) be removed from or not be appointed to the membership on a Committee;
 - (d) be removed from or not be appointed as chair of a Committee; and
 - (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

18.0 COMPLAINT PROTOCOL

- 18.1 The Complaint Protocol is Appendix “A” to this Code of Conduct and applies to Complaints (as defined in Appendix “A”) under this Code of Conduct and the *Municipal Conflict of Interest Act*.

APPENDIX A
ONE JOINT INVESTMENT BOARD CODE OF CONDUCT
COMPLAINT PROTOCOL

Defined terms used herein, unless the context otherwise requires, have the meanings ascribed to such terms in the Code of Conduct. In the event of a discrepancy or inconsistency between the provisions contained in the Code of Conduct and those contained in this Complaint Protocol, the Code of Conduct shall prevail.

PART A - INFORMAL COMPLAINT PROCEDURE

1. Any individual who identifies or witnesses behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or activity themselves in the following manner by following the Informal Complaint Procedure:
 - (a) document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
 - (b) advise another person about the concerns regarding the Member's actions, to corroborate the incident;
 - (c) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - (d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - (e) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
 - (f) if applicable:
 - (i) confirm to the Member that the Member's response is satisfactory, or
 - (ii) advise the Member that the Member's response is unsatisfactory;
 - (g) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.
2. Individuals are encouraged to pursue the Informal Complaint Procedure as the first means of remedying behaviour or activity of a Member that they believe contravenes the Code of Conduct.
3. The Integrity Commissioner may be requested to assist in an attempt to settle or resolve the issue with the Member and the individual but will participate only if both parties have consented.

4. The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in Part B.

PART B - FORMAL COMPLAINT PROCEDURE

Formal Complaints

- 5.(1) Any individual who identifies or witnesses behaviour or activity by a Member that they reasonably believe contravenes the Code of Conduct may file a formal complaint ("Complaint") to request an inquiry by the Integrity Commissioner as to whether a Member has contravened the Code of Conduct in accordance with the following requirements:
 - (a) a Complaint shall be in writing on the prescribed form (Formal Complaint Form # 1 attached hereto) and shall be dated and signed by an identifiable individual (the "complainant");
 - (b) the Complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and must be accompanied by a supporting sworn affidavit setting out the evidence in full in support of the allegation; and
 - (c) Members of ONE JIB may also file a Complaint against any of its Members of an alleged contravention of the Code of Conduct by passing a resolution requesting the Integrity Commissioner to undertake an inquiry.
- (2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest (collectively, a "complainant") may file a formal application requesting that the Integrity Commissioner carry out an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of that statute by a Member in accordance with the following requirements:
 - (a) an application (also referred to as a "Complaint" herein) shall be in writing on the prescribed form (Complaint Form #2 attached hereto), dated and signed by an identifiable individual;
 - (b) the application shall include a statutory declaration attesting to the fact that:
 - (i) the complainant became aware of the contravention not more than six (6) weeks before the date of the application, or
 - (ii) in the case where the complainant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection 223.4.1(5) of the *Municipal Act, 2001*, that the complainant became aware of the alleged contravention during that period of time;
 - (c) ONE JIB may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member and provide a statutory declaration as required by Section 5(2) to be sworn by a Member of ONE JIB.

- (3) Complainants who file a formal Complaint under Sections 5(1) or 5(2) must provide a full and complete record of evidence to substantiate or support the allegations set out in the Complaint to the Integrity Commissioner who is under no obligation whatsoever to, but may, seek additional information.

Filing of Complaint and Classification by Integrity Commissioner

- 6.(1) The Complaint may be filed with the Integrity Commissioner by hard copy or by e-mail at the following mailing or email addresses:

John Mascarin
Aird & Berlis LLP
181 Bay Street, Suite 1800
Toronto, ON M5J 2T9
Email: jmascarin@airdberlis.com
Tel: 416-865-7721

- (2) The Integrity Commissioner shall initially classify the Complaint to determine if the matter is, on its face, a Complaint with respect to a contravention of the Code of Conduct and not covered by other legislation or other ONE JIB procedures, policies or rules as set out in Section 7 or whether it is a Complaint with respect to an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

Complaints Outside Integrity Commissioner's Jurisdiction or Not for Investigation

- 7.(1) If the Complaint, including the supporting affidavit or the statutory declaration, is not, on its face, a Complaint with respect to a contravention of the Code of Conduct or the Complaint relates to matters addressed by other legislation under another procedure, policy or rule of ONE JIB or whether it is a Complaint with respect to an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

- (a) if the Complaint is, on its face, an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that:
- (i) the Integrity Commissioner will refer it to the appropriate police service, or
 - (ii) the complainant may pursue it with the appropriate police service if the complainant wishes to pursue any such allegation;

Municipal Freedom of Information and Protection of Privacy Act

- (b) if the Complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the Secretary to deal with under any access and privacy policies of ONE JIB under that statute;

Other Procedure, Policy or Rule Applies

- (c) if the Complaint appears to fall within the scope of another procedure, policy or rule of ONE JIB, the complainant shall be advised to pursue the matter under such procedure, policy or rule with the appropriate official or staff member; and

Lack of Jurisdiction

- (d) if the Complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (for example, it relates to a decision of ONE JIB as a whole and not one or more individual Members), the complainant shall be so advised and provided with any additional reasons and referrals, if any, as the Integrity Commissioner considers appropriate.
- (2) If it becomes apparent to the Integrity Commissioner at any time that the Complaint with respect to a contravention of the Code of Conduct or with respect to an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, relates to any of the following matters, the Integrity Commissioner shall advise the complainant in writing as follows:

Matter Already Pending

- (a) if the Complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, a human rights or workplace harassment complaint or similar process, or to a civil matter that is pending before the courts, the Integrity Commissioner may, in his/her sole discretion, suspend any investigation, in whole or in part, pending the result of the other process;

Similar Matter Already Pending

- (b) if the Complaint is in relation to a similar matter which is subject to an outstanding Complaint before the Integrity Commissioner, the Integrity Commissioner may, in his/her sole discretion, consider the matter in conjunction with the similar matter or deal with it separately, including not undertaking an inquiry if the matter can be adequately addressed in any report and/or recommendations made with respect to the Complaint in the similar matter; and

Other Ethical Code or Policy Applies

- (c) if the Complaint is in relation to a matter which is governed by a code of conduct, ethical code or similar procedure or policy of another body or entity which also governs the Members (for example, another professional or regulatory body to which the Member may belong), the Integrity Commissioner shall consider the most appropriate forum for the Complaint and may, in his/her sole discretion, defer consideration of the matter pending any determination made by the other body or entity and shall so advise the complainant and, if necessary, the Member.
- (3) Nothing in Section 7 precludes the Integrity Commissioner from reporting to ONE JIB any matter that is suspended, summarily dismissed, terminated or not otherwise investigated.

Limitation Period

- 8.(1) The Integrity Commissioner shall not accept a Complaint under the Code of Conduct for which the event giving rise to the Complaint occurred or came to the attention of the complainant more than six (6) months prior to the date of the filing of the Complaint. The complainant must establish that the event giving rise to the Complaint occurred and/or came to the complainant's attention within six (6) months of the Complaint being filed in accordance with Section 6.
- (2) The Integrity Commissioner shall not accept an application with respect to an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* except in accordance with the requirements of subsections 8(2)-(7) of that statute and section 223.4.1 of the *Municipal Act, 2001*.

Refusal to Conduct Investigation

- 9.(1) The Integrity Commissioner has a discretion as to whether to carry out an investigation. If the Integrity Commissioner is satisfied at any time, after considering the information contained in the Complaint, that the Complaint:
 - (a) is frivolous or vexatious,
 - (b) is not made in good faith,
 - (c) constitutes an abuse of process,
 - (d) discloses no grounds or insufficient grounds for an investigation,
 - (e) does not warrant a full investigation, or
 - (f) is not otherwise in the public interest,

the Integrity Commissioner shall not be required to conduct an investigation and may summarily dismiss the Complaint, and, where this becomes apparent during the course of an investigation, the Integrity Commissioner shall terminate the inquiry and provide notice to the complainant and, if necessary, to the Member. The Integrity Commissioner shall report the refusal to conduct an investigation to ONE JIB.

Opportunities for Resolution

10. Following receipt and review of a formal Complaint or at any time during an investigation where the Integrity Commissioner, in the discretion of the Integrity Commissioner, believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

Investigation

- 11.(1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in the sole discretion of the Integrity Commissioner, that no additional information is required, or where otherwise required by

the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:

- (a) provide the Member with a copy of the Complaint but not disclose:
 - (i) the identity of the complainant, or
 - (ii) the identity of any witnesses set out in the Complaint or persons that are to be questioned/interviewed by the Integrity Commissioner,

unless it is essential for the Member to adequately respond to the Complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion;

- (b) request that the Member provide a written response to the allegations in the Complaint to the Integrity Commissioner within seven (7) days;
 - (c) provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within seven (7) days.
- (2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may contact and speak to or correspond with any other persons, access and examine any other documents or electronic materials, including any materials on ONE JIB's computers and servers, and may enter any ONE JIB work location relevant to the Complaint for the purpose of investigation and potential resolution.
 - (3) Preliminary or proposed finding(s) may be provided to a Member if the Integrity Commissioner considers that the Member may have contravened the Code of Conduct.
 - (4) The Integrity Commissioner may, but is under no obligation, to provide the Member and the complainant with a draft of the proposed final report on the Complaint.
 - (5) The Integrity Commissioner may make interim reports to ONE JIB where the Integrity Commissioner considers it necessary or required to address any instances of interference, obstruction, intimidation, delay, reprisal or retaliation by the Member or by any other person encountered during the formal Complaint investigation, and may also disclose such information as is necessary in the Integrity Commissioner's opinion for the purposes of the interim report(s).
 - (6) The Integrity Commissioner is entitled to make such additional inquiries and provide such additional reports to ONE JIB where necessary and as required to address any instances of non-compliance with any decision of ONE JIB including the failure to comply with any penalties or corrective measure or actions imposed by ONE JIB.
 - (7) The Integrity Commissioner shall retain all records related to the Complaint and investigation but may provide copies of certain records, in confidence, to ONE JIB's administrative staff who are required to ensure that any such records are securely and confidentially retained.

No Complaint Prior to Municipal Election

- 12.(1) Notwithstanding any other provision of this Complaint Protocol, no Complaint may be filed with the Integrity Commissioner, no report shall be made by the Integrity Commissioner to ONE JIB during the period of time starting on nomination day for a regular municipal election year, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.
- (2) If the Integrity Commissioner has received a Complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect of the same Complaint if within six (6) weeks after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with subsection 223.4(8) of the *Municipal Act, 2001*.

Advice Provided to Member by Integrity Commissioner

- 13.(1) Subject to Section 13(2), a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code of Conduct in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to the Member to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (2) If the Integrity Commissioner applies to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Member is entitled to advise the judge of any written advice given by the Integrity Commissioner provided that the Member fully disclosed in writing all relevant facts known to the Member to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (3) A Member under investigation by the Integrity Commissioner shall not request advice from the Integrity Commissioner as to the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law with respect to any specific matter that the Integrity Commissioner is investigating or reviewing with respect to the Member, nor is the Member entitled to rely upon any statement(s) made by the Integrity Commissioner during the course of any investigation or review that may impact the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law.
- (4) If a Member under investigation by the Integrity Commissioner requests advice, such request shall be delegated in writing to any person other than a Member that the Integrity Commissioner, in consultation with ONE JIB, considers capable of providing informed advice to the Member.
- (5) If the Integrity Commissioner applies to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner is entitled to

recommend and advocate for penalties to the judge under subsection 9(1) of the *Municipal Conflict of Interest Act*.

Authority to Abridge or Extend

14. Notwithstanding any timeline or time limit set out in the Code of Conduct or this Complaint Protocol, the Integrity Commissioner shall retain the right to abridge or extend any timeline or time limit therein if the Integrity Commissioner considers it, in the sole and absolute discretion of the Integrity Commissioner, to be in the public interest.

Investigation Report

- 15.(1) The Integrity Commissioner shall report to the complainant and the Member no later than ninety (90) days after the official receipt of any Complaint under the Code of Conduct. If the investigation process is anticipated to or takes more than ninety (90) days, the Integrity Commissioner shall provide a brief interim report to ONE JIB and advise the parties of the approximate date the report will be available. The Integrity Commissioner may also, at the discretion of the Integrity Commissioner, advise any witnesses or other persons of the approximate date the report will be available.
- (2) Where the Complaint is sustained in whole or in part, the Integrity Commissioner shall report to ONE JIB outlining the findings, the terms of any settlement and/or any recommended remedial or corrective measure or action.
- (3) The Integrity Commissioner may provide a copy of the report to the complainant and the Member whose conduct has been investigated in advance of the public release of the report, in strict confidence until the report is publicly released. The Member shall have the right to address the report if it is considered appropriate by ONE JIB.
- (4) Where the Complaint is not sustained, the Integrity Commissioner is not obligated to report to ONE JIB on the result of the investigation or any findings but may do so at the discretion of the Integrity Commissioner and may also include such information as the Integrity Commissioner deems necessary in a report or as part of an annual or other periodic report by the Integrity Commissioner.
- (5) The Integrity Commissioner shall complete the investigation under the *Municipal Conflict of Interest Act* no later than one hundred and eighty (180) days after the official receipt of any application validly made under Section 5(2).

Findings

- 16.(1) If the Integrity Commissioner determines that:
 - (a) there has been no contravention of the Code of Conduct, or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, or
 - (b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it, including having sought and followed the advice of the Integrity Commissioner;

- (ii) it was trivial,
- (iii) it was committed through inadvertence, or
- (iv) it resulted from an error in judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including, but not limited to, a recommendation of no penalty or remedial measures or corrective actions.

- (2) If the Integrity Commissioner:
 - (a) considers it appropriate, once the Integrity Commissioner has concluded the investigation under Section 5(2), the Integrity Commissioner may apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member has contravened section 5, 5.1 or 5.2 of that statute; or
 - (b) does not proceed with an application to the judge, the Integrity Commissioner shall so advise the complainant and the Member in writing.
- (3) The Integrity Commissioner shall provide a written report to ONE JIB providing the reasons for the decision of the Integrity Commissioner under Section 16(2).

Report to ONE JIB

- 17.(1) Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Secretary shall place the report on the next regular meeting agenda of ONE JIB for consideration by ONE JIB.
- (2) A report from the Integrity Commissioner may also be considered by ONE JIB in advance of its next regular meeting should ONE JIB agree to hold a special or other meeting before its next regular meeting to consider the report.

Duty of ONE JIB

- 18. ONE JIB shall consider and make a determination on the Integrity Commissioner's report under Section 17 at the same meeting at which the report is tabled.

Public Disclosure

- 19.(1) The Integrity Commissioner and every person acting under instructions of the Integrity Commissioner shall preserve confidentiality where appropriate and where it does not interfere with the course of any investigation, except as required by law and as required by this Complaint Protocol.
- (2) The Integrity Commissioner shall retain all records related to the Complaint and investigation although copies may be provided to ONE JIB's administrative staff, subject to the duty of confidentiality under subsection 223.5 of the *Municipal Act, 2001*.
- (3) The identity of the Member who is the subject of the Complaint shall not be treated as confidential information in the Integrity Commissioner's report to ONE JIB. The identity of

the complainant and of any other person, including any witnesses, may be disclosed if deemed appropriate and necessary by the Integrity Commissioner, if consented to by the complainant or any other person, or such information has already been publicly disclosed.

- (4) All reports from the Integrity Commissioner to ONE JIB shall be made available to the public by the Secretary.

Delegation by Integrity Commissioner

20. The Integrity Commissioner, in consultation with ONE JIB, may delegate in writing to any person, other than a Member of ONE JIB, any of the Integrity Commissioner's powers and duties under Part V.1 of the *Municipal Act, 2001*.

Complaint Protocol Applicable to Committees

21. The provisions of this Complaint Protocol shall apply, with modifications as necessary, to all committees or sub-committees of ONE JIB and their members.

Code of Conduct — Formal Complaint Form # 1

AFFIDAVIT

I, _____ (first and last name),
of the _____ in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I reside at: _____ (full address)
and may be contacted at telephone: _____ and email: _____.

2. I have reasonable and probable grounds to believe that:
_____ (name of Member),
a member of ONE Joint Investment Board has contravened the following section(s) of the Code
of Conduct of ONE Joint Investment Board: _____.
The particulars of which are attached hereto.

3. Facts constituting the alleged contravention (use separate page if required)

This affidavit is made for the purpose of requesting that this matter be reviewed and/or
investigated by ONE Joint Investment Board's Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at _____)

the _____ of _____)
 on _____ (date))
 _____)
 _____)
 A Commissioner for taking affidavits etc.)

_____ (Signature)

Please note that signing a false affidavit may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation.

Municipal Conflict of Interest Act – Complaint Form # 2

STATUTORY DECLARATION

I, _____ (*first and last name*),
of the _____ in the Province of Ontario.

I SOLEMNLY DECLARE THAT:

1. I reside at: _____ (*full address*) and may be contacted at telephone: _____ and email: _____.

2. I have reasonable and probable grounds to believe that:

_____ (*specify name of Member*),

a member of ONE Joint Investment Board, has contravened the following section(s) of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50: _____.

3. I became aware of the facts constituting the alleged contravention not more than six (6) weeks ago and they comprise the following: (use separate page if required)

This declaration is made for the purpose of requesting that this matter be investigated by ONE Joint Investment Board's Integrity Commissioner and for no other purpose.

DECLARED before me at)	
the _____ of _____)	
on _____ (date))	
_____)	
_____)	_____
A Commissioner for taking affidavits etc.)	(Signature)

Please note that signing a false declaration may expose you to prosecution under ss. 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation

EXHIBIT B CLOSED MEETINGS PERMITTED OR REQUIRED

The provisions of the Act, as amended from time to time, currently provide that except as provided in section 239 of the Act, all meetings shall be open to the public.

A meeting or part of a meeting may be closed to the public in accordance with section 239 of the Act if the subject matter being considered is,

- the security of the property of ONE JIB;
- personal matters about an identifiable individual, including ONE JIB employees;
- a proposed or pending acquisition or disposition of land by ONE JIB;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting ONE JIB;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which ONE JIB may hold a closed meeting under another Act;
- information explicitly supplied in confidence to ONE JIB by Canada, a province or territory or a Crown agency of any of them;
- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to ONE JIB, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- a trade secret or scientific, technical, commercial or financial information that belongs to ONE JIB and has monetary value or potential monetary value;
- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of ONE JIB;

A meeting of ONE JIB or of a committee of ONE JIB may be closed to the public if the meeting is held for the purpose of educating or training the members provided no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of ONE JIB or committee.

A meeting may be closed to the public during a vote if the meeting is one that is closed to the public in accordance with this Exhibit B and if the vote is for a procedural matter or for giving instructions to officers, employees or agents of ONE JIB or a committee of ONE JIB or persons retained by or under a contract with ONE JIB.

A meeting or part of a meeting shall be closed to the public in accordance with section 239 of the Act if the subject matter being considered is,

- a request under the *Municipal Freedom of Information and Protection of Privacy Act* if ONE JIB is the head of an institution for the purposes of that Act; or
- an ongoing investigation respecting ONE JIB by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of the Act, or the investigator referred to in subsection 239.2(1) of the Act.

EXHIBIT C
ONE JIB MAY REFUSE DISCLOSURE OF A RECORD

The provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, as amended from time to time, currently provide that ONE JIB may refuse to disclose a record:

- that reveals the substance of deliberations of a meeting of ONE JIB or a committee of ONE JIB if a statute authorizes holding that meeting in the absence of the public.
- if the disclosure would reveal advice or recommendations of an officer or employee of an institution or a consultant retained by an institution.
- that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,
 - (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (b) result in similar information no longer being supplied to ONE JIB where it is in the public interest that similar information continue to be so supplied;
 - (c) result in undue loss or gain to any person, group, committee or financial institution or agency; or
- that contains,
 - (a) trade secrets or financial, commercial, scientific or technical information that belongs to an institution and has monetary value or potential monetary value;
 - (b) information whose disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution;
 - (c) information whose disclosure could reasonably be expected to be injurious to the financial interests of an institution;
 - (d) positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution;
 - (e) plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public;
 - (f) information including the proposed plans, policies or projects of an institution if the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person.

EXHIBIT D
COMPENSATION FOR ONE JIB MEMBERS

- The Chair of ONE JIB will receive an annual \$15,000 retainer and \$1,100 per board meeting.
- The Vice Chair of ONE JIB will receive an annual \$10,000 retainer and \$1,100 per board meeting.
- Board members of ONE JIB will receive an annual \$5,000 retainer and \$1,100 per board meeting.
- All Board members of ONE JIB will also be remunerated \$500 for attending business meetings of ONE JIB.
- Subject to the member complying with all relevant requirements of the member's municipality, the Municipal Treasurer members, who are municipal employees, will have the annual retainer and Board and Business meeting fees paid directly to the municipality for which they are employed.

EXHIBIT E
PROCESS TO APPOINT INTEGRITY COMMISSIONER AND CLOSED MEETING
INVESTIGATOR

Initial Appointment of Integrity Commissioner and Closed Meeting Investigator

1. Prior to the effective date of the ONE JIB Agreement (July 2, 2020) the Founding Municipalities directed ONE Investment to conduct a Request for Proposal (“RFP”) process to retain the services of an initial Integrity Commissioner and an initial Closed Meeting Investigator for ONE JIB.
2. The Secretary to ONE JIB worked with a member of ONE Investment staff and two representatives of the Founding Municipalities’ clerks (the “Initial Appointment Subcommittee”) on the RFP. The results of the RFP were shared with the Founding Municipalities.
3. The candidates recommended by the Initial Appointment Subcommittee were submitted to ONE JIB during its initial meeting on May 19, 2020 and thereafter ONE JIB appointed an initial Integrity Commissioner in accordance with section 223.3 of the Act and an initial Closed Meeting Investigator in accordance with section 239.2 of the Act.

Successor Integrity Commissioner and Successor Closed Meeting Investigator

4. In the event that ONE JIB determines that the appointment of a successor Integrity Commissioner or Closed Meeting Investigator is required it shall direct ONE Investment to conduct an RFP process in consultation with a committee comprised of the Secretary to ONE JIB, a member of ONE Investment staff and two representatives of the Participating Municipalities’ clerks (the “Successor Appointment Committee”), to retain the services of a successor Integrity Commissioner and a successor Closed Meeting Investigator, the results of which RFP shall be shared with the Participating Municipalities.
5. ONE JIB shall consider the candidate(s) recommended by the Successor Appointment Committee at its first meeting after receipt of such recommendation(s).
6. ONE JIB shall appoint a successor Integrity Commissioner and/or successor Closed Meeting Investigator and enter into appropriate agreements with each such successor and subsequently notify the Participating Municipalities of the identity of the successor Integrity Commissioner and/or the successor Closed Meeting Investigator, as applicable.

SCHEDULE D FEES AND EXPENSES

Approach to Fees and Expenses

As a not-for-profit entity, the ONE Investment structures fees so as to recover its operating costs and set aside appropriate reserves for future investment. Such costs include the design, implementation and continuing operations of the ONE Prudent Investment Offering made available to Participating Municipalities. Fees also cover the cost of adherence to legal and regulatory requirements, including most importantly the proper discharge of the responsibilities of ONE JIB. Neither ONE JIB nor ONE Investment will charge fees directly to Participating Municipalities. Rather, these fees are charged as management fees and expenses of the investment products themselves, or are paid out of the Managed Assets, as described below. The fees indirectly charged by ONE Investment under the ONE Prudent Investment Offering to recover the foregoing costs, expenses and reserves are called the “Governance Fees.”

By entering into the ONE JIB Agreement, a Participating Municipality agrees that the Managed Assets (subject to exceptions as set out in the Participating Municipality’s IPS and Investment Plan) will be invested in (i) the **ONE Pools Offering** – meaning investment in ONE Investment Pools as selected by ONE JIB on the advice and recommendation of ONE Investment; or (ii) the **OCIO Offering** – meaning investment in products selected by the ONE Investment OCIO. All Managed Assets, whether in the ONE Pools Offering or the OCIO Offering, are invested in accordance with, and as set out in, the Participating Municipality’s IPS and Investment Plan.

The “ONE Prudent Investment Offering” currently refers to the ONE Pools Offering and the OCIO Offering. To provide for consistency of client experience, as well as simplified and streamlined client onboarding and reporting, ONE Investment intends to transition all Participating Municipalities to the OCIO Offering, where the OCIO Offering will include investment products substantially similar to the ONE Investment Pools found in the ONE Pools Offering. Once such transition is complete, the “ONE Prudent Investment Offering” will mean the OCIO Offering.

ONE Pools Offering

Participating Municipalities invest in the ONE Pools Offering and pay a single integrated fee (the “**fund fee**”), charged as an expense of the ONE Investment Pools, on the following basis. The ONE Investment Pools are subject to management fees and other expenses, which are described below. Except for taxes, ONE Investment expects to bundle such fees and expenses into a single fee, where the rate of such fee will differ depending on the ONE Investment Pool. In the ONE Pools Offering, fees representing the expenses associated with the operations of ONE JIB and ONE Investment are not charged separately, but are instead integrated into the fund fees. Such fees are approved by the ONE Investment Board and are reviewed, at least annually. The details of the fee structure will be publicly available.

The following is a representative example of the fund fees as at January 1, 2024:

	Cdn Gov’t Bond	Corp. Bond	Global Bond	Global Equity	Canadian Equity
Single Fund Fee	35.0 bps	40.0 bps	45.0 bps	75.0 bps	45.0 bps

Management Fee Discounts

Charging fees on a cost recovery basis makes it difficult to offer Participating Municipalities significant discounts. Any discounts that may apply will be offered solely at the discretion of the ONE Investment Board of Directors and paid directly by ONE Investment to the Participating Municipality to offset fees charged to the ONE Investment Pools.

Name of Discount	Discount in Basis Points (bps)	Description
Founding Municipality Discount	4 bps	In effect for 10 years from the ONE JIB establishment date (July 2, 2020)
Managed Asset Tier \$50 million	6 bps	For Participating Municipality with Managed Assets in excess of \$50 million in ONE Investment Pools. This rebate is cumulative with any other Managed Asset tier discount.
Managed Asset Tier \$100 million	3 bps	For Participating Municipality with Managed Assets in excess of \$100 million in ONE Investment Pools. This rebate is cumulative with any other Managed Asset tier discount.
Managed Asset Tier \$200 million	3 bps	For Participating Municipality with Managed Assets in excess of \$200 million in ONE Investment Pools. This rebate is cumulative with any other Managed Asset tier discount.
Managed Asset Tier \$300 million	3 bps	For Participating Municipality with Managed Assets in excess of \$300 million in ONE Investment Pools. This rebate is cumulative with any other Managed Asset tier discount.

Understanding Fees and Expenses

The single fund fees outlined above will cover costs associated with External Management Fees and Operating Expenses as described below. Each ONE Investment Pool incurs certain trading costs and expenses, as well as HST, and may incur interest charges. These costs are also further explained below.

All fees and expenses reduce the potential returns available from the applicable ONE Investment Pool. Effectively, the aggregate fees indirectly incurred by each Participating Municipality will be a proportion of the amount invested. The aggregate fees indirectly incurred by each Participating Municipality are also influenced by the allocation of the investments among the ONE Investment Pools.

External Management Fees

External management and performance fees (if any) charged by external portfolio managers are included in the single fund fee.

The rate of management fees charged by external managers is generally directly related to the total value of the assets managed by such manager. As assets under management (AUM) increase, the rate of management fees can be expected to fall. As a result, ONE Investment investors can expect to benefit from lower management fees in comparison to investing alone.

Operating Expenses

Each ONE Investment Pool is responsible for its own operating expenses. In addition to the services supplied by ONE Investment to each of the ONE Investment Pools, there are services supplied by third parties. Third party services include custody, unitholder recordkeeping, fund accounting, trustee services, legal, audit and other professional services. These operating expenses are generally paid by ONE Investment on behalf of the ONE Investment Pools and subsequently recovered by ONE Investment through the ONE administration fee.

ONE Investment charges each ONE Investment Pool a ONE administration fee, which is included in the single fund fee. The ONE administration fee compensates ONE Investment for its overhead and other expenses, including recovery of expenses incurred for or on behalf of the ONE Investment Pools. The ONE administration fee allows ONE Investment to provide compensation to, and pay the expenses of, the members of ONE JIB.

This ONE administration fee is not applied at the same rate for all ONE Investment Pools.

ONE Investment intends to monitor the amount of the ONE administration fee to ensure that net revenues remain appropriate, taking into account ONE Investment's not for profit status. Growth of AUM may result in a reduction in the ONE administration fee rate over time, and the quantum and rate of such fee will be evaluated on at least an annual basis.

Trading Costs and Expenses

In the normal course of implementing their investment mandates, the ONE Investment Pools will incur transaction costs. Such transactions costs include trading commissions, exchange fees and duties, interest, regulatory fees and similar ancillary expenses that are associated with the implementation, execution and settlement of portfolio transactions. As is normal industry practice, these transaction costs are borne by the applicable ONE Investment Pool.

Taxes and Interest

Management fees and expenses normally attract HST/GST. All such taxes are excluded in the above fee illustrations. Any interest expense incurred or payable by a ONE Investment Pool is charged as an expense of the applicable ONE Investment Pool.

All fees and expenses will be accrued daily and paid by the ONE Investment Pools.

OCIO Offering

For the OCIO Offering, Participating Municipalities are charged management fees in the form of the OCIO Fee and separately, the Governance Fee, as described below. The Managed Assets are held in investments selected by the OCIO and are subject to management fees and other expenses, which are described below. The OCIO calculates a single OCIO Fee, where the rate of such fee will differ depending on the asset mix of the Managed Assets. Both the OCIO Fee and the Governance Fee are paid from the Managed Assets. The Participating Municipality provides

a direction to ONE Investment to apply cash or redeem investments in order to pay the OCIO Fee and the Governance Fee.

OCIO Fee

Under the OCIO Offering, the ONE Investment OCIO selects the investments which make up the Participating Municipality's investment portfolio, as set out in the Participating Municipality's IPS and Investment Plan. It is expected that the Participating Municipality's Managed Assets will be held in pooled funds and other collective investment vehicles (**OCIO Products**) managed by the OCIO or one of its affiliates. OCIO Fees are payable quarterly in arrears based on the market value of the Managed Assets on the last business day of the quarter. The OCIO calculates the applicable OCIO Fee for each quarter.

The level of fees generally depends on the asset class and investment strategy. Typically, money market and equivalent products attract the lowest fees, and move higher with short term bond funds and mortgage funds, then global fixed income products, then North American equities, global equities, and assets such as real property and infrastructure at the highest end of the fee scale. In addition, the OCIO Fees are generally tiered, so that the rate of fees declines as assets under management increase.

Operating Expenses

Each OCIO Product is responsible for its own operating expenses, which include regulatory filing fees and other day-to-day operating expenses, annual fees, meeting fees and reimbursement for expenses to members of the Independent Review Committee ("**IRC**"), recordkeeping, accounting and fund valuation costs, custody fees, audit and legal fees, and the costs of preparing and distributing annual and semi-annual reports, prospectuses, fund facts and statements and investor communications. These expenses are charged to the OCIO Product in the form of a fixed administrative services fee which is included in, and forms part of, the OCIO Fee.

An illustrative example for the calculation of the OCIO Fees is available from ONE Investment on request.

Base Governance Fee

As stated, the Governance Fee for the OCIO Offering is charged separately from the OCIO Fee. The base Governance Fee is 0.25% of the net asset value of the investment portfolio, and will be reduced as described in "Governance Fee Discounts" below.

Governance Fee Discounts

The base Governance Fee declines with increases in the net asset value of the Participating Municipality's Managed Assets, as follows:

Discount	Discount in Basis Points (bps)	Description
On first \$10 million	0 bps	Net assets up to \$10,000,000
On next \$40 million	2 bps	\$10,000,001 to \$50,000,000
On next \$50 million	6 bps	\$50,000,001 to \$100,000,000

On next \$100 million	15 bps	\$100,000,001 to \$200,000,000
On next \$300 million	19 bps	\$200,000,001 to \$500,000,000
On next \$500 million	20 bps	\$500,000,001 to \$1,000,000,000
On assets above \$1 billion	25 bps	In excess of \$1,000,000,000

Trading Costs and Expenses

In the normal course of implementing their investment mandates, the OCIO Products will incur transaction costs. Such transactions costs include trading commissions, exchange fees and duties, interest, regulatory fees and similar ancillary expenses that are associated with the implementation, execution and settlement of portfolio transactions. As is normal industry practice, these transaction costs are borne by the applicable OCIO Product.

Taxes and Interest

Management fees and expenses normally attract HST/GST. All such taxes are excluded in the above fee illustrations. Any interest expense incurred or payable by an OCIO Product is charged as an expense of the applicable OCIO Product.

All fees and expenses will be accrued daily and paid to the OCIO.

All fees and expenses reduce the potential returns available from the applicable OCIO Product. Effectively, the aggregate fees indirectly incurred by each Participating Municipality will be a proportion of the amount invested. The aggregate fees indirectly incurred by each Participating Municipality are also influenced by the investments selected by the OCIO.

Reporting to Participating Municipalities on Fees

As part of the reporting package, Participating Municipalities will be provided with a fee summary.

For investments in any ONE Investment Pool, in the Pools Offering, fees and expenses charged to the Pool in question are presented as a single fixed charge.

For Participating Municipalities in the OCIO Offering, the OCIO Fees and the Governance Fees will be calculated separately as indicated above.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: 2024 Property Tax Rates and Final Billing Due Dates

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: FS 12-24

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner, Financial Services, Treasurer

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Crystal Doucette, Manager of Revenue
ext. 2815

1. Recommendation:

1. That the 2024 property tax rates for the General Municipal Town Levies, shown in Attachment A of Report FS 12-24, be approved;
2. That the special tax levy and tax rates for the year 2024 for the properties located within the Downtown Whitby Business Improvement Area (BIA), shown in Attachment B of Report FS 12-24, be approved;
3. That the final property tax bill due dates all property tax classes be June 24, 2024 and September 24, 2024;
4. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates and notify Council at the earliest opportunity; and,
5. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2024 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

2. Highlights:

- The Town of Whitby levies property taxes to fund programs and services included in the annual budgets approved by Council. After the budget is approved, tax rates are established to calculate property taxes required to fund the budget.
- These tax rates are calculated based on the Current Value Assessments (“**CVA**”) as determined by the Municipal Property Assessment Corporation (“**MPAC**”) and the tax ratios set by the Region of Durham.
- The Town also levies a Special Tax Levy from properties within the Downtown Whitby Business Improvement Area (“**BIA**”) to fund programs and services provided by the Downtown Whitby BIA Board of Management (“**BIA Board**”).

3. Background:**Municipal Levy**

The Town of Whitby adopted its 2024 Current and Capital Budgets at a meeting held on February 15, 2024.

As of the drafting of this report (March 19, 2024), the Region of Durham’s 2024 budget has not been approved yet. However, the Region of Durham is planning to adopt its 2024 Current and Capital Budgets for General Tax Purposes on March 27, 2024. As the Town also collects property taxes on behalf of the Region of Durham, final 2024 property tax bills (issued by the Town) will be subject to approved Regional by-laws related to their 2024 general tax rates, tax rates for Transit Commission, and Solid Waste Management purposes and property tax ratios.

The final Education tax rates for all classes are established by regulation by the Province of Ontario.

Section 312(2) of the Municipal Act, S.O. 2001 c 25, as amended provides that for purposes of raising the general local municipal levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality ratable for local municipal purposes.

Special Tax Levy for the Downtown Whitby Business Improvement Area (BIA)

By-law 7268-17 established a Downtown Whitby BIA in accordance with Subsection 204 of the Municipal Act.

Section 208 (1) of the Municipal Act, provides that the municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management.

The amount to be raised for the Downtown Whitby BIA will be a special tax levy, which is payable by property owners within the defined Downtown Whitby Business Improvement Area that are in one of the prescribed business property classes, in addition to the Town's general tax levy.

The Whitby Downtown BIA's 2024 budget is also on the Town of Whitby's April 8, 2024 Committee agenda (see Staff Report FS 12-24) and is subject to Council approval. The proposed Special Tax Levy rates outlined in Attachment B attached to this report are in addition to the Town, Region, and Education property taxes. Funds collected from the Special Tax levy will be transferred to the BIA Board for the provision of enhanced services and events in the Downtown Whitby Business Improvement Area.

4. Discussion:

The property tax rates for the Town of Whitby general municipal levy have been calculated to support the town's approved 2024 budget (see Attachment A). Further, tax rates for a Special Tax Levy, in support of the Downtown Whitby BIA 2024 budget are included in Attachment B.

The tax rates for the Region of Durham general purposes, Region of Durham, Transit Commission and Region of Durham waste purposes are anticipated to be passed by Regional Council on March 27, 2024.

The tax rate for Education purposes has been regulated by the Province.

The final tax rates for 2024 are based on the reassessment values completed by MPAC in 2016. A province-wide reassessment was scheduled to be completed, by MPAC, in 2020 to update the 2016 values. However, the Province of Ontario delayed the province-wide reassessment due to the COVID-19 pandemic. Province-wide reassessments are currently still on hold while the Province reviews the accuracy and fairness of the property reassessment system/methodology. Accordingly, 2024 property taxes will be calculated with the same assessment base as the years 2020 - 2023.

Due Dates:

The Final Tax Billing for all tax classes will be issued with tax installment due dates of June 24, 2024 and September 24, 2024.

The Municipal Act requires tax bills to be sent a minimum of 21 days prior to the due date. Accordingly, any delays in the billing process may require a change in the payment due dates for all properties. It is recommended that the Treasurer be authorized to adjust the due dates, should this be required. This adjustment would be known prior to the issuance of the final 2024 tax bills. Adjustments will be communicated to Council at the earliest opportunity.

As in prior years, the Special Tax Levy for the Downtown Whitby BIA will also be issued (only to properties within the Downtown Whitby Business Improvement

Area and in one of the prescribed business property tax classes) as part of the final billing with the same due dates as all other business property tax classes.

5. Financial Considerations:

The property tax levy for Town purposes, as outlined in the approved 2024 budget, totals \$126,467,696.00. Tax rates based on this levy, current value assessments for the various tax classes, and tax ratios (expected to be approved by the Region on March 27, 2024) have been calculated (see Attachment A) and will be included in a future by-law for Council adoption. Should Regional tax ratios change from what is currently proposed for the March 27, 2024 Region of Durham meeting, Town of Whitby staff will re-calculate the Town's general tax levy and special tax levy rates based on the approved tax ratios for the Council by-law and provide a memo on the changes.

The Special Tax Levy for Downtown Whitby Business Improvement Area purposes is included in Attachment B to this report and will also be included in a future by-law for Council adoption.

Similar to the 2020 - 2023 taxation years, the average residential property CVA in Whitby is \$503,000. The Town's portion of property taxes on the average residential tax bill in 2024 is \$2,189.00, or \$435.23 per \$100,000 of residential CVA.

The Special Tax Levy for the Downtown Whitby Business Improvement Area is \$183.52 per \$100,000 of commercial CVA for the impacted properties.

6. Communication and Public Engagement:

In addition to mailing tax bills, the Town will advertise the tax installment due dates on the Town's page in the Brooklin Town Crier prior to each due date. Town staff will also utilize the website and social media to assist with this communication.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

N/A

9. Attachments:

Attachment A - 2024 General Municipal Town Tax Rates

Attachment B – 2024 Downtown Whitby BIA Special Tax Levy Rates

**Attachment "A" to Report FS 12-24
2024 Final Tax Levy**

Tax Class		Taxable Assessment	Municipal Tax Levy	Municipal Tax Rate
Residential Full Rate	RT	23,679,308,200	103,060,317.23	0.00435234
Residential Full Rate (PIL)	RF		-	0.00435234
Residential Farmland Awaiting Development (75%)	R1		-	0.00000000
Residential Full Prov Tenant (PIL)	RP	1,664,500	7,244.46	0.00435234
Residential Full Rate (PIL)	RG	21,197,800	92,259.96	0.00435234
Multi-Residential Full Rate	MT	573,274,200	4,657,071.04	0.00812364
New Multi-Residential	NT	37,720,000	180,587.15	0.00478757
Commercial Full Rate	CT	1,435,901,449	9,061,813.24	0.00631089
Commercial Excess Land	CU	18,487,542	116,672.81	0.00631089
Commercial Vacant Land	CX	83,733,200	528,430.85	0.00631089
Commercial General Rate (PIL)	CG	143,633,300	906,453.67	0.00631089
Commercial General Vacant Land (PIL)	CZ	6,859,000	43,286.38	0.00631089
Commercial Full Rate (PIL)	CF	45,539,900	287,397.21	0.00631089
Commercial Vacant Land	CY		-	0.00631089
Commercial Tax Shared (PIL)	CH	6,244,000	39,405.18	0.00631089
Commercial Vacant Land Shared (PIL)	CJ		-	0.00631089
Commercial Prov Tenant (PIL)	CP	144,700	913.19	0.00631089
Commercial Full Excess Land Prov Tenant (PIL)	CQ	355,100	2,241.00	0.00631089
Commercial General Excess Land (PIL)	CW	2,161,900	13,643.51	0.00631089
Parking Lot	GT	8,753,100	55,239.83	0.00631089
Commercial New Construction	XT		-	0.00631089
New Construction Excess land	XU		-	0.00631089
Shopping Centre Full Rate	ST	603,579,491	3,809,122.58	0.00631089
Shopping Centre Excess Land	SU	300,100	1,893.90	0.00631089
Office Full Rate	DT	19,088,298	120,464.11	0.00631089
Office General	DG	376,400	2,375.42	0.00631089
Office General Excess Land (PIL)	DW	187,900	1,185.82	0.00631089
Industrial Full Rate	IT	142,299,563	1,253,226.99	0.00880696
Industrial Excess Land	IU	3,450,095	30,384.86	0.00880696
Industrial Vacant Land	IX	87,343,900	769,234.50	0.00880696
Industrial Taxable Vacant Land Shared (PIL)	IJ	90,000	792.63	0.00880696
Industrial Taxable Shared (PIL)	IH	5,432,000	47,839.42	0.00880696
Industrial General Vacant land (PIL)	IZ	3,540,500	31,181.05	0.00880696
Industrial General (PIL)	IW		-	0.00880696
Pipelines	PT	42,632,000	228,113.71	0.00535076
Large Industrial Excess Land	LU	1,847,000	16,266.46	0.00880696
Large Industrial Full Rate	LT	115,585,180	1,017,954.41	0.00880696
New Construction Industrial vacant land	JU	0	-	0.00880696
Farmlands	FT	91,437,900	79,593.70	0.00087047
Farmlands Full Prov Tenant (PIL)	FP	1,216,500	1,058.92	0.00087047
Managed Forest	TT	3,704,500	4,030.81	0.00108808
Exempt	EN	1,139,184,554		
Total Returned Assessment		\$28,326,273,772	\$126,467,696.00	

Attachment "B" to Report FS 12-24

2024 Special Tax Levy for Downtown Whitby Business Improvement Area

Tax Class	Assessment	Special (BIA)	Taxes by Class
		Tax Levy	
CT - Commercial Full Rate	\$108,504,000	0.00183518	\$199,124.83
CU - Commercial Excess Land	\$0	0.00183518	\$0.00
CX - Commercial Vacant Land	\$1,511,000	0.00183518	\$2,772.96
DT - Office Full Rate	\$4,201,100	0.00183518	\$7,709.77
E - Exempt	\$21,314,200	0	\$0.00
CF - Commercial Full Rate (PIL)	\$5,093,500	0	\$0.00
GT - Parking Lots	\$2,835,000	0.00183518	\$5,202.74
IT - Industrial Full Rate	\$1,301,200	0.00256103	\$3,332.41
JT - New Industrial Full Rate	\$0	0.00256103	\$0.00
MT - Multi-Res - Full Rate	\$21,513,200	0	\$0.00
RT - Residential Full Rate	\$58,034,300	0	\$0.00
ST - Shopping Full Rate	\$1,284,500	0.00183518	\$2,357.29
XT - New Commercial Full Rate	\$0	0.00183518	\$0.00
	\$225,592,000		\$220,500.00

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Durham Region Farmers' Market Association 2024 – 2027 Lease Agreement

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: CAO 08-24

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:

Kim Tafertshofer, Special Events

Coordinator II, 905 444 2916

Lara Toman, Program Manager, Events,

Tourism and Culture, 905 444 1942

1. Recommendation:

1. That Report CAO 08-24 be received for information;
2. That staff be authorized to prepare a Lease Agreement between the Durham Region Farmers' Market Association and the Town of Whitby, in accordance with the recommendations contained in Report CAO 08-24 for the use of Parking Lot 9 in Brooklin and Celebration Square at the Whitby Public Library effective May 1, 2024, to April 30, 2027; and,
3. That the Mayor and Clerk be authorized to execute the Lease Agreement upon terms substantially in accordance with Attachment 1 of the Report and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor or designate.

2. Highlights:

- The purpose of this Report is to seek Council's authorization to execute a three-year lease agreement between the Town of Whitby and the Durham

Region Farmers' Market Association known locally as the Whitby Farmers' Market and herein after referred to as the Market.

- The Durham Region Farmers' Market Association provides a retail opportunity for local farmers, growers, producers, artists and crafters and an enhancement to both Downtown Whitby and Downtown Brooklin.
- The only significant change to the current lease agreement compared to the previous one is the addition of free parking for market vendors on Wednesdays during their season.

3. Background:

The Durham Region Farmers' Market Association (Market) is a not-for-profit organization that has been in operation since 1997. The Town has partnered with the Market since its launch, working together to improve their location and establish their presence in the downtown. The Market started in Municipal Parking Lot 5 on Green Street, then re-located to the old Fire Hall site in 2007. In 2017 it moved to Celebration Square at the Whitby Public Library. In June 2021, the Market opened its second location in Downtown Brooklin in Municipal Parking Lot 9.

The work of the Market aligns with Whitby's Culture Plan Direction 1, Goal 1, Action D to recognize, collaborate and enhance Whitby's food scene and Direction 1, Goal 4, Action A to support the development of new agri-culinary experiences within Whitby.

The Town of Whitby is committed to collaborating with community partners to host safe and enjoyable events while supporting downtown businesses. Patrons and vendors appreciate the collaboration to bring local food growers and producers together in the community. Each Market location currently has over 30 vendors and includes many local agriculture businesses, growers, producers, bakers, crafters, and artisans. The Market also partners with the Town and attends events such as Brooklin Harvest Festival and Whitby Lights the Night.

4. Discussion:

The Town of Whitby's current lease agreement with the Market was effective from May 1, 2021 and ended on October 31, 2023. Since this lease agreement is expired, staff are seeking Council's approval to enter into a new lease agreement effective from May 1, 2024, to April 30, 2027 which reflects the current terms plus the addition of free parking for market vendors on Wednesdays.

Wednesday Market - Celebration Square

The Market operates at Celebration Square in front of the Whitby Public Library Central Branch on Wednesdays from May to October between the hours of 9:00 a.m. to 3:00 p.m. Celebration Square continues to provide a connection between

the outdoor square and the library in addition to offering Downtown Whitby patrons, business owners and residents an active community space.

The Market can support up to 35 vendor booths at this location and on a weekly basis provides local performers and musicians an opportunity to showcase their talent, creating a lively atmosphere.

Parking in Downtown Whitby on Market Days

In 2023, the Town worked with private property owners to provide support on Market days to assist with directing patrons of the Market to nearby public parking lots.

The Town secured parking enforcement to monitor the area surrounding the Whitby Public Library during peak hours and provided signage to local businesses to assist with parking concerns. The Town also supported the Market with directional 'Green P' parking signs that were placed strategically around the Whitby Public Library block to help further direct patrons to appropriate public parking.

To support the businesses affected during the 2023 Market season, the Town shared communications with patrons regarding the private parking lots and available parking options within the vicinity of the library.

In addition, in 2023, the Town sought a partnership with 360 Insights to utilize the north portion of their parking lot for Famers' Market vendors seeking free parking.

The four (4) parking spaces along King Street are available for Market vendors to load-in/out on market days only.

In 2024, the Town will further support the Market by providing their vendors with free parking in municipal parking lots on Wednesdays during their season.

Saturday Market - Brooklin Parking Lot #9

The Saturday Market operates June to October from 9:00 a.m. to 2:00 p.m. This will be the fourth year for the Market at this location. The Market helps to enhance Downtown Brooklin and provides a walkable convenient location and a second day on a weekend for residents to shop and support local market vendors.

To support the Market in Brooklin, the Town coordinates a portable washroom with hand washing facilities available on market days and provides customized Market banners on the light poles within Municipal Lot 9 as well as Curbex signage directing patrons to their location.

5. Financial Considerations:

The Town's annual operating budget includes \$6,500 to support the Market. This budget includes costs for signage, marketing and promotions and portable washroom rental for the Brooklin location. As part of the 2024 budget process, it was identified that the cost of providing free parking in municipal parking lots for Market vendors is an additional \$5,000 per year. Council provided direction to

proceed with the free parking but not to include it in the budget. Accordingly, the \$5,000 will be offset by other operating budget savings in 2024 and future years.

The Market collects membership fees from their vendors to help pay for their own operating costs.

6. Communication and Public Engagement:

Both Communications and Creative Services and the Creative Communities teams continue to support the Market by providing design and coordination of Curbex signage, parking and directional signs, event marketing, advertisements and promotional support through the Town's website, social media channels and access to hang their large banner on the library's external wall.

7. Input from Departments/Sources:

Delivery of the Market relies on continued collaboration among municipal departments and the Whitby Public Library. This report has been prepared in collaboration with Legal Services.

8. Strategic Priorities:

The Market aligns with Whitby's Community Strategic Plan (CSP) 2023 – 2026, as identified in:

- Strategic Pillar 1: Whitby's Neighbourhoods, Action 1.2.2 Enhance Whitby's culinary and live music sectors through collaborative partnerships.
- Strategic Pillar 3: Whitby's Economy, Action 3.1.4 Supports the green economy, agriculture, and agri-business.
- Strategic Pillar 3: Whitby's Economy, Action 3.2.5 Implement initiatives that support our downtowns as thriving destinations.

The Market ensures both accessibility and sustainable practices and principles are incorporated throughout the set-up and market day by ensuring they are resilient, pedestrian friendly, for all abilities and continue to take into consideration various types of abilities and barriers. As an example, the Brooklin location has the accessible parking available steps from access to the Market. The Market provides opportunity to bring local farmers into the community to deliver fresh, local food to a growing number of shoppers that enjoy food that is not only healthy, but environmentally friendly and sustainable.

9. Attachments:

Attachment 1 – 2024-2027 Durham Region Farmers' Market Association Lease Agreement

THIS AGREEMENT made this as of this ____ day of ____ 2024

BETWEEN:

THE CORPORATION OF THE TOWN OF WHITBY

(hereinafter called "the Town")

OF THE FIRST PART,

- and -

DURHAM REGION FARMERS' MARKET ASSOCIATION

(hereinafter called "the Association")

OF THE SECOND PART.

WHEREAS the Town is the registered owner of the Whitby Public Library – Central Branch, municipally known as 405 Dundas Street West, Whitby, Ontario and Municipal Parking Lot 9, municipally known as 3 Vipond Road, Whitby, Ontario, and as more particularly described in Schedule "A" attached hereto ("the Premises");

AND WHEREAS the Association wishes to use a portion of the Premises as set out on Schedule "B" and Schedule "C" attached hereto, and more particularly described below, to operate a Farmers' Market (the "Market");

NOW, THEREFORE in consideration of the covenants and agreements herein contained and hereby assumed, the parties for themselves and their respective successors and assigns do hereby covenant and agree with one another as follows:

SECTION 1 - USE OF PREMISES

1.1 The Town hereby grants to the Association, permission to use a portion of the Premises, further defined herein, for the purpose of the Market and for no other purpose whatsoever.

1.2 Celebration Square Location: The Association shall be permitted to use the space at the front of the Whitby Public Library – Central Branch ("Celebration Square"), situated in front of the library between Henry Street and King Street, and fronting onto Dundas Street West, as outlined in red on the sketch attached hereto as Schedule "B". Celebration Square has been booked by staff through the Town's permitting system to the Association.

1.3 Municipal Parking Lot 9 Location: The Association shall be permitted to use Municipal Parking Lot 9 ("Lot 9") fronting onto the south side of Vipond Road, and the intersection of Vipond Road, Campbell Street and Price Street, with the exception of 14 parking spaces, and 4 accessible parking spaces, at the south end of Lot 9 and as outlined in red on the sketch attached hereto as Schedule "C".

1.4 The Market operating hours shall be between 9:00 am and 3:00 pm on Wednesdays in Celebration Square, commencing on the first Wednesday in May and ending on the last Wednesday in October. The Market operating hours shall be between 9:00 am and 2:00 pm on Saturdays in Lot 9, beginning on the first Saturday in June and ending on the last Saturday of October ("Market Days").

1.5 The loading and unloading for the Market shall take place on Market Days. Loading shall commence no earlier than 6:00 am on Market Days. Unloading shall be completed no later than 4:30 pm on Market Days. Access to the Premises shall only be allowed on Wednesdays at Celebration Square and Saturdays at Lot 9.

1.6 Access may be provided for any other special occasion event operated by the Association, provided that the Town provides consent in writing, in advance of any special occasion event. The Town may withhold or delay its consent for any special occasion event in its sole and unfettered discretion, shall not be required to give reasons for withholding or delaying its consent, and any decision by the Town to withhold consent for a special occasion event shall be final.

1.7 The Association shall not exceed a maximum of 35 vendor spaces at each location. Each vendor space shall be a square space measuring 10-feet by 10-feet. The maximum vendor spaces and layout are outlined on Schedules "B" and "C" attached.

1.8 The Association shall be allowed use of the public washrooms on the main floor of the Whitby Public Library – Central Branch from no earlier than 8:00 am to 4:00 pm on Celebration Square Market Days and the public washrooms at the Brooklin Community Centre and Library from 8:00 am to 4:00 pm on Lot 9 Market Days.

1.9 The Association's vendors, if required, may use the Vendors Unloading area on King Street as set out on the sketch attached hereto as Schedule "B" for loading and unloading vending materials only prior to and after operating hours. The Association shall implement an operational schedule which details each individual vendor's loading and unloading times during each season. The Association shall provide each vendor with the operational schedule and ensure that each vendor is loading and unloading in accordance with the operational schedule. The operational schedule shall adhere to the Whitby Farmers' Market Code of Conduct attached as Schedule "E".

1.10 The Association's vendors will be provided free parking in municipal parking lots on Wednesdays during their season set out in Section 1.1. Vendors will be provided with a permit which is to be presented and displayed while parking during Market Days. In order to obtain a permit to park during Market Days, vendors shall provide the Town

with the make, model, year and license plate number of the vehicle which will be parked. Only the vehicle to which the permit is issued will be permitted to use free parking on Market Days. In the event that a different vehicle will be parked, the vendor shall provide the Town with the make, model, year and license plate number of the new vehicle to be parked as well as the previously issued permit. Vendors will not be permitted to have more than one permit at any one time.

1.11 The vendors will endeavour to use alternative municipal parking lots located in Downtown Whitby to alleviate congestion and free up parking to accommodate patrons using Parking Lot 7 adjacent to the Whitby Public Library. Vendors are required to provide a licence plate for entry into the parking system, and clearly display a permit. Parking is not guaranteed and is subject to availability.

1.12 The Association shall be allowed use of a portion of Parking Lot 9 on the Premises ("designated area") between Vipond Road and Cassels Road as set out on the Schedule "C". Parking Lot 9 has been booked by staff through the Town's permitting system to the Association.

1.13 The Town, at its discretion, shall also provide a portable washroom and hand washing station to be located at Municipal Parking lot 9 for use on Market Days only. The Town will arrange the weekly maintenance of these facilities. The Association will be responsible to open, lock and secure the facilities at the end of each market day

SECTION 2 - TERM

2.1 The term of this Agreement shall be for three (3) years, commencing on the 1st day of May 2024 and ending on the 30th day of April 30, 2027 (the "Term").

SECTION 3 - FEE

3.1 The Association shall pay to the Town the sum of One Dollar (\$1.00) of lawful money of Canada payable in advance.

3.2 The Association shall pay any taxes, rates, fees or assessments of every description, and licenses, which may be charged or imposed, during the Term hereof, as a result of the Association's use of the property.

SECTION 4 - ASSOCIATION COVENANTS

4.1 The Association shall be responsible for the removal of any and all garbage accumulated on Market Day. All items inside or outside of the Premises shall be removed at the end of any Market Day. The Town shall not be held responsible for items left after Market Day and may dispose of same in any manner whatsoever. The Association shall keep the area of the Premises used by it in a clean and tidy condition.

4.2 The Association shall be responsible to identify, assess and mitigate any hazards, to minimize potential injury or harm to vendors and/or attendees (i.e. tripping hazards, secure and stable shelters, loading area vehicular traffic movement).

SECTION 5 - ASSIGNMENT

5.1 The Association shall not assign, sublet, or licence the Premises without the consent of the Town, which consent may be unreasonably withheld or delayed and the Town shall not be required to give any reason therefore.

SECTION 6 - TERMINATION

6.1 It is hereby agreed and understood that the Association or the Town may terminate this Agreement at any time, for any reason whatsoever and without the need to give any reason therefore, by giving sixty (60) days prior written notice to the address as set out in Section 14 herein. The Town reserves the right to terminate this Agreement at any time, without notice, should the Association not adhere to the terms and conditions as set out in this Agreement.

SECTION 7 - DAMAGE TO PREMISES

7.1 The Association shall ensure no damage is done to the Premises on Market Day and the Association shall immediately give notice to the Town of any damage that occurs to the Premises from any cause.

SECTION 8 - APPLICABLE LAWS

8.1 The Association hereby covenants and agrees to use the Premises and operate the Market in accordance with all federal, provincial, and municipal laws, orders-in-council, by-laws and any regulation of any governing agency having jurisdiction.

8.2 Any goods offered for sale at the Market shall conform to, be displayed, and stored, in accordance with all federal, provincial, and municipal laws, regulations, orders-in-council, by-laws or any regulation of any government agency having jurisdiction.

8.3 The Association hereby agrees to ensure that vendors follow the terms and conditions as set out in the vendor application, as updated yearly to reflect the appropriate Market Days, the Rules and Regulations of the Market, attached as Schedule "D" to this Agreement, and the Code of Conduct attached as Schedule "E" to this Agreement. Any concerns regarding the Code of Conduct raised by vendors and any corrective measures required as a result of non-compliance with the Code of Conduct shall be managed and administered by the Association.

8.4 The Town reserves the right to restrict the sale of any item.

SECTION 9 - INSURANCE

9.1 The Association shall provide and maintain during the term of this Agreement Commercial General Liability insurance acceptable to the Town and subject to limits of not less than \$5,000,000.00 inclusive per occurrence for bodily injury, property damage, personal injury, contractual liability, owner's and contractor's protective coverage, contingent employer's liability, cross liability and severability of interest clause, products and completed operations and non-owned automobile liability.

9.2 The Commercial General Liability insurance policy shall be in the name of the Association and shall name the Town as an additional insured and be written with an insurance company licensed to write in Canada.

9.3 Such policies of insurance shall contain an endorsement to provide the Town with thirty (30) days written notice of cancellation.

9.4 Evidence of insurance to be completed on the Town's certificate of insurance form, attached as Schedule "F" hereto, prior to the execution of the Agreement and during the term of the Agreement as requested. If requested by the Town, certified copies of the above referenced policy must be provided.

9.5 This Section does not relieve the Association from liability arising from or contributing to by its negligence or its misconduct nor is any insurable interest conferred upon the Association under any insurance policy carried by the Town, and the Association has no right to receive proceeds from any of those policies.

9.6 The Association shall promptly comply with all requirements (provided that they are reasonable and not inconsistent with the Association's rights under this Agreement) of the Town's insurance underwriters regarding use and occupancy of the Premises, and the Association shall not do or omit to do, or permit to be done or omitted anything that shall cause any insurance premium with respect to the Premises or any part thereof to be so increased or cause any policy of insurance to be cancelled. If any insurance premium shall be so increased for such a cause the Association shall pay to the Town forthwith upon demand the amount of such increase. If any Insurer threatens to cancel, cancels or refuses to renew any insurance policy carried by the Town by reason of the use or occupancy of the Premises by the Association for reasons not permitted by this Agreement, the Association shall forthwith rectify or remedy such situation within the time limit required by the Insurer upon being requested to do so in writing by the Town, and if the Association shall fail to do so the Town may at its option, without prejudice to any other rights it may have, terminate this Agreement by notice to the Association.

9.7 The Town shall not be liable for death or injury of any nature whatsoever that may be sustained by the Association or any vendor, employee, agent or customer of the Association or any other person for whom the Association is at law responsible arising from any occurrence in, upon, at or relating to the Premises and the Association shall indemnify, defend and save harmless the Town from any costs, claims and damages

arising. Without limiting the generality of the foregoing, the Town shall not be liable for any damage or damages of any nature whatsoever to persons or property on the Premises the Association, the vendors, any occupant, or person in the Premises and for whom the Association is at law responsible.

SECTION 10 - INDEMNIFICATION

10.1 The Association shall indemnify, defend and save harmless the Town, its elected and appointed officials, employees and agents, from and against all losses, claims, damages, actions, causes of action, costs or expenses (including but not limited to legal fees, disbursements and taxes on a solicitor client basis) that the Town may sustain, incur, suffer by reason of or arising from or out of this Agreement, or any occurrence in, upon or at the Premises, or the occupancy or use by the Association or any of its invitees of the Premises, or any part thereof, including any breach, violation or non-performance by the Association, of any covenant, term or provisions of this Agreement, or by reason of any injury or death resulting from, occasioned to or suffered by any person or persons or any Premises by reason of any act, neglect or default on the part of the Association or any of its agents, employees, invitees, vendors, or volunteers.

SECTION 11 - SIGNAGE

11.1 All signage shall be confined to and located on the Premises and shall not be erected without the prior consent of the Town.

11.2 The Town, at its discretion, will provide 2 Curbex signs and social media promotion of the Market throughout the season.

11.3 The Town, at its discretion, will provide directional and parking signs as applicable. The Association is responsible for placing the signage in locations before and collecting following each market day.

11.4 The Town, will provide access to the wall of the Whitby Public Library for installation of a large banner, at the Association's cost to install, subject to the Banner Procedure

SECTION 12 - ALTERATIONS

12.1 The Association agrees not to make alterations in, or additions or improvements to the Premises including grading or drainage of the property, without the Town's prior written consent, such consent may be denied in the sole and unfettered discretion of the Town.

SECTION 14 - NOTICE

14.1 Any notice required by this Agreement shall be made in writing and shall be considered given or made on the day of delivery if delivered before 5:00 pm by email, facsimile or by personal delivery, or three (3) business days after the day of delivery if sent by prepaid registered mail addressed as follows:

The Corporation of the Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8
Facsimile: 905-668-7812

Durham Region
Farmers' Market Association
100 Walnut Street West
Whitby, Ontario, L1N 2V9

Attention: Chris Harris
Director, Legislative Services/Town Clerk
Email: Clerk@whitby.ca

Attention: Sara Demoe
Market "Association" Manager
Email: whitbyfarmersmarket@gmail.com

SECTION 15 - MISCELLANEOUS

16.1 Entire Agreement: This Agreement contains the entire Agreement between the parties hereto with respect to the Premises and there are no prior representations, either oral or written, between them other than those set forth in this Agreement. This Agreement supersedes and revokes all previous negotiations, arrangements, options, representations and information conveyed whether written oral or written.

16.2 Amendments: No alteration, amendment, change or addition to this Agreement shall bind the Town or the Association unless such alteration, amendment, change or addition is in writing and signed by the Town and the Association, or unless otherwise provided for in this Agreement.

16.3 No Partnership: Nothing in this Agreement shall create or be construed to create an agency, partnership or joint venture between the Association and the Town.

16.4 Registration: The Association shall not, at any time, register notice of, or a copy of this Agreement on title to the Locations.

16.5 Successors and Assigns: The rights and liabilities of the parties shall ensure to the benefit of their respective heirs, executors, administrators, successors, and assigns, subject to any requirement for consent by the Town pursuant to this Agreement.

16.6 Waiver: The failure of either party at any time to require performance of any provision shall not affect the right to require performance at any other time, nor shall the waiver by either party of a breach of any provision be a waiver of any succeeding breach or a waiver of the provision itself.

16.7 Interpretation: If any provision of this Agreement is declared illegal, void or unenforceable for any reasons, such provision shall be severed from the balance of this Agreement and the remaining provisions hereof shall continue in full force and effect.

16.8 Force Majeure: If and to the extent that either the Town or the Association shall *bona fide* be prevented, delayed or restricted in the fulfillment of any obligation hereunder, other than with regard to any moneys due, as a consequence of any cause beyond the control of the party affected thereby that prevents the performance by such party of any obligation hereunder and not caused by its default and not avoidable by the exercise of reasonable effort including, without limitation, strikes, labour disturbances, civil disturbance, acts, orders, legislation, regulations or directives of any government or public authority, acts of a public enemy, war, riot, sabotage, earthquake, fire, storm, hurricane, flood, explosion or act of God, it shall be deemed not to be a default in the performance of such obligation and any period for the performance of such obligation shall be extended accordingly and the other party to this Agreement shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned. The provisions of this Section, however, shall not operate to excuse any party from the prompt payment of amounts owing hereunder.

16.9 Governing Law: This Agreement shall be governed and interpreted in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.

16.10 Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. If the signature is delivered by facsimile transmission or by email delivery of a scanned data file (Adobe PDF or otherwise), such signature shall create a valid and binding obligation on the party executing the Lease with the same force and effect as if the facsimile or scanned data file (Adobe PDF or otherwise) were an original thereof.

SIGNATURE PAGE TO FOLLOW

IN WITNESS of the foregoing covenants the Town and Association have executed this Agreement.

SIGNED, SEALED AND DELIVERED

DURHAM REGION FARMERS' MARKET ASSOCIATION

Per:_____

**Sara Demoe, Manager
Durham Region Farmers' Market Association
"Association"**

I/We have authority to bind the "Association"

THE CORPORATION OF THE TOWN OF WHITBY

Per:_____

Mayor – Elizabeth Roy

Per:_____

Town Clerk – Christopher Harris

I/We have authority to bind the Corporation

Schedule "A"

Legal Description ("the Premises")

Celebration Square:

Lots 1, 2, 3, and 4, 1st Double Range, Plan H50032, Whitby, except Parts 25 and 31, Plan 40R-508; Lots 17, 18, 19, and 20, 1st Double Range, Plan H50032, Whitby, except Part 1, Plan 40R828 and Part 31, Plan 40R-508, Town of Whitby, Regional Municipality of Durham

Being all of PIN 26502-0009 (LT)

Municipal Parking Lot 9:

Part Prince Street Plan H50052, as closed by CO124625; Part South ½ Lot 24, Concession 6, as in CO193234; Town of Whitby, Regional Municipality of Durham

Being all of PIN 26573-0148 (LT)

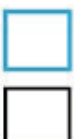
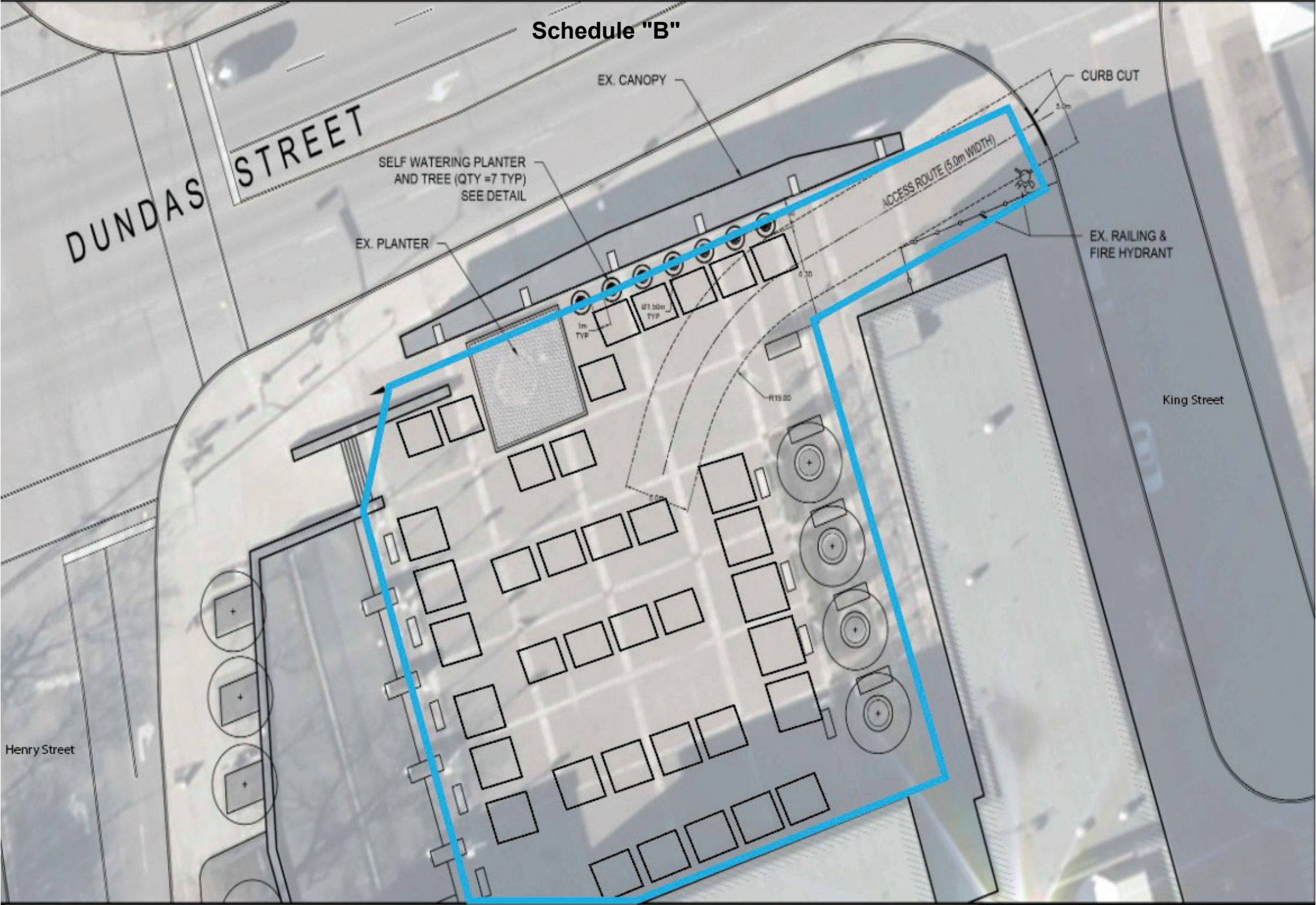
Part Lot 80, Plan H50052, Part 1 on Plan 40R-22512; Town of Whitby, Regional Municipality of Durham

Being all of PIN 26573-0215 (LT)

Part South ½ Lot 24, Concession 6, Parts 1 & 3, Plan 40R-24504; subject to an Easement Over Part 1, Plan 40R-24504, in favour of Part Lot 24, Concession 6, Part 2, Plan 40R-24504, as in DR693629, Town of Whitby, Regional Municipality of Durham

Being all of PIN 26573-0223 (LT)

Schedule "B"



Designated Area






10x10 Booth Space

Durham Region Farmers' Market Association Site Plan
 Celebration Square, 405 Dundas Street West, Whitby



DRAWN BY: TOW	DATE: February 13, 2024
	SCALE: 1:250
DRAWING TITLE: CELEBRATION SQUARE	DWG #: L-1



	Large Capacity Hand Wash Station
	Portable Washrooms - Accessible (2)
	Accessible Parking
	Farmers Market Vendor Booths 10 x 10
	Baracades - no entry

Schedule "D"



Durham Region Farmers' Market Association

Brooklin Farmers' Market

VENDOR APPLICATION – 202 4 Market Season

June 8th – October 12th ~ Saturdays 9am – 2pm

whitbyfarmersmarket.ca

Entire application must be completed for approval.

Vendor Name: _____

Business Name: _____

Address: _____

City & Postal Code: _____

Phone Number: _____ Cell Number: _____

Email Address: _____

Category(s) of Product(s) to be marketed: Farmer – Grower – Producer – Baker – Crafter – Reseller

What Percentage of your product(s) do you produce personally? (Please be accurate) : _____ %

NOTE: Market Rules & Regulations require all vendors to produce a minimum of 70% of products for sale and all other items for sale **MUST** be Canadian Grown/Produced

Will you be selling prepared foods? **YES** **NO** Circle one

NOTE: **ALL Prepared Food Vendors are required to complete the "Food Vendors Application Form" found on our website**. Upon approval by the Health Department a copy of the approved form is required to be submitted with your vendor application.

Product(s) to be marketed:

Describe in detail – all items found for sale at market and not pre-approved will have to be **removed immediately**.

In the space below, please submit a brief biography of yourself, the history of your business AND any links to social media or websites you have. This will assist the Board of Directors and Market Manager in assessment/approval of this application.

All vendors are required to supply their own 10'x10' tent with appropriate weights, along with their own tables and display items.

MARKET SCHEDULE

JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER
<i>8</i>	<i>6</i>	<i>3</i>	<i>7</i>	<i>5</i>
<i>15</i>	<i>*</i>	<i>10</i>	<i>14</i>	<i>12</i>
<i>22</i>	<i>20</i>	<i>17</i>	<i>21</i>	
<i>29</i>	<i>27</i>	<i>24</i>	<i>28</i>	
		<i>31</i>		

Will your attendance be for the full season?

YES

NO

If NO, which dates do you wish to attend?

(Circle dates on schedule above)

☐ Check this box to indicate you have read and agree to the Farmers' Market Code of Conduct & Rules & Regulations .

ANNUAL NON -REFUNDABLE MEMBERSHIP FEE(All non-seasonal vendors) - **\$20**

All fees due upon approval of application

Seasonal Stall Fee - \$ 330.00 single (10'X10')
 Additional stall(s) - \$ 125.00 each (Maximum 2 additional stalls)
 \$ 330.00 + (___ X \$ 125.00) = \$ _____
 Pop-up Fee- \$ 30.00 single per day
 4 Week Fee - \$ 100.00 single

PLEASE CIRCLE THE CHOICE IN THE ABOVE LIST WHICH PERTAINS TO YOU

I, _____, have read and agree to comply with the current Farmers' Market Code of Conduct & Rules & Regulations and to abide the By -Laws of the Association. I understand that failing to comply with these automatically forfeits my rights to sell any product at the Whitby Farmers' Market. I acknowledge that the Durham Region Farmers' Market Association and the Town of Whitby shall not be held responsible for any damages of theft associated with the rental of the stall space.

Vendor Signature: _____

Date: _____

Market Official Signature: _____

Date: _____

Completed applications and any questions regarding this application and can be directed to:

whitbyfarmersmarket@gmail.com

Sara Demoe – Market Manager
 100 Walnut St W.
 Whitby, ON L1N 2V9



Schedule "E"

Whitby and Brooklin Farmers' Market Code of Conduct & Rules and Regulations – 2024

*SUBJECT TO CHANGE.

All vendors will:

1. *Treat customers, Market Manager, volunteers and fellow vendors with courtesy, patience and honesty.*
2. *Not act in a manner that is rough, menacing, vulgar, profane and abusive, including making anyone uncomfortable to be in the Market space.*
3. *Assist fellow vendors whenever possible.*

To ensure the application of the above principles, the Whitby Farmers' Market Manager shall have the power to institute disciplinary and corrective proceedings.

- Each vendor is required to produce a minimum of 70% of the product they intend to sell at market. The main goal of the DRFMA is to promote buying local and support of local producers therefore, whenever possible, it is important that any resell items you may wish to sell be from Ontario.
- Each non-seasonal vendor is expected to purchase a \$20 non-refundable membership at the beginning of the market season.
- **Vendors must arrive no less than 30 minutes before 8:30am (in Whitby) or 9:00am (in Brooklin) and set up in their designated location or risk being considered late. If a full-time vendor is not present 15 minutes before opening, the Market Manager may rent the stall to another vendor for the day.**
- **To avoid any stress and/or danger to vendors and customers, a loading and unloading schedule will be implemented.**
- **Vendors must keep their stalls open during market hours and not dismantle early unless authorized by the Market Manager. Vehicles can't move until the market closes. Vendors must leave no later than 1 hour after the market closes. Late departures, early departures, lingering after the market closes, or unsafe driving in the market area can result in disciplinary and corrective proceedings at the discretion of the Market Manager. ***
- Resale items are not permitted in the market when the item in question is available locally.
- Any new items that are not listed on the application form that a vendor wishes to add to their stall must be brought to the attention of the Market Manager and approved **before** being made available for sale.
- Your stall space is 10 feet x 10 feet (20 feet X 10 feet / 30 feet X 10 feet). That is the area your stall fee covers and that is the area you are permitted to make use of. Occasionally there may be days when a vendor will miss a market day. On these days the surrounding vendors are encouraged to spread out to make the market appear fuller, but this is considered the exception to the rule.
- While we strive to offer exclusivity of product, there may be more than one vendor selling the same item at any time.
- It is the vendors' responsibility to keep the area around their stall(s) clean and remove any remaining items/garbage at the **end of market day**.
- Vendor vehicles are required to be out of the market area and each vendor should be ready for customers **before** the market is set to open. It is necessary that vendors unload and move their vehicle out of the market area **before** setting up their booths. This is for safety purposes as customers tend to come into the market early and other vendors need to unload their wares as well.

- There will be no small vendor vehicle parking within the perimeters of the market.
- Payment of membership fees must be paid upon approval of application, acceptance into the market and before you set up on your first day of market.
- **Stall fees, when paying as a daily (pop-up) or a monthly basis are to be paid upon approval of application, acceptance into the market and before you set up on your first day of the market.**
- It is imperative that all concerns a vendor has must be addressed by the Market Manager immediately.
- To maintain Farmers' market status there are not to be more baker/crafter vendors accepted into the market(s) than we have farmer vendors. (i.e., if we have 3 farmers, we can only have a maximum of 3 bakers and/or 3 crafters)
- Washroom facilities for the Whitby Market are located inside the Whitby Public Library and are accessible after 8am. Washroom Facilities for the Brooklin Market include a port-a-loo on site, and public washrooms inside the Brooklin Community Centre & Library.
- Market days will run regardless of the weather (rain or shine or snow)
- Each vendor is responsible for adequate liability insurance coverage for the duration of their Farmers' Market Membership. Their proof of insurance is required along with their application form. WFM bares no responsibility for any vendor property on the market.
- 48 hours' notice (**9:00am Thursday for Brooklin attendees, 9:00am Monday for Whitby attendees**) to the Market Manager is required if a vendor must cancel their scheduled market day. Notice of cancellation **must be** sent via email, text, or a phone call directly to the Market Manager.
- Vendors are required to display a vendor sign stating their farm or business name within their allotted space. 'Sandwich board' type signs in front of tables may be acceptable, if they do not impede traffic or block another stall from view. The use of such signs must be approved by management.

Brooklin Harvest Festival Event:

- Any vendor wishing to be involved in the distinguished annual Brooklin Harvest Festival Event must be approved by the Market Manager and:
 - Have paid in full and attended a minimum of **8 scheduled market dates** prior to the event date.
 - **New 2024 vendors unable to attend 8 market dates must pay the Brooklin Harvest Festival fee listed in their application to attend.**
 - If for any reason you are absent on a scheduled date prior to the event, you must reschedule a make-up date with the approval of the Market Manager to avoid forfeiture at the Festival Event.
 - Failure to comply with any of the previous stipulations regarding the Brooklin Harvest Festival will result in the forfeiture of involvement and any monies previously paid.
 - **There are no exceptions.**
- **Please print this document and keep a copy with you at the market and/or give a copy to whomever is running your stall.**



Schedule "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 law to provide bodily injury and property damage insurance.

Commercial General Liability Insurance (minimum limit to be evidenced - \$1,000,000 unless otherwise required)

Insuring Company	Policy Numbers	Amount of Coverage	Effective Date DD/M/YR	Expiry Date DD/M/YR
	CGL			2019
	Excess Liability (if applicable)			
Provisions of Amendments or Endorsements (if any)				

Professional Liability Insurance (minimum limit to be evidenced - \$1,000,000 unless otherwise required)

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 <input type="checkbox"/> No <input type="checkbox"/>				
- If the policy is on a claims made basis have there been any claims notices given for this policy term Yes <input type="checkbox"/> No <input type="checkbox"/>				

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

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: FES 01-24 - Durham College Partnership – Whitby Fire & Emergency Services Inclusivity Excellence Scholarship Award

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: FES 01-24

Department(s) Responsible:

Fire and Emergency Services

Submitted by:

Fire Chief Michael Hickey

Acknowledged by M. Gaskell, Chief Administrative Officer
--

For additional information, contact:

Michael Hickey, Fire Chief, ext. 4331

Recommendation:

1. That Whitby Fire & Emergency Services (WFES) partners with Durham College via the Inclusive Excellence Scholarship Award in exchange for fleet usage in the Fire Pre-service Program for a period of three (3) years, with Durham College's option to renew for an additional three (3) years;
2. That Durham College solely funds two (2) Inclusive Excellence Scholarships valued at approximately \$7,500 per recipient/student for a total cost of \$15,000 annually, for the term of the lease, as consideration for the annual lease payments to the Town;
3. Scholarship recipients will be comprised of racialized and/or economically challenged high school students from the Town of Whitby, who have been accepted into either the Fire Fighter Pre-Service Education and Training or the Fire Prevention and Technology programs;
4. WFES continues to provide Durham College access to a 2009 Seagrave Marauder II Pumper for use in the Pre-service Firefighter Education and Training program, as required throughout the curriculum;

5. That the Mayor and Clerk be authorized to execute the lease agreement upon terms substantially in accordance with Report FES 01-24, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate;
6. WFES services and communicates the maintenance schedule for the 2009 Seagrave Marauder II Pumper, ensuring the apparatus is available and transported to the appropriate service destination;
7. Through newly created public education programming for high school students and signage at Fire Headquarters, WFES promotes the strategic alliance and scholarship with Durham College.

Highlights:

- In alignment of WFES' efforts to promote the fire service as a career opportunity to racialized or economically challenged individuals, WFES approached Durham College with a scholarship program proposal as a means to give back to the community we serve.
- Scholarships valued at \$7,500 each, will provide two (2) graduating high school students accepted into Durham College's fire programs with the financial support to open opportunities for post-secondary education in a fire service-related field.
- WFES would be the first municipal Fire & Emergency Services Department to partner with Durham College and award this type of scholarship to two (2) deserving high school students.

Background:

The purpose of this report is to propose a partnership between Durham College and WFES to create the Inclusivity Excellence Scholarship Program.

Durham College and WFES have enjoyed a mutually beneficial relationship for several years, relying upon one another to support important initiatives. Recently, conversations began on how to enhance this relationship to ensure that Durham College continues to have access to relevant WFES equipment for training purposes.

WFES has been providing Durham College access to a 2009 Seagrave Marauder II Pumper for their fire service programs since 2017, at the rate of \$1 per year. In reviewing previous arrangements and in alignment of WFES efforts to promote the fire service as a potential career avenue for racialized and/or economically challenged individuals, WFES approached Durham College with a scholarship award program proposal as a means to give back to the community we serve.

This visionary initiative was meticulously crafted to nurture diversity in the fields of fire suppression and fire prevention, with a distinctive focus on empowering individuals from

racialized or economically challenged backgrounds. Two recipients, living in the Town of Whitby and enrolled in Durham College's Firefighter Pre-Service Education and Training or Fire Prevention Technology programs, will be selected from an adjudication panel and will be awarded a scholarship in the amount of \$7,500 to assist with tuition and course expenses. This collaboration marks a pivotal moment in shaping the future of aspiring professionals within the fire industry.

Discussion:

Over the last several years, WFES in partnership with other departments, have focused on ways to increase the representation of racialized and/or economically challenged individuals in its ranks and through the recruitment process. Like the Town's administration generally, WFES strives to recruit individuals that reflect the demographics of our community. Such efforts included geographically advertising job opportunities via social media outlets, adjusting minimum qualifications to expand candidate pools, hosting virtual information sessions and/or adjusting weighted pre-screening questions in recognition that not all candidates may have financial access to complete additional qualifications and/or certifications prior to being hired full-time.

Durham College will work with WFES to confirm criteria related to racialized and/or economically challenged communities within the Town of Whitby. The adjudication and selection decisions of the scholarship recipients will be made solely by Durham College panel members.

Representatives from WFES will be provided opportunities to meet the recipients and may engage in mentoring and/or guidance via virtual or in-person meetings as a means to add additional value to the student's learning experience.

Financial Considerations:

Durham College will pay \$15,000 annually for use of the Town-owned pumper. However, in lieu of a payment to the Town, Durham College will provide two (2) students with an Inclusive Excellence Scholarship Award (outlined above), of approximately \$7,500 each at an annual cost of \$15,000.

Whitby Fire & Emergency Services reports that the Town will continue to provide service and maintenance to the 2009 Seagrave Marauder II Pumper; at an estimated costs at \$4,500 annually.

Promotional materials and/or signage for the new scholarship will be funded by Durham College.

Communication and Public Engagement:

WFES will utilize the Public Education Officer, in collaboration and consultation with Corporate Communications and appropriate parties at Durham College to advertise and

promote the Scholarship Opportunity. In addition, WFES will be posting signage of this opportunity at Fire Headquarters.

The partnership will begin with a three (3) year commitment with the first enrolment intake in September 2024.

Promotion in Whitby secondary schools will commence as soon as possible, upon approval of the agreement, and each subsequent year as the programs are often over-subscribed and the application process begins early.

Below please find a proposed timeline for this initiative:

- March 2024 – April 2024
 - Durham College and WFES promotions commence
- March 2024 – May 2024
 - Scholarship application portal/process opens and accepting submissions
- May 2024 – June 2024
 - Durham College panel to adjudicate all applications
- June 2024
 - Two (2) recipients selected, and Scholarships are awarded

Input from Departments/Sources:

The Town's Senior IDEA Specialist was consulted regarding this scholarship proposal, assisting in the development of naming the potential scholarship and the criteria of deserving recipients. Moving forward WFES envisions collaborating with Corporate Communications. Input on the proposal was also provided by Financial Services and Legal and Enforcement Services, Legal Services Division.

Strategic Priorities:

The recommendation contained in this report advances the following Strategic Pillars and Actions identified in the Town's Community Strategic Plan:

- Whitby's Neighbourhoods – Safe, Healthy, & Inclusive
 - Objective 1.1 – Improve community safety, health, and wellbeing

WFES' efforts of promoting careers within the fire service industry to young individuals within the community will assist in increasing attraction and/or candidate pools for a career within the fire services. As the Town's population continue to grow, more emergency service professionals are required to respond, and an increasing number of qualified candidates will be required to keep the community safe.

- Whitby's Neighbourhoods – Safe, Healthy, & Inclusive
 - Objective 1.2 – Increase opportunities to acknowledge and celebrate the diversity of the community

Through this partnership with Durham College, the Inclusivity Excellence Scholarship Award will extend full tuition support to deserving racialized and/or economically challenged high school students in the Town of Whitby. This financial assistance will increase post-secondary educational opportunities for aspiring young professionals in the fire service industry as WFES strives to have a workforce that models the community we serve.

Attachments:

N/A

Memorandum to Council

Community Services Department

Parks Planning Division



To: Mayor and Members of Council

CC: Sean Malby, Sr. Manager Parks Planning & Development; Christopher Robertson, Planner I, Parks Planning

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

From: John Romano, Commissioner, Community Services

Date: April 18, 2024

File #:

Subject: Revision to Report CMS 04-24, Attachment 2 - Commemorative Tree and Bench Policy MS 260

Please be advised that Section 3.1.3 of the proposed Commemorative Tree and Bench Policy MS 260 has been updated since the Committee of the Whole meeting to add a font height requirement that has recently been endorsed by the Town's Accessibility Coordinator.

The addition to Section 3.1.3 is below:

3.1.3 The lettering on the plaques must be:

- Sans Serif font;
- 8mm text height minimum (text height is the measurement of capital letter H);
- Mixed case – not all capitals; and,
- High tonal contrast with background of plaque.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Commemorative Tree and Bench Policy Update

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: CMS 04-24

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner of
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Christopher Robertson, Planner I - Parks
Planning, 905.444.1936

Mattson Meere, Supervisor, Parks
Planning, 905.444.1829

1. Recommendation:

1. That Council approve the proposed amendments to the Commemorative Tree and Bench Policy, Policy Number MS 260, Attachment 2 of Report CMS 04-24;
2. That Council approve the proposed 2024 fee structure for the updated Tree and Bench Commemorative Program, as shown in Attachment 5 of Report CMS 04-24;
3. That the Fees and Charges By-law be updated to reflect the minimum donation amounts listed in Attachment 5 of Report CMS 04-24; and,
4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.

2. Highlights:

- The updated policy expands the scope of dedications to allow a broader range of commemorations, including celebrating special occasions, such as births and engagements, or adding meaningful positive messages or poetry.

- The updated policy aims to support efficient delivery of the program by providing a framework that encourages dedication of existing bench assets and prioritizing new tree and bench dedications in locations pre-selected by staff based on design criteria and standards.
- The updated policy introduces new cost saving measures to ensure fees are in line with other municipalities, including:
 - Fastening bench dedication plaques to the backrest of benches
 - Changing the design and material of dedication plaques
 - Structuring fees to incentivize dedications at priority locations.

3. Background:

The Commemorative Tree and Bench Program was first established in 1993 and subsequently formalized and adopted by Council in 2011 (Staff Report Number CMS 31-11). The current policy allows for applicants to dedicate a tree with a plaque in Civic Park or a bench in any Whitby park or open space.

The program was paused in 2020 for numerous reasons: to review the rising costs and financial pressure of utilizing other funding sources to cover program costs; Civic Park and sections of the waterfront reaching capacity for dedications; and multiple requests from residents for tree dedications in other parks not permitted under the current policy. Since the program pause, Parks staff have received ongoing requests for dedications, highlighting the strong interest from residents in continuing the program.

The pause of the program allowed staff to review the current program and associated costs, obtain public input and review other municipal programs to compare approaches and identify best practices. In Fall 2022, the Town facilitated an online survey to gather feedback about the program and potential changes (Attachment 4). The proposed policy updates aim to streamline the application process, reduce costs, support efficient use of staff resources, and ultimately ensure the long-term success of the tree and bench dedications in the Town of Whitby.

4. Discussion:

Benches

The current program allows for the dedication of existing park and trail benches and for the purchase and installation of newly dedicated benches anywhere within the Town's park system. Consequently, new benches installed through the program may not be located where they are most needed and offer the greatest benefit to park and trail users. Popular locations, such as the waterfront, have become over supplied with benches that require ongoing maintenance and replacement. The current program is not operationally efficient as staff must plan to complete concurrent bench installations that can be scattered across the Town, leading to increased staff time and implementation costs.

The proposed revisions to the policy encourage the dedication of existing benches and the dedication of new benches in priority areas (identified by the Town) by increasing the minimum donation amount for dedication of benches in non-priority areas to better reflect Town costs. Accordingly, the installation of new dedication benches will prioritize locations that address the Town's accessibility and park standards to ensure new bench assets are not unnecessarily created.

Town staff will pre-select priority locations for new bench dedications two times per year, in the spring and fall seasons. These locations will meet the Town's standards and generally be clustered in a few locations to allow for efficient installation. These pre-selected priority areas will rotate each season to provide dedication opportunities throughout the Town.

Requests for bench dedications at non-priority locations may be submitted but will be subject to evaluation by staff to ensure they meet the Town's standards. The minimum donation amounts for this program will be structured to reflect full cost recovery, where possible, and the additional staff time required to plan and install benches in non-priority locations.

Trees

The current policy only permits commemorative trees with plaques to be planted within Civic Park at Town Hall. Today, there are a limited number of remaining tree planting locations. Additional tree dedication locations are needed to support the continued delivery of the program, but the provision of additional planting locations needs to mitigate against the potential operational inefficiencies of permitting tree dedications to be scattered across Town each planting season.

The amended policy proposes to expand the potential locations for installing new trees with plaque dedications to all Whitby parks and open spaces. However, to ensure the program is delivered efficiently and reduces costs to applicants, Town staff will pre-select priority locations two times per year, for the spring and fall planting seasons. Establishing specific planting areas on a seasonal basis will ensure staff time is efficiently utilized by planning, coordinating servicing locates, planting and watering a few focused areas each season. The pre-selected priority areas will rotate each season to provide dedication opportunities throughout the Town.

Requests for tree dedications in non-priority areas may be submitted but will be subject to evaluation by staff to ensure they meet park design standards. Similar to the benches (above), the proposed revisions to the policy encourage the dedication of existing trees and the dedication of new trees in priority areas by increasing the minimum donation amount for dedication of trees in non-priority areas to better reflect Town costs.

By expanding the availability of locations for commemorative tree dedications, the remaining locations at Civic Park can be reserved for individuals who have made outstanding service contributions to the Town.

Plaques

The current dedication plaques are bronze and secured to a concrete pedestal at the base of a tree or underneath a dedicated bench. The installation of precast concrete pedestals onto the concrete slab underneath benches is costly and time consuming.

The amended policy proposes that dedication plaque for benches be fastened to the backrest of the bench instead of the concrete slab beneath the bench, making them easier to install and more visible to people. Further, it is recommended that the standard bronze plaque, used for tree and bench dedications, be replaced with one made of aluminum to reduce costs and match the aesthetics of the benches used by the Town.

Expanding the Scope of Dedications

The current policy only permits dedications for person who are deceased. No other municipal commemorative program reviewed, as part of the policy update had, any limitations on what or who could be commemorated if the text was deemed appropriate by staff. See Attachment 6 – Review of Municipal Commemorative Programs.

The amended policy proposes to expand the scope of commemorations and dedication text subject to the wording meeting criteria identified in section 3.1.5. The change would benefit the Town by creating a variety of positive messages, such as expressing one's love, celebrating a new child, or sharing a poem. The addition of other types of commemorations may also help to dilute the appearance of tree and bench dedications from resembling a cemetery by adding uplifting messages for residents in parks and open spaces.

Replacement of Tree and Bench Dedications

The current policy stipulates that the Town will pay for and replace any vandalized tree plaque or bench plaque for the first year. Outside of vandalism, the policy does not specify how long the Town will maintain and replace any tree or bench dedication plaque. Given the significant cost of tree and bench dedications to applicants, they'd like to know that their dedication will remain in place for certain period. A review of commemorative programs in other municipalities found many replace plaques indefinitely, as needed, at no cost to the donor for the life of the tree/bench, while others have 2-10 year warranty periods (see attachment 6). Operations and other municipalities have noted that vandalism and/or damage to plaques is very rare.

The amended policy proposes that all trees, benches, and plaques installed as part of the program be warrantied for a period of ten years from the date of installation. If during the warranty period a tree, bench, or plaque fails or is the subject of vandalism or damage, the Town will replace or relocate any trees, benches, and plaques at no cost to the donor. The Town may choose to replant trees or relocate benches to an alternative location to avoid future vandalism or damage.

Program Capacity and Mapping Availability

Applications for a commemorative tree or bench will be accepted year-round, however, planting and installation plaques and benches will occur twice per year; once in the spring and once in the fall. Operations has estimated that they will have capacity to complete 5 new benches, 15 existing benches, and 10 new tree dedications in each spring and fall period.

As part of the approach to prioritize existing benches for dedications, Parks Planning and Development Staff will map all existing benches that are available for dedication so they may be shared with potential applicants, including on the Town's Commemorative Tree and Bench website.

Timing for Re-Launching the Dedication Program

Following approval of the updated policy, applications for dedications will reopen with the first installations commencing in Fall 2024. Staff will begin contacting potential applicants on the current waitlist to determine their interest in proceeding with a tree or bench dedication. Operations is planning to allocate additional capacity this year, barring any unforeseen circumstances, to help address the existing waitlist and dedication inquiries that have been received since the program was paused.

Potential Dedication Monument

The majority of dedication requests have historically been for locations along the Town's waterfront. Due to the limited availability of tree and bench dedication areas along the waterfront, staff are proposing to study the potential design, location, and costs for providing a public art installation that could accommodate many dedications. This approach has worked well in other jurisdictions and provides an alternative for dedications along the waterfront, where the majority of commemorative requests are being made. In the online survey, over 86% of respondents were very supportive or somewhat supportive of this potential initiative (see Attachment 4).

Examples of commemorative monuments are provided on Attachment 3. Plaques of various themes or whimsical styles could be used and potentially evolve into celebrating other life events or occasions.

5. Financial Considerations:

Payments made related to the commemorative tree and bench program are considered donations to the Town (e.g. monetary donation to the Town for a future purchase a tree or bench). The Town will issue donation receipts for income tax purposes ("**Donation Receipts**") for:

- donations that exceed \$20.00 Note: donations may be made to the Town for the purchase of future trees and benches that are less than the minimum donation amounts noted in Attachment 5. However, to participate in the program, i.e. to dedicate a tree or bench, donations must meet or exceed the minimum donation amount; and,

- An amount excluding the cost of the plaque (in the case of bench dedications) or the cost of the plaque and pedestal (for tree dedications).

Donation Receipt for Income Tax Purposes

As noted above, the donation receipt will exclude the cost of the plaque, and pedestal (if applicable) as these costs are considered a benefit (e.g. recognition) that flows back to the donor. The benefit is referred to as an “**Advantage**” by the Canada Revenue Agency and is deducted from the total donation amount on the Donation Receipt.

Currently, the cost of a plaque is \$44.64 (for bench dedications) and the cost of a pedestal and plaque is \$380.14. Examples of Donation Receipt amounts that will be issued for a new bench dedication and new tree dedication in a priority location are as follows:

1) Bench Example

Donation Amount	\$3,240.58
Less: Advantage	<u>(\$44.64)</u>
Eligible Amount of Donation/Gift	<u>\$3,195.94</u>

2) Tree Example

Donation Amount	\$888.97
Less: Advantage	<u>(\$380.14)</u>
Eligible Amount of Donation/Gift	<u>\$508.83</u>

As shown in the examples above, the monetary donations are \$3,240.58 and \$888.97 for the bench and tree dedication, respectively. However, the eligible amount on the Donation Receipt will be \$3,195.94 and \$508.83, respectively (based on current costs). According to Canada Revenue Agency rules, should the advantage (i.e. cost of the pedestal and plaque, in this case) exceeds 80% of the donation amount, the Town will not be able to issue a Donation Receipt. The advantage under this program does not exceed the 80% threshold.

Dedications Reserve Fund

The 2011 Report CMS 31-11 established a “Dedications” Reserve Fund for tree and bench dedications at existing tree and bench locations. Payments received to install a plaque at an existing tree or bench location that did not already have a plaque, would be allocated to this reserve to help offset future tree or bench replacements. As of the end of 2023, the Dedications Reserve has an unaudited balance of \$15,004 which is fully committed to fund benches and trees.

Accordingly, the uncommitted balance in the Dedications Reserve Fund is \$0 and this new program will help rebuild the reserve to fund future replacement of trees and benches.

The new Tree and Bench Dedication program would continue to allocate net revenues related to tree and bench dedications to this reserve. Further, Town staff costs related to the installations were incorporated into the cost recovery considerations in determining the minimum donation amounts listed in Attachment 5 but will not be recovered directly from the capital projects to be established for the program. Accordingly, any remaining funds in the capital projects, funded from the tree and bench dedication donations, will also be allocated to the Dedications Reserve after installation and invoice payments.

Existing (2024) Capital Project

There is an existing 2023 Capital Project (70230003 Bench and Tree Dedications) that has been carried forward into 2024 with a remaining budget of \$15,003. Community Services Department staff report that this will be sufficient to re-start the program and install 5 benches in the Fall of 2024.

Going forward (2025 and beyond), staff will incorporate a Bench and Tree Dedication project in future proposed capital budgets. The project will be funded primarily from commemorative tree and bench donations received in the year. Any surplus remaining in these capital projects will be allocated to the Dedication Reserve for the future replacement of trees and benches.

6. Communication and Public Engagement:

The Town's Commemorative Tree and Bench Program has been paused to address proposed policy changes. During the Fall of 2022, the Town facilitated online engagement including a survey to gather feedback about the program and potential changes (Attachment 4). The Town website indicates that the policy is currently under review. Once the policy update is adopted by Council, the program will be re-launched in phases – starting with an update to Connect Whitby project page subscribers, followed by priority outreach to members of the public currently on the waitlist to determine their interest in proceeding with a tree or bench dedication, and then communications to the general public as tree and bench locations become available

7. Input from Departments/Sources:

Various Town internal departments have been involved in the process to review and update the existing Tree and Bench Commemorative Program. Parks Operations has provided valuable information regarding the concerns around staff efficiencies, costs, and program protocols. Legal Services, Office of the Town Clerk and Finance have provided information and assistance to help guide the process.

8. Strategic Priorities:

The recommendations of this report advance the Town's Strategic Plan, including increasing opportunities to acknowledge and celebrate the diversity of the community, enhancing community connectivity and beautification and delivering services that respond to community needs while balancing the impact to taxpayers.

9. Attachments:

Attachment 1 – Previous Tree and Bench Dedication Commemorative Program (2011)

Attachment 2 – Tree and Bench Commemorative Program Policy (2024)

Attachment 3 – Examples of Commemorative Monuments

Attachment 4 – Summary of Tree and Bench Dedication Program Online Survey

Attachment 5 – Fee Schedule

Attachment 6 – Review of Municipal Commemorative Programs



Town of Whitby Policy

Policy Title:	Tree and Bench Dedication Commemorative Program and Policy
Policy Number:	MS 260
Reference:	Council Resolution #185-11
Date Originated:	May 30, 2011
Date Revised:	Not applicable
Review Date:	As required
Approval:	Council
Point of Contact:	Community and Marketing Services

Policy Statement

The Corporation of the Town of Whitby recognizes that Whitby citizens often wish to dedicate items within the Town's green spaces in remembrance of passed loved ones. For this reason, the Town has established the following policy. The policy provides an opportunity for remembrance by permitting, subject to certain specific conditions, the donation of a tree or park bench. This may be augmented by the provision of a commemorative plaque in conjunction with a tree or bench.

Purpose

The purpose of the policy is to allow for the provision of trees, park benches and commemorative plaques for the remembrance of deceased residents and/or deceased persons who were not residents but who have devoted extensive amounts of their time to the community, charity or volunteer service within Whitby. Such installations are provided for at the cost of the individual purchasing the commemorative item. Responsibility for maintenance of the items, within specific parameters, is provided for by the policy.

Scope

The policy applies to tree, park bench and bronze plaque dedications. The policy applies to all parks and open spaces owned by the Town of Whitby. It does not apply to lands leased to others for whatever purpose or lands leased from others for park and open space purposes.

Limitations to the sites for trees and benches are provided in recognition of the fact that such installations can interfere with active sport facilities, design parameters intended to reduce crime, affect the growth habit of trees and interfere with maintenance operations.

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Procedure

1 Application of Dedication Plaques

- 1.1** Subject to the other provisions of this policy, dedication plaques may be purchased by individuals, organizations or corporations for:
- Past Whitby residents who are deceased;
 - Persons who are deceased and were non-residents, but who have made a significant contribution to public service, charitable works or volunteering in Whitby; and
 - Past Whitby residents or non-residents, who are deceased and have performed a heroic act in the service of others in Whitby.
- 1.2** Significant contributions to public service, charitable works or volunteering shall be for organizations, groups, and charities serving the Whitby area.

2 Trees without Plaques

- 2.1** Trees without plaques may be installed in any park or open space, subject to the requirement that there is adequate space available to plant the tree. The specie of tree may only be selected from the approved list of species appended to this policy as revised from time to time.
- 2.2** While the donor may select the general location requested for the tree, Forestry/Parks Operations Staff may adjust the location subject to the location considerations.
- 2.3** Under this section the person or persons purchasing a tree will receive a certificate from the Town recognizing the donation.

3 Benches without Plaques

- 3.1** Benches without plaques may be placed in any park or along any open space trail. However benches are only permitted within areas where there is an existing hard surface walking/seating area of asphalt or concrete suitably sized and situated to accommodate the bench. Where a hard surface area for the bench is not available a bench shall only be permitted if the donor pays for the construction of a suitable pad to accommodate the bench and a suitable location for the pad is available. A donor may also contribute to replace an existing bench which has reached the end of its life cycle.
- 3.2** While the donor may select the general location requested for the bench, Parks Operations Staff may adjust the location.

4 Installation of Plaques with Trees or Benches

- 4.1** Bronze plaques may also be purchased to accompany the dedication of a tree or bench. Bronze plaques in conjunction with trees are only permitted within Civic Centre Park. Bronze plaques purchased to accompany dedication benches may be permitted in any park or along any open space trail but shall only be located on the hard surface beneath the bench.

5 Installation of Plaques at Existing Trees and Benches

- 5.1** Bronze plaques may be placed adjacent to any existing tree without a plaque or a newly purchased tree within Civic Centre Park. Bronze plaques may be placed in conjunction with any existing bench in any existing park or open space trail or a newly purchased bench.
- 5.2** In order to maintain a fund for the future replacement of trees and benches, notwithstanding the fact that the proposed plaque may be installed at an existing tree or bench, the donor will be required to contribute the cost of a tree or bench at the time of purchase of the plaque.

6 Location Consideration

- 6.1** While the person purchasing the tree or bench is free to suggest the proposed location, certain location requirements shall apply as noted below. The appropriate member of the Staff of Forestry/Operations/Parks or combination thereof shall make the final and precise determination of location, also abiding by the criteria below.
- 6.2** Trees or benches under this program shall only be located in accordance with the following criteria:
- a) The location does not interfere with any active park facility.
 - b) The location would be considered appropriate in accordance with design criteria related to Crime Prevention Through Environmental Design (CEPTED).
 - c) The location does not interfere with approved park design including horticultural or arboricultural components or displays.
 - d) Sufficient space is provided for the proposed or existing tree(s) at maturity.
 - e) The location does not interfere with maintenance requirements.
 - f) Impacts on other properties are considered including spread of the tree or spread of trees on abutting properties, views from properties and overviews of other properties, and access for maintenance.

7 Costs

- 7.1** The donor shall pay the full costs of the purchase, supply, delivery and installation of the tree and/or bench and plaque, and where required, the hard surface for the bench. The schedule of costs shall be established by the Town based upon the Town's normal providers and shall be updated from time to time.

- 7.2** Due to concerns for risk management, maintaining quality and safety of product and installation, and in the case of trees the potential for disease and infestation, substitution of other providers, contractors, or do-it-yourself work shall not be permitted.

8 Plaque Names and Wording

- 8.1** Dedication plaques are only permitted for persons who are now deceased. Names of persons who have been proven to have been involved in criminal activity shall not be permitted. The wording on plaques shall at all times be subject to the approval of the Supervisor of Parks Development or designate. In general wording will not be permitted if it:

- Would bring the image of the Town in disrepute;
- Mentions tobacco, alcohol or controlled substances;
- Indicates political affiliation;
- Would be considered discriminatory, derogatory or offensive according to race, gender, ethnicity, sexual orientation, religion or similar factors; and
- Represents a proprietary brand.

9 Policy Limitation

- 9.1** Nothing in this policy shall limit the ability of any individual, organization or corporation to make a monetary donation to the Town for the purpose of tree planting or the provision of benches to be utilized at the Town's discretion or to be held in reserve for future replacement of trees and benches.

10 Maintenance

- 10.1** All items installed under this policy become the property of the Town of Whitby. It shall be the responsibility of the Town to maintain the facilities supplied under this policy.
- 10.2** It is noted that from time to time issues of vandalism may occur. Where a tree, bench or plaque is the subject of vandalism, the Town shall only be responsible to replace the damaged item on one (1) occasion within the first year of its installation. Following the second incident of vandalism within this period, the item will be removed. Town Staff would suggest location alternatives to address the vandalism issue and be responsible to replace the item.
- 10.3** It is noted from time to time that trees die prematurely due to weakness, poor micro climate conditions, disease or infestation. Where a tree dies prematurely, the Town shall be responsible to replace the tree. Forestry Staff may suggest alternate specie at the time of replacement based on their knowledge of the causal factors.

- 10.4** Nothing herein shall prevent the immediate removal of any item deemed by Town Staff to constitute an immediate safety issue and in the case of trees where the tree is subject to an infestation or disease which may spread to other surrounding trees.
- 10.5** Should Town property containing dedication trees and benches with plaques be redeveloped, the Town shall make its best efforts to relocate the items within the redeveloped property. Where the property is sold, the Town shall make its best effort to relocate benches and plaques to an alternate Town park or open space. Trees will not necessarily be relocated and new trees may be provided. The Town may also make arrangements with the property purchaser to retain the facilities in situ. The Town may also relocate bronze plaques to a location and in an arrangement as may be directed by Council.

11 Responsibilities

- 11.1** The Superintendent of Operations or designate shall:
- approve the precise location of the installation of trees, benches and/or plaques;
 - consult with the Supervisor of Parks Development as required;
 - maintain a list of appropriate species for use under this policy; and
 - oversee the supply, delivery and installation of the items including the scheduling of same.
- 11.2** The Supervisor of Parks Development or designate shall oversee the application process. Applications may be made in person at the Community and Marketing Services Department or on-line (as facilities exist). The Supervisor shall also maintain the fee schedule, as well as a record of trees and benches purchased and their locations (which would be confirmed by Parks Operations). Fees are approved annually by Council.

12 Reporting to Council

- 12.1** Staff may report to Council from time to time and seek direction on matters related to this policy involving:
- Policy updates;
 - Fees;
 - Resolution of disputes;
 - Financial implications; and
 - Other matters as deemed appropriate.

This Policy is hereby approved by Council Resolution #185-11 on this 30th day of May, 2011.



Town of Whitby Policy

Policy Title:	Commemorative Tree and Bench Policy
Policy Number:	MS 260
Reference:	Council Resolution #XX-24
Date Approved:	March 4, 2024
Date Revised:	Replaced MS 260 Tree and Bench Dedication Commemorative Program and Policy
Approval:	Council
Point of Contact:	Community Services

Policy Statement

The Corporation of the Town of Whitby (hereafter the “Town”) recognizes that Whitby citizens often wish to dedicate items within the Town’s green spaces in commemoration and celebration of cherished moments, events and people. For this reason, the Town has established the following policy. The policy provides an opportunity for commemoration by permitting, subject to certain specific conditions, the donation of a tree or park bench in conjunction with dedication plaque.

Purpose

The purpose of the Commemorative Tree and Bench Policy is to outline the process and parameters for the dedication of trees and benches with commemorative plaques in the Town of Whitby.

Scope

The policy outlines the Town’s departmental responsibilities and process for evaluating applications for dedications, as well as the installation and maintenance of commemorative trees, benches, and their associated plaques in parks and along trails in open spaces owned by the Town. It does not apply to lands leased to others for whatever purpose or lands leased from others for park purposes.

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- 3.7 Maintenance
- 4. Future Commemorative Opportunities
- 5. Donation and Tax Exemptions
- 6. Reporting to Council

1. Definitions

- 1.1. **Donation** refers to the participation in the Tree and Bench Commemorative Program through the gifting of funds to the Town for the installation of a commemorative tree or bench dedication.
- 1.2. **Plaque** refers to a plate of metal that would be attached to a bench or installed adjacent to a commemorative tree planting, bearing commemorative text.

2. Responsibilities

2.1. The Parks Operations Division shall:

- 2.1.1 Provide inspection of tree and bench plaques from a hazard perspective as needed.
- 2.1.2 Consult with the Supervisor of Parks Development or delegate, as required on matters related to installation and maintenance.
- 2.1.3 Advise on suitable locations for tree and bench dedications, as well as suitable species.
- 2.1.4 Oversee the supply, delivery and installation of trees and benches.
- 2.1.5 Oversee the installation of plaques on benches or trees.
- 2.1.6 Repair or replace damaged plaques on benches or trees in accordance with the section below on maintenance.

2.2 The Parks Planning and Development Division shall:

- 2.2.1 Review, approve, and oversee the application process.

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Policy Number: MS 260

- 2.2.2 Respond to reported damage of a plaque on a bench or tree and coordinate necessary repairs or replacement subject to the discretion of the Supervisor of Parks Development. See section below on maintenance.
- 2.2.3 Consult with the Manager of Parks Operations or delegate as required, in order to determine suitable locations for tree and bench dedications, as well as suitable tree species to be used for dedications.
- 2.2.4 Oversee the supply and delivery of plaques on benches and trees.
- 2.2.5 Maintain the fee schedule (annually).
- 2.2.6 Maintain a record of dedications.
- 2.2.7 Provide a map with pre-determined planting locations for each season (confirmed by Parks Operations).
- 2.2.8 Provide and maintain a list of suitable tree species to be used for dedications.
- 2.2.9 Provide and maintain an inventory map of all tree and bench dedication locations (confirmed by Parks Operations).

3. General

3.1. Plaques and Wording

- 3.1.1 Subject to the other provisions of this policy, plaques for benches and trees may be donated by individuals, organizations, or corporations with requested wording for plaques subject to review and acceptance by the Supervisor of Parks Development, or delegate.
- 3.1.2 Approximate size of plaques will be 10 x 20 cm (4 x 8 inches).
- 3.1.3 The lettering on the plaques must be:
 - Sans Serif font;
 - 8mm text height minimum (text height is the measurement of capital letter H)
 - Mixed case – not all capitals; and
 - High tonal contrast with background of plaque.
- 3.1.4 The wording on plaques shall be generally a maximum of seven lines of text, and approximately 35 characters per line, including spaces, subject to the approval of the Supervisor of Parks Development or delegate.
- 3.1.5 In general, wording will not be permitted if it:

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- Would bring the image of the Town in disrepute;
- Uses profane, vulgar or sexually suggestive language as determined by the Supervisor of Parks Development in their sole and unfettered discretion;
- Mentions, whether expressly or by reasonable inference, tobacco, alcohol, cannabis or any controlled substances, or the use of tobacco, alcohol, cannabis or any controlled substances;
- Indicates political affiliation;
- Would be considered discriminatory, derogatory or offensive based on one of the protected grounds as set out in the *Human Rights Code* or other similar grounds;
- Represents a proprietary brand or is any kind of marketing or form of promotion; and

3.2. Trees

- 3.2.1 New tree plantings may only occur at locations approved by staff.
- 3.2.2 Any new tree plantings must be of a species of tree which is contained on the list of approved species, as approved by the Town from time to time.
- 3.2.3 Existing trees that are not currently dedicated will be considered for dedication at the request of applicants subject to a review by the Supervisor of Parks Development or delegate and the feasibility of installing a plaque without injuring the tree.
- 3.2.4 Donations may be made for the Town's purchase of trees with or without dedication plaques. Applicants donating funds for a tree dedication will receive a certificate from the Town recognizing the donation.
- 3.2.5 Plaques will be fixed to a concrete pedestal located adjacent to the tree.

3.3. Bench

- 3.3.1 New bench installations may only occur at locations approved by the staff.
- 3.3.2 Existing benches that are not currently dedicated will be considered for dedication subject to a review by the Supervisor of Parks Development or delegate.

3.3.3 Donations may be made for the Town's purchase of benches with or without dedication plaques. Applicants donating funds for a bench dedication will receive a certificate from the Town recognizing the donation.

3.3.4 Plaques will be fixed to the backrest of a park bench.

3.4. Installation Timing and Capacity

3.4.1. Trees, benches and plaques will be planted and installed in the spring and fall of each year.

3.4.2. Applications received from September 1 – March 31 will be installed in the spring.

3.4.3. Applications received from April 1 – August 31 will be installed in the fall.

3.4.4. The Parks Planning and Development and Parks Operations division will plan to accommodate a maximum number of installations each season based on staffing resources. Applications will be reviewed on a first come first serve basis. Should the number of applications exceed staff capacity for a given season, then applications may be deferred to then next installation season.

3.4.5. The Town reserves the right to pause applications should it be determined that there are no available locations for commemorative dedications or if there is a backlog of tree/bench dedication installations.

3.5. Location Considerations

3.5.1 Priority location(s) for the installation of new trees and bench dedications will be predetermined seasonally where staff deem a significant need exists in order to ensure efficient delivery of the program while limiting unwarranted future maintenance and replacement costs.

3.5.2 The Town will update online mapping (seasonally), to inform applicants of the predetermined tree planting locations.

3.5.3 The Town may consider requests from applicants for alternative or non-priority locations for the installation of new tree and bench dedications. Approval of these requests will be at the discretion of the Supervisor of Parks Development or delegate, in consultation with the Manager of Parks Operations to ensure the proposed locations are appropriate. The approval of alternative locations will be subject to additional fees to cover the additional staffing time to coordinate, install and water alternative locations.

- 3.5.4 Locations for tree plantings and bench installations must not interfere with active sport facilities, design parameters intended to reduce crime, affect the growth habit of existing trees, or interfere with maintenance operations and installation schedules.
- 3.5.5 An online mapping tool will be available for viewing the location of tree and bench dedications.

3.6. Costs

- 3.6.1 Minimum Donation amounts for the Town's purchase of trees/benches and other costs related to plaques and pedestals will be established annually through the Town's Fees and Charges by-law, subject to Council approval.
- 3.6.2 The Minimum Donation amounts for this program will be structured to reflect full cost recovery, where possible, and the additional staff time required to plan and install benches and trees in non-priority locations.
- 3.6.3 All installations shall be completed by the Town. Due to concerns associated with risk management, maintaining quality and safety of product and installation, and in the case of trees the potential for disease and infestation, substitution by other providers, contractors, or do-it-yourself work shall not be permitted.

3.7 Maintenance

- 3.7.1 All items installed under this procedure become the property of the Town and are subject to the maintenance and warranty provisions of this section. It shall be the responsibility of the Town to maintain the facilities supplied under this procedure.
- 3.7.2 Cremains, memorial wreaths, flowers, or any other items in the vicinity of any tree or bench is prohibited and any such items will be removed.
- 3.7.3 All trees, benches and plaques that have been installed as part of the Town's Tree and Bench Commemorative Program will be warranted for a period of ten years from the date of installation. If during the warranty period a tree, bench, or plaque fails or is the subject of vandalism or damage, the Town shall replace and/or relocate any trees, benches and/or plaques at no cost to the donor. The Town may choose to replant trees or relocate benches to an alternative location to avoid future vandalism or damage.
- 3.7.4 If after ten years from the date of installation a dedication tree, bench or plaque is no longer serviceable, the Town will remove the item. Town staff

shall make every effort to contact the donor who may then apply to have the item replaced at cost.

- 3.7.5 Should circumstances arise, such as safety concerns or park redevelopment, that require a dedicated tree or bench to be removed by the Town, then staff shall make every effort to contact the donor and relocate or replant a tree or bench at an alternative location.

4. Future Commemorative Opportunities

- 4.1 This policy does not preclude the potential for the Town to develop additional commemorative opportunities. For example, a monument wall or art piece for the purposes of accommodating multiple dedication plaques at landmark locations, such as the waterfront.

5. Donation and Receipts for Income Tax Purposes

- 5.1. Donations received by the Town to purchase and install trees and benches on Town-owned property will be eligible for Official Donation Receipts for Income Tax Purposes ("**Donation Receipts**") to be issued to the person providing the donation, in the year the donation was received.
- 5.2. Donations Receipts will be in the amount of the donation received less the cost of the plaque and pedestal (collectively called the "**Advantage**" on the Donation Receipt).
- 5.3. If the Advantage exceeds 80% (or a different amount prescribed by the Canada Revenue Agency) of the donation amount, no Donation Receipt will be issued.
- 5.4. Donations received (for the Town to purchase trees and benches) that are less than the Minimum Donation amounts outlined in the Fees and Charges by-law may be eligible for Donation Receipts outlined in 5.1 but would not be eligible for this program. Such donations will be allocated directly to the Dedications Reserve.
- 5.5. Donations will be allocated:
- directly to the Dedications Reserve, (a reserve fund that was established in 2011 for the future replacement of trees / benches and is funded from the Commemorative Tree and Bench program donations); or
 - to a capital project for the installation of trees, benches, pedestals (if required), and plaques. Any remaining funding in commemorative tree and bench capital projects, originally funded from donations, will be

transferred to the Dedications Reserve following final payment of all invoices related to the capital project.

6. Reporting to Council

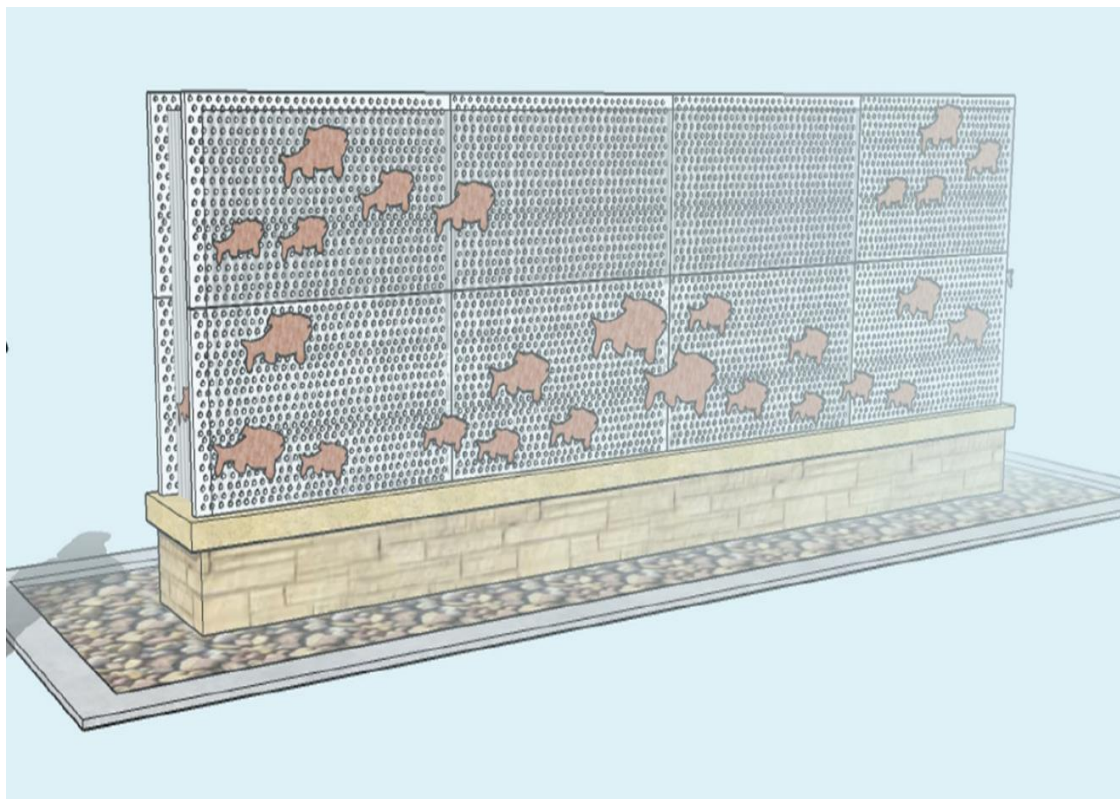
6.1. Staff may report to Council from time to time and seek direction on matters related to this policy involving:

- Policy updates;
- Fees;
- Resolution of disputes;
- Financial implications; and
- Other matters as deemed appropriate.

[Click here to enter text](#)

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.

Attachment 3 Examples of Commemorative Features









Town of Whitby Tree and Bench Dedication Survey Results:

As part of the Town of Whitby's process to update the current tree and bench dedication policy, Parks staff completed community consultation through online engagement to gauge public interest and input on the updated policy and proposed changes.

The public engagement process has now been completed and the results of the public consultation process are summarized below for councils' consideration. Further, Staff have provided recommendations and a draft copy of the proposed policy for review and recommendation.

Parks Staff engaged the public through the Connect Whitby Portal. As part of this engagement, Staff provided the public with a survey and a comparison of current procedure vs the proposed procedure. Further, as part of Staff's review when updating the policy, a jurisdictional scan of other municipalities was also conducted.

Overall, the survey provided to residents/interested parties resulted in the following:

- 11 questions, ranging from multiple choice, poll and essay style questions
- 44 total responses to the survey
- 27 detailed responses to essay style questions

Detailed Survey Results:

Question 2 (Y/N):

Before this survey, were you aware that the Town of Whitby offers a Tree and Bench Dedication Program?

- 88.6% of respondents answered yes
- 11.4% of respondents answered no

Question 3 (Poll):

Regarding the Tree and Bench Dedication Program, have you (select all that apply)

- Used the program (2)
- Had a friend or family member use the program (6)
- Planned to apply to the program (27)
- Not previously used the program (18)
- Did not intend to use the program (2)



Question 4 (Range Question):

Would you support the Town adding a memorial art installation at the waterfront (ex., a dedication wall), which could house numerous plaques and provide a place of remembrance for residents from across the community?

- 65.9% were very supportive
- 20.5% were somewhat supportive
- 13.6% were not very supportive

Question 5 (Two option Question):

With the Town's current Tree Dedications, a commemorative bronze plaque is installed on a concrete pillar near the base of the tree. Considering the proposed changes, which of the two options would you prefer for Tree Dedications?

Option 1: \$1,270 this option includes a tree, printable certificate, and photo of the tree. Your tree would also be included and recognized in an online map of all commemorative tree locations in Whitby, lowering Town maintenance costs.

- 43.2% of respondents selected this option

Option 2: \$2,620 - this option includes a tree and a bronze plaque installed on a concrete pillar near the base of the tree in all parks. This option will also increase Town maintenance costs.

- 56.8% of respondents selected this option

Question 6 (Two option Question):

Related to Bench Dedications, the Town's proposed policy changes include moving from a bronze plaque installed on a concrete pillar under a bench to a stainless-steel plaque installed on the backrest of a bench to reduce costs. See costing information on the Proposed Policy Changes chart. Do you have any concerns with this change?

- 88.6% of respondents answered no
- 11.4% of respondents answered yes

Question 7 (Essay Style Response):



Let us know your concerns with the change from a bronze plaque installed on a concrete pillar under a bench to a stainless-steel plaque installed on the backrest of a bench to reduce costs for bench dedications.

- 5 total responses

Easy to remove or vandalize plaque and perhaps encourage carving of inflammatory or other words into the wooden slats.

I believe that the possibility of vandalizing and dishonoring the plaque and the person being memorialized is more likely if on the bench...vs under the bench

Na

Durability and longevity

The pillar appears to be more substantial and may be more protected than a plaque on the backrest.

Question 8 (Y/N):

With the new policy, the Town will continue to pay for replacements of a vandalized tree plaque or bench plaque for the first year. The Town's proposed changes also include the Town paying to address any damage or maintenance required to a plaque, excluding vandalism, for the first two (2) years. After two years, any tree plaque or bench plaque that is in poor, unsafe condition or vandalized will be removed, and the applicant can choose to reapply for a replacement at full cost to them (the applicant). Do you have any concerns with the applicant having to reapply for a replacement at full cost after two (2) years?

- 61.4% of respondents answered yes
- 38.6% of respondents answered no

Question 9 (Essay Style Response):

Let us know your concerns related to the Town's new suggested approach to addressing vandalism.

- 27 total responses



I am not against the initial cost of the plaque, however, if something is continually vandalized, it could be very costly for the applicant. What about a one-time insurance amount?

It costs so much and is only guaranteed for 2 years? that would be a deterrent

The cost to have a plaque is already high and to expect people to pay again after just two years is not reasonable

The grieving donor is being penalized making the Town of Whitby seem parsimonious.

See comments above. I believe the brass plaque mounted underneath the bench should be kept as an option.

as per my comments above, vandalizing the plaque below the bench, I think is less likely

Share the replacement cost

Could cost of replacement be shared? i.e. the whole thing may not need to be replaced. if nobody can be contacted, replacements shouldn't be provided

you should pay for the damage

The initial cost is already so pricey

Too much to pay after only 2 years.

The cost is way too high for the applicant to have to replace every 2 years. The cost associated with the plaque should be more than sufficient to cover more than 2 years.

The town should continue to cover the cost of maintaining the trees and plaques etc. even if it is the result of vandalizing. The applicant should not have to incur future costs

I would like to have information about how often this happens that a replacement is necessary. I would hope rarely but it would influence my decision if it is likely that the tree or bench would be removed after two years. Provide the information and maybe increase the time period, if necessary, based on the data.



Costly to reapply

I feel with the amount of money that it costs to put it by a tree or on a bench should be looked after by the city forever. This is a very personable thing the family member would be doing and does not need to have to worry about that it's like a graveyard your stones are looked after forever

At the price the person is paying, they should not have to reapply. One replacement should be free and if additional replacements are required, the cost should be discounted.

I have several issues with this. I think it is absurd to ask someone to continue to pay for a memorial that they have already paid for, in order to continue to have it. People's circumstances change, financially and physically, they may no longer be able to afford it, they themselves may be no longer with us, the vandalism is no fault of the person who purchased the memorial (I hope), people purchase these types of things for the permanency of them, not to have to continue to re-do it.

Not clear if the replacement cost is the same as the initial cost. Assumption is that costs will increase as years go on, i.e., replacement cost in 10 years would be more than replacement cost in 2 years. May be a deterrent to participating in program. My understanding is that Town replaces plaque currently.

It is not long enough 1 or 2 years, the tree is planted in memory of a loved one. It should be in perpetuity, forever!!

The life of the plaque should be insured as long as the bench is there, and this shouldn't be an additional cost to the applicant.

The applicant should not have to reapply. There should be a period of time (12m) in which the applicant should have the non-competitive option to replace the plaque. The application should not have to pay full cost again. Replacements should be offered at half the cost of new.

It's a lot of money for only 2 years of service.



Perhaps the replacement cost could be equally shared by the applicant and the town the first time it needs replacing due to vandalism. Any further replacements would be at full cost to the applicant.

Install cameras, increase patrols, fines, allow public to report vandals for a prize

Seems cruel to the person who paid for plaque for their loved one to be remembered. This is completely unacceptable! I was going to apply for a tree and plaque, but I won't be now. Rude and disgraceful! How can that be ok with you? I pay \$2600 for a tree and plaque and if some jackass vandalizes it, you will remove it and they lose out on money and the place they go to remember their loved one? I need to move. This place is becoming pathetic. How could you even think about these changes?

Question 10 (Multiple choice):

Are you supportive of tax dollars being used to subsidize the Tree and Bench Dedication Program to keep costs low for the applicant by what percent?

- 50 – 27.3% of respondents
- 25 – 18.2% of respondents
- 10 – 20.5% of respondents
- Not supportive – 34.1% of respondents

Question 11 (Essay Style Response):

Let us know of any additional comments or concerns you have with the suggested changes to the Tree and Bench Dedication Program Policy.

- 23 total responses

My mother passed away in 2020 from Covid at a Regional Long Term Care home in Oshawa. Prior to being in the LTC home, she lived down at the lake for a number of years. Her bedroom looked out over Lake Ontario. Since she was recently buried in Montreal, I would like to have a memorial (preferably a bench) down at the lake that our family can more easily visit. I have been in touch for 2 years with Melanie Kennedy, who today forwarded the information about the new proposals for tree/bench dedications. Please feel free to contact me by email: bgibb15@yahoo.ca or by phone at 905-721-2505. I would really like to have some kind of memorial to my mother down by the lake. Thank you.



So, the high cost does not pay for the maintenance cost of a plaque on a tree? I can't imagine someone wanting just a certificate and a map to find their tree for that amount of money. I was terribly disappointed that this process could not be stated during covid. The program was on hold the whole time. Staff were still at work virtually being paid and our taxes were still collected. thank you for trying to continue the tree dedication program

The town subsidize the plaques would certainly make it more affordable for seniors and their family's we pay a lot off taxes in Whitby at the same time wanting to remember our loved one

The cost for the bench and tree program is far too expensive. Please note that I have participated in 2 other memorial tree and bench programs not with the Town of Whitby. Clearly these very high costs are meant to be a barrier for most citizens. Just doesn't look good on our Town.

This should be 100% funded by the person who wants to participate. The taxpayers should not have to fund any part of it other than if the town wanted to erect a dedication wall. Then the town would pay for the building of the wall and hopefully the cost per plaque would eventually offset the building costs, making it cost neutral at worst and profitable enough for maintenance at best.

I believe that the current program is very effective and based on the

long list of applicants, the demand and appreciation by the families is there. Changes may affect the long term response and commitment to the program clarify conditions to be met with dedication-for example, can you commemorate a living person?

I think the cost of this new program is so high compared to the neighbour town (Oshawa, Ajax), not affordable to many, would like to see the town cut the cost somehow, also a naming plaque is preferred, it is not meaningful without that.

I have concerns that the true cost to install a new bench with a plaque on a concrete pad costs closer to \$9,000-\$10,000.

Dedication plaques at Civic Park only are not enough for a growing community.

Behind the town hall looks like a cemetery. I get that people want the dedications, there has to be a better way.



Consider not including/allowing Birth and Death years which can turn 'dedication' plaques into cemetery style markers.

Rationale for the town subsidizing the program is that the community benefits as well from the trees and benches, not just the applicant. I understand costs have increased of everything but these costs prohibit many people from honouring loved ones in an environmentally friendly way.

Yes, I put my name in to have one a plaque put on a bench at the waterfront and I'm yet to hear from anybody I phoned a few times

I think that this is a nice way to enhance our community with trees and benches, while providing the opportunity for loved ones to memorialize their lost one in an affordable and meaningful way – of which, there are otherwise not many. To make this an ongoing cost for people will only discourage use of the program, in my opinion.

With the amount of taxes Whitby residents and businesses pay, there certainly should be enough to cover unexpected and long term costs.

Instead of one big memorial wall, perhaps smaller installations in various spots (parks and waterfront trail). Would vandalism replacement fee also apply?

I would like to see more benches (seating) all throughout our town. Make public places more user friendly. Give people somewhere to sit and chat. And proper washrooms too. Many people, especially seniors would make use of our green spaces if accommodations were made. Result: spaces are safer where there are people (young and old); keep people more active, healthy and able to enjoy the outside. We have playgrounds for kids but few places that are inviting to adults. Win / Win!

Prices are very high, and you receive less. Some more lower cost options would be nice, brick paths, walls, plaque on boulders on walkways/paths. Options on our walking trails so many loved ones walk the trails and waterfront area. Even a flower garden in memory of loved ones with a group dedication every few years to help maintain it.

For Q9, you have not revealed if tax dollars are currently subsidizing the program, nor have you revealed the actual cost of tree/bench dedication installation. Without all the information, it's impossible for citizens to make an informed decision regarding costs. Do better.



I understand that the Tree and Bench program is a tradition and a special way to honor loved ones. And I fully respect it. However, as there is a limit on resources including public spaces availability, financial funds and workforce, we have to be very mindful of its usage. If it was all online rather than having physical plaques and concrete pillars it would be much better. I believe that the Tree and Bench program only reaches a small percentage of the city residents.

And that not being an essential service, its costs should not be shared with us all.
Thanks

Can include trees on boulevards and upkeep of trees (managed by professional landscapers) to beautify the town of Whitby and Brooklyn

Seems cruel to the person who paid for plaque for their loved one to be remembered. This is completely unacceptable! I was going to apply for a tree and plaque, but I won't be now. Rude and disgraceful! How can that be ok with you? I pay \$2600 for a tree and plaque and if some jackass vandalizes it, you will remove it and they lose out on money and the place they go to remember their loved one? I need to move. This place is becoming pathetic. How could you even think about these changes? No discounts to purchaser needed. Just maintain the things. This town disgusts me now. We have been here 40 years, and this is just disgusting.

Tree and Bench Commemorative Program Fee Schedule (2024)

Application Type	Fee (Excluding Taxes)	Applicable HST	Fee (Including Taxes)	Fee Structure
Bench Dedication				
Dedication of Existing Bench (Donation Receipt for income tax purposes will be issued for donation amount less \$44.64, the cost of the plaque)	\$2,700.48		\$2,700.48	Minimum Donation Amount
Dedication of New Bench in Priority Location (Donation Receipt for income tax purposes will be issued for donation amount less \$44.64, the cost of the plaque)	\$3,240.58		\$3,240.58	Minimum Donation Amount
Dedication of New Bench in a Non-Priority Location * (Donation Receipt for income tax purposes will be issued for donation amount less \$44.64, the cost of the plaque)	\$5,106.65		\$5,106.65	Minimum Donation Amount
Tree Dedication				
Dedication of Existing Tree or New Tree in a Priority Location (Donation Receipt for income tax purposes will be issued for donation amount less \$380.14, the cost of the plaque and pedestal)	\$888.97		\$888.97	Minimum Donation Amount

* Tree and bench dedication requests are subject to staff approval.

Dedication of New Tree in a Non-Priority Location * (Donation Receipt for income tax purposes will be issued for donation amount less \$380.14, the cost of the plaque and pedestal)	\$1,848.12		\$1,848.12	Minimum Donation Amount
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Review of Municipal Commemorative Programs

Location	Bench & Plaque Fee	Existing Bench & Plaque Fee	Tree & Plaque Fee	Warranty Period	Inscription Restrictions
Whitby	\$6,589.95 (current total cost to supply and install)	\$4,621.45 (current total cost to supply and install)	\$2,298.71 (current total cost to supply and install)	1 year if vandalized, forever otherwise	dedicated must be deceased. dedicated must be resident or non-resident who made significant public service or heroic act to residents dedicated cannot be convicted of a past criminal offence
Oshawa	\$2,969.21	N/A	\$688.50	Forever	no specific restrictions, subject to review by staff
Ajax	\$3,464.58	N/A	\$372.22	Forever	no specific restrictions, subject to review by staff
Pickering	\$2,781.00	N/A	\$1030.00	2 years	no specific restrictions, subject to review by staff
Vaughan	\$3,590.00	N/A	\$1,015.87	Forever	no specific restrictions, subject to review by staff
Uxbridge	\$3,500.00	N/A	\$1,000.00	case by case basis	no specific restrictions, subject to review by staff

Markham	\$2,983.20	N/A	\$500.00	10 years, once only	no specific restriction, subject to review by staff
Toronto	\$2,530.00	\$1,753.00	\$738.00	2 years, once only	No advertising or promotion, subject to review by staff

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Department of Fisheries and Oceans Canada (“DFO”) request to utilize Town lands to facilitate Harbour Remediation

Report to: Committee of the Whole

Date of meeting: April 8, 2024

Report Number: CMS 05-24

Department(s) Responsible:

Community Services Department
Legal and Enforcement Services

Submitted by:

John Romano, Commissioner of
Community Services

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

For additional information, contact:

Keenan Watters, Manager of Marina &
Harbour Facilities, 905.706.5445

1. Recommendation:

1. That Report CMS 05-24 be received as information;
2. That Council grant approval to The Department of Fisheries and Oceans Canada (“DFO”) for use of a portion of Gordon Fields adjacent to the Gordon Street Boat Ramp between July 15, 2024 and October 31, 2026 in exchange for in kind remediation (clean up) of Town owned water lots as identified in attachments #1 and #2;
3. That Council grant approval to DFO for use of a portion of the Gordon Street Boat Ramp parking lot between July 15, 2024 and October 31, 2026 in order to facilitate dredging contractor vehicle parking;
4. That Council grant approval for DFO to access Town lands adjacent to Promenade Lake Park to allow loading/unloading of barges from the Federally owned portions of the promenade and pier as identified in attachment #3; and,
5. That Staff be delegated authority to execute any agreement(s) which may be required to carry out the above recommendations in a form satisfactory to the Commissioner of Community Services and the

Commissioner of Legal and Enforcement Service/Town Solicitor, or their designate.

2. Highlights:

- DFO are finalizing plans to remove contaminated sediment from Whitby Harbour through an extensive multi-year dredging program. Due to Whitby Harbour's importance as a central component of Whitby's waterfront, this project will provide long term benefits to the community. The removal of harbour sediment will require a period of containment and drying followed by trucking to an approved landfill site. The project is anticipated to begin in mid-July 2024 with a project duration of approximately 27 months. To facilitate the containment and removal of sediment, DFO has requested the use of Town owned harbour lands adjacent to the Gordon Street Public Boat Ramp for the duration of the project. The remediation project as well as restoration of Town lands will be entirely funded by DFO.
- In exchange for the use of Town land to facilitate remediation, DFO will increase the scope of their dredging to include two Town owned water lot areas. Recent studies indicate that the Town would otherwise be liable for \$1,064,000 in estimated remedial dredging costs.
- A public communication plan was initiated by DFO in 2019, and a Whitby Harbour Remediation website has been maintained and updated since that time. The website identifies the problem and related risks to the public and wildlife, outlines studies completed to date, presents solutions and remediation plans, and identifies next steps and timelines. The website can be found at the following link <https://www.dfo-mpo.gc.ca/sch-ppb/whitby/index-eng.html>. A public information session was also held by DFO at Port Whitby Marina on March 9, 2023, in order to provide an additional opportunity to inform and engage with the community on this project.
- On February 13, 2024, DFO approached the Town to formally request to utilize a portion of Victoria Fields and the Gordon Street Boat Ramp parking lot to facilitate harbour remediation. Use of federally owned lands adjacent to Promenade Lake Park will be required to load/unload barges. Although DFO have committed to minimize impacts to harbour, park, trail and field users, significant impacts are expected within the harbour area as a result of the use of Town lands to support this project. A detailed summary of user impacts is outlined in section 4.

3. Background:

The federally owned Whitby Harbour and provincially owned Pringle Creek are contaminated with dioxins and furans at levels above provincial and federal standards. The source of the contaminants is not fully understood; however, they are believed to have entered the harbour via Pringle Creek in approximately the 1970's. DFO in

partnership with The Provincial Ministry of Environment, Conservation, and Parks (“MECP”) are advancing plans to remediate these areas. In the case of MECP, final provincial approvals have not been received which may delay cleanup of the creek beyond 2024. Remediation of the harbour by DFO is advancing with dredging to take place beginning in 2024. During discussions with the DFO in 2022, CMS staff were informed that two Town owned water lot areas within Whitby Harbour contain contaminants at levels found within DFO areas. Subsequently, DFO has made a request to utilize Town owned property adjacent to Whitby Harbour to facilitate sediment remediation in exchange for assistance with the cleanup of the Town owned water lots.

4. Discussion:

DFO recently developed a Remedial Action Plan (“RAP”) to guide the remediation of Whitby Harbour. The RAP is intended to reduce potential risks to the health of people, fish, and wildlife, that are associated with long term exposure to the chemicals currently found in Whitby Harbour. Remediation of the highest levels of contaminated sediment will result in reduced risks and will help ensure the long-term enjoyment of this important water body. Given the scale of this project, there will be impacts within the community in 2024, 2025 and 2026. Use of the field area adjacent to the Gordon Street Boat Ramp would include the creation of a fenced and berm sediment containment area as illustrated in attachment #3. This area will feature a perimeter fence to ensure public safety. Additional silt fencing within the perimeter will be installed as needed for environmental protection. The central portion of the sediment containment area will be excavated to approximately 2 metres below existing grade and capped with a protective layer of material. The excavated soils will be utilized to construct a berm measuring approximately 2 metres above existing grade. The existing waterfront trail which passes through this area will be temporarily closed and an alternate trail link around the fenced containment area will be provided by DFO. In order to transfer material from barges to the sediment containment area, a temporary stone/gravel pier will be installed, and the affected shoreline will be restored to current conditions following the project. The temporary sediment containment area as requested by DFO represents the maximum area that may be required for this project. As such it is possible based on final detailed project planning that areas may shift, and a smaller area may be used.

Understanding that the impacts of the remediation project are significant and that many of the regular users of the impacted areas are well into their planning for this year, staff worked with DFO, to delay their proposed start of May 1, until after Ribfest weekend (July 12-14). The timing of the DFO’s dredging tender is based on the successful bidder mobilizing no earlier than July 15, 2024. DFO declined staff’s request to delay the project until 2025 to allow as much advanced notice as possible to the users of the area. DFO is concerned that if the project does not begin in 2024 the funding for the project could be cancelled. The key impacts related to the project are identified below including name of affected group, duration of impact and alternative options, if applicable.

Sports Field Users

Gordon Field which is the area adjacent to the Gordon Street Boat Ramp is currently permitted to Lady Blue Knights Field Lacrosse weekday evenings from early May through August each year. This use will be impacted by the dredging project forcing relocation to another field. Staff can provide Lady Blue Knights with several alternative field options to choose from for the duration of the DFO project.

Special Events Field Users

Use of the field area adjacent to the Gordon Street Boat Ramp will have a significant impact on Town, Town Supported and Third-Party events which currently utilize this space on an annual basis.

These events include Canada Day (Town event), Ribfest (Town Supported event) and India Day (Third Party event). Some of these events use this space for programming while others use this space for the launching of fireworks. The DFO dredging project will commence on July 15, 2024, and will impact these fields continuously for approximately 27 months. As such, Canada Day (July 1, 2024) and Ribfest (July 12-14, 2024) will not be impacted in 2024, but India Day which will be hosted on August 24, 2024 will be. India Day will be informed they need to redesign their site layout for the fireworks display. All these events will be impacted in 2025 and 2026. Each event will need to be reviewed to see if it can revise its site plan to proceed on a smaller footprint or determine if the event needs to be cancelled or relocated. Other options for Canada Day may include moving from a fireworks show to a lights display or floating barge, however this would have significant cost impacts.

Staff will review options for Canada Day and report back to Council on options for 2025 and 2026. Staff will work with organizers of Ribfest and India Day to review options for their events.

Waterfront Trail Users

Use of the field area adjacent to the Gordon Street Boat Ramp to support DFO's harbour remediation project will result in the temporary closure of a section of waterfront trail adjacent to the boat ramp. Prior to closure, DFO will install a temporary 3.0-metre-wide trail around the sediment containment area as identified in attachment #2. This temporary asphalt trail section will meet off road recreational trail specifications as provided by the Town.

Gordon Street Boat Ramp Users

DFO have requested use of a portion of the parking lot at the Gordon Street Boat Ramp to provide parking of vehicles and equipment during the dredging project. Given the size of this lot, staff do not believe there will be significant impacts on users as a result of the DFO dredging project. The dredging contractor will be required to minimize the impact on users of the Gordon Street Boat Ramp, restricted from impacting peak weekend use of the parking lot and will be required to maintain access to the main vehicle/trailer parking spaces for users.

Port Whitby Marina

Given the widespread contamination of sediment within Whitby Harbour, dredging can be phased to reduce impacts on marina users during the peak boating season (May 1 to October 31). Dredging of marina navigation channels, fuel dock and floating piers can be completed during winter months while other portions of the harbour can be dredged during the boating season. DFO staff recognize the importance of maintaining access to the marina fuel dock as this facility is the only major fueling station for vessels between Toronto and Cobourg. The Port Whitby Marina fuel dock is regularly used by the Coast Guard, DRPS, and other first responder organizations. To facilitate dredging within the Port Whitby Marina water lot area, all nine marina piers will need to be moved elsewhere in the harbour during the winter months of 2024/2025 and 2025/2026. In addition, DFO will arrange removal and re-installation of concrete pier anchors if required. As marina piers typically remain in place year-round, DFO will be required to cover costs related to the removal and re-installation of these piers and anchors.

Whitby Yacht Club

Dredging within the Whitby Yacht Club water lot can be phased to reduce impacts on club users during the peak boating season (May 1 to October 31). Dredging of club navigation channels and floating piers can be completed during winter months. DFO will work with the Whitby Yacht Club regarding removal of floating docks and concrete anchors. As club docks are typically moved from the club water lot each year to more protected areas of the harbour, dock removal in this case will have minimal impact.

Promenade Lake Park

DFO have identified the need to utilize some federally owned lands within Promenade Lake Park as a loading area for barges during the project. As a result, a portion of the promenade area and pier may be fenced and closed off to the public, while the waterfront trail access through this area would remain open. DFO have committed to minimize use of this area and to provide sufficient notice of closures to the Town.

5. Financial Considerations:

The Remediation of Whitby Harbour is a federal project, and this work will be fully funded by DFO. It should be noted however that although the majority of Whitby Harbour's 260 ha area is owned by DFO, the Town owns an additional 2.5 ha (shown in green on attachment # 1) and a further 2.5 ha is owned by Brookfield Residential adjacent to the Brookfield property (shown in purple on attachment #1). These separate ownership areas appear to result from changes to the harbour shoreline over time related to dredging and shoreline stabilization projects. These Town and Brookfield water lots are contaminated with dioxins and furans at similar levels to the main harbour water lot. DFO have offered to include Town areas within the scope of the larger harbour dredging project. A recent study completed by Golder Associates on behalf of DFO provided detailed analysis of the two Town owned lots including cost estimates to dredge and truck the materials to an approved landfill. Town of Whitby Water lot #1 is located at the north end of Whitby Harbour within dredge area B and requires the removal of 2,295 cubic metres of contaminated sediment. Estimated costs to remove contaminated sediment from this area total \$514,080 or \$224/cubic metre. Town of

Whitby Water lot #2 is located to the south of Shirley Scott Park within dredge area A and requires the removal of 2,455 cubic metres of contaminated sediment. Estimated costs to remove contaminated sediment from water lot area #2 total \$549,920 or \$224 per cubic metre. The combined cost to dredge the areas totals \$1,064,000.

6. Communication and Public Engagement:

The Remediation of Whitby Harbour is a DFO project, however it can only be completed with the support of the Town of Whitby. A public communication plan was initiated by DFO in 2019 providing the community with information on the Whitby Harbour Remediation Project as well as opportunities to engage with DFO's project team. DFO communications were shared by Town Communications staff on Town resources and social media. A public information session was also held by DFO at Port Whitby Marina on March 9, 2023. As DFO remedial dredging plans are finalized subject to Council approval, additional communication via websites, print media and social media will be initiated by DFO with the cooperation of the Town. In addition, user groups that may be impacted due to the use of Town lands to support this project will be contacted directly by Town staff. Affected user groups will be provided detailed information related to impacts along with alternatives where possible.

7. Input from Departments/Sources:

In addition to collaboration within the Community Services Department, input has been received from Legal Services, Financial Services, Strategic Initiatives, and the Engineering Division.

Subject to Council approval, Legal Services has agreed to draft and assist with the execution of the agreements which will be required allow DFO to utilize Town lands in exchange for in kind remediation of two Town owned water lots. It is intended that the agreements will include insurance and indemnification protection for the Town, remediation provisions, requirements for before and after environmental assessments of the sports fields and any other provisions which are required to ensure the Town's interests are adequately protected. DFO will be required to ensure that measures are in place throughout the project duration to protect users and the public. DFO will also be required to ensure that all Town areas are restored to pre-project condition.

8. Strategic Priorities:

Supporting DFO remediation of Whitby Harbour supports the following objectives as identified in the Town of Whitby Strategic Plan 2023 to 2026:

- Whitby's Natural & Built Environment – Connected & Resilient
 - 2.3.3 Enhance existing facilities and services and invest in structural upgrades at the waterfront.

2.3.6 Invest in upgrades at the Marina.

- **Whitby's Economy – Innovative & Competitive**

3.1.3 Implement actions to enhance Whitby's tourism sector, including a focus on the waterfront.

- **Whitby's Government – Accountable & Responsive**

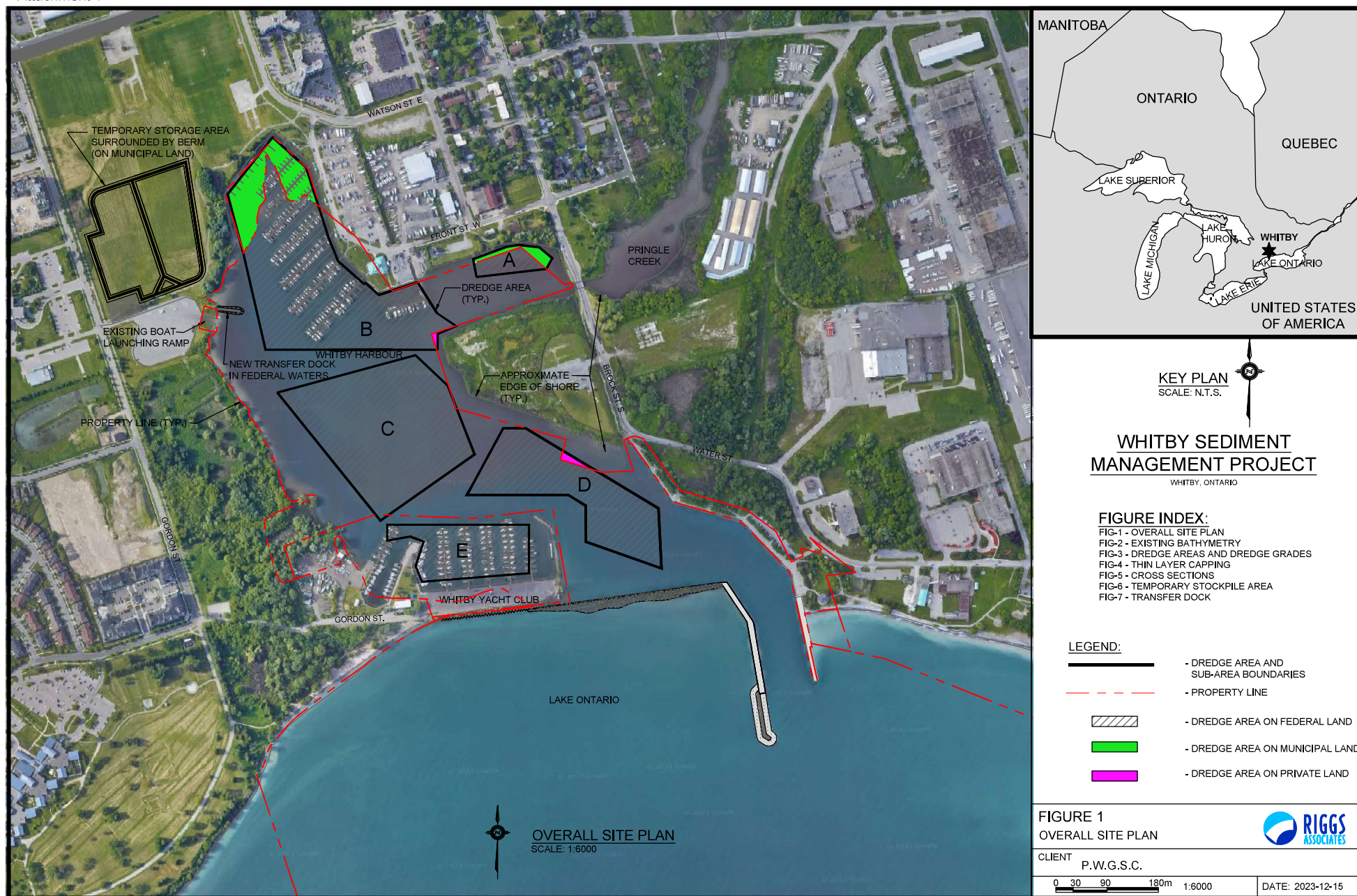
4.1.1 Advocate for funding from upper levels of government and other partners to support and advance current and anticipated community priorities.

9. Attachments:

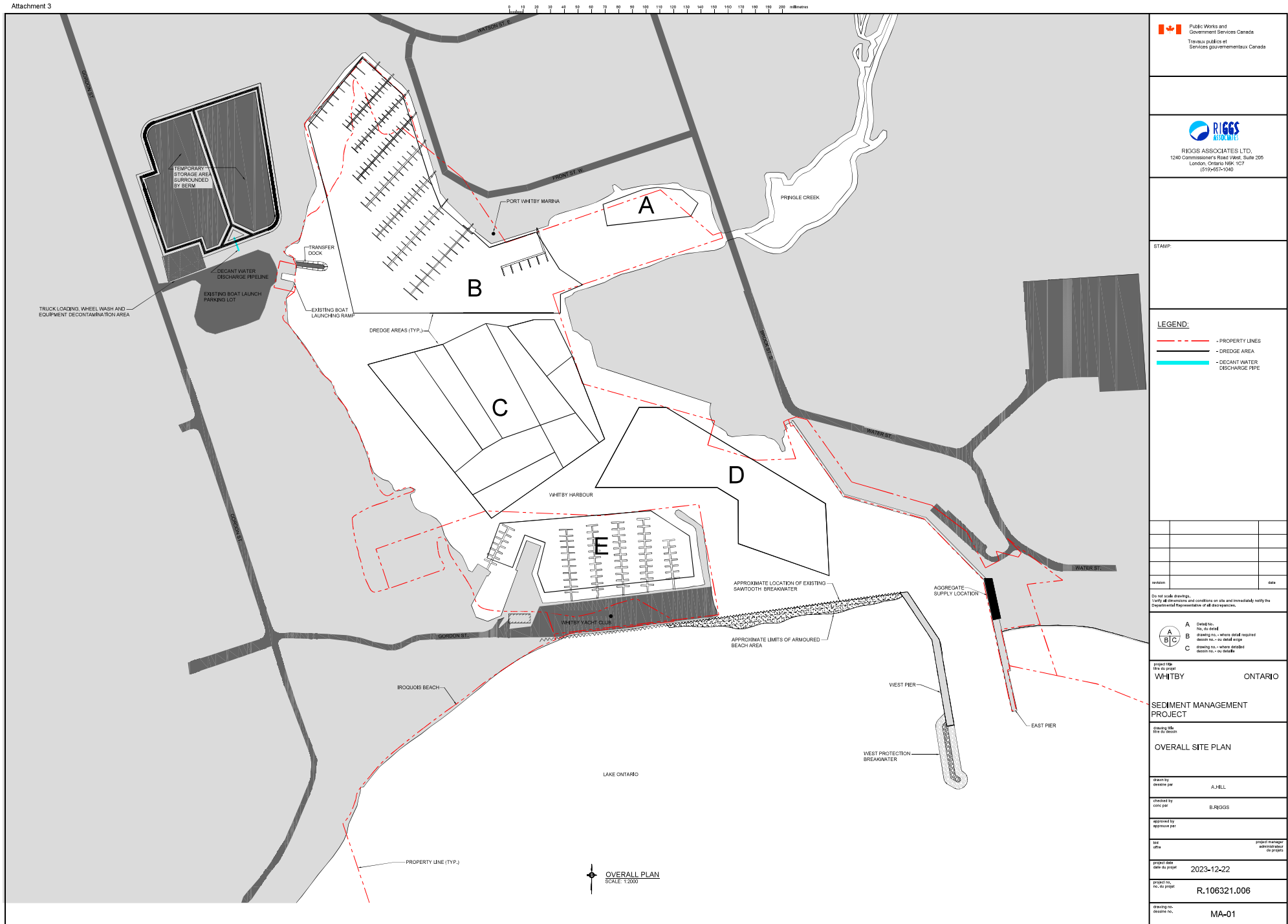
Attachment 1 – Whitby Harbour Overall Site Plan

Attachment 2 – Proposed use of field area adjacent to the Gordon Street Boat Ramp

Attachment 3 – Whitby Harbour plan including staging area at Promenade Lake Park







February 1, 2024

Integrity Commissioner's Annual Report
Town of Whitby

Principles *Integrity* is pleased to submit this annual report, covering the period from November 2022 and January 31, 2024.

The purpose of an Integrity Commissioner's annual report is to provide the public with the opportunity to understand the ethical well-being of the Town's elected and appointed officials through the lens of our activities.

About Us:

Principles *Integrity* is a partnership focused on accountability and governance matters for municipalities. Principles *Integrity* currently serves as Integrity Commissioner (and as Lobbyist Registrar/Closed Meeting Investigator/Municipal Ombudsman for some clients) in approximately 60+ Ontario municipalities and other public bodies.

The Role of Integrity Commissioner, Generally:

An Integrity Commissioner's statutory role is to carry out, in an independent manner, the following functions:

- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to Council, members of Council and members of Local Boards
- Providing a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints informally, where appropriate, and
- Investigating, reporting and making recommendations to Council on those complaints that cannot be resolved informally, while being guided by Council's codes, policies and protocols.

This might contrast with the popular yet incorrect view that the role of the Integrity Commissioner is primarily to hold elected officials to account; to investigate alleged transgressions and to recommend 'punishment'. The better view is that Integrity Commissioners serve as an independent resource, coach, and guide, focused on enhancing the municipality's ethical culture.

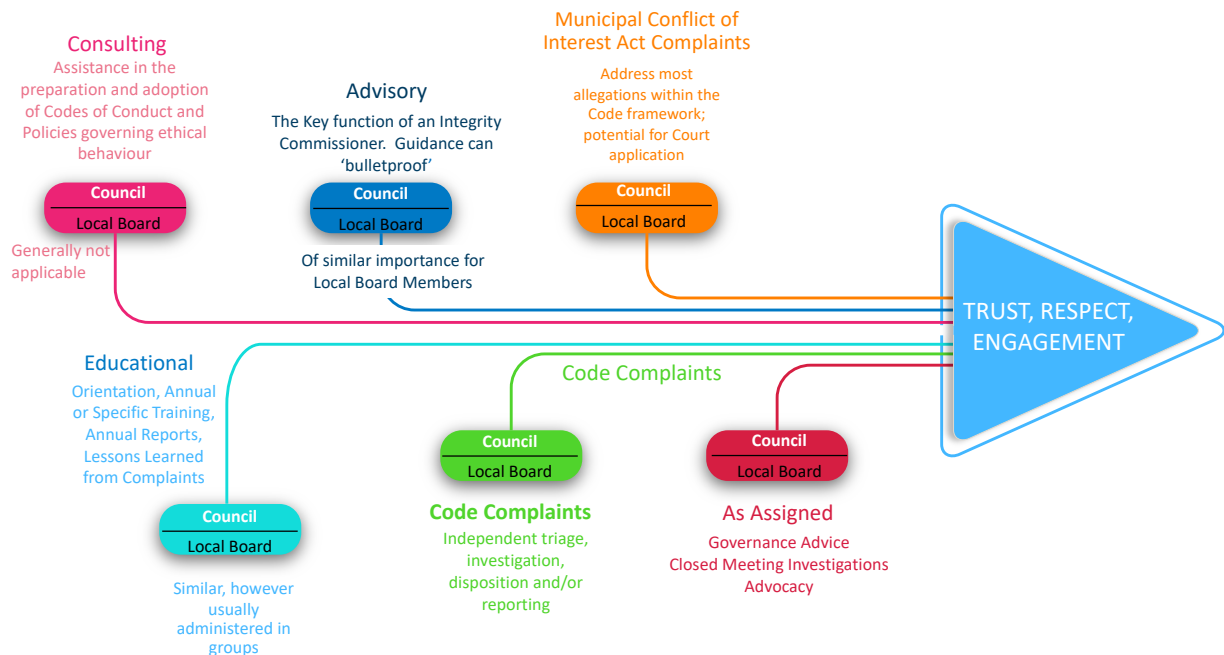
The operating philosophy of Principles *Integrity* recites this perspective. We believe there is one overarching objective for a municipality in appointing an Integrity Commissioner, and that is to raise the public's perception that its elected and appointed officials conduct themselves with integrity:

Principles *Integrity*

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

The practical effect of achieving this objective is an increase in trust, respect and engagement in local and regional affairs.

In carrying out our broad functions, the role falls into two principal areas. 'Municipal Act' functions, focused on codes of conduct and other policies relating to ethical behaviour, and 'MCIA' or *Municipal Conflict of Interest Act* functions. From an activity perspective, an Integrity Commissioner's role can be depicted this way:



The emphasis of Principles *Integrity* is to help municipalities enhance their ethical foundations and reputations through the drafting of effective codes of conduct and other policies governing ethical behaviour, to provide meaningful education related to such policies, and to provide pragmatic binding advice to Members seeking clarification on ethical issues. As noted in the graphic, we believe that the support we give to Members of Council increases the public's perception of them, which in turn leads to greater trust, respect and engagement.

Because the development of policy and the provision of education and advice is not in every case a full solution, the broad role of the Integrity Commissioner includes the function of

seeking and facilitating resolutions when allegations of ethical transgressions are made, and, where it is appropriate and in the public interest to do so, conducting and reporting on formal investigations. This in our view is best seen as a residual and not primary role.

Confidentiality:

Much of the work of an Integrity Commissioner is done under a cloak of confidentiality. While in most cases secrecy is required by statute, the promise of confidentiality also encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures would be limited and rare.

Town of Whitby Activity:

During the period covered by this report, we have been engaged in a moderate level of activity as Integrity Commissioner for the Whitby which subdivides roughly into three categories:

1. Policy Development and Education

During the period covered by this report, we provided education and training on the Code of Conduct to Council as part of its post-election orientation on November 24, 2022. On January 22, 2024 we attended Council to provide training regarding ethical behaviour.

2. Advice

The advice function of the Integrity Commissioner is available to all Members of Council and where applicable their staff and Members of local boards on matters relating to the code of conduct, the *Municipal Conflict of Interest Act* and any other matter touching upon the ethical conduct of Members. Advice provided by the Integrity Commissioner is confidential and independent, and where all the relevant facts are disclosed, is binding upon the Integrity Commissioner.

Our advice is typically provided in a short Advice Memorandum which confirms all relevant facts and provides with clarity our analysis and a recommended course of action.

During the period covered by this report, we responded to 8 such requests for advice.

3. Complaint Investigation and Resolution

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. Once a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary

fact-finding and will also be provided with a summary of the disposition.

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the Complainant when that information is necessary to enable them to respond to the allegations raised.

During the period covered by this report, 21 complaints have been received, many of them apparently coordinated, all of which were concluded by disposition letter.

Ethical Themes Around the Province:

With due regard to our obligation to maintain confidentiality, this annual report enables us to identify learning opportunities from advice requests and investigations conducted in a variety of municipalities.

Disclosure of confidential information from closed meeting sessions

There have been some examples where elected or appointed officials fail to recognize the serious implications of disclosing confidential information, particularly information learned of through attendance in closed session.

A Member's obligation to maintain confidentiality is clear. They may not unilaterally decide to share confidential information, even if they believe the information should be publicly disclosed. This extends to releasing information even to their own legal counsel to obtain a 'second opinion'.

We treat this breach of ethical responsibility as breach of a cardinal rule, and if an allegation in this regard is proved to be true, it tends to attract a recommended sanction at the upper end of the prescribed range. Left unchecked, confidentiality a breach undermines not only Council's interests on the matter subject to the breach, but destroys the trust required of elected officials, and the staff that support them, to ensure that all relevant, and sensitive, information required to support the deliberation on a matter is freely supplied.

Non-disparagement

One area of prominence continues to be the failure of some Members of Council to adhere to rules against disparagement. Members of Council are entitled, and indeed expected to disagree on all manner of issues. However, one of the cornerstones to democracy must be the recognition that different opinions and perspectives are to be respected, and disagreement should not devolve into disrespect, disparagement and name-calling.

Disrespectful interactions and/treatment of others can fall along a continuum which may manifest as occasional incivility and micro-aggressions, but when unchecked can culminate in bullying and harassment. Members of Council should be mindful to treat each other, staff and the public with appropriate respect and professionalism at all times.

Some Members of Council hold a view was that they are entitled to their freely express

their opinion, even if that includes disparagement of others, and so long as they share it via personal email, and not on the municipal server, they are not constrained by any rules around decorum. This is incorrect. Members are bound by the Code provisions of respectful and non-disparaging communication, whether sharing views on their own email, social media, or elsewhere.

Participation in social media discussions lends its own opportunity for attracting Code of Conduct complaints alleging disparagement. Members should be mindful that comments can be used or amplified in ways that bring municipal integrity into disrepute. It is important that Members be careful, accurate, and non-disparaging even as they attempt to offer what they see as a fair critique of municipal policy and actions. Municipal policy is advanced through the deliberations of Council and so wherever possible the focus should be on facilitating a discussion ‘in the Chamber’, and not in internet channels, so the general public, staff, and Council colleagues, can participate in the mechanisms through which a variety of important interests can be balanced and distilled into Council decisions made through democratic process.

Regardless of the medium, regardless of the intended audience, and regardless of motive, we have observed several instances where Members of Council in municipalities around the province have been found to have breached ethical standards by saying or recording things they have come to regret. Recognizing and avoiding conflicts of interest

Recognizing and appropriately avoiding conflicts of interest when they arise is the topic of most advice requests we receive. As confirmed by the Collingwood Judicial Inquiry (November 2020) there can be a complex array of circumstances that can give rise to conflicts of interest, including those that though not covered by the *Municipal Conflict of Interest Act*, are nevertheless covered by the common law

In any event, obtaining clear and reliable advice from the Integrity Commissioner can help avoid costly and time-consuming investigations if there is any uncertainty about the application of the Rule.

Staying in your lane

One area of concern that continues to arise relates to members of Council overstepping their role, attempting to ‘take the reins’ to fix a constituent’s problem, or directing staff how to do their job. Members of Council serve an important role in putting constituents in touch with appropriate staff, and leading them to established processes, but it is important to strike the correct balance between guiding constituents and becoming their advocate.

It continues to be the case that elected officials attempt to inject themselves in quasi-judicial matters such as by-law enforcement, or with respect to insurance claims. While it is important for Council to retain an oversight role, and have the ability to monitor how its by-laws and programs affect the community, file-level interference by individual elected officials must be avoided.

In municipalities subject to ‘stronger mayor powers’¹ the question arises as to whether a mayor with those powers can give direction to staff beyond the specific circumstances mentioned in the Act (essentially to carry out ‘Mayoral Decisions’ authorized by the Act, or to direct that staff conduct research and provide advice).

For non-‘stronger mayors’ and for stronger mayors exceeding their jurisdiction, inappropriate interference arises because of a misinterpretation of the *Municipal Act* provision which identifies the role of the Head of Council as ‘Chief Executive Officer’. This provision has led to confusion and, occasionally, overreach by Heads of Council in erroneously perceiving a role leading the municipality’s administration. Elected officials – even Heads of Council – have no role in the day-to-day administration of municipal government unless specifically authorized by statute.

Failing to recognize this, stepping outside of their proper role as elected officials to ‘take the reins’ of administration, undermines staff and can be perceived as interfering with management. This overstepping of the proper role by Members, even Mayors, must be recognized as inappropriate under the Code of Conduct and the Council-Staff Relations Policy, both mandated under the *Municipal Act*.

As always, obtaining clear and reliable advice can help avoid a costly and time-consuming investigation.

Conclusion:

We look forward to continuing to work with Members of Council to ensure a strong ethical framework. We embrace the opportunity to elevate Members’ familiarity with their obligations under the Code and to respond to emerging issues. As always, we welcome Members’ questions and look forward to continuing to serve as your Integrity Commissioner.

It has been a privilege to assist you in your work by providing advice about the Code of Conduct and in resolving complaints. We recognize that public service is not easy and the ethical issues that arise can be challenging. The public rightly demands the highest standard from those who serve them, and we congratulate Council for its aspirational objective to strive to meet that standard.

Finally, we wish to thank the Clerk and the Chief Administrative Officer for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate. This was done willingly and efficiently by the staff of the municipality.

¹ The recent amendments to the *Municipal Act* which provide designated mayors to make unilateral decisions with respect to municipal organization and prescribed provincial interests is neither indicative of non-designated mayors being ‘weak’, nor representative of the extensive powers American ‘strong mayors’ have, particularly in light of the role partisan politics plays in electing administrators there.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

Report to: Committee of the Whole

Date of meeting: April 15, 2024

Report Number: CMS 06-24

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 Akesson, Manager, Waste
Services 905.444.3093

1. Recommendation:

1. That Report CMS 06-24 be received for information;
2. That staff be directed to continue the collection of batteries through a pilot program utilizing the Town of Whitby's curbside waste and organics collection program; and,
3. That the Commissioner, Community Services and the Commissioner, Financial Services/Treasurer be authorized to execute an Agreement for promotional and education services with Circular Materials Ontario, in a form as approved by the Commissioner of Legal Services/Town Solicitor, or their designate.

2. Highlights:

- Under the Extended Producer Responsibility framework, Circular Materials Ontario has been identified as the Producer Responsibility Organization responsible for the Blue Box collection program in Ontario.

- Blue Box collection programs in the Town of Whitby and all other local area municipalities within Durham Region will transition from the Region to Circular Materials Ontario effective July 1, 2024.
- In advance of July 1, 2024, staff will update all communications, Waste Buddy App. etc. as needed to reflect these changes to facilitate a seamless transition.
- The Town has been negotiating an agreement with Circular Materials Ontario to receive revenue for promotional and educational material related to the Blue Box collection program.
- Producers will not be able to make any program changes until January 1, 2026. After this date, changes to the frequency of collection, types of materials accepted, etc. may be made.
- Effective January 1, 2026, businesses located in Business Improvement Areas will no longer be eligible for curbside blue box collection through the Extended Producer Responsibility framework.
- Town staff have entered into a tentative agreement with the Region of Durham to collect batteries as part of the curbside waste and organics program as the Region will no longer have contractors available to facilitate this collection.

3. Background:

The Province of Ontario passed the *Waste-Free Ontario Act (WFOA)* in 2016, which includes *The Resource Recovery and Circular Economy Act (RRCEA)* and *Waste Diversion Transition Act (WDTA)*.

The RRCEA and its associated regulations focus on strengthening Extended Producer Responsibility for various waste diversion programs. RRCEA regulations have been established for designated wastes such as used tires, batteries, electronics, and household hazardous or special waste (HSP). This ensures that producers are responsible for recovering and managing their products at the end of their useful life.

In November 2020, Staff provided comments to the Ministry of the Environment, Conservation and Parks regarding the (then) proposed Blue Box Regulations. These comments were highlighted for Council through Report **PW 29-20** which asked the Province for clarity on:

- Recycling collection for eligible and non-eligible sources
- Service level standards post-2026
- Management of Blue Box complaints
- Enforcement responsibilities

In 2022, the Province and Resource Productivity and Recovery Authority named **Circular Materials Ontario (CMO)** as the Producer Responsible Organization (PRO) for the Blue Box program. CMO has officially assumed responsibility for operating the Blue Box program across Ontario on behalf of all producers of recycled materials. Ontario municipalities and First Nation communities began transitioning their Blue Box programs to the new Extended Producer Responsibility framework in July 2023.

The Region of Durham has “opted out” of the collection program, and as a result CMO will be taking on all responsibilities for the collection of Blue Box recyclables.

For the Town of Whitby and other municipalities within Durham Region, the Blue Box transition will take effect **July 1, 2024**. After this date, the Region of Durham will no longer be responsible for the Blue Box collection and recycling program in our community.

4. Discussion:

Preparing for the July 1, 2024 Blue Box Collection and Recycling Transition

Up until July of this year, the Region of Durham has managed/will manage all elements of the Blue Box program, including communications, public education, collections, processing, and marketing of materials.

While the Town has not been directly involved with managing this program, the Town has an interest in ensuring that all diversion programs are successful within our community. Blue Box materials that are not captured properly in the recycling stream ultimately become the Town's responsibility to manage as residual garbage. This is counterproductive to the Town's waste diversion goals and increases operating costs.

To help ensure a successful transition, the Town will be supporting communication needs in advance of the July 1 transition date. A Town website audit will be completed this spring to update any contact information for all Blue Box related inquiries. Operations Clerks will be provided with an FAQ page to help re-direct residents to proper channels for missed collections or replacement bins.

Staff will also work closely with the Region of Durham to ensure that both organizations are providing consistent information to residents, ensuring that residents are able to resolve their Blue Box service inquiries with the correct organization.

The Agreement with Circular Materials

Staff have engaged with and are continuing to negotiate an agreement with CMO. The agreement is to secure funds of up to \$3,000 in 2024 and up to \$10,000 in 2025 for promotional and educational materials regarding the new Blue Box program. These materials are planned to include information regarding collection schedules, contact information, etc. on the Town's Waste Buddy App. The initial term of the agreement is for 2024-2025, however CMO and the Town may mutually agree to extend the agreement for three (3) periods of one (1) year each.

Post Transition:

Eligible and Ineligible Sources – From July 1, 2024, to December 31, 2025, CMO is required to maintain all aspects of the existing Blue Box program so that there is a seamless transition to the new Extended Producer Responsibility framework. As of January 1, 2026, Producers will be able to make changes to the Blue Box program such as implementing a standardized list of accepted items that is consistent in every community in Ontario or make changes to the frequency of collection.

Also, beginning in 2026, certain eligible residences or facilities that are currently not serviced by the Region's Blue Box program will be able to request Blue Box service free of charge from CMO. These new eligible sources include schools, municipal parks, not-

for-profit long-term care, and all multi-residential developments not already serviced by the Region.

Conversely, some facilities will become ineligible for blue box collection beginning in 2026. The new facilities which are ineligible for CMO blue box collection include businesses located in Business Improvement Areas (BIA) and other small businesses currently receiving municipal recycling services. These locations will continue to receive Blue Box recycling collection services from CMO only during the transition period. The Region is currently exploring options for how to support these ineligible sources after January 1, 2026. Staff are awaiting further information from the Region on this topic.

Impacts to Curbside Battery Program – Up until July 1, 2024, the Region will continue to utilize its contractors for the collection of batteries through the curbside blue box collection program. Batteries are collected by the Region twice annually, once in the spring and fall. After the transition date, the Region will not have any collection contractors in Whitby or Oshawa but will continue its battery recycling program. Town staff are proposing to continue the collection of batteries on behalf of the Region through a pilot program utilizing the existing curbside waste and organics collection program.

Town staff have been in discussions with the Region and are looking to collect batteries in the fall of this year and again in the spring of 2025. Any incurred costs are expected to be negligible as the collection of batteries will occur on-route with existing staff and equipment. As a part of the pilot program, all costs and/or operational impacts will be tracked to help determine the feasibility of this service level increase for the long term.

A communications strategy will be developed to ensure that residents are informed of the appropriate battery set-out procedure in advance of the Fall battery collection week.

Bringing on New Developments and Diversion Kits – Currently, the Town has a process for reviewing and approving site plans for waste collection services.

Presently, the Town works closely with the Region to coordinate service delivery to new developments, which includes delivery of diversion kits (blue boxes, green bin, and kitchen catchers). After July 1, 2024, the Region will no longer have the ability to use its curbside Blue Box collection contractor to deliver diversion kits to Whitby or Oshawa. The Region has indicated that after July 1, 2024, they will continue to deliver the green bin and kitchen catcher portion of the diversion kits through a separate contractor. After July 1, 2024, CMO be responsible for providing blue boxes to new residences and facilities eligible for blue box collection.

Changes to Waste Collection By-law – Staff are working with Legal Services to review what changes are needed to update the Town's [Waste Collection By-Law #7812-21](#) to ensure language is consistent with the new Extended Producer Responsibility framework. Staff will bring forward a report to Council later this year to update the By-law accordingly.

5. Financial Considerations:

Subject to Council approval of this report, Town staff will finalize an agreement with CMO, where the Town will assist in the transition of the Blue Box program from the

Region of Durham to CMO. The assistance will be in the form of promotional and educational materials of the new Blue Box program, (including collection schedules, contact information, on the Town's Waste Buddy App), where the Town is expected to receive \$13,000 over two years (i.e., \$3,000 in 2024 and \$10,000 in 2025). Additional revenue beyond 2025, if any, will be dependent upon whether CMO and the Town mutually agree to exercise up-to three (3) renewal terms of one (1)-year, each.

Following finalization of the agreement, to the satisfaction of the Commissioner of Community Services and Commissioner of Legal and Enforcement Services/Town Solicitor, it is recommended that the Mayor and Clerk be authorized to execute.

While the blue box program is currently a service that the Region of Durham provides, the transition to a full extended producer responsibility (i.e., collection by CMO) later this year may have a net on-going financial impact for the Town related to the following:

- Incremental costs of the Town taking over the battery collection program from the Region within the Town. The Operations Division reports that incremental costs are not anticipated to be significant at this time; and,
- Starting in 2026: Potentially incremental Town costs should the Town decide to continue to provide blue box collection services for businesses within the BIA and other small businesses currently receiving municipal blue box collection services from the Region. As noted above, the Region is currently exploring options.

The on-going financial impacts of this transition will be included in future budget discussions.

6. Communication and Public Engagement:

CMO will be ultimately responsible for informing residents about the transitioned Blue Box program beginning July 1, 2024. With that said, in the interest of maintaining good customer service and strong waste diversion in our community, staff are already preparing a communications plan so that we are prepared for any incoming Blue Box calls/inquiries during this time.

7. Input from Departments/Sources:

Waste Services Staff have been working closely with Legal Services, Communications and Creative Services, as well as with the Region of Durham's Waste Management Department.

8. Strategic Priorities:

This Report supports the Town's Community Strategic Plan, meeting multiple objectives under:

Pillar 2: Whitby's Natural & Built Environment, Objective 2.1: Demonstrate environmental leadership in sustainability and addressing climate change - through supporting Blue Box and battery collection in our community, we are supporting waste diversion thus reducing impacts to our natural environment.

Pillar 4: Whitby's Government, Accountable & Responsive,

- Objective 4.1: Address Community needs through collaboration and strategic partnerships, Action 4.1.2: Strengthen existing and build new relationships – building a new relationship with CMO and partnering with the Region to ensure continuity of blue box service.
- Objective 4.3: Deliver exceptional customer service and community engagement, Action 4.3.1 & 4.3.2 Continually improve the customer experience through the use of technology / Identify, establish, and report on service levels of interest to the community- continually improving the customer experience by ensuring that program changes are communicated effectively through various means to the residents of Whitby, as well as maintaining services (battery collection) that residents currently benefit from.
- Objective 4.4: Ensure fiscal accountability and responsibly plan for growth, Action 4.4.1: Deliver services that respond to community needs while balancing the impact to taxpayers – supporting the transition of waste collection to CMO moves the cost of blue box collection away from the Town's residents, while maintaining the blue box collection service overall.

9. Attachments:

N/A

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: 9-1-1 Telephone System Agreement with Region of Durham

Report to: Committee of the Whole

Date of meeting: April 15, 2024

Report Number: CAO 07-24

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:

Matthew Gaskell, Chief Administrative Officer

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Matthew Gaskell, CAO

1. Recommendation:

1. That Report CAO 07-24 be received;
2. That the Mayor and Clerk be authorized to sign the 9-1-1 Joint Powers Agreement; and,
3. That the Region of Durham be so advised.

2. Highlights:

- The Town of Whitby has been a signatory to the 9-1-1 Joint Powers Agreement for the 9-1-1 Emergency Telephone Reporting System since its inception. Periodically changes are recommended and area municipalities are required to approve, by Council resolution, any amendments to the agreement and corresponding policy and procedure manual.
- Correspondence from Durham Region Chief Administrative Officer, Elaine Baxter-Trahair, has been received, requesting approval by Council resolution of a new 9-1-1 System Agreement. (Attachment 1).

3. Background:

In the Region of Durham there is a central communication system providing an emergency reporting service known as the 9-1-1 Emergency Telephone Reporting System. As part of this system, area municipalities are required to approve by Council resolution any amendments to the agreement and corresponding policy and procedure manual.

4. Discussion:

Approval of the development of a new 9-1-1 System Agreement was considered by the Region of Durham Finance and Administration Committee on May 10, 2022 and subsequently adopted by Regional Council.

As part of the new 9-1-1 System Agreement, there is incorporated expectations for performance and delivery of services, addresses financial matters and shifts operational responsibilities to the service provider (DRPS). Finally, the new 9-1-1 System Agreement sets out to the budget process and financial approvals for the 9-1-1 System to define roles and responsibilities.

5. Financial Considerations:

N/A

6. Communication and Public Engagement:

N/A

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

The signing of this agreement supports the strategic goal to provide for a safe and healthy and inclusive community as identified in the [Community Strategic Plan](#).

9. Attachments:

Attachment 1 – Regional Municipality of Durham 9-1-1 System Agreement, 2024

REGIONAL MUNICIPALITY OF DURHAM 9-1-1 SYSTEM AGREEMENT

This Agreement is made as of the ____ of _____, 2024 ("Effective Date").

BETWEEN:

THE REGIONAL MUNICIPALITY OF DURHAM
(**"Durham Region"**)

- and -

DURHAM REGIONAL POLICE SERVICES BOARD
(**"DRPS Board"** or **"DRPS"**)

- and -

THE CORPORATION OF THE TOWN OF AJAX,
THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON,
THE CORPORATION OF THE CITY OF OSHAWA,
THE CORPORATION OF THE CITY OF PICKERING,
THE CORPORATION OF THE TOWN OF WHITBY,
THE CORPORATION OF THE TOWNSHIP OF BROCK,
THE CORPORATION OF THE TOWNSHIP OF SCUGOG,
THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE
(Collectively **"Area Municipalities"** and individually **"Area Municipality"**)

WHEREAS:

- A. Municipalities may establish, maintain and operate a centralized communication system for emergency response purposes pursuant to the Municipal Act, 2001, S.O. 2001, c. 25;
- B. Durham Region is responsible for providing ambulance services and establishing a police services board for the provision of policing within the municipal limits of Durham Region;
- C. The Area Municipalities are responsible for fire services within each of their respective municipalities within Durham Region;
- D. Durham Region has approved the creation and implementation of a central communication system providing an emergency reporting service for police, fire and ambulance services known as the 9-1-1 EMERGENCY TELEPHONE REPORTING SYSTEM ("9-1-1 System") for the persons within its municipal limits;

- E. The creation and implementation of the 9-1-1 System does not oblige Durham Region and the Area Municipalities to provide 9-1-1 System service to persons not residing within the municipal limits of Durham Region but who may nevertheless have access to the 9-1-1 System; and,
- F. The Parties have participated in the development of operating procedures, technical requirements, financial obligations and management structure of the 9-1-1 System.

NOW THEREFORE in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1.0 PROVISION OF 9-1-1 SYSTEM

- 1.1 Durham Region agrees to maintain a 9-1-1 Primary Public Safety Answering Point (the "PPSAP") for the police, ambulance and fire services ("User Agencies") operated by the Parties within Durham Region for the purposes of providing a 9-1-1 System.
- 1.2 The PPSAP shall be located in the Communications Centre of the DRPS, subject to the terms and conditions of this Agreement and the terms of a separate service agreement between Durham Region and the DRPS Board respecting funding considerations of the PPSAP.
- 1.3 Durham Regional Council may alter the manner in which the 9-1-1 System service is delivered or terminate the delivery of the service at its sole discretion.
- 1.4 The Parties agree that a board as depicted in Appendix "A" to this Agreement shall be established for the purposes of administering the operation and delivery of the 9-1-1 System service (the "9-1-1 Board").
- 1.5 The service delivery provisions and related funding responsibilities and obligations for the administration, operation and delivery of the 9-1-1 System shall be set out in a separate service agreement between Durham Region and the DRPS Board.
- 1.6 The capital assets, software licenses, logos, and literature relating to the 9-1-1 System shall remain the property or under the responsibility of Durham Region.
- 1.7 Each User Agency operating a Secondary Public Safety Answering Point (SPSAP) for the 9-1-1 System agrees to participate in the operation and implementation of the 9-1-1 System and to promptly handle calls received on the 9-1-1 System and relayed to it.

- 1.8 Each User Agency agrees to submit an annual report to the 9-1-1 Board by March 1st of each calendar year that attests to their compliance with the 9-1-1 System Policy Manual approved by the 9-1-1 Board and summarizes the public complaints received by the User Agency relating to the 9-1-1 System and feedback of the User Agency and/or public on the operations of the 9-1-1 System and the PPSAP for the previous calendar year.
- 1.9 Each User Agency agrees to be accountable for their own privacy responsibilities related to their SPSAP, including but not limited to: incident and breach management response policies and procedures, risk and privacy impact assessments and mitigations, audits, software safeguards and security configurations.
- 1.10 In the event a User Agency becomes aware of a threat to the security of the PPSAP or personal or confidential information associated therein, a User Agency will immediately notify the Durham Regional Police Service ("DRPS") and Durham Region.

2.0 DESCRIPTION OF THE 9-1-1 PPSAP FUNCTION

- 2.1 The 9-1-1 System Policy Manual provides specifics of all policies which will govern the operations of the PPSAP.
- 2.2 The basic function of the PPSAP shall be the initial screening of the 9-1-1 calls from the public and the immediate transfer of those calls to the appropriate User Agency or User Agencies. "Immediate Transfer" means that the 9-1-1 caller would be put in communication with the appropriate User Agency as soon as is reasonably practicable. In the case of those calls requesting police service, the 9-1-1 Call Taker will continue with the call and obtain all information as required by DRPS. In the case of fire services, the call will be directed to the Oshawa Fire SPSAP to be transferred to the Brock, Clarington, Oshawa, Scugog and Uxbridge fire services or the Ajax Fire SPSAP for the Pickering and Ajax fire services. In the case of ambulance, the call will be directed to the Oshawa Ambulance Communication Centre SPSAP operated by the Ministry of Health for Durham Region.
- 2.3 The Parties agree that the performance expectation for the PPSAP shall be the National Emergency Number Association (NENA) Call Answering Standard/Model Recommendation NENA-STA-0.20.1-2020, as amended from time to time.
- 2.4 All User Agencies shall have access at no cost to review digital audio recordings and time records of the PPSAP pertaining to any 9-1-1 situation that involves the User Agency. The Parties hereby specifically consent, each with the other, to the

release of such information for the purposes of this Agreement and such consent shall operate as a specific consent to disclosure in accordance with any legislation governing the access to and release of such information. Any further dissemination of such information shall be in accordance with any requirements of the law and subject to the specific agency policy.

- 2.5 The PPSAP function is subject to alteration as required by the 9-1-1 Board and approved by Durham Regional Council or its designate.

3.0 9-1-1 BOARD

- 3.1 The 9-1-1 Board shall be responsible to ensure that the DRPS Board, through the DRPS, carries out its responsibilities for the normal day-to-day operation of the 9-1-1 System and PPSAP together with development and training of 9-1-1 System personnel. The 9-1-1 Board shall submit a written annual report and an annual operating budget and forecast to Durham Regional Council and such other reports as are requested of it from time to time by Durham Regional Council.
- 3.2 The 9-1-1 Board shall approve the 9-1-1 System Policy Manual, which shall contain the full particulars of the performance expectations, together with all operational and administration considerations for the 9-1-1 System. The 9-1-1 Board shall review the 9-1-1 System Policy Manual on an annual basis and may amend the manual as needed.
- 3.3 Administrative liaison between the 9-1-1 Board and the governing authority of any particular User Agency shall be the responsibility of the Board member representing the User Agency group of which that particular User Agency is a member.
- 3.4 The 9-1-1 Board shall meet every three months, at a minimum.

4.0 THE PPSAP MANAGER

- 4.1 The DRPS Inspector of the DRPS Communications/9-1-1 Unit shall be designated as the PPSAP Manager and shall be responsible to the 9-1-1 Board for the functioning of the PPSAP. The DRPS Inspector shall ensure that the PPSAP operates in accordance with the 9-1-1 System Policy Manual approved by the 9-1-1 Board.
- 4.2 The DRPS Inspector may delegate such operational responsibilities and duties relating to the PPSAP to managers or supervisors within the DRPS Communications/9-1-1 Unit as the DRPS Inspector deems appropriate with the exception of financial approval authorities as defined in the separate service

agreement between Durham Region and the DRPS Board. These duties are in addition to the Inspector's DRPS role as defined by the DRPS Chief of Police.

- 4.3 The DRPS Inspector shall report to and be responsible to the 9-1-1 Board and shall be present or shall appoint a delegate to be present at all 9-1-1 Board meetings to respond to questions or inquiries.
- 4.4 The DRPS Inspector shall be responsible for the efficient operation of the PPSAP and the rapid and accurate discharge of the duties of the PPSAP. The DRPS Inspector's duties include:
 - a) through the DRPS Technical Manager, provide reports to 9-1-1 Board on compliance on call taking standards;
 - b) through the DRPS Technical Manager, provide reports on complaints from the public and recommendations to remedy any issues;
 - c) provide recommendations in response to complaints by User Agencies when brought to the 9-1-1 Board;
 - d) liaise with Communications Training Coordinator for Call Takers, their selection, and training;
 - e) through the DRPS Technical Manager, meet with User Agencies as needed to share technical information on changes to the 9-1-1 network;
 - f) provide recommendations for change to the PPSAP to the 9-1-1 Board;
 - g) provide recommendations for changes to the 9-1-1 System Policy Manual to the 9-1-1 Board; and,
 - h) such other duties as are assigned by the 9-1-1 Board, in consultation with the DRPS Chief of Police.

5.0 TERM

- 5.1 This Agreement will commence as of the Effective Date and will renew annually on the anniversary of the Effective Date unless this Agreement is terminated in accordance with the provisions of this Agreement.
- 5.2 Any amendment to this Agreement must be in writing and signed by all Parties, unless otherwise stated in this Agreement.
- 5.3 Durham Region or the DRPS Board may terminate this Agreement with 24 months' written notice to all other Parties.

- 5.4 An Area Municipality may terminate its participation with 12 months' written notice to the Parties. The decisions of an Area Municipality to terminate its participation in this Agreement shall not affect the application of the Agreement with respect to the remaining Parties.

6.0 DISPUTE RESOLUTION

- 6.1 Administration or operational disputes between any or all of the Parties hereto concerning the 9-1-1 System or the PPSAP (excluding any such dispute arising from a claim by any person who is not a Party hereto against Durham Region or any User Agency or Agencies) shall be finally decided by the Durham Regional Council or its delegate.

7.0 INDEMNIFICATION

- 7.1 The DRPS Board shall defend, indemnify and save harmless Durham Region, the Area Municipalities, the User Agencies and their respective past, current and future elected or appointed officials, officers, employees and agents from and against all claims of any nature, actions, causes of action, losses, expenses, fines, costs, interest or damages of every nature and kind whatsoever, arising out of or allegedly attributable to the negligent acts, errors, omissions, misfeasance, nonfeasance, fraud or wilful misconduct of the DRPS Board, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this Agreement. This indemnity shall survive the termination or expiration of this Agreement.

8.0 GENERAL

- 8.1 The recitals and paragraph headings form part of this Agreement.
- 8.2 Appendices "A" and "B" form part of this Agreement.
- 8.3 The 9-1-1 System Policy Manual is determinative, and for the purposes of this Agreement, of such matters as are contained therein but which are not otherwise addressed in the body of this Agreement.
- 8.4 This Agreement may be executed in any number of counterparts with the same effect as if all Parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same Agreement. With the exception of Appendix "B" which can change without total execution of this document.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement under the hands of their authorized signing officers as of the Effective Date:

Date:

**THE REGIONAL MUNICIPALITY OF
DURHAM**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**DURHAM REGIONAL POLICE SERVICES
BOARD**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE TOWN OF
AJAX**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE MUNICIPALITY
OF CLARINGTON**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE CITY OF
OSHAWA**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE CITY OF
PICKERING**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE TOWN OF
WHITBY**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE TOWNSHIP OF
SCUGOG**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE TOWNSHIP OF
UXBRIDGE**

Name:

Title:

I have the authority to bind the
Corporation

Date:

**THE CORPORATION OF THE TOWNSHIP OF
BROCK**

Name:

Title:

I have the authority to bind the
Corporation

APPENDIX 'A'

Administration of the Durham Regional 9-1-1 Telephone System is the responsibility of a Seven (7) Member Board.

Board Members are appointed as follows:

REPRESENTATIVE

APPOINTED BY

Regional Council (elected official)

Durham Regional Council

Police (Inspector,
Communications / 9-1-1 Unit)

Police Chief, DRPS

Police (Technical Manager,
Communications 9-1-1 Unit)

Police Chief, DRPS

Fire Agency (appointee)

Fire Chief's Committee

Ambulance Communications Centre
(Province)

Ministry of Health

Paramedic Services

Commissioner & Medical Officer of Health,
Region of Durham

Regional Council
(Finance Department staff member)

Regional Council, Region of Durham

The Chairperson will be a representative of either the Police or Fire Agencies, on a rotating annual basis.

The list of current 9-1-1 Board Members is identified in Appendix "B".

APPENDIX 'B'

Councilor Garrod
Regional Council representative
(as appointed by Council)

416-788-5388
bgarrod@uxbridge.ca

Gord O'Bienes
(Inspector, DRPS)

905-579-1520 Ext 6420
683@drps.ca

Jerrett Wichman
(Technical Manager, DRPS)

905-579-1520 ext 3327
jwichman@drps.ca

Mark Berney
(Chief, Scugog Fire Department)

905-985-7346
mberney@scugog.ca

Wayne Spindler
(Manager, Oshawa CACC)

905-430-0205
wayne.spindler@ontario.ca

Troy Cheseboro
(Chief, Region of Durham Paramedic Services)

905-665-6313 Ext 2250
905-444-2042 FAX
troy.cheseboro@durham.ca

Mary Simpson
(Director of Risk Management, Economic Studies and Procurement, Finance Department, Region of Durham)

905-668-7711, Ext. 2301
mary.simpson@durham.ca



Committee of the Whole Minutes

April 8, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

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

Regrets: Councillor Bozinovski

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
L. MacDougall, Council and Committee Coordinator (Recording
Secretary)

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

The were no declarations of conflict of interest.

4. Consent Agenda
5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Carolynne McNabney, Resident (In-Person Attendance)

Re: PDP 15-24, Planning and Development (Planning Services)
Department Report
Official Plan Amendment and Zoning By-law Amendment
Applications, Devon Downs Developments Ltd., 2002 Rossland
Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

Refer to Item 5.4.2, PDP 15-24

Carolynne McNabney, Resident, appeared before the Committee and stated that the Public Meeting in March 2019 was well attended and that residents expressed various concerns and numerous inquiries about the proposed development. Ms. McNabney advised that she only became aware of the recommendation report being presented at this meeting a week ago. She stated that she understood that following the Public Meeting further meetings would take place between residents and the developer to discuss and respond to the various inquiries. She noted that there have not been any further discussions and the concerns and questions have not been answered. She stated that the proposed change to zoning to permit an increase in the building height from three to four storeys was not consistent with the Town's Official Plan or the existing neighbourhood. She inquired about the type of proposed housing, i.e., affordable, seniors or rental, where children from the proposed development would attend school, whether a civil infrastructure impact study was undertaken, and the sanitary sewer capacity for the proposed development. She noted that an environmental assessment should have been undertaken by a neutral third party assessor. Ms. McNabney raised concerns about shadowing, privacy, the increased traffic and traffic congestion,

providing adequate parking, the proposed chain-link fence, and the grading of the site and potential water drainage/flooding of existing properties. She expressed concerns about the proposed garbage and snow storage area and asked whether it would be enclosed and/or relocated to prevent snow melt and garbage from migrating onto the existing residential properties. Ms. McNabney inquired about the timeline for the commencement and completion of construction, noting the impact of the construction noise for existing residents and pets.

A question and answer period ensued between Members of Committee and Ms. McNabney regarding:

- whether there has been any communication between the existing residents and the proponent since the Public Meeting in 2019;
- whether there were any changes to the proposed development between 2019 and present; and,
- how the delegate was notified about the Committee of the Whole meeting and whether the notice indicated the rationale for the change in the height of the building from three to four storeys, and whether the delegate was aware of whether other neighbours were notified of the meeting.

5.2.2 Carol Espie, Resident (In-Person Attendance)

Re: PDP 15-24, Planning and Development (Planning Services)
Department Report
Official Plan Amendment and Zoning By-law Amendment
Applications, Devon Downs Developments Ltd., 2002 Rossland
Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

Refer to Item 5.4.2, PDP 15-24

Carol Espie, Resident, appeared before the Committee and advised that her property would be impacted by the proposed development. She stated that she has had several conversations with Town Staff who provided detailed information about the development plans. Ms. Espie advised that she now understood that at the time she purchased her home in 1989, the details of the plan presented to her for the proposed building was only a concept and not an approved development. Ms. Espie advised that she

agreed with all of the concerns raised by the previous delegate. She raised concerns about the six parking spaces that would be located directly behind her property and approximately 10 feet from her yard. She inquired about the grading of the development site, noting that higher or lower grading would have an impact on her property. Ms. Espie stated that the landscape plan currently indicates that the snow storage area would be located directly behind her property making it impossible for tree planting in that area. She advised that she understood that a 6-foot wood privacy fence as opposed to a chain link fence would be installed to prevent any light trespass from vehicles in the parking area. Ms. Espie expressed concerns about the responsibility of the maintenance of the privacy fence, noting that it should not be the responsibility of residents. She raised concerns about the size of the trees that would be planted and requested that a more mature tree planting take place.

A question and answer period ensued between Members of Committee and Ms. Espie regarding:

- whether the delegate has had an opportunity to meet with the developer; and,
- whether the installation of the 6-foot fence and tree planting was communicated to the delegate directly by the developer.

5.2.3 Lisa Klets, representing Devon Downs Developments Ltd. (In-Person Attendance)

Re: PDP 15-24, Planning and Development (Planning Services)
Department Report
Official Plan Amendment and Zoning By-law Amendment
Applications, Devon Downs Developments Ltd., 2002 Rossland
Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

Refer to Item 5.4.2, PDP 15-24

Lisa Klets, representing Devon Downs Developments Ltd., appeared before the Committee and provided detailed information about the rationale for the Official Plan and Zoning By-law Amendment applications, and the proposed development and public consultation. Ms. Klets stated that various revised and/or updated submissions were provided to the Town, noting that the

Central Lake Ontario Conservation Authority has no objection to the proposed development. She advised that submissions to the Town address concerns about lighting, noise, the proximity to the airport, increased traffic and traffic congestion, and watermain and sanitary sewer services. She advised that the density and height of the proposed development was in conformity with the Official Plan designation, the Provincial Policy Statements and Growth Plans. Ms. Klets stated that concerns related to privacy, noise, grading, water drainage, and landscaping would be addressed through the site plan review and approval process.

A detailed question and answer period ensued between Members of Committee and Ms. Klets regarding:

- whether any dialogue with the existing residents has taken place since 2019, and confirmation that D.G. Biddle & Associates and the developer would meet with the area residents prior to the matter being considered at Council;
- when the decision was made to increase the height of the building from 3 to 4 storeys;
- whether the developer has committed to the 6-foot wooden fence and whether the fence could be higher;
- the size of the tree plantings and whether more mature trees could be planted;
- confirmation that there would be a 3-metre buffer of landscaping between the parking spaces and the fence, and whether snow storage would be located within the 3-metre buffer;
- the lack of privacy for new and existing residents due to the height of the building and the balconies;
- whether the proposed development would have rental units, if there were any plans to include housing for seniors, and whether there was any intention to include affordable housing units; and,
- whether a shade study was undertaken.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 14-24, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Condominium Application, 3425 Coronation Developments Limited, Northeast Corner of Coronation Road and Twin Streams Road, File Number: DEV-29-23 (CW-2023-05)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-05) subject to the comments included in Planning Report PDP 14-24 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

5.4.2 PDP 15-24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, Devon Downs Developments Ltd., 2002 Rossland Road East, File Numbers: DEV-21-18 (OPA-2018-W/06, Z-33-18)

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

- clarification on the process and timeline for a decision by Council on the applications before application fees must be refunded, and whether the Town's Official Plan regarding Mature Neighbourhoods apply to the proposed development;

- confirmation that various concerns raised by the residents including but not limited to tree planning, lighting to illuminate parking areas, and the type and height of the privacy fence would be addressed through the site plan review and approval process;
- confirmation that Staff were recommending and seeking approval for the Official Plan and Zoning By-law Amendments, and not for the Site Plan Application at this time;
- confirmation that discussions and meetings related to the site plan review and approval process would continue beyond the approval of the Official Plan and Zoning By-law Amendments;
- the timeline to defer consideration of the Staff report to provide an opportunity for a meeting between the proponent and community, and clarification on Council providing feedback related to site plan review and approval process;
- the benefits of deferring the Staff report beyond the April 29, 2024 Regular Council meeting; and,
- confirmation that the proposed development has the same height and number of units as was presented at the Public Meeting in 2019.

Recommendation:

Moved by Councillor Shahid

1. That Council approve Official Plan Amendment Number #135 to the Whitby Official Plan (File No.: OPA- 2018-W/06), as shown on Attachment #6, and that a By-law to adopt Official Plan Amendment Number #135 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Planning Report PDP 15-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number # 135 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;

3. That Council approve the amendment to Zoning By-law # 1784, (File No.: Z-33-18), as outlined in Planning Report No. PDP 15-24 and that a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and,
4. 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.

Note: The disposition of this matter, Item 5.4.2, was determined through the deferral motion below.

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report PDP 15-24 be deferred to the April 29, 2024 Regular Council meeting.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Yamada

That the deferral motion be amended by amending the deferral date from the April 29, 2024 Council meeting to the May 27, 2024 Council meeting.

Carried

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

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report PDP 15-24 be deferred to the May 27, 2024 Council meeting.

Carried

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

Moved by Councillor Cardwell

That the Committee take a brief recess.

Carried

The Committee recessed at 8:13 pm. and reconvened at 8:21 p.m.

6. General Government

6.1 Presentations

6.1.1 Diandra Persaud, Chair, Downtown Whitby Business Improvement Area Board of Management, and Kim Copetti, Accountant, Downtown Whitby Business Improvement Area (In-Person Attendance)

Re: FS 13-24 , Financial Services Department and Office of the Chief Administrative Officer Joint Report
Downtown Whitby Business Improvement Area (BIA) 2024 Budget and 2023 Reporting

Refer to Item 6.4.1, FS 13-24

Diandra Persaud, Chair, Downtown Whitby Business Improvement Area Board of Management, and Kim Copetti, Accountant, Downtown Whitby Business Improvement Area (BIA), appeared before the Committee and provided a PowerPoint presentation regarding the Downtown Whitby Business Improvement Area (BIA) 2023 Budget and Annual Report. Highlights of the presentation included:

- an introduction to the BIA including the Board of Management and BIA Staff Members;
- a detailed overview of the BIA's 2023 and 2024 beautification efforts, programs and events, and grants;
- information about the BIA's marketing and communications efforts; and,
- detailed information about the 2024 proposed budget.

A detailed question and answer period ensued between Members of Committee, Ms. Persaud, and Ms. Copetti regarding:

- the total amount of funds in the reserves and whether the reserves would be exhausted;
- whether reserve funds from grants may be used to offset the operating budget, considering the intended purpose of the grants;
- the loss of funds in 2023 related to the Christmas Market event, and the criteria used to determine the success of this event;
- the difference between the cost of the Christmas Market in 2023 and the budgeted amount in 2024 and how the loss would be covered, and opportunities to run the Christmas Market without a large deficit;
- the rationale for discontinuing the Beer Fest event versus the Christmas Market event, and whether consideration was given to outsourcing tasks, using an event planner, and changing the location of the event to continue the Beer Fest;
- whether assets for the Beer Fest event would be kept in storage;
- confirmation that the direction of the BIA budget related to events was in line with the wishes of the business owners;
- information on the partnership with STEPS Public Art;
- the process for filling the vacant Executive Director position; and,
- the historical vacancy rate in Downtown Whitby.

6.2 Delegations

There were no delegations.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 FS 13-24, Financial Services Department and Office of the Chief Administrative Officer Joint Report

Re: Downtown Whitby Business Improvement Area (BIA) 2024
Budget and 2023 Reporting

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

- the possibility of the Town or a community partner running the Beer Fest event in the future;
- requiring the dedication of 10% of the BIA's operating budget to reserves to use for unforeseen expenses, and confirmation that reserves were being used for operating costs;
- concerns about a 5% increase in the Special Tax Levy while using reserves to offset operating costs, and whether the Staff recommendation to approve the budget considered the sustainability of using reserves to offset operating costs;
- whether Downtown Whitby business owners provided feedback on the Community Strategic Plan, whether the business owners expressed a desire for more events, and whether the community at large indicated a need for more events; and,
- whether a Downtown Whitby signature event would attract foot traffic into the businesses and an engagement opportunity for community at large.

Recommendation:

Moved by Councillor Leahy

1. That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Beautification Report and the 2023 Annual Report, (Attachments 2 and 3 of Report FS 13-24), be received; and,
2. That the Downtown Whitby Business Improvement Area Board of Management's proposed 2024 Budget, (as outlined in Attachment 1 of Report FS 13-24), inclusive of a \$220,500 special tax levy for businesses within the Downtown Whitby Business Improvement Area, be approved.

Carried

6.4.2 FS 07-24, Financial Services Department Report

Re: Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

A brief question and answer period ensued between Members of Committee and Staff regarding clarification on the amendment to the ONE JIB Agreement.

Recommendation:

Moved by Councillor Leahy

1. That a by-law, (as shown in Attachment 1 to Report FS 07-24), in support of the Town of Whitby's involvement in the Prudent Investment offering of the ONE Joint Investment Board ("ONE JIB") be brought forward to a future Council meeting, which:
 - a. Approves an amended ONE JIB Agreement, including a revised Terms of Reference to increase the maximum number of ONE JIB members from 10 to 12;
 - b. Approves the ONE JIB Records Retention By-law and the delegation to ONE JIB's Secretary of the necessary powers and duties to deal with the records of ONE JIB; and,
 - c. Approves changes to the amendment provisions of the ONE JIB Agreement.

Carried

6.4.3 FS 12-24, Financial Services Department Report

Re: 2024 Property Tax Rates and Final Billing Due Dates

Recommendation:

Moved by Councillor Lundquist

1. That the 2024 property tax rates for the General Municipal Town Levies, shown in Attachment A of Report FS 12-24, be approved;
2. That the special tax levy and tax rates for the year 2024 for the properties located within the Downtown Whitby Business

Improvement Area (BIA), shown in Attachment B of Report FS 12-24, be approved;

3. That the final property tax bill due dates all property tax classes be June 24, 2024 and September 24, 2024;
4. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates and notify Council at the earliest opportunity; and,
5. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2024 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

Carried

6.4.4 CAO 08-24, Office of the Chief Administrative Officer Report

Re: Durham Region Farmer's Market Association 2024 - 2027
Lease Agreement

A brief question and answer period ensued between Members of Committee and Staff regarding whether discussion has taken place about relocating the Farmer's Market within the Downtown Whitby area.

Recommendation:

Moved by Mayor Roy

1. That Report CAO 08-24 be received for information;
2. That staff be authorized to prepare a Lease Agreement between the Durham Region Farmers' Market Association and the Town of Whitby, in accordance with the recommendations contained in Report CAO 08-24 for the use of Parking Lot 9 in Brooklin and Celebration Square at the Whitby Public Library effective May 1, 2024, to April 30, 2027; and,
3. That the Mayor and Clerk be authorized to execute the Lease Agreement upon terms substantially in accordance with Attachment 1 of the Report and in a form satisfactory to

the Commissioner of Legal and Enforcement Services/Town Solicitor or designate.

Carried

6.4.5 FES 01-24, Fire and Emergency Services Department Report

Re: Durham College Partnership – Whitby Fire and Emergency Services Inclusivity Excellence Scholarship Award

Recommendation:

Moved by Mayor Roy

1. That Whitby Fire & Emergency Services (WFES) partners with Durham College via the Inclusive Excellence Scholarship Award in exchange for fleet usage in the Fire Pre-service Program for a period of three (3) years, with Durham College's option to renew for an additional three (3) years;
2. That Durham College solely funds two (2) Inclusive Excellence Scholarships valued at approximately \$7,500 per recipient/student for a total cost of \$15,000 annually, for the term of the lease, as consideration for the annual lease payments to the Town;
3. Scholarship recipients will be comprised of racialized and/or economically challenged high school students from the Town of Whitby, who have been accepted into either the Fire Fighter Pre-Service Education and Training or the Fire Prevention and Technology programs;
4. WFES continues to provide Durham College access to a 2009 Seagrave Marauder II Pumper for use in the Pre-service Firefighter Education and Training program, as required throughout the curriculum;
5. That the Mayor and Clerk be authorized to execute the lease agreement upon terms substantially in accordance with Report FES 01-24, and in a form satisfactory to the Commissioner of Legal and Enforcement Services/Town Solicitor, or designate;

6. WFES services and communicates the maintenance schedule for the 2009 Seagrave Marauder II Pumper, ensuring the apparatus is available and transported to the appropriate service destination; and,
7. Through newly created public education programming for high school students and signage at Fire Headquarters, WFES promotes the strategic alliance and scholarship with Durham College.

Carried

6.4.6 CMS 04-24, Community Services Department Report

Re: Commemorative Tree and Bench Policy Update

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

- the number of people on the waiting list for commemorative features, and opportunities to complete more than 15 tree and bench dedications per year to reduce the waiting list;
- the potential for public art installation along the waterfront that would accommodate dedications, and confirmation that installing plaques on artwork would be less expensive than a bench dedication;
- confirmation that the Town would not be responsible for replacing trees, benches, and plaques installed as part of the program on expiration of the 10 year warranty period, noting that the installations generally last longer than this timeframe; and,
- whether priority locations for tree and bench dedications would be predetermined by Staff.

Recommendation:

Moved by Mayor Roy

1. That Council approve the proposed amendments to the Commemorative Tree and Bench Policy, Policy Number MS 260, Attachment 2 of Report CMS 04-24;

2. That Council approve the proposed 2024 fee structure for the updated Tree and Bench Commemorative Program, as shown in Attachment 5 of Report CMS 04-24;
3. That the Fees and Charges By-law be updated to reflect the minimum donation amounts listed in Attachment 5 of Report CMS 04-24; and,
4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.

Carried

6.4.7 CMS 05-24, Community Services Department and Legal and Enforcement Services Department Joint Report

Re: Department of Fisheries and Oceans Canada (“DFO”) request to utilize Town lands to facilitate Harbour Remediation

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

- the risk associated with contaminated sediment remaining on the land used for containment and drying prior to removal; and,
- whether dredging Whitby Harbour would deepen and widen the harbour.

Recommendation:

Moved by Councillor Leahy

1. That Report CMS 05-24 be received as information;
2. That Council grant approval to The Department of Fisheries and Oceans Canada (“DFO”) for use of a portion of Gordon Fields adjacent to the Gordon Street Boat Ramp between July 15, 2024 and October 31, 2026 in exchange for in kind remediation (clean up) of Town owned water lots as identified in attachments #1 and #2;
3. That Council grant approval to DFO for use of a portion of the Gordon Street Boat Ramp parking lot between July 15,

2024 and October 31, 2026 in order to facilitate dredging contractor vehicle parking;

4. That Council grant approval for DFO to access Town lands adjacent to Promenade Lake Park to allow loading/unloading of barges from the Federally owned portions of the promenade and pier as identified in attachment #3; and,
5. That Staff be delegated authority to execute any agreement(s) which may be required to carry out the above recommendations in a form satisfactory to the Commissioner of Community Services and the Commissioner of Legal and Enforcement Service/Town Solicitor, or their designate.

Carried

6.5 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

Recommendation

Moved by Councillor Cardwell

That the meeting adjourn.

Carried

The meeting adjourned at 10:02 p.m.



Committee of the Whole Minutes

April 15, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

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

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
T. Painchaud, Sr. Manager, Transportation Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
P. Thistle, Director, Operational Services
F. Wong, Commissioner of Financial Services/Treasurer
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

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

There were no declarations of conflict of interest.

4. Consent Agenda

Prior to consideration of Planning and Development matters, Councillor Mulcahy recognized Mayor Roy for her response to and actions undertaken at the scene of a recent vehicle accident that occurred on the Don Valley Parkway en route to a Town related event in Toronto. Councillor Mulcahy additionally requested that Council and the community support the advocacy campaign for a new hospital in Whitby.

5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Wenda Abel, Resident (In-Person Attendance)

Re: PDE 02-24, Planning and Development (Engineering Services)
Department Report
Port Whitby Traffic Consideration

Refer to Item 5.4.1, PDE 02-24

Wenda Abel, Resident, appeared before the Committee and advised that she was pleased that the pedestrian crosswalk for Watson Street at the Waterfront Trail was approved, noting that its installation was a priority due to the pedestrian and vehicle traffic increasing as summer approaches. She enquired about the rationale to exclude the portion of Watson Street east of Charles Street from the Community Safety Zone and requested that consideration be given to include the eastern portion of Watson Street to Harbour Street. She stated that signage was in place for a speed limit of 40 km/h on streets in Whitby Shores and asked why a Traffic Study would need to be undertaken prior to lowering the speed limit to 40 km/h in Port Whitby. Ms. Abel noted the area residents' frustration due to the continued speeding and aggressive driving as speed limits remain at 50 km/h. She stated that it was counterintuitive not to lower the speed limit to 40 km/h throughout Port Whitby in tandem with the Community Safety Zone on Brock Street and Watson Street. Ms. Abel stated that the installation of speed humps on Watson Street East and Charles Street south of

Watson Street was a high priority to reduce speed, aggressive driving, and heavy trucks on busy residential streets. Ms. Abel noted that speed humps could be approved and installed quickly. She stated that the signalization at the intersection of Brock Street and Watson Street was urgent due to children, school buses, transport trucks, and speeding vehicles in the area. She requested that a pedestrian crosswalk or a crossing guard be implemented right away at this intersection to provide children safe passage across the street to board school buses and travel to Watson Park. Ms. Abel stated that the on-road planters, wayfinding signage, construction traffic rerouting, and radar speed feedback signage were helpful but provide little contribution to deter speeding, aggressive driving, and truck incursion. She indicated that the Port Whitby safety and traffic control measures have not been updated to reflect changes in conditions for 10 years, noting the number of years of advocacy by her neighbour which has finally resulted in a plan for solutions. She urged Council to be proactive and to direct Staff to prepare implementation timelines for the traffic calming measures to make Port Whitby safer.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDE 02-24, Planning and Development (Engineering Services) Department Report

Re: Port Whitby Traffic Consideration

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

- confirmation that the Region would have to approve a reduction in the speed limit on Brock Street, and that the cost for improvements along Victoria Street or Brock Street would be financed by the Region;
- establishing a base line for current parking and traffic infraction volumes to determine the effectiveness of additional enforcement by By-law Services and the Durham Regional Police Service;

- whether there was a traffic plan to accommodate current and future development in the Port Whitby area;
- whether consideration has been given to the Port Whitby area with respect to the proposed legislation to eliminate the requirement for a minimum number of parking spaces per residence for new builds near transit areas;
- whether the implementation of speed humps, radar signs, and on-road planters on Charles Street and Watson Street were included in traffic calming plans for 2023 or 2024; and,
- the approximate cost to implement the traffic calming elements in the proposed motion, clarification on the cost for the implementation of the Community Safety Zone, and whether the total cost would be included as part of the allocated budget for 2024.

Recommendation:

Moved by Councillor Lundquist

1. That Report PDE 02-24 be received for information;
2. That Council direct Staff to undertake the following traffic calming elements identified in Report PDE 02-24 in the Port Whitby area as soon as reasonably possible in 2024:
 - a. Implementation of a Community Safety Zone from Charles Street to Dufferin Street;
 - b. The addition of crosswalk pavement markings at stop signs to delineate pedestrian crossings;
 - c. An area specific speed limit of 40 km/h and installation of signage at entry points into the community and supplementary signage throughout Port Whitby to advise drivers of the speed limit;
 - d. Request additional enforcement from By-law Services and Durham Regional Police Service for parking and the Highway Traffic Act infractions, respectively; and,
3. That Item P&D-0017 be removed from the New and Unfinished Business list.

Carried

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

Councillor Lundquist assumed the Chair.

6.1 Presentations

6.1.1 Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity (Virtual Attendance)

Re: Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

Refer to Item 6.3.1, Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

Jeff Abrams, Co-Principal, Principles Integrity, provided a presentation regarding the Integrity Commissioners Annual Report for the Town of Whitby. Highlights of the presentation included:

- detailed information about the purpose and role of the Integrity Commissioner;
- the activities of the Integrity Commissioner for the Town of Whitby between November 2022 and January 31, 2024 including policy development and education, consulting and advice, and complaint investigation and resolutions; and,
- detailed information about ethical themes around the province including the disclosure of confidential information from closed meetings, non-disparagement, overstepping roles, and the strong mayor powers.

A question and answer period ensued between Members of Committee and Mr. Abrams regarding:

- whether the Province and Integrity Commissioners were working together to address the actions of Council Members as they relate to the ethical themes around the Province;
- whether complaints received by the Integrity Commissioners from municipalities across the Province were higher than normal and whether there was any data indicating the percentage of complaints on an annual basis;
- mitigating the weaponization of the Integrity Commissioner should the Province decide to amend the Municipal Act to permit vacating a Member's seat on Council;
- discussion about whether a Member of Council would have to bear the cost of their defence should a complaint be administered by an Integrity Commissioner; and,
- whether there would be any recourse for a Member of Council in a situation where there were repeated frivolous or vexatious complaints.

It was the consensus of the Committee to hear Item 6.3.1, Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby, at this time.

6.1.2 Peter Veiga, Manager, Waste Management Operations, Regional Municipality of Durham (Virtual Attendance)

Re: CMS 06-24, Community Services Department Report
Blue Box Transition to Full Extended Producer Responsibility – July 1, 2024

Refer to Item 6.4.1, CMS 06-24

Peter Veiga, Manager, Waste Management Operations, Regional Municipality of Durham, appeared before the Committee and provided a PowerPoint presentation regarding the blue box transition to full extended production responsibility. Highlights of the presentation included:

- detailed information about the Blue Box Regulation transferring responsibility for blue box recycling from municipalities to Producers;

- details about the roles and responsibilities of Producers, the eligible and ineligible sources, the three-year phase-in and associated key dates;
- detailed information about the key messages to residents about the blue box transition, and the communication channels/methods and timelines;
- detailed information about the Enhanced Green Bin including its launch, promotion, and additional materials to be accepted; and,
- information about the Enhanced Green Bin campaign communication channels and timelines.

A detailed question and answer period ensued between Members of Committee and Mr. Veiga regarding:

- the effective date for the enhanced green bin and how additional bins for extra capacity would be distributed;
- whether there would be any change to the use of compostable bags for the green bin, and the ability to include plastic, i.e., animal waste bags, in the green bins;
- whether communications through both the Region and Whitby would take place during the transition period for the enhanced green bin collection;
- confirmation that the administration, collection schedule, and container types for blue box collection would not change until after January 1, 2026;
- the potential changes to the blue box collection effective January 1, 2026, and whether there would be any reduction in services;
- whether the transition in responsibility for the blue box collection would result in a cost savings to the Region, and whether there would be any loss of employment of Regional Staff;
- confirmation that the Region has one of highest diversion rates for recyclable materials in Ontario and the impact that

the removal of small businesses from receiving collection would have on the diversion rates;

- the possibility of changing the type of container for recycling from bins to carts;
- whether enough dialogue has occurred with the Province by the lower and upper tier municipalities with respect to advocating for continued blue box collection for small businesses;
- whether messaging about recycling would still occur through the Whitby Waste Buddy App;
- the possibility of the Region providing a presentation to residents at a community meeting; and,
- whether a letter of support to the Province regarding the need for blue box collection for small businesses would be beneficial.

6.2 Delegations

There were no delegations.

6.3 Correspondence

6.3.1 Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby

Recommendation:

Moved by Mayor Roy

That Correspondence # 2024-235 from Janice Atwood and Jeff Abrams, Co-Principals, Principles Integrity regarding the Integrity Commissioners Annual Report - Town of Whitby be received for information.

Carried

It was the consensus of the Committee to hear Item 6.1.2, Presentation by Peter Veiga, Manager, Waste Management Operations, Regional Municipality of Durham, at this time.

6.4 Staff Reports

6.4.1 CMS 06-24, Community Services Department Report

Re: Blue Box Transition to Full Extended Producer Responsibility –
July 1, 2024

Recommendation:

Moved by Mayor Roy

1. That Report CMS 06-24 be received for information;
2. That staff be directed to continue the collection of batteries through a pilot program utilizing the Town of Whitby's curbside waste and organics collection program; and,
3. That the Commissioner, Community Services and the Commissioner, Financial Services/Treasurer be authorized to execute an Agreement for promotional and education services with Circular Materials Ontario, in a form as approved by the Commissioner of Legal Services/Town Solicitor, or their designate.

Carried

6.4.2 CAO 07-24, Office of the Chief Administrative Officer Report

Re: 9-1-1 Telephone System Agreement with Durham Region

Recommendation:

Moved by Councillor Lundquist

1. That Report CAO 07-24 be received;
2. That the Mayor and Clerk be authorized to sign the 9-1-1 Joint Powers Agreement; and,
3. That the Region of Durham be so advised.

Carried

6.5 New and Unfinished Business - General Government

There was no new and unfinished business.

7. Adjournment

Motion to Adjourn

Recommendation:

Moved by Councillor Yamada

That the meeting adjourn.

Carried

The meeting adjourned at 8:33 p.m.



Town of Whitby

By-law # 8066-24

Official Plan Amendment Number 133

Being a By-law to adopt Amendment Number 133 to the Official Plan of the Town of Whitby;

Whereas Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, provide that the Council of a municipality may by by-law adopt amendments to its Official Plan; and,

Whereas the Council of The Corporation of the Town of Whitby deems it advisable to amend the Official Plan of the Town of Whitby.

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

1. General

- 1.1. Amendment Number 133 to the Official Plan of the Town of Whitby, attached as Schedule "A" to this By-law, is hereby adopted.
- 1.2. The Clerk of the Corporation of the Town of Whitby is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Regional By-law 11-2000 and Regional Procedure: Area Municipal Official Plans and Amendments, for exempt Official Plan Amendments.
- 1.3. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule 'A' to By-Law 8066-24

Amendment # 133 to the Town of Whitby Official Plan

Purpose: The purpose of this Amendment to the Town of Whitby Official Plan is to facilitate minor housekeeping and technical revisions to certain Part 2 Secondary Plans and Schedules, and related minor revisions to Part 1 Official Plan.

Location: The subject lands to which the Official Plan Amendment applies are all lands within the Town of Whitby and generally within the following Secondary Plan areas:

- Lynde Shores Secondary Plan;
- Rossland/Garden Urban Central Area Secondary Plan;
- Brooklin Community Secondary Plan;
- Macedonian Village Secondary Plan;
- Hamlet of Ashburn Secondary Plan;
- Brock/Taunton Major Central Area Secondary Plan;
- Thicksen/Taunton Community Central Area Secondary Plan; and,
- Taunton North Community Secondary Plan.

Basis: This Town-initiated Amendment includes minor housekeeping and technical revisions and updates to relevant sections of Part 1 Parent Official Plan and certain Part 2 Secondary Plans. Some Secondary Plans are being deleted in their entirety where appropriate, with certain policies relocated accordingly, while others are being refined for alignment and consistency with the parent Part 1 Official Plan, and other Part 2 Secondary Plans.

The housekeeping and technical Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan and Durham Regional Official Plan, and meets the overall goals and intent of the Whitby Official Plan. The Amendment is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act.

The housekeeping and technical Amendment includes:

1. Policy (text) changes to the Official Plan and Secondary Plans, including:

- Deletion of select Secondary Plans where such areas have been substantially builtout;
- Clarification of policies;
- Consistency/alignment of policy language, terminology, phrasing, land use permissions, densities, and heights etc., amongst Part 2 Secondary Plans and Part 1 parent OP, where appropriate;
- Maintaining specific land use permissions, densities and/or heights where Secondary Plans are more detailed and specific; and
- Minor reorganizing, restructuring, cross-referencing, and renumbering, where required.

2. Schedules (maps) changes, including:

- Deletion of select Secondary Plan schedules where such areas have been substantially built out;
- Minor revisions/updates to reflect as-built and/or implemented land use designations and symbols, infrastructure and utility locations, road network, etc.; and
- Consistency of map formats amongst Secondary Plans, including map legends, line types, boundaries, colours, hatching, etc.

Actual Amendment:

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

1. By deleting Section 11.4 and Schedule J – Rossland Garden Urban Central Secondary Plan, Section 11.6 and Schedule L – Macedonian Village Secondary Plan, Section 11.7 and Schedule M – Hamlet of Ashburn Secondary Plan, and Section 11.9 and Schedule O – Thickson/Taunton Community Central Area Secondary Plan, and by re-numbering subsequent Sections accordingly, and re-lettering Schedules accordingly;
2. By replacing Schedule “A” – Land Use with a new Schedule “A” – Land Use, by removing the decommissioned Hydro Corridor, and to reflect as built conditions and other refinements, as shown on the attached Exhibit ‘A’;
3. By amending Schedule “B” – Intensification, by removing the decommissioned Hydro Corridor, as shown on the attached Exhibit ‘B’;
4. By amending Schedule “C” – Environmental Management, by removing the decommissioned Hydro Corridor, as shown on the attached Exhibit ‘C’;

5. By amending Schedule “E” – Secondary Plans and Community Improvement Areas, by deleting select Secondary Plan areas, as shown on the attached Exhibit ‘D’;
6. By replacing Schedule “G” – Lynde Shores Secondary Plan with a new Schedule “G” – Lynde Shores Secondary Plan, to reflect as built conditions and other refinements, as shown on the attached Exhibit ‘E’;
7. By replacing Schedule “N” – Brock/Taunton Major Central Area Secondary Plan with a new Schedule “N” – Brock/Taunton Major Central Area Secondary Plan, to reflect as built conditions and other refinements, identified as Schedule “K” on the attached Exhibit ‘F’;
8. By replacing Schedule “P” – Taunton North Community Secondary Plan Land Use with a new Schedule “P” – Taunton North Community Secondary Plan Land Use, to reflect as built conditions and other refinements, identified as Schedule “L” on the attached Exhibit ‘G’;
9. By replacing Schedule “Q” – Taunton North Community Secondary Plan – Environment with a new Schedule “Q” – Taunton North Community Secondary Plan - Environment, to reflect as built conditions and other refinements, identified as Schedule “M” on the attached Exhibit ‘H’;
10. By amending Part 1 of the Town of Whitby Official Plan, with additions in green underlined text, and, deletions in red strikethrough text, as shown on the attached Exhibit ‘I’; and,
11. By amending Part 2 of the Whitby Official Plan, Section 11.2 - Lynde Shores Secondary Plan, Section 11.8 - Brock/Taunton Major Central Area Secondary Plan; Section 11.10 - Taunton North Community Secondary Plan; Section 11.11 – Oak Ridges Moraine Secondary Plan, with additions in green underline text, and, deletions in red strikethrough text, as shown on the attached Exhibit ‘J’.

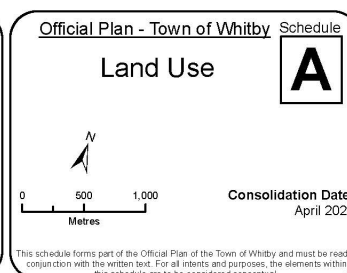
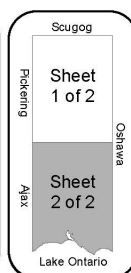
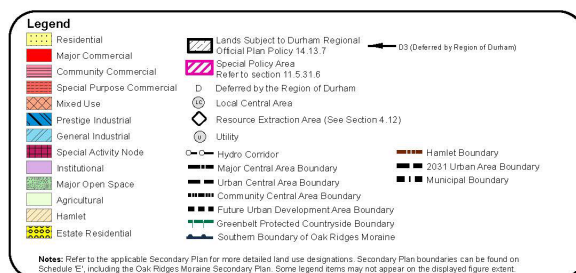
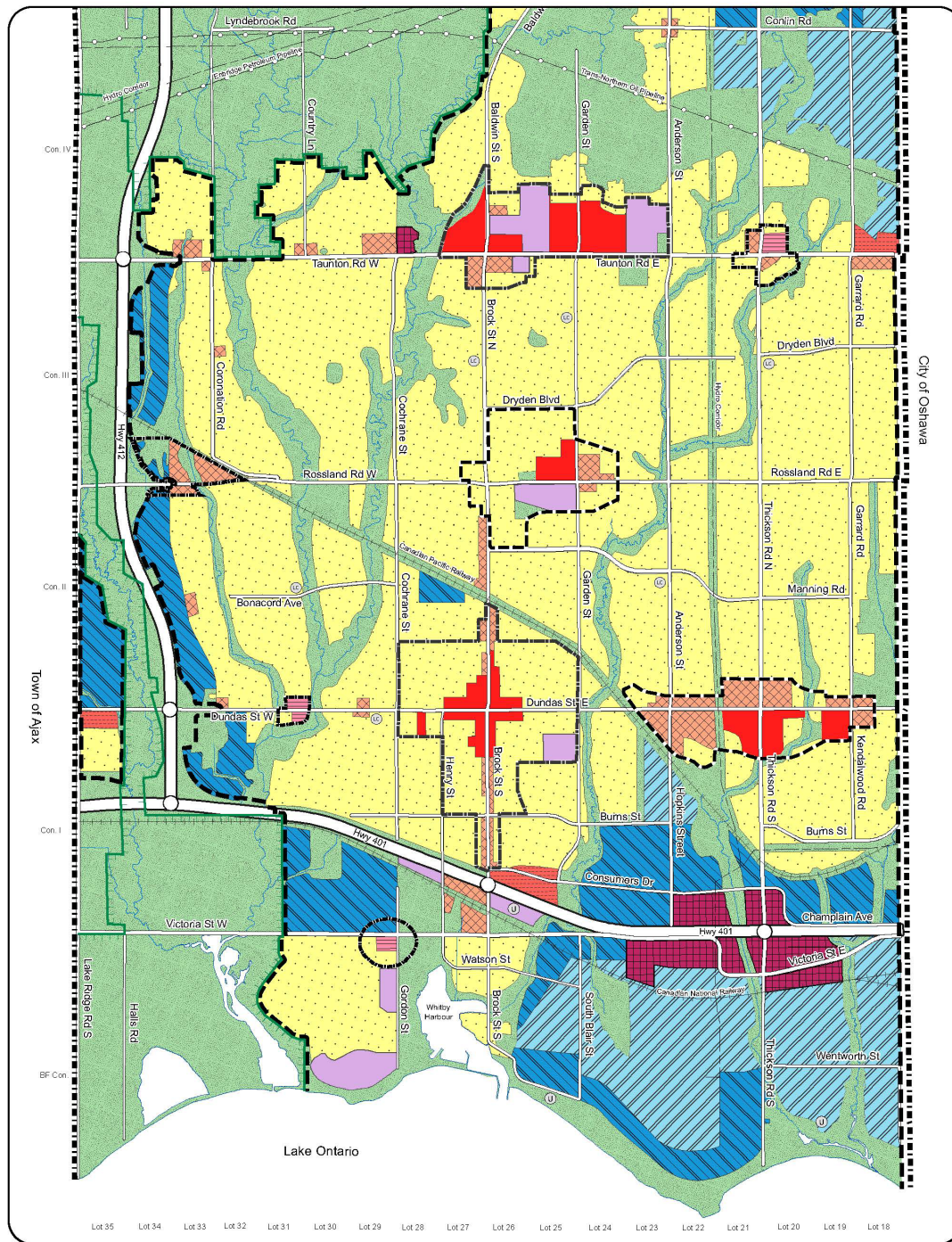
Implementation:

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

Interpretation:

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

Exhibit 'A' to Amendment #133 To the Town of Whitby Official Plan



The map displays the City of Oshawa with its proposed transit system. Six stations are marked with numbers 1 through 6, and a transfer point is indicated by an asterisk. The stations are located at various points along the transit routes, including areas near the airport, downtown, and the waterfront. The map also shows the locations of the Town of Ajax and the City of Oshawa.

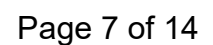


Exhibit 'C' to Amendment #133 To the Town of Whitby

Official Plan

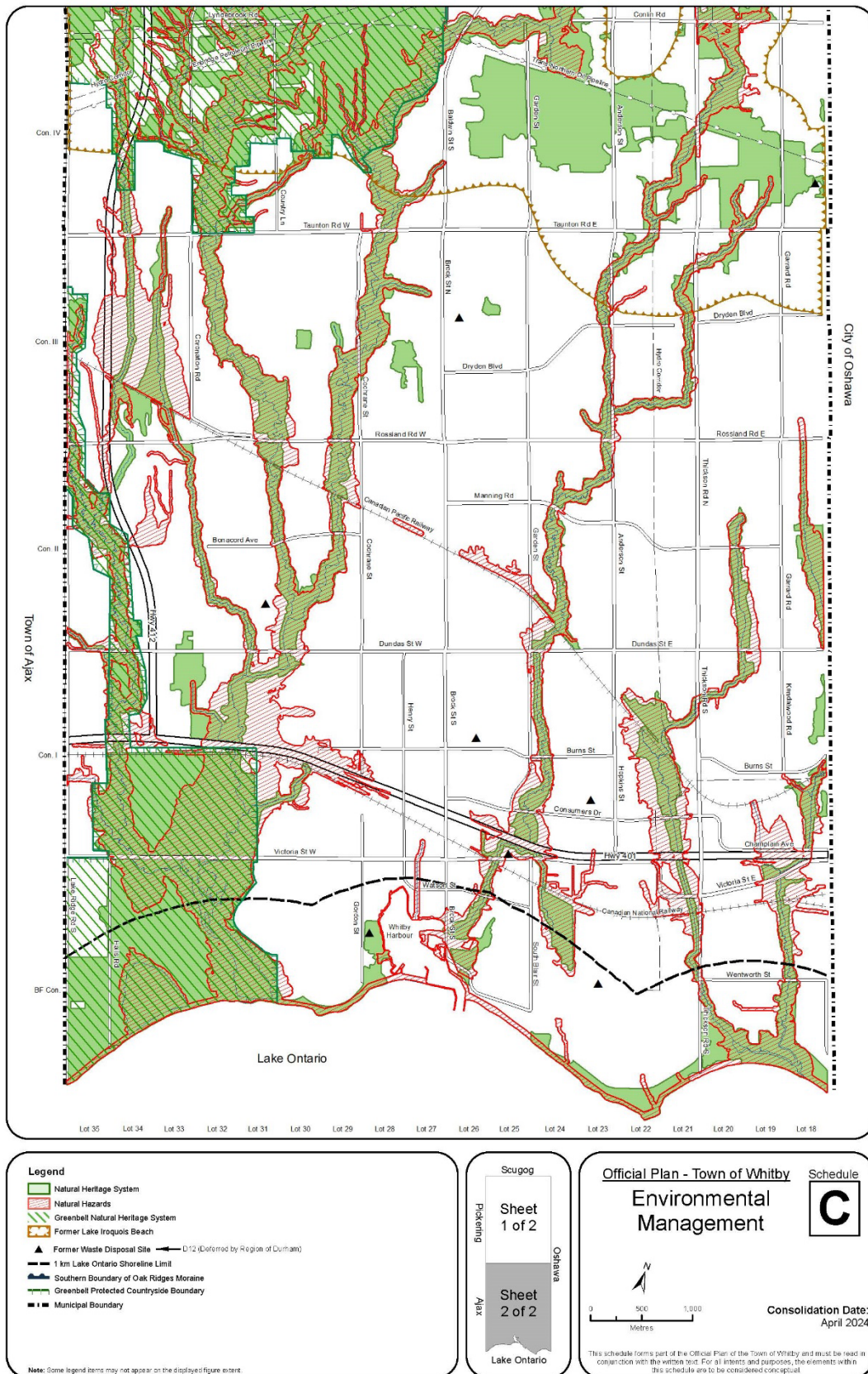


Exhibit 'D' to Amendment #133 To the Town of Whitby Official Plan

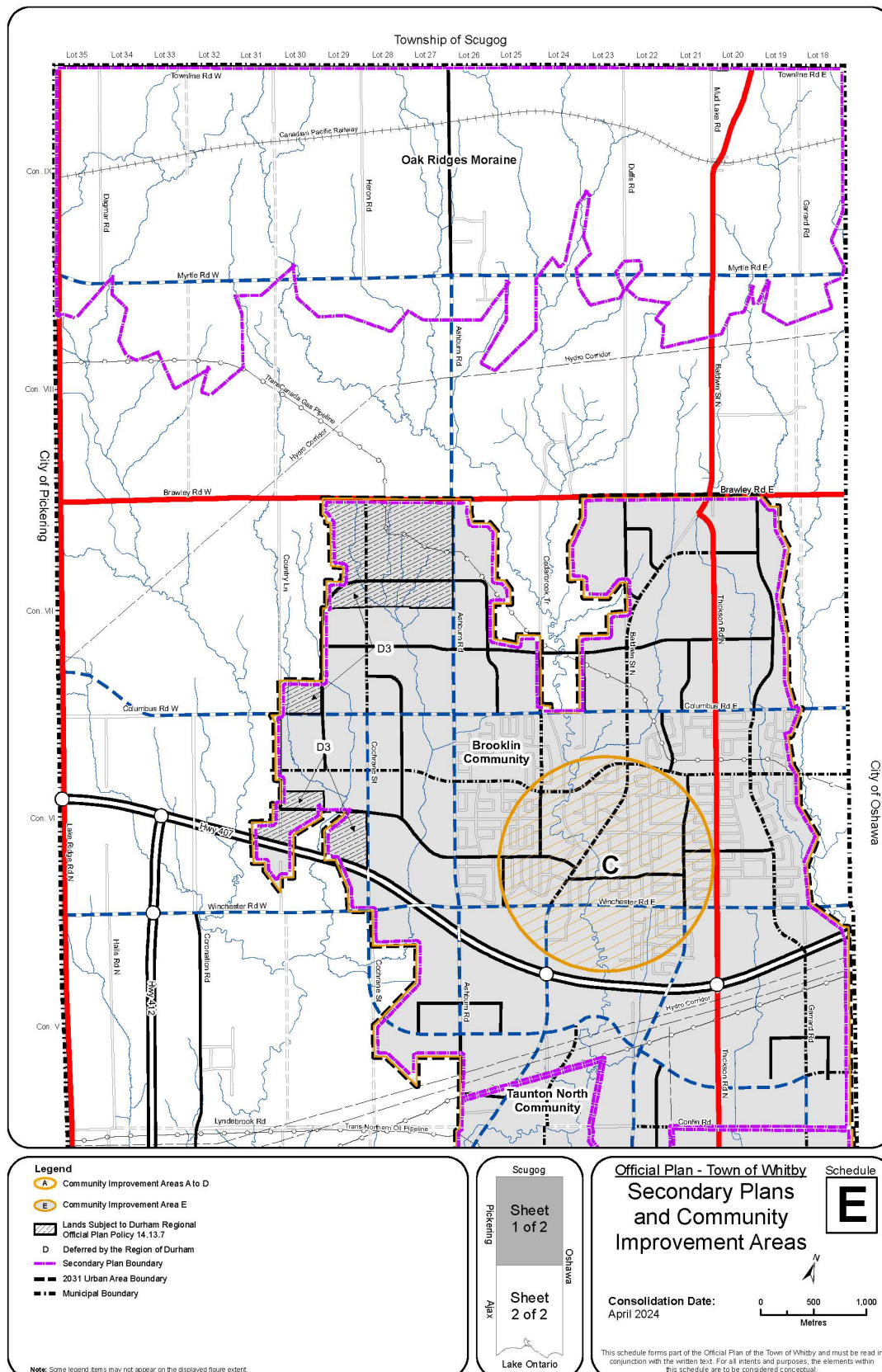


Exhibit 'D' to Amendment #133 To the Town of Whitby Official Plan

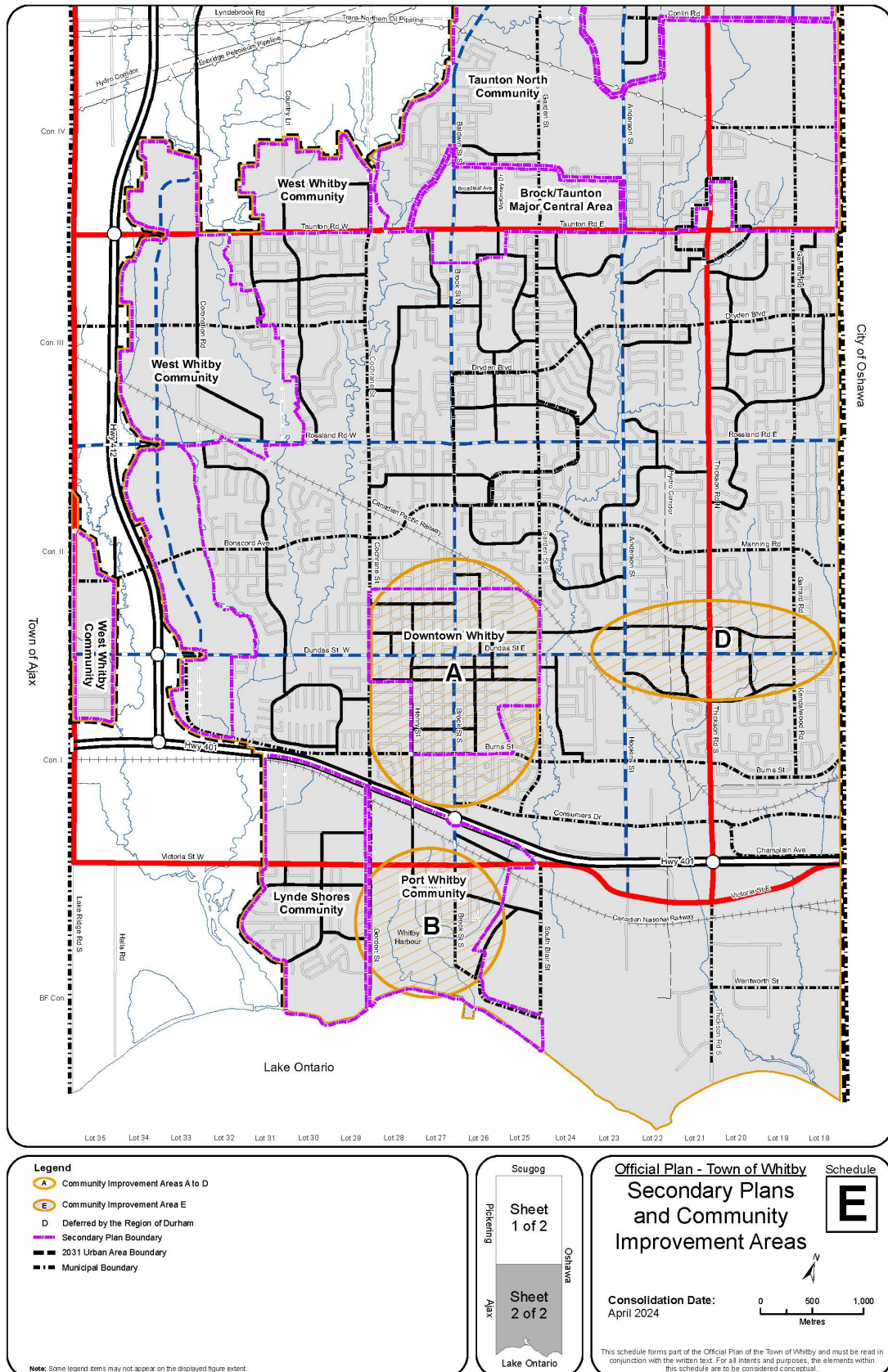
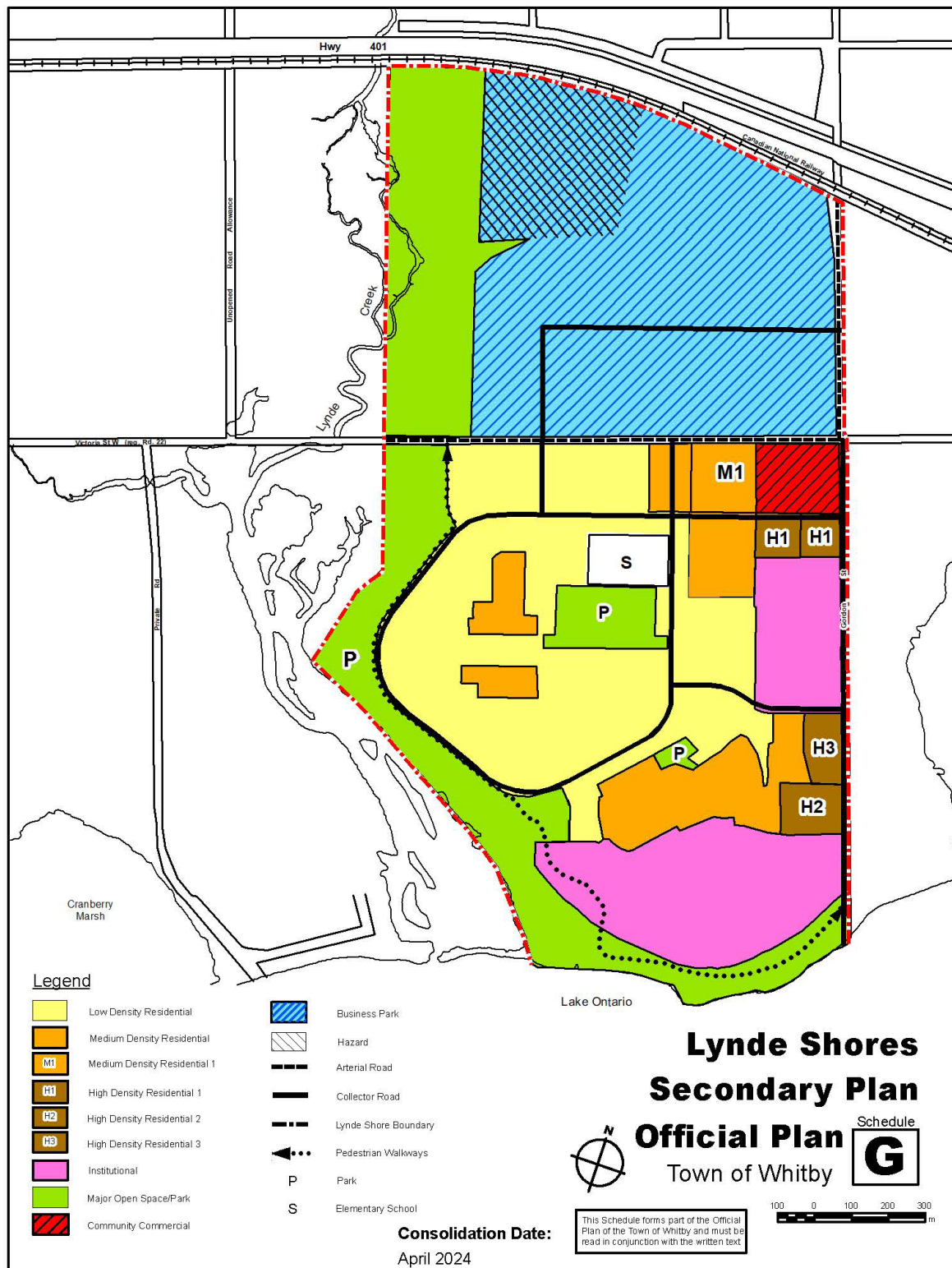


Exhibit 'E' to Amendment #133 To the Town of Whitby
Official Plan



E

Exhibit 'F' to Amendment #133 To the Town of Whitby
Official Plan

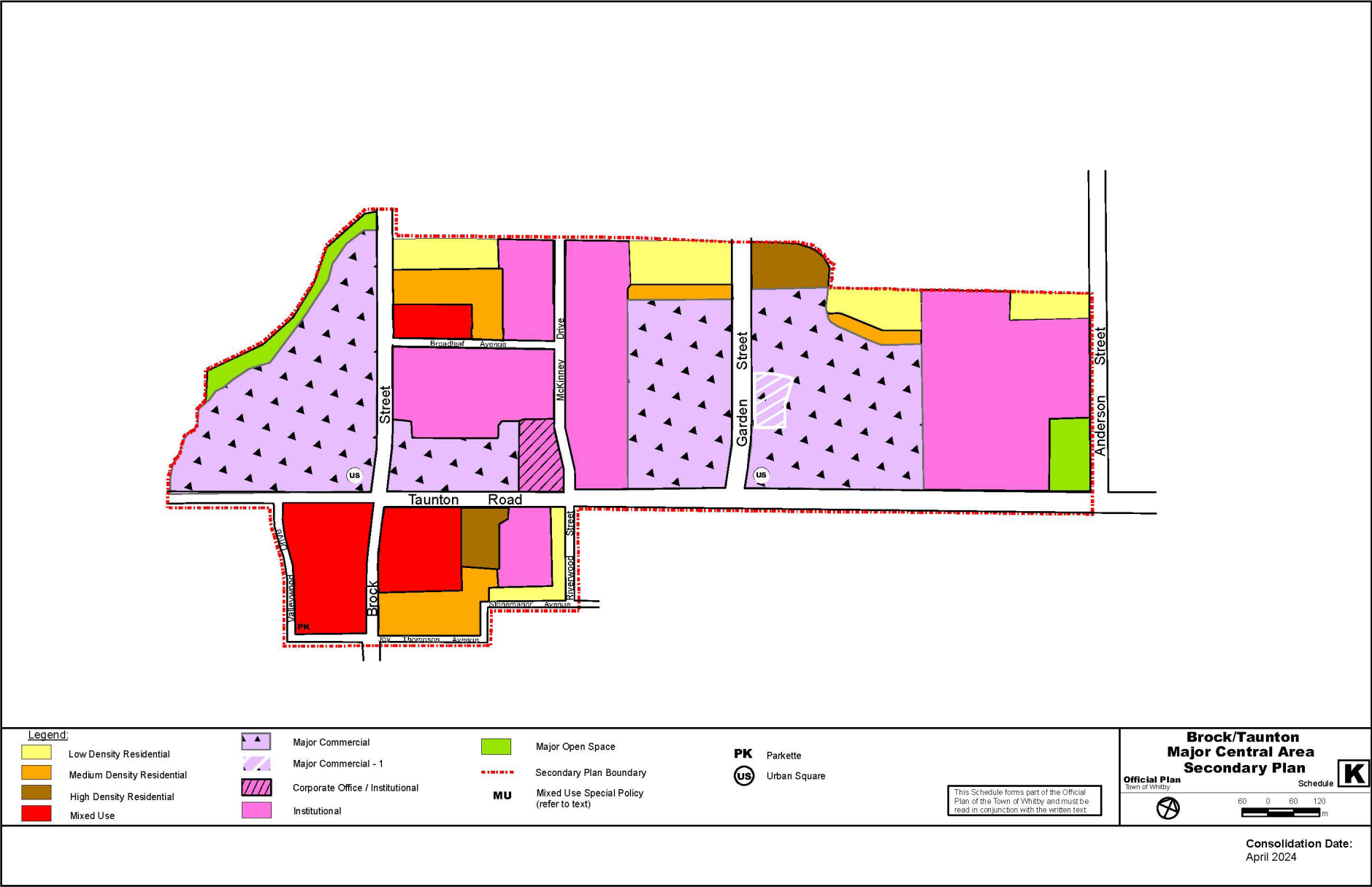


Exhibit 'G' to Amendment #133 To the Town of Whitby Official Plan

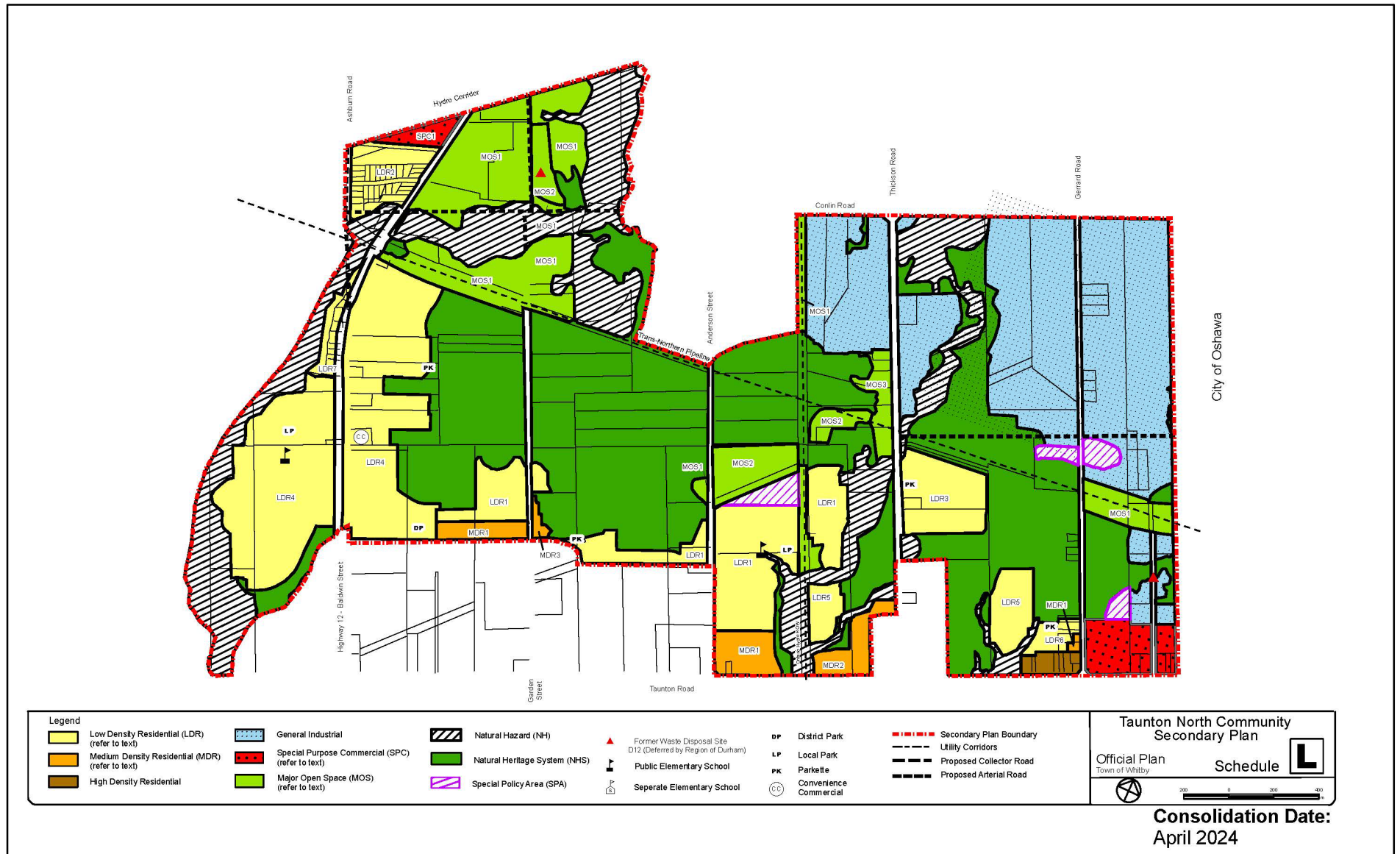


Exhibit 'H' to Amendment #133 To the Town of Whitby Official Plan

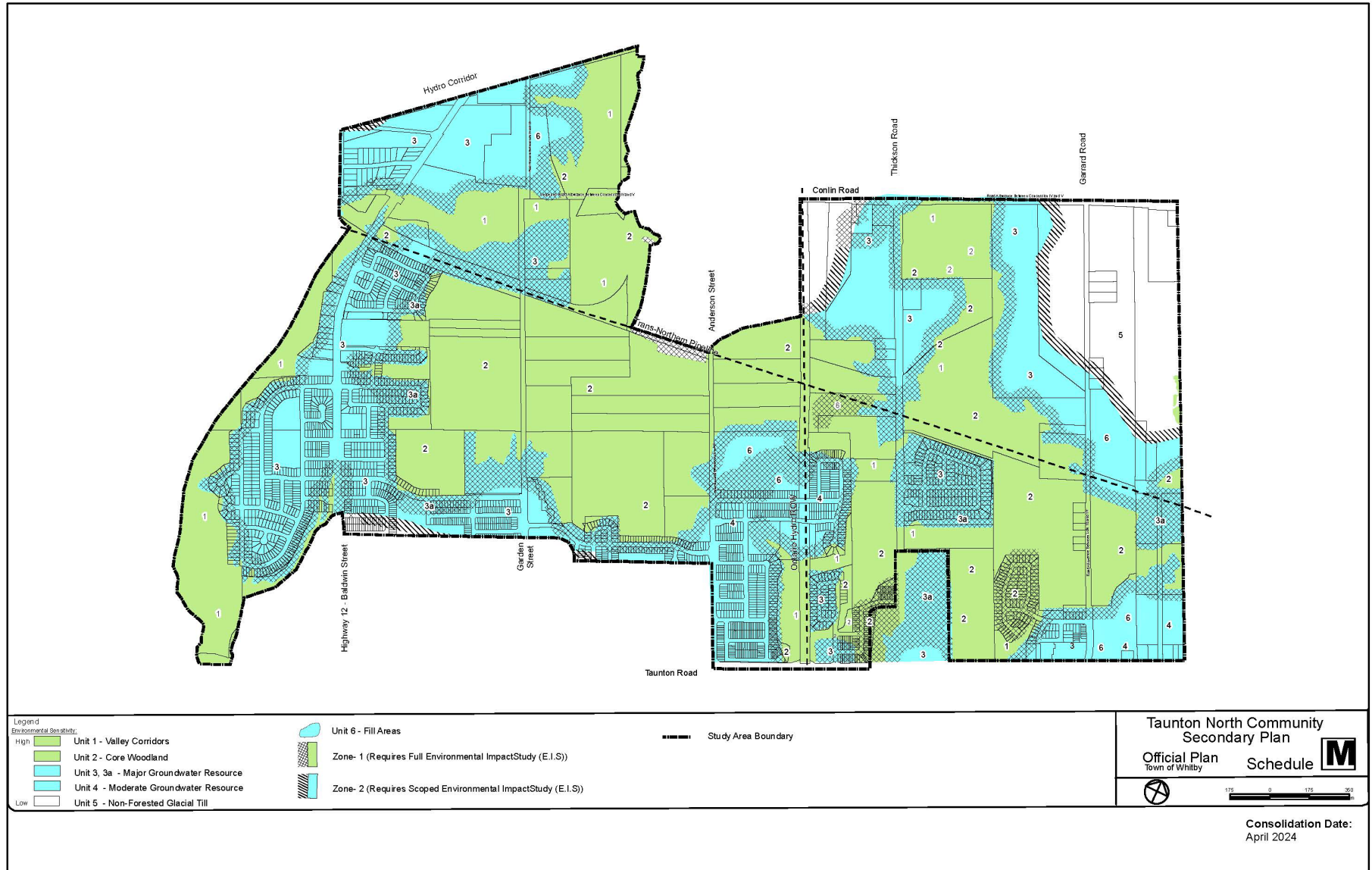


Exhibit 'I' to Amendment #133 To the Town of Whitby Official Plan

- c) The relevant policies of Section 4.2 and Section 6.2 shall apply to *development* and *redevelopment* proposals in the Dundas East Intensification Area.

4.3.3.4.4 Rossland/Garden Urban Central Area

- 4.3.3.4.4.1 Lands in the Rossland/Garden Urban Central Area shall be developed in accordance with the land use designations on Schedules "A" and "J" and the relevant policies of this Plan ~~and the Rossland/Garden Urban Central Area Secondary Plan.~~

- 4.3.3.4.4.2 For lands within the Rossland/Garden Intensification Area, the following additional policies apply:

- a) In accordance with the Durham Regional Official Plan, the long-term overall density target is at least 60 residential units per gross hectare and the overall long-term *floor space index* target is 2.5 along Brock Street;
- b) The minimum building height for new residential and mixed-use buildings shall be 2 storeys and the maximum building height shall be 18 storeys in proximity to Brock Street or Rossland Road; and
- c) The relevant policies of Section 4.2 shall apply to *development* and *redevelopment* proposals in the Rossland/Garden Intensification Area. New *development* and *redevelopment* in the Rossland/Garden Intensification Area shall assist in achieving an integrated mix of land uses to support the employment uses located in this area. The relevant policies of Section 6.2 shall apply, particularly the provisions of Sections 6.2.3.1 and 6.2.3.2.

4.3.3.5 Community Central Areas

- 4.3.3.5.1 Baldwin Street/Columbus Road, Cochrane Street/Columbus Road, Baldwin Street/Thickson Road, Gordon Street/Victoria Street, Thickson Road/Taunton Road, Rossland Road/Desmond G. Newman Drive, and Dundas Street/McQuay Boulevard are Community Central Areas as identified on Schedule "A" and may be identified in *Secondary Plans*.

- 4.3.3.5.2 Community Central Areas shall be smaller in scale than Urban Central Areas and shall be planned and developed to serve the weekly needs of small segments of the Urban Area through the provision of uses which complement those offered within the Urban Central Areas.

4.3.3.6 Local Central Areas

- 4.3.3.6.1 Local Central Areas are identified on Schedule "A" and in *Secondary Plans*.

Home-based businesses are not intended to permit economic activities that are more appropriately accommodated in commercial or industrial areas;

- e) Bed and Breakfast Establishments may be permitted within all designations where residential uses are permitted subject to the inclusion of appropriate provisions in the Zoning By-law and provided the establishment:
 - i) is low intensity in nature;
 - ii) is compatible with surrounding uses;
 - iii) can provide sufficient on-site parking; and
 - iv) has adequate water supply and sewage treatment systems provided;
- f) *Apartments in houses*, group homes, and *garden suites* may be permitted in all designations where residential uses are permitted subject to the relevant policies of Section 4.4.3.9.5, 4.4.3.9.6, and Section 7; and
- g) Rooming, boarding, and lodging houses may be permitted in locations where Medium Density and High Density Residential *development* is permitted pursuant to Sections 4.4.3.5 and 4.4.3.6, areas designated as Mixed Use, or mixed-use *developments* in Intensification Areas and Intensification Corridors, subject to the inclusion of appropriate provisions in the Zoning By-law, licensing, and the relevant provisions of this Section.

4.4.3.2 The locations for Low Density, Medium Density, and High Density Residential *development* shall be identified in *Secondary Plans*. Where there is no *Secondary Plan*, proposals for new residential *development* or *redevelopment* shall consider the policies, including locational criteria, identified in Sections 4.4.3.4 to 4.4.3.6, and the additional criteria in Section 4.4.3.9.2 in the case of Medium Density and High Density Residential *development*.

4.4.3.3 Notwithstanding any other provisions in this Plan to the contrary, in instances where the policies and designations contained in the *Secondary Plans* vary from the policies within Section 4.4.3 in terms of permitted uses, housing types, and densities, the more specific and detailed policies of the *Secondary Plan* shall prevail, provided the overall intent of the Official Plan is maintained.

4.4.3.4 Low Density Residential

4.4.3.4.1 Low Density Residential areas shall be developed in accordance with the following policies:

-
- a) Low Density Residential areas shall generally be located in the interior of residential neighbourhoods on local or collector roads;
 - b) Single detached, semi-detached, and duplex dwellings and other similar ground related built forms shall be permitted with a density of up to ~~30~~ 35 dwelling units per net hectare; and
 - c) Notwithstanding subsection b) above, the maximum density in Low Density Residential areas may be exceeded through the inclusion of appropriate policies in *Secondary Plans for development* in *greenfield* areas.

4.4.3.4.2 The Municipality shall encourage the *development* of new residential units through *intensification* of Low Density Residential areas in accordance with the following criteria:

- a) the sizes of the lots, and the width and location of new driveways shall be compatible in relation to adjacent lots and other lots on the street and area;
- b) consideration is given to the potential for retaining existing trees and vegetation and compensation for any loss of trees and vegetation; and
- c) the proposal complies with any applicable provisions of Section 10.1.13.1.

4.4.3.4.3 Applications for *redevelopment* of existing lots in Low Density Residential areas that require a Zoning By-law amendment or minor variance shall be considered in accordance with the following criteria:

- a) The interior side yard setback is generally consistent with existing dwelling(s) on the same side of the street; and
- b) The front yard setback for the new dwelling unit(s) is generally consistent with the front yards that exist on the same side of the street.

4.4.3.5 Medium Density Residential

4.4.3.5.1 Medium Density Residential areas shall be developed in accordance with the following policies:

- a) Medium Density Residential areas shall generally be located in the interior or at the edges of neighbourhoods in proximity to transit, or located within Central Areas and/or Intensification Areas and Intensification Corridors with a transition of density and intensity of uses;
- b) Street and block townhouses, apartments, and other forms of multiple dwellings, 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; and

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- c) Applications for new *development* or residential *intensification* for Medium Density Residential uses shall be reviewed based on Section 4.4.3.9 of this Plan.

4.4.3.6 High Density Residential

4.4.3.6.1 High Density Residential areas shall be developed in accordance with the following policies:

- a) High Density Residential areas shall generally be located at the edge of neighbourhoods along arterial roads or located within Central Areas and/or Intensification Areas or Intensification Corridors;
- b) Townhouses, apartments, and other forms of multiple dwellings shall be permitted with a density range of greater than 65 and up to 135 dwelling units per net hectare;
- c) Notwithstanding subsection b) above, proposals for High Density Residential *development* and *redevelopment*, including High Density Residential uses within a mixed-use building, with a density range of greater than 135 and up to 300 dwelling units per net hectare may be considered through an amendment to the Zoning Bylaw where the lands are located within Intensification Areas or Intensification Corridors identified on Schedule "B". ~~Permissions for development and redevelopment at this density range for other intensification or infill sites may be considered in appropriate locations through a site specific amendment to the Zoning By-law and consideration of the criteria in Section 4.4.3.9.2.~~
- d) Applications for new residential *development* or residential *intensification* in the form of High Density Residential uses shall be reviewed based on Section 4.4.3.9; and
- e) Appropriate regulations including height, *massing*, and setback restrictions will be determined in the Zoning By-law.

4.4.3.7 Medium Density and High Density Residential *development* and *redevelopment* are encouraged to locate in Intensification Areas and Intensification Corridors as identified on Schedule "B". In addition, specific locations for Medium Density and High Density Residential *development* and *redevelopment* are identified in Section 4.4.5 and in *Secondary Plans*, where applicable. Where Medium Density or High Density Residential *development* and *redevelopment* is proposed in Intensification Areas or Intensification Corridors, the relevant policies of Sections 4.2 and 4.3 shall also apply. Where Medium Density or High Density Residential *development* is designated in *Secondary Plans*, the more detailed provisions of the *Secondary Plan* shall apply.

- d) the lands identified by Assessment Roll No. 18-09-040-030-22900, municipally known as 221 Kendalwood Road;
- e) the lands on the southeast corner of Garden Street and Burns Street East, identified by Assessment Roll No. 18-09-040-026-00200; and
- f) the lands identified by Assessment Roll No. 18-09-030-024-09700, municipally known as 105 Taunton Road West, the lands identified by Assessment Roll No. 18-09-030-024-09600, municipally known as 85 Taunton Road West and the lands on the southwest corner of Taunton Road West and Valleywood Drive, identified by Assessment Roll No. 18-09-030-024-07306.

4.4.5.4 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll Nos. 18-09-030-024-00126-0000 and 18-09-030-024-00127-0000 the minimum residential density shall be 170 dwelling units per net hectare and the maximum permitted residential density shall be 300 units per net hectare.

4.4.5.5 Notwithstanding the provisions of the Plan to the contrary, on lands located on the north side of Rossland Road East and east of Brock Street North, identified by Assessment Roll No. 18-09-030-017-19820-0000 the minimum residential density shall be 65 dwelling units per net hectare and the maximum permitted residential density shall be 125 units per net hectare, and a maximum building height of up to 8 storeys.

occasional basis with services and facilities which require larger parcels of land and exposure to traffic. Such uses include automotive and recreational vehicle sales and service, garden centres, restaurants, building supply centres, furniture and major appliance sales, financial establishments, and home supply and improvement centres.

- 4.5.3.4.2 Areas designated as Special Purpose Commercial shall be located with exposure to arterial roads and are encouraged to develop in a comprehensive block manner in accordance with Section 6.2.4.2 of this Plan.

~~4.5.3.4.3~~ 4.5.3.4.3 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By-law.

4.5.3.5 Special Activity Node A

- 4.5.3.5.1 Special Activity Node A is generally situated on the north side of Taunton Road, east of Cochrane Street, as shown on Schedule “A”, and indicates a place of special interest to the Municipality.

- 4.5.3.5.2 Permitted uses in Special Activity Node A shall include uses such as conference centre, educational facility, museum, or other type of interpretive or education centre related to culture, arts and natural heritage, banquet hall, restaurant, spa and related wellness facilities, hotel, inn, bed and breakfast, gift shop, and public uses that are consistent with the intent of the use policies for these lands. Future uses on lands adjacent to Taunton Road and Cochrane Street may also include business, professional, and corporate offices.

It is the intent of the Municipality to protect and maintain *built heritage resources* designated under Part IV of the **Ontario Heritage Act**, located in Special Activity Node A. Uses permitted within Special Activity Node A apply to the *built heritage resources* provided there is no impact on the historical or architectural significance of the buildings.

The permitted uses within Special Activity Node A shall be implemented through the Zoning By-law. New *development* shall only proceed where the lands have frontage on an improved public street and full municipal services are available.

4.5.3.6 Special Activity Node B

- 4.5.3.6.1 The area designated as Special Activity Node B on Schedule “A” is located at the Highway 401/Thickson Road interchange. Permitted uses shall include *major retail uses*, offices, including *major offices*, community and recreational uses, entertainment uses, financial institutions, restaurants, banquet halls, hotels, private clubs, and light industrial uses

- c) locations shall be such that they would not create undue congestion or danger to vehicular, bicycle, or pedestrian traffic. Access points to each site shall be limited in number and designed in a manner which will minimize the danger to vehicular, bicycle, and pedestrian traffic in the immediate areas;
- d) sites will generally not be located adjacent to or opposite to schools or public recreation properties;
- e) where adjacent to residential areas and other sensitive uses, will only be permitted where there is no undue adverse effect on the adjacent ~~residential~~ use; and
- f) generally, no more than two automobile service stations, gas bars, and/or car washes shall be located at any intersection and diagonally opposite to each other.

~~4.5.3.9 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.~~

~~4.5.3.10 No open storage or compound areas shall be permitted except in Special Purpose Commercial areas where they shall be limited to interior side or rear yard areas, suitably screened, and regulated by the Zoning By law.~~

4.5.4 Implementation

4.5.4.1 The relevant policies of Sections 6.2 and 10.1.11 shall apply to *development* and *redevelopment* proposals in Commercial areas.

4.5.4.2 In considering applications to amend the Zoning By-law or this Plan for proposed commercial *development* and *redevelopment*, the Municipality may require the preparation of a retail market impact analysis to justify the need for the additional floor space and to demonstrate no undue adverse impact on other existing and planned Central Areas. A peer review of the submitted analysis by a qualified professional may be required at the expense of the proponent.

~~4.5.4.33-9 Existing commercial development outside of commercial designations shall not be permitted to expand so as to extend an existing strip of commercial development.~~

4.5.5 Special Provisions

4.5.5.1 Notwithstanding any other provisions of this Plan to the contrary, within the lands designated as Special Purpose Commercial south of Consumers Drive, directly east of the westbound Brock Street on/off ramp for Highway

4.11 Rural Settlements

4.11.1 Goal

- 4.11.1.1 To recognize the existing rural settlement pattern of the Municipality and restrict additional rural residential *development* in order to preserve the rural residential *character* of hamlets, the agricultural land base, and *Natural Heritage System*.

4.11.2 Objectives

- 4.11.2.1 To preserve the special rural residential *character* of the hamlets and existing settlements.
- 4.11.2.2 To encourage hamlets to develop in a manner which provides a variety of housing sizes, and commercial and community uses to serve the rural population.

4.11.3 Hamlets

- 4.11.3.1 Ashburn, Macedonian Village, Myrtle, and Myrtle Station are historical areas located outside the Urban Area boundary and are designated as Hamlet on Schedule "A". *Development* and *redevelopment* within Hamlets shall be governed by the appropriate *Secondary Plans*.
- 4.11.3.2 Permitted uses within Hamlets shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area.
- 4.11.3.3 New residential *development* is only permitted in the form of *infilling* within areas designated as Hamlet in accordance with the provisions of the relevant *Secondary Plan*, either by severance or by plan of subdivision. Applications for severances or plans of subdivisions are subject to the requirements of Durham Region's Drilled Wells and Lot Sizing Policies to ensure proposed lots can be adequately serviced with private wells and sewage disposal systems. Applications may be required to be accompanied by a hydrogeological report demonstrating the private servicing of the proposed lots will not adversely affect existing water wells or groundwater quality or quantity, in accordance with Durham Regional Requirements.
- 4.11.3.4 Community uses in Hamlets are encouraged to co-locate and integrate with other community uses to the extent possible in order to create *community hubs* and maximize the use of existing facilities.
- 4.11.3.5 Within the Hamlet of Macedonian Village, no driveways or public streets giving access to Coronation Road will be permitted other than those in existence at the time of adoption of this Plan, and those existing driveways

may be closed should alternate access be made available through development or redevelopment.

4.11.4 Estate Residential

- 4.11.4.1 Locations of approved, privately serviced estate residential subdivisions are shown on Schedule "A". Further estate residential *development* and lot creation shall not be permitted in accordance with Provincial and Regional policy and in recognition of this Plan's intent to concentrate rural residential development within the hamlets.

- 5.3.2.5 More detailed waterfront and shoreline policies may be contained in the Lynde Shores and Port Whitby [Community](#) Secondary Plans, as well as Section 4.9 of this Plan.

5.3.3 Former Lake Iroquois Beach

- 5.3.3.1 The Former Lake Iroquois Beach is identified on Schedule “C”. The significant natural areas within the Beach are generally located in Concessions IV and V. These lands comprise important natural heritage and hydrologic features including a number of *wetlands*, watercourses, wildlife habitat, and aggregate resources.
- 5.3.3.2 The Municipality recognizes the important *hydrologic function* provided by the Former Lake Iroquois Beach. As such, appropriate studies may be required prior to *development* demonstrating that there will be no negative impacts on the hydrological function of the area by maintaining existing recharge and discharge conditions, in accordance with Section 5.3.8.
- 5.3.3.3 Where *development* and *redevelopment* is proposed for lands within the Former Lake Iroquois Beach, the Municipality supports planning, design, and construction practices that maintain and, where possible, enhance the size, diversity, and *connectivity* of natural heritage and hydrologic features and functions.
- 5.3.3.4 More detailed policies related to the Former Lake Iroquois Beach may be contained in the Taunton North Community Secondary Plan, West Whitby Community Secondary Plan, and Brooklin Secondary Plan, as well as Section 4.9 of this Plan.

5.3.4 Oak Ridges Moraine

- 5.3.4.1 The Oak Ridges Moraine in north Whitby has been protected by the Province of Ontario under the Oak Ridges Moraine Conservation Plan. All *development* and *redevelopment* within the Oak Ridges Moraine shall be subject to the policies of this Plan and the Oak Ridges Moraine Secondary Plan as applicable. Where the policies of this Plan contradict the Oak Ridges Moraine Conservation Plan, the more restrictive policies shall prevail. However, in the case of *agricultural uses*, *mineral aggregate operations*, and wayside pits, the policies of the Oak Ridges Moraine Conservation Plan shall prevail.

5.3.5 Greenbelt Protected Countryside

- 5.3.5.1 The Provincial Greenbelt Plan provides legislated protection to the agricultural land base and the *ecological features* and functions occurring on this landscape. The Greenbelt Protected Countryside boundary and the Greenbelt Natural Heritage System are shown on Schedule “C”. This Plan

Section 8 - Transportation, Servicing & Utilities

8.1 Transportation

8.1.1 Goals

- 8.1.1.1 To establish and maintain a safe, efficient, interconnected, and accessible transportation network supporting all modes of transportation including transit, automobiles, *active transportation*, and the efficient movement of goods.
- 8.1.1.2 To encourage *sustainable* transportation initiatives supporting *active transportation*, complete communities, and healthy lifestyles.

8.1.2 Objectives

- 8.1.2.1 To provide a transportation network that is interconnected, *multi-modal*, and accessible.
- 8.1.2.2 To provide for the development of an efficient transportation network, minimizing negative social and environmental impacts and economic costs and promoting opportunities for enhancement and improvement.
- 8.1.2.3 To ensure that the transportation network is efficiently integrated and co-ordinated with adjacent municipalities and upper-tier jurisdictions.
- 8.1.2.4 To encourage the use of transit and *active transportation* modes to reduce parking demands, traffic congestion, and air pollution particularly through the promotion of *transit-supportive* land use planning and design, and the provision of a network of pedestrian and cycling trails and routes.

8.1.3 Policies

8.1.3.1 Transportation Network

- 8.1.3.1.1 The Municipality shall ensure that roads and *streetscapes* are interconnected and create a safe, efficient, and attractive environment for pedestrians, cyclists, and motorists.
- 8.1.3.1.2 The major road hierarchy is shown on Schedule "D". Major road alignments are approximate, and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies. Collector Road alignment and their final alignments and construction shall be in accordance with environmental assessment and/or detailed design studies and may be added, modified or deleted, subject to adequate studies, site specific conditions, accepted engineering principles and approval by the authority having jurisdiction, without amendment to

this Plan. Local roads are shown for information purposes only and may be added or modified without amendment to this Plan.

- 8.1.3.1.3 Roads in the Municipality shall be classified and maintained on the basis of their function and design as controlled access roads (freeways), arterial roads, collector roads, and local roads. Minor variations may be considered to the provisions contained in Sections 8.1.3.3 to 8.1.3.5 by the authority having jurisdiction, without the need for an amendment, subject to adequate studies, site specific conditions, and accepted engineering principles.
- 8.1.3.1.4 Through traffic shall be directed to arterial and collector roads so that traffic on local roads is kept to a minimum.
- 8.1.3.1.5 There shall be close coordination between the Municipality and all other jurisdictional levels regarding the planning of roads and facilities within the Municipality which are not under the Municipality's jurisdiction. In addition, there shall be coordination of network development between the Municipality, adjacent municipalities, the Region, and the Province.
- 8.1.3.1.6 In accordance with the Durham Regional Official Plan, Lake Ridge Road and Thickson Road/Highway 12 north of Brawley Road shall be the preferred north-south haul routes for commercial vehicles. Through the *Class Environmental Assessment* process, the Municipality shall investigate the need and feasibility of establishing an alternative route to Baldwin Street for goods and people movement to avoid excessive through traffic in Downtown Brooklin and the urban area, in consultation with the Region and the Province.
- 8.1.3.1.7 In accordance with Policy 11.3.15 of the Durham Regional Official Plan, the potential for an east-west connection between South Blair Street and Thickson Road, south of Victoria Street will be considered in conjunction with any proposal to redevelop the existing uses in the Industrial area north of Ronald C. Deeth Park.
- 8.1.3.1.8 Dedicated bus lanes and High Occupancy Vehicle lanes may be implemented to improve traffic efficiency and the convenience of transit services, subject to the consideration of traffic engineering principles, the reduction in road capacity available to other vehicles, and the ability to widen the road.
- 8.1.3.1.9 The Municipality shall encourage a grid-oriented street network in the planning of new development areas in order to distribute vehicular traffic more evenly, and provide for more accessible and efficient *multi-modal* transportation and goods movement.
- 8.1.3.1.10 All road and trail *infrastructure*, including location, design, construction, repair, and widening, shall be undertaken in a manner that limits negative

10.1.17 Public Consultation

10.1.17.1 Council shall:

- a) promote the active participation of the Municipality's residents, landowners, and businesses in the implementation of the policies of this Plan and any subsequent amendments, as well as providing opportunities for such participation in accordance with the formal requirements of the **Planning Act** and the **Environmental Assessment Act**;
- b) actively seek input and comments from the public and Committees of Council, in the review of planning matters as active participants in the decision-making process;
- c) actively seek input and comments from agencies and Aboriginal communities, where appropriate, in the review of planning matters as active participants in the decision-making process; and
- d) ensure that adequate reporting mechanisms are in place to provide Council and the public with a complete and unbiased record of the public consultation process undertaken on various planning and development matters.

10.2 Interpretation

10.2.1 General

10.2.1.1 The boundaries between land uses as designated on all schedules contained in this Plan are approximate, except where they coincide with major roads, railway lines, or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to approximate boundaries will not require amendment to this Plan. Notwithstanding the above, the Greenbelt Protected Countryside boundary and the southern boundary of the Oak Ridges Moraine as identified on the schedules of this Plan conforms to the requirements of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan and shall not be amended.

10.2.1.2 **All numerical figures in the Plan, except those indicating density and floor space allocations, should not be interpreted as absolute and rigid. Minor variations may be considered providing the intent and spirit of the Plan is maintained.**

All numerical figures in the Plan should not be interpreted as absolute and rigid. Minor variations may be considered providing the intent and spirit of the Plan is maintained.

Minimum Distance Separation Formulae – Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal – Transportation systems providing facilities for many modes of movement such as vehicular, rail, cycling, and walking.

Municipal Comprehensive Review – An official plan review undertaken by the Municipality, or an official plan amendment, initiated by the Municipality that comprehensively applies the policies of Provincial plans and the Provincial Policy Statement and the Durham Regional Official Plan.

Natural Heritage Features and Areas – Features and areas, including significant wetlands, *coastal wetlands*, *fish habitat*, *significant woodlands*, *significant valleylands*, habitat of *endangered species* and *threatened species*, *significant wildlife habitat*, and significant *areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System – A system made up of *natural heritage features and areas*, and linkages intended to provide *connectivity* and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, conservation areas, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue.

Net Residential Hectare – The area of land measured in hectares utilized for residential dwellings including the lot areas but excluding all public roads and widenings, **private laneways within block developments**, public parks, open space blocks, school sites, local commercial areas, places of worship, and other public lands.

Noise Exposure Forecast/Projection (NEF/NEP) – A prediction of outdoor and indoor noise levels caused by aircraft near airports, measured in decibels, prepared by Transport Canada.

Normal Farm Practices – A practice, as defined in the **Farming and Food Production Protection Act, 1998**, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the **Nutrient Management Act, 2002**, as amended from time to time, and regulations made under that Act.

On-farm Diversified Use – A use that is secondary to the principal *agricultural use* of the property, and are limited in area, including but not limited to, home-based businesses, *home industries*, uses that produce value-added agricultural products from

Exhibit 'J' to Amendment #133 To the Town of Whitby Official Plan

Part 2 – Secondary Plans

Section 11 - Secondary Plans

All policies outlined in Part I, Sections 1 to 10 shall generally apply to Part II - Secondary Plans. Part II - Secondary Plans will reflect the overall intent of Part I - Official Plan. Secondary Plans shall be prepared in accordance with Sections 9.3, 10.1.4 and 10.1.5 of this Plan.

Any area shown on Secondary Plan schedules, but lying outside of the Secondary Plan boundary, shall be governed by the policies of Part I of this Plan.

Secondary Plans shall be read in conjunction with Part I of this Plan, including Schedules "A" – "E"

In the event that a conflict exists between the *Secondary Plan policies and/or schedules* and those included within Part I of the Plan, then the more detailed *Secondary Plan* shall take precedence and prevail for interpretation and decision-making purposes.

Where a *Secondary Plan* is silent on a particular matter, the provisions of Part I of the Plan shall apply.

11.2 Lynde Shores Secondary Plan

11.2.1 Goals

- 11.2.1.1 To provide for the comprehensive development of the Lynde Shores Secondary Plan Area in a manner which protects and enhances the Lynde Creek wetland, natural heritage system and natural hazards, and integrates residential, commercial, institutional, industrial and community oriented uses.
- 11.2.1.2 To provide for the development of a Business Park area adjacent to Highway No. 401 that capitalizes on the advantages of the surrounding transportation facilities.

11.2.2 Objectives

- 11.2.2.1 To develop a fully integrated residential neighbourhood incorporating a range of residential densities and community facilities.
- 11.2.2.2 ~~To develop a neighbourhood which will integrate with, and shares various community facilities with, the adjacent Port Whitby area.~~ To develop a community that is integrated and interconnected with the Port Whitby community through active transportation networks, open space connections, and shared community facilities.
- 11.2.2.3 To develop a neighbourhood which ~~shall~~ provides a full range of housing types to satisfy the social and economic needs of Whitby's population.
- 11.2.2.4 To develop a strategically located Business Park taking advantage of the Highway No. 401 exposure and the surrounding transportation network.
- 11.2.2.5 ~~To provide for the ultimate needs of the two hospitals in a manner which is both compatible and integrated with the adjacent recreational and residential development.~~ To encourage the development and expansion of the Health Precinct.
- 11.2.2.6 To develop an open space system which provides both passive and active recreational opportunities ~~to the residents of Whitby~~, utilizing the Lake Ontario waterfront while respecting the environmentally sensitive nature of the Provincially Significant Wetlands on the western boundary of the area, and the sensitive nature of potential archaeological sites in the area.
- 11.2.2.7 To establish a focal point for the neighbourhood at the Gordon Street-Victoria Street intersection, incorporating a mixture of residential, retail

commercial, office and recreation uses while ensuring a high quality of design and visual appearance.

11.2.3 General Development Policies

- 11.2.3.1 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “G”. Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of the Whitby Official Plan, and the Port Whitby Secondary Plan, where applicable.
- 11.2.3.2 ~~The land use shown on Schedule “G” establishes the pattern of land use in the Secondary Plan area for the following categories:~~
- ~~Low Density Residential;~~
- ~~Medium Density Residential; Medium Density Residential 1;~~
- ~~High Density Residential 1, 2 and 3;~~
- ~~Community Commercial;~~
- ~~Business Park;~~
- ~~Institutional; and~~
- ~~Major Open Space.~~ Schedule “G” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.2, together with the general policies of this Plan, apply to the land use designations of the Lynde Shores Secondary Plan area as shown on Schedule “G”.
- 11.2.3.3 Development and redevelopment within 1 kilometre of the Lake Ontario shoreline, as shown on Schedule “C”, shall be in accordance with the policies of Section 5.3.2.4.
- 11.2.3.4 Portions of Victoria Street identified as Intensification Corridors as illustrated on Schedule “B” will be guided by the policies of Section 4.2.7, and the more detailed policies of this Secondary Plan.
- 11.2.3.5 The Community Commercial Areas as illustrated on Schedule “G” will be guided by the policies of Section 4.3.3.5.2, and the more detailed policies of this Secondary Plan.
- 11.2.3.6 Development and redevelopment shall be encouraged to incorporate energy conserving land use planning design principles in accordance with the policies of Section 3.2.

11.2.3.7 The development of all lands within the Lynde Shores Secondary Plan shall be undertaken in accordance with the recommendations of the “Environmental Management Plan - Lynde Shores Secondary Plan Area” (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.

As part of Council’s approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.

11.2.4 Residential

~~11.2.4.1 The intent of the Residential designations is to provide a variety of housing densities and forms such that people with a broad range of economic requirements will be afforded an opportunity to live in this area.~~ The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.

~~11.2.4.2 Development within the Residential designations shall be in accordance with the following policies:~~ Lands designated as Low Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.4 except as modified by the following additional policy.

~~a) Low Density Residential areas shall be developed at densities up to 35 units per net hectare similar in kind to single detached, semi-detached, linked and duplex dwellings and other ground related built forms which are physically and contextually compatible;~~ Notwithstanding Section 4.4.3.4, the maximum density in the Low Density Residential designation shall be 35 dwelling units per net hectare.

11.2.4.3 Lands designated as Medium Density Residential on Schedule “G” shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

~~a) Medium Density Residential areas shall be developed at densities between 35 and 75 units per net hectare similar in kind to linked dwellings, cluster homes, townhouses and low-rise apartments to a maximum height of four storeys. In addition to these housing types, the Medium Density Residential 1 area may also be developed for semi-detached dwellings at a minimum density of 30 units per net hectare;~~ Notwithstanding Section 4.4.3.6, in the Medium Density

Residential designation the minimum density shall be 35 dwelling units per net hectare and the maximum density shall be 75 dwelling units per net hectare;

- b) Notwithstanding Section 4.4.3.6, in the Medium Density Residential 1 designation may also permit semi-detached dwellings with a minimum density of 30 units per net hectare.

11.2.4.4 Lands designated as High Density Residential 1, 2 and 3 on Schedule "G" shall be developed in accordance with the policies of Section 4.4.3.7 except as modified by the following additional policies.

- ~~ea)~~ ~~High Density Residential 1 areas shall be developed at densities between 75 and 100 units per net hectare similar in kind to stacked townhouses and apartments;~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 1 designation the minimum density shall be 80 dwelling units per net hectare and the maximum density shall be 170 dwelling units per net hectare, and shall not exceed 12 storeys in height.
- ~~bd)~~ ~~High Density Residential 2 areas shall be developed at densities between 80 to 170 units per net hectare similar in kind to apartments;~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 2 designation the minimum density shall be 100 dwelling units per net hectare and the maximum density shall be 275 dwelling units per net hectare, and shall not exceed 14 storeys in height.
- ~~ce)~~ ~~High Density Residential 3 areas shall be developed at densities between 100 and 275 units per hectare. similar in kind to apartments;~~
- ~~f)d)~~ ~~High Density Residential 4 areas shall be developed at densities between 75 and 220 units per net hectare similar in kind to apartments; and~~ Notwithstanding Section 4.4.3.7, in the High Density Residential 3 designation the minimum density shall be 75 dwelling units per net hectare and the maximum density shall be 220 dwelling units per net hectare, and shall not exceed 6 storeys in height.
- ~~g)~~ ~~Development in High Density Residential 1 and 2 areas shall not exceed 12 storeys in height. Development in the High Density Residential 3 area shall not exceed 14 storeys in height.~~

~~Development in the High Density Residential 4 area shall not exceed 6 storeys in height.~~

~~11.2.4.3 Appropriate buffering measures shall be required for the low density residential development along Victoria Street.~~

11.2.4.5 Development within all Residential designations shall be encouraged to incorporate energy conserving land use planning design principles.

~~11.2.5~~ **School Sites**

~~11.2.5.1 Lands identified symbolically as School sites on Schedule "G" shall be developed in accordance with the policies of Section 4.8 except as modified by the following additional policy.~~

~~11.2.5.25 Two elementary school sites of at least 2.4 hectares in size shall be permitted adjacent to a district park. A school site(s) of at least 2.4 hectares in size shall be permitted adjacent to a district park.~~

~~11.2.4.6 Notwithstanding Section 11.2.4.5 of this Plan to the contrary, a second public elementary school site is also identified in the southern portion of the lands designated for Low Density Residential development. Should it be determined that this site is not required for an elementary school such lands can, without an amendment to this Plan, be developed for Low Density Residential purposes. Furthermore, this public elementary school may also be developed within the area designated Institutional, without an amendment to this Plan. However, should such a site within the Institutional area be developed, the presently identified site subject to this policy shall be developed for Low Density Residential purposes in accordance with the provisions of this Plan.~~

11.2.65 Community Commercial

11.2.5.16.1 ~~The Community Commercial designation may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan.~~ The Community Commercial designation associated with the Community Central Area identified on Schedule "G" may develop in accordance with Section 4.3 and Section 4.5.3.2 of this Plan except as modified by the following additional policies.

11.2.6.2 ~~Residential development shall be permitted within the~~ On lands designated Community Commercial ~~designation~~ on the second and above floors of ~~the~~ commercial development to a maximum overall building height of 12 storeys and a maximum density of 100 units per net hectare.

- 11.2.65.3 Notwithstanding ~~Sections 4.3 and 4.5 of this Plan to the contrary,~~ The minimum and maximum floor space capacity for the commercial component ~~within the~~ on lands designated as Community Commercial ~~designation~~ shall be 3,000 square metres and 8,900 square metres respectively.

11.2.76 Business Park

- 11.2.76.1 ~~The purpose of the Lynde Shores Business Park is to establish a comprehensively planned, high intensity employment area to meet the demands of business and information services, new advanced industrial and health related technologies in a campus setting.~~ Lands designated as Business Park on Schedule "G" shall be developed in accordance with the policies of Section 4.7.3.2 except as modified by the following additional policies.

- 11.2.76.2 ~~The permitted uses in the Lynde Shores Business Park may include research, development and information processing establishments, corporate head offices or major regional branch offices, training facilities, communication production uses, pharmaceutical, light assembly and manufacturing operations for the production and/or distribution of high value and high technology products.~~ In addition to the uses permitted in Section 4.7.3.2, the following additional uses are permitted information processing establishments, communication production uses, pharmaceutical, light assembly and light manufacturing operations for the production and/or distribution of high value and high technology products.

~~In addition, a regional warehouse and distribution centre may be permitted within the northeast section, subject to inclusion of the appropriate provisions in the implementing Zoning By-law.~~

- 11.2.76.3 Notwithstanding Section 4.7.3.2.3, within the northeast section of the Business Park designation adjacent Highway 401, the additional use of a regional warehouse and distribution centre may also be permitted, subject to the inclusion of appropriate provisions in the implementing Zoning By-law.

- 11.2.7.4 Development shall be encouraged to take full advantage of the Highway No. 401 exposure through the staggering of lot lines on opposite sides of internal roads, siting of buildings and other appropriate site design measures. Consideration and appropriate mitigation measures for contamination management and on-site containment shall be required for all development and redevelopment on lands designated as Business Park.

On-site water detention facilities shall be required to contain industrial spills.

- 11.2.76.5 ~~Appropriate public access to the open space system to the west and Iroquois Park to the east shall be required through separate pedestrian walkways or sidewalks within road rights-of-way.~~ Appropriate active transportation linkages shall be required through publicly accessible pedestrian walkways on private property and within rights-of-way where appropriate.
- 11.2.76.6 ~~To encourage a special identity and image, high urban, architectural and landscape design standards shall be used together with:~~ Within the Business Park designation, development and redevelopment should foster a distinct character area of high urban, architectural and landscape design. Development and redevelopment shall be in accordance with the policies of Section 6.2 and shall include the following:
- a) ~~the minimal use of~~ minimizing at-grade surface parking;
 - b) restricting service and loading areas ~~to interior and rear yards where feasible; and~~
 - c) minimizing and restricting outdoor storage areas; and
 - d) requiring berms, landscaping and other appropriate measures ~~shall be required to adequately buffer residential areas on the south side of Victoria Street from the uses on the north side of Victoria Street.~~
- 11.2.76.7 In addition to the permitted uses in Section 11.2.76.2 ~~of this Plan~~, the lands within the Community Central Area, shown on Schedule A, may be developed to include limited business, medical and professional offices, financial institutions, restaurants, fraternal organizations as well as limited service commercial uses serving the Business Park. Development within the Community Central Area fronting on Victoria Street West or Gordon Street shall have a minimum and maximum height restriction of 3 and 8 storeys respectively. As an exception, the following additional policies shall apply to a single office building located on lands at the immediate northeast corner of Victoria Street West and Montecorte Street:
- a) a minimum and maximum height restriction of 3 and 20 storeys respectively; and
 - b) notwithstanding the policy provisions set out in Section 10.1.11, the developer shall also be required to submit architectural drawings illustrating appropriate design characteristics and materials to

mitigate the potential for bird strikes; and a report from a qualified environmental consultant that states that appropriate and acceptable mitigation measures have been included in that design.

- 11.2.76.8 ~~Remedial work shall be required to bring the Low Hazard Land area indicated on Schedule “G” up to a standard that would permit development. The Low Hazard Land area shall not be deemed developable or zoned to permit development until such time as the existing or potential hazard has been overcome or agreements have been entered into between landowners and the Ministry of Natural Resources and Forestry and the Central Lake Ontario Conservation Authority for works to overcome the hazard, and the development proposal is shown to satisfy the requirements of the authorities having jurisdiction. Basements shall not be permitted in developments within the Low Hazard Land area.~~

Where detailed study in support of a development application confirms that the boundary of a Natural Hazards designation may be refined, development and site alteration may be permitted without amendment to this Plan provided the Conservation Authority concurs with the study findings. When the Natural Hazards designation is removed or reduced, the urban land use designation abutting the area removed or reduced shall apply.

- 11.2.76.9 ~~An automobile service station consistent with the intent of Section 4.5.3.8 of this Plan may be permitted after due consideration and subject to rezoning within the Community Central Area, at the collector road intersection on the north side of Victoria Street. In accordance with Section 4.5.3.8, an automobile service at the northwest corner of Victoria Street and Montecorte Street, may be permitted subject to appropriate zoning.~~

11.2.87 **Institutional**

- 11.2.78.1 ~~The “Institutional” designation identifies an area for the present and future spatial requirements of the Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences. Lands within the “Institutional” designation may also be used for those purposes indicated in Section 4.8.3.1 of this Plan, and other medical related and research — and development facilities.~~ Lands designated as Institutional on Schedule “G” shall be developed to support and expand the Health Precinct, which includes Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences.

Lands designated as Institutional shall be developed as a cluster of health and medical related facilities, and complementary health-related research and development facilities and shall be developed in accordance with the relevant policies of Sections 6.2 and 10.1.11.

~~11.2.7.2 The Lakeridge Health Whitby shall maintain its vehicular access and facility orientation to Gordon Street.~~

~~11.2.7.3~~ 8.2 That Building 22 of the former Whitby Psychiatric Hospital known as the Doctor's House, shall be preserved due to its significant heritage value. In order to support the economic viability of this heritage structure, the following uses shall be permitted within the existing building: day nursery, residential use, community centre, business and professional offices ancillary to the Ontario Shores Centre for Mental Health and Sciences, public use, and a clinic.

~~11.2.98~~ 98 Major Open Space

~~11.2.89.1 The development of all lands within the Lynde Shores Secondary Plan and the preparation of the Master Plan referred to in Section 11.2.9.2 shall be undertaken in accordance with the recommendations of the "Environmental Management Plan – Lynde Shores Secondary Plan Area" (April 1991) by Bird and Hale Limited and as approved by the Minister of the Environment and Whitby Council.~~

~~As part of Council's approval for any development applications, the Municipality shall enter into a subdivision agreement or in the case where no subdivision agreement exists a development agreement, with the proponent to ensure the completion of any works required to implement the Environmental Management Plan and the Master Plan.~~ Lands designated as Major Open Space on Schedule "G" shall be developed in accordance with the policies of Section 4.9 of this Plan, except as modified by the following additional policies.

~~11.2.98.2 Prior to any development in the Business Park and Residential areas within the Lynde Shores Secondary Plan Area, a detailed Open Space Master Plan shall be prepared by the applicant to implement the Environmental Management Plan referred to in Section 11.2.9.1.~~

~~This Master Plan will not only outline the detailed design but also establish an operations program to facilitate implementation and ongoing maintenance. The Master Plan shall be prepared to the satisfaction of the Municipality in consultation with the Central Lake Ontario Conservation Authority and Ministry of Natural Resources and Forestry.~~

- ~~11.2.8.3~~ ~~An Environmental Monitoring Program shall be in place during the implementation of the management system components in the Major Open Space area as well as construction of adjacent lands, and continued for a least a period of ten (10) years following the completion of development in the Lynde Shores Secondary Plan Area. The monitoring program should be designed to provide specific quantitative information on any changes in key natural features and associated use levels.~~
- ~~11.2.8.4~~ ~~The Municipality will establish and administer a public environmental advisory committee to oversee the Environmental Monitoring Program described in Section 11.2.8.3 in accordance with the Environmental Management Plan. The Committee will operate in accordance with the recommendations contained in the Environmental Management Plan and submit an annual report to Whitby Council.~~
- ~~11.2.8.5~~ ~~A looped open space system shall be required to facilitate public pedestrian and bicycle access such that Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area are linked in an integrated manner. This system, as shown on Schedule "G" shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and useability of this public recreational resource.~~
- ~~11.2.8.6~~9.3 Access for the servicing of public utilities, where necessary, shall may be provided through all lands within the Major Open Space designation.
- ~~11.2.8.7~~ ~~It is the intent of the Central Lake Ontario Conservation Authority to acquire all those privately-owned, non-government lands below the Regional floodline and within the Major Open Space designation.~~
- ~~11.2.8.8~~ ~~A District and two Local parks shall be required to serve the needs of the residential areas. The District park shall be adjacent to the designated elementary school sites. One local park of a passive nature shall be located west of the collector ring road and a small active parkette shall be located north of the Ontario Shores Centre for Mental Health and Sciences.~~
- 11.2.109** **Transportation and Active Transportation**
- ~~11.2.109.1~~ The internal collector road network is based on a looped system designed to facilitate easy movement of vehicles into and out of the area. The final road alignments for both collector and local roads shall be determined at the time of development review and approval. The Secondary Plan Area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following additional policies.

- 11.2.109.2 ~~As part of the studies identified in Section 11.2.7.3, the feasibility of linking the collector road system between the southern end of Gordon Street — and the collector road system to the west shall be investigated in order to provide a continuous collector road system.~~ Consideration of the future road linkage connecting Gordon Street to Annes Street shall be considered during the development approval process within the Business Park.
- 11.2.109.3 ~~Within the Business Park, the final design of the intended road system shall generally follow a looping route focusing on Victoria Street. A collector road linkage shall be provided to Annes Street while respecting the road widening requirements of the future Annes Street – Highway — No. 401 grade separation.~~ Active transportation corridors shall be maintained in the open space corridor along the Lake Ontario waterfront and Lynde Creek.
- 11.2.910.4 ~~The east limit of the collector ring road south of Victoria Street and adjacent to the Lynde Creek shall represent the limit of urban development. The ring road is an important component of the Environmental Management Plan identified in Section 11.2.8.1. This road supports the maintenance and security system for the Major Open Space area and encourages public appreciation.~~ A looped Active Transportation Network shall be required to facilitate public pedestrian and bicycle access to link Iroquois Park, the Port Whitby Harbour area, the Lake Ontario waterfront, and the Lynde Creek area in an integrated manner. The Active Transportation Network, as shown on Schedule “G” shall form part of a continuous waterfront trail system along the Lake Ontario waterfront and assist in enhancing public access and usability of this public recreational resource.
- 11.2.109.5 ~~Public pedestrian and bicycle access shall be required in the open space corridor along the Lake Ontario waterfront and Lynde Creek.~~ A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.
- 11.2.9.6 ~~A transit compatible road network shall be encouraged throughout the Lynde Shores Secondary Plan Area.~~

~~11.2.9.7~~ Beyond the Victoria Street widening, the following major works projects shall require undertaking in order to accommodate the forecasted traffic volumes:

- ~~a) Annes Street construction to a level of service consistent with the planned function of the road; and~~
- ~~b) Gordon Street improvement to full municipal standards.~~

11.2.1~~0~~¹ Heritage Conservation

~~11.2.1⁰.1~~ The archaeological significance of the Secondary Plan Area has been reviewed in detail through reports prepared by Archaeological Services Inc. (1991) and the Museum of Indian Archaeology (1988). Reference shall be made to the recommendations of these reports prior to any development approvals, grading or any other soil disturbance and the issuance of any demolition permits for structures associated with the Ontario Shores Centre for Mental Health and Sciences.

~~More specifically, on lands south of Victoria Street and west Seaboard Gate, including lands within the Major Open Space designation, further examination of the candidate sites identified in the above noted reports shall be required to determine the need for mitigation and/or salvage excavation to the satisfaction of the Ministry of Tourism, Culture and Sport.~~ Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.2.1~~2~~⁴ Servicing

~~11.2.11.1~~ Development shall proceed in an orderly fashion, dependent in part on the availability of municipal water and sewage systems. Water and sewage systems are immediately available to the majority of the area and, as such, a servicing concept has been established. The servicing concept makes provisions for two pumping stations and ultimate twinning of existing trunk sanitary sewers through the Port Whitby Community. In this regard, the Lynde Shores Secondary Plan Area shall be serviced by looped extensions of existing trunk watermains and sanitary sewers in the vicinity of the Victoria Street and Gordon Street intersection. In addition, the internal sanitary servicing shall be dictated by local topographical constraints such that the northern two-thirds shall be serviced by a gravity fed sanitary sewer system, whereas the southern third and the extreme western portion of the area shall be serviced by a pumped sanitary sewer system. The Secondary Plan Area shall be developed in accordance with

the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

~~11.2.11.2 A master storm water management plan for the Lynde Shores Secondary Plan Area shall be undertaken in accordance with recommendations of the Environmental Management Plan and the requirements of the Ministry of the Environment. An engineering report detailing the storm water management plan shall be brought forward for Council approval once these studies have been prepared and reviewed by Public Works staff in consultation with the Ministry of Environment and Energy, the Ministry of Natural Resources and the Conservation Authority.~~

11.2.13.2 Implementation and Interpretation

~~11.2.12.3.1 The provisions of Section 11.2 together with Schedule “G” shall comprise the Secondary Plan for Lynde Shores. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

~~11.2.12.2 Forthwith, upon the approval of this Secondary Plan, the existing Zoning By-law, as it affects the Secondary Plan Area, shall be reviewed and amended to conform to the policies of the Plan.~~

11.2.13 Interpretation

~~11.2.13.1 The provisions of Section 11.2 together with Schedule “G” shall comprise the Secondary Plan as contemplated by this Plan.~~

~~11.2.13.2 The provisions of Section 11.2 to the Lynde Shores Secondary Plan Area are delineated on Schedule “G”. Schedule “G” provides more precise illustrations of the land use designations and provisions that are shown on Schedule “A”.~~

11.8 Brock/Taunton Major Central Area Secondary Plan

11.8.1 Goal

- 11.8.1.1 To provide for the development of a prominent, intensive, multi-functional Major Central Area ~~located at the intersection of Brock Street and Taunton Road~~ that provides a focal point of mixed use activities including major commercial, office, institutional, residential, recreational and entertainment activities, and respects the hazard lands and environmentally sensitive areas associated with Lynde Creek.

11.8.2 Objectives

- 11.8.2.1 To encourage the creation of a dynamic, vibrant area with a strong sense of identity, which provides a wide range of activities for residents and visitors.
- 11.8.2.2 To provide for a full range of retail and personal service uses to serve the needs of the residents. ~~which are appropriately timed to address the needs of the market place.~~
- 11.8.2.3 To encourage the creation of mixed use developments which provide a suitable integration of uses within the Major Central Area ~~context~~ and ~~which~~ provide a variety of employment and residential opportunities.
- 11.8.2.4 To provide a range of housing ~~opportunities~~ types to accommodate a variety of household sizes and incomes, that support the other land uses in the Major Central Area and are developed at densities which are transit supportive.
- 11.8.2.5 To respect, and protect the natural environmental features within the area ~~and where appropriate, incorporate them into the built environment.~~
- 11.8.2.6 To provide an appropriate balance between the traffic ~~movement~~ functions of the arterial roads and the need for active transportation and transit access, safety and comfort in the Major Central Area.
- 11.8.2.7 To create an area which is pedestrian and bicyclist friendly and ensures their comfort, safety and convenience.
- ~~11.8.2.8 To encourage development which is transit supportive through both its density and the provision for and integration of, transit facilities.~~

- 11.8.2.89 To ~~provide policies which~~ establish an the urban design framework for development in the Major Central ~~area~~ Area.

11.8.3 General Development Policies

- 11.8.3.1 ~~The boundary of the Brock/Taunton Major Central Area is shown on Schedule "N". The boundary of the Secondary Plan includes some lands not included within the Major Central Area boundary.~~

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "N". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part 1 of this Plan.

- 11.8.3.2 Schedule "N" provides the detailed land use designations for both the Major Central Area and the larger Secondary Plan area. The more detailed policies of Section 11.8, together with the general policies of this Plan, apply to the land use designations of the Secondary Plan area as shown on Schedule "N".

- 11.8.3.32 Development within the Major Central Area shall have regard to the relevant provisions of the Town of Whitby Official Plan and the Durham Regional Official Plan, and in particular the overall density and long term *floor space index* targets in Section 4.3.3.3.4.2.

- ~~11.8.3.3 Schedule "N" provides the detailed land use designations for both the Major Central Area and Secondary Plan area. The land use designations shall include Major Commercial, Mixed Use, Institutional, Institutional/Corporate Office, High Density Residential, Medium Density Residential, Low Density Residential, Hazard Land and Park.~~

- 11.8.3.4 Development within the Major Central Area shall be: integrated in a compact form; pedestrian-oriented; accessible by public transit; and promote efficient and effective use of land resources and municipal services.

- 11.8.3.5 The highest intensity of land uses shall be within the Major Commercial and Mixed Use designations in the vicinity of the intersection of Brock Street and Taunton Road, ~~and as well as~~ Garden Street and Taunton Road East, ~~and t~~There shall be a ~~gradual~~ transition of densities towards the boundaries of the Major Central Area. New development will occur in an orderly manner which is consistent with the efficient and effective use and provision of municipal services and with the policies of this Plan.

11.8.3.6 Throughout the development ~~review~~ approval process, the municipality will encourage the use and implementation of urban design in accordance with Section 6.2 standards throughout the Major Central Area, with specific regard to development adjacent to the arterial roads and, ~~as appropriate~~, the tributary of the Lynde Creek.

11.8.3.7 New automobile service stations and gas bars shall not be permitted within ~~the~~ this Major Central Area.

~~11.8.3.8 Prior to any rezoning within the Secondary Plan boundary, an archaeological survey may be required in accordance with Policy 2.3.4 and Table E8 of the Durham Regional Official Plan.~~

~~11.8.3.9 Applications for development adjacent to Brock Street or Taunton Road, which include residential uses, shall be required to submit a noise study which will demonstrate how appropriate noise levels for residential development can be achieved, including the identification of any required mitigation measures.~~

11.8.4 Major Commercial

~~11.8.4.1 The Major Commercial designation shall permit a complete range of retail, personal service, office, institutional, community, recreational, residential, and entertainment uses, in accordance with the relevant policies of Sections 4.3 and 4.5 of this Plan.~~

Lands designated as Major Commercial on Schedule “N” shall be developed in accordance with the policies of Section 4.5.3.1 except as modified by the following additional policies.

~~11.8.4.2 The maximum gross leasable floor space assignment for retail and personal service uses, north of Taunton Road, within the Major Commercial designation shall generally be: 40,700 square metres on the west side of Baldwin Street South; 7,800 square metres on the east side of Baldwin Street South; 23,740 square metres on the west side of Garden Street, and 41,000 square meters on the east side of Garden Street for a total of 113,240 square metres.~~

11.8.4.23 Medium and high density residential uses may be permitted in conjunction with the permitted non-residential uses, subject to Section 4.5.3.7 and Section 4.3.3.3.4.2 ~~the requirements of the implementing Zoning By-law~~. Proposals for residential development shall be required to submit a detailed Noise Impact Study which evaluates the potential adverse effects on such residential uses from adjacent land uses and arterial roads. The study will demonstrate how appropriate noise levels for residential

development can be achieved, including the identification of any required mitigation measures.

- ~~11.8.4.4 Development shall be encouraged to provide an appropriate built form and landscaping at Brock/Baldwin Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East. Within the Major Commercial designations, at the intersection of Brock Street and Taunton Road and at the northeast corner of Garden Street and Taunton Road East, a publicly accessible pedestrian Urban Square shall be provided in accordance with the provisions of Section 11.8.4.10 and Section 11.8.14.~~
- ~~11.8.4.5 Development will be encouraged to take advantage of the views of the tributary of the Lynde Creek bordering the north side of the designation and to allow for the integration of development with a pedestrian trail system along the tributary of the creek. Pedestrian connections through the designation, from the Urban Square to the trail system along the tributary of the creek, shall also be encouraged.~~
- ~~11.8.4.6 Development shall be required to coordinate access with: Valleywood Drive to the south of Taunton Road; and the access to the Institutional designation to the east of Brock Street.~~
- 11.8.4.3 New non-residential buildings greater than 500 square metres, shall have a minimum building height of 2 storeys and a maximum building height of 18 storeys.
- New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.
- All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street South, Brock Street North or Taunton Road East and West.
- 11.8.4.7 Development shall accommodate a continuous transit route_ connections for transit, pedestrian and vehicular traffic throughout through the Major Commercial designations_ from Brock Street to Taunton Road.
- ~~11.8.4.8 Consideration will be given to relocating the existing Hydro Electric Power Corridor to a location within the Taunton Road right-of-way.~~
- ~~11.8.4.9 The minimum building height shall be 2 storeys and the maximum building height shall be 18 storeys.~~

- ~~11.8.4.10~~ ~~Development of lands within the Major Commercial designation shall be undertaken in accordance with the following:~~
- ~~a) An Urban Design Plan shall be prepared for the Major Commercial designation, in accordance with Section 11.8.14, to illustrate: the integration of the uses; the Urban Square features; the pedestrian connections; the opportunities for transit integration; the potential relocation of the existing hydro corridor; and the views of the Lynde Creek tributary.~~
 - ~~b) Development adjacent to the Lynde Creek Environmentally Sensitive Area and/or the Lynde Creek tributary shall be required to undertake an Environmental Impact Study, in accordance with Section 5.4.2.4, in order to: examine and assess the type and degree of sensitivity of the environmental conditions; the potential impacts of the proposed development; refine the limits of development; and determine any mitigative measure which may be required.~~
- 11.8.4.5~~11~~ Notwithstanding any other provisions of this Plan to the contrary, the maximum permitted residential density on lands designated as Major Commercial-1 is 555 units per net hectare. For the purposes of this calculation, net residential hectare shall include all private laneways.
- 11.8.4.6~~12~~ Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4 Part Lot 26, municipally known as 70 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29800-0000, the additional use of a commercial self-storage facility may be permitted as an exception, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.
- 11.8.4.7~~13~~ Notwithstanding any other provisions of this Plan to the contrary, for lands located within Concession 4, Part Lot 26, municipally known as 20 Taunton Road East, identified by Assessment Roll number 18-09-010-037-29725-0000, the additional use of a commercial self-storage facility may be permitted, provided the operation is wholly enclosed within the building and is subject to the inclusion of appropriate provisions in the Zoning By-law.
- In addition, a lot for the commercial self-storage facility may be created without frontage on an open public road provided there are necessary easements respecting such matters as appropriate shared access across

parcels to/from a public road, vehicular and pedestrian circulation, and municipal servicing.

11.8.5 Mixed Use

- 11.8.5.1 Lands designated as Mixed-Use on Schedule “N” shall be developed in accordance with policies of Section 4.6 except as modified by the following additional policies.

~~Development within the Mixed Use shall designation shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.~~

~~Recreational, institutional and community uses permitted in accordance with Section 4.4.3.1 a) of this Plan, shall also be permitted in Mixed Use designations, subject to an amendment to the Zoning By-law.~~

- 11.8.5.2 Development within the Mixed Use shall be required to provide for an integration of medium or high density residential uses and non-residential uses. Residential uses shall be developed in accordance with the relevant provisions of Section 4.5.3.7.

The residential component of a mixed use development may be located either within the same building as the permitted non-residential uses or, in separate buildings on the same site with permitted non-residential uses, as part of an integrated development plan. Where the residential and non-residential uses are not proposed within the same building, the development shall demonstrate the means by which integration of residential and non-residential uses shall occur, prior to rezoning. ~~Applications for mixed use development which include S~~ single-purpose land uses ~~shall be discouraged~~ within the Mixed Use designation shall not be permitted.

- 11.8.5.3 Recreational, institutional and community uses in accordance with Section 4.4.3.1 a) of this Plan, may also be permitted.

- 11.8.5.4 Development and redevelopment in the Mixed Use designation shall ~~be carried out on the basis of comprehensive site plans which~~ take into consideration the Urban Design policies established in Section 11.8.14 and Section 6.2 of this Plan.

- ~~11.8.5.4 The highest intensity of uses within the Mixed Use designations shall be encouraged to locate in the vicinity of the intersection of Brock Street and~~

~~Taunton Road and there shall be a gradation of densities towards the boundaries of the Mixed Use designations.~~

- 11.8.5.5 ~~The minimum building height for new residential and mixed-use buildings shall generally be 6 storeys and the maximum building height shall be 18 storeys. Buildings that have a height greater than 8 storeys shall generally be located in proximity to Brock Street or Taunton Road. New non-residential buildings that are greater than 500 square metres in gross floor area shall have a minimum height of 2 storeys.~~

New residential and mixed-use buildings shall have a minimum building height of 6 storeys and a maximum building height of 18 storeys.

All buildings that have a height of greater than 8 storeys shall generally be located in proximity to Baldwin Street, Brock Street or Taunton Road.

New non-residential buildings greater than 500 square metres in gross floor area shall have a minimum building height of 2 storeys

- 11.8.5.6 ~~Retail commercial development which involves large, freestanding, independent buildings including, but not limited to, department stores, retail warehouse stores, and supermarkets that would detract from the Major Commercial designation shall not be permitted in the Mixed Use designation.~~

- 11.8.5.67 ~~Food stores with a gross leasable floor space of less than 1,200 square metres shall be permitted within a Mixed Use designation.~~

~~Development of food stores with a gross leasable floor space of greater than 1,200 square metres may be considered in accordance with the following:~~

- ~~a) Subject to an application for re-zoning;~~
- ~~b) A supermarket has been developed within the Major Commercial designation of this Plan;~~
- ~~b) The submission of a retail market impact analysis, in accordance with Section 4.5.4.2 of this Plan to justify to the satisfaction of Council that no undue adverse impact will occur on existing supermarket facilities.~~

11.8.5.7~~8~~ Where lands within a Mixed Use designation are under more than one ownership, complementary site design shall be encouraged, where appropriate, including such matters as: co-ordination of access points; internal traffic circulation; parking; pedestrian connections, -and integrated landscaping.

~~11.8.5.9 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.~~

11.8.5.8 ~~11.8.5.10~~ Additional Specific policies have been developed for specific areas designated ~~each~~ Mixed Use ~~designation~~ as illustrated on Schedule "N". Development shall proceed in accordance with the following:

11.8.5.8.1 ~~11.8.5.10.1~~ **Mixed Use Area 1**

a) ~~The gross leasable floor space assignment for retail and personal service uses within Mixed Use Area 1 shall generally be 6,000 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.~~

11.8.5.8.1.1 ~~b)~~ Commercial uses and buildings shall be encouraged to be situated in close proximity to the Brock Street and Taunton Road intersection.

11.8.5.8.1.2 ~~c)~~ ~~Development of Mixed Use Area 1 shall be required to include medium and high density residential uses. Approximately fifty percent of the residential units proposed shall be comprised of high density residential uses, in accordance with Section 4.4.3.6 of this Plan.~~ There shall be a transition of densities with the highest densities occurring closest to the Brock Street and Taunton Road intersection.

d) ~~In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 1, to illustrate: the integration of uses; building placement; the park location and features; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit integration.~~

~~11.8.5.8~~ **Mixed Use Area 2**

11.8.5.8.1.3 The gross leasable floor area assignment for retail and personal service uses within Mixed Use Area at the south east quadrant of

Brock Street South and Taunton Road East shall generally be 5,300 square metres. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.

b) 11.8.5.8.1.4 Commercial uses and buildings shall be encouraged to be situated in close proximity to ~~the~~ Brock Street North and Taunton Road East ~~intersection.~~

11.8.5.8.1.5 Development of Mixed Use ~~2~~ shall be required to include medium and/or high density residential uses, in accordance with Sections ~~4.4.3.5 and 4.4.3.6 of this Plan~~ 11.8.5.2.

c) ~~In accordance with Section 11.8.14, an Urban Design Plan shall be prepared for Mixed Use Area 2, to illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; landscaping; and opportunities for transit connections.~~

~~11.8.5.8.3~~ 10.3 Mixed Use 3 Area 4

~~11.8.5.8.3.1a) The gross leasable floor area assignment for retail and personal service uses shall generally be 3,400 square metres within Mixed Use Area 3 4. Additional floor space will also be permitted for business and corporate offices which are located within the upper floors of a mixed use development.~~

~~11.8.5.8.3.2b) All Commercial uses and buildings shall be encouraged to be situated in close proximity to Baldwin Street South.~~

~~c) In accordance with Section 11.8.14, any site plan application in Mixed Use Area 4, shall illustrate: the integration of uses; building placement; access and internal circulation; pedestrian connections; opportunities for transit connections, landscaping; and proposed buffering to adjacent uses.~~

11.8.6 Institutional/Corporate Office

11.8.6.1 The predominant uses permitted within Institutional/Corporate Office designation shall include business and corporate offices, entertainment uses, recreational uses and institutional uses including health care and medical facilities, civic administration centres, government facilities, education facilities, places of worship, community centres, libraries, transit, art and cultural facilities, banquet halls and fraternal organizations.

11.8.6.2 In addition to the uses permitted in Section 11.8.6.1, residential uses are also permitted within mixed use ~~the Institutional/ Corporate Office designation in the form of multi-unit~~ buildings that have a minimum height of 6 storeys and a maximum height of 10 storeys.

11.8.6.3 For the purposes of this designation, corporate offices are defined as offices which provide business headquarters or main office functions but ~~generally~~ do not include medical offices, law offices, and real estate offices and are greater than a minimum of 500 square metres of gross leasable area.

~~11.8.6.4 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed use developments where uses share a common building or site and have non-coincident peak parking requirements.~~

11.8.7 Residential

~~11.8.7.1 The predominant use of lands within a Residential designation shall be for residential purposes.~~

11.8.7.1 ~~11.8.7.2~~ A range of tenure types and built forms of residential development shall be encouraged to serve a variety of housing needs within the Major Central Area.

11.8.7.2 9 Lands designated as Low Density Residential ~~Areas~~ on Schedule "N" shall be developed in accordance with Section 4.4.3.4 and are located ~~within the boundaries of the Secondary Plan but~~ outside of the Major Central Area. ~~Permitted uses within the Low Density Residential designation shall include single detached, semi-detached or linked, and duplex dwellings, in accordance with Section 4.4.3.4 of this Plan. Development shall occur at densities of up to 30 units per net hectare.~~

11.8.7.3 4 Lands designated as ~~Permitted uses within the~~ Medium Density Residential on Schedule "N" shall be developed in accordance with Section 4.4.3.5 ~~designation shall include street and block townhouse, triplex, fourplex, or other forms of multiple dwellings, in accordance with Section 4.4.3.5 of this Plan. Development shall occur at densities between 30 and 65 units per net hectare and shall not exceed a maximum height of 4 storeys.~~

~~Notwithstanding Section 4.4.3.5 of this Plan, linked and semi-detached dwelling units shall be permitted on the northeast quadrant of the Brock/Taunton Major Central Area Secondary Plan, in the area designated Medium Density Residential.~~

~~11.8.7.4 Notwithstanding Section 4.4.3.6 of this Plan, linked and semi-detached dwelling units shall also be permitted on lands designated Medium Density Residential in the northeast quadrant of the Brick/Taunton Major Central Area Secondary Plan, the area designated as Medium Density Residential.~~

11.8.7.5 Lands designated as High Density Residential shall be developed in accordance ~~Development and permitted uses within the High Density Residential designation shall be in accordance~~ with Section 4.4.3.6 and 4.3.3.3.4 of this Plan and the following additional policies.

~~Notwithstanding Section 4.4.3.6 of this Plan, the maximum permitted residential density within the High Density Residential 2 designation shall not exceed 145 units per net hectare.~~

~~11.8.7.6 Day care centres, nursing homes and homes for the aged may be permitted in all Residential designations in the Major Central Area subject to an amendment to the Zoning By-law. Such uses shall be compatible with the residential areas in which they are located. Where appropriate, uses generating moderate to high levels of vehicular traffic shall be encouraged to locate adjacent to arterial roads.~~

~~11.8.7.63 The minimum height for new Hhigh Ddensity residential development shall be 6 storeys and the maximum building height shall be 18 storeys.~~

~~Buildings that have a height greater than 8 storeys shall generally be located within proximity to Brock Street or Taunton Road.~~

~~11.8.7.7 Notwithstanding Section 4.4.3.6 of this Plan, the maximum permitted residential density within the High Density Residential 2 designation shall not exceed 145 units per net hectare.~~

~~11.8.7.8 A variety of built forms will be encouraged within the Medium Density areas and consideration will be given to innovative housing types which fall within the density parameters established in Section 11.8.7.4.~~

Local Commercial Areas, Convenience Commercial Centres and professional, business office and personal service uses permitted in accordance with Sections 4.4.3.1 b) and 4.4.3.1 c) of this Plan, shall not be permitted ~~be prohibited~~ within the Residential designations in this Secondary Plan ~~of the Major Central Area.~~

11.8.8 Institutional

- 11.8.8.1 A variety of Institutional uses currently exist within the Major Central Area. ~~New~~ Institutional uses, including schools, places of worship, community centres, libraries and cultural facilities may be permitted, subject to an amendment to the Zoning By-law.
- 11.8.8.2 Integrated access points and circulation routes with adjacent uses shall be encouraged.
- ~~11.8.8.3 In considering parking requirements established in the Zoning By-law, consideration may be given to reduced overall parking standards for mixed-use developments where uses share a common building or site and have non-coincident peak parking requirements.~~
- ~~11.8.8.3 Where institutional uses are proposed adjacent to a Low or Medium Density Residential designation, the provisions of Section 4.9.3.6–6.2.3.12 of this Plan shall apply.~~

11.8.9 Major Open Space Hazard Lands

- 11.8.9.1 Lands designated Major Open Space shall be developed in accordance with Section 4.9 of this Plan, except as modified by the following additional policies.
- 11.8.9.2 Natural Heritage System and Natural Hazards, shown on Schedule “C”, ~~Hazard Lands within the Secondary Plan area~~ comprise of a portion of the Major Open Space ~~open space~~ corridor along the Lynde Creek tributary.
- ~~11.8.9.3 The provisions of Section 5.3.7 and 5.3.10 of this Plan shall apply to all lands identified as Natural Heritage System and/or Natural Hazards, on Schedule ‘C’ Hazard Lands within this Secondary Plan.~~
- ~~11.8.9.4 Development applications which include, or are in close proximity to, lands identified as Major Open Space may be required to submit an Environmental Impact Study, in accordance with Section 5.4.2, in consultation with the Town of Whitby and the Conservation Authority.~~
- ~~11.8.9.3 The boundaries of the Hazard Lands designation along the Lynde Creek tributary shall be determined to the satisfaction of the Town of Whitby in association with the Conservation Authority, and may include the greater of top of bank, flood hazard, erosion setbacks, slope stability setbacks, and/or maintenance access, where required. Hazards Lands as identified are encouraged to be transferred to the Town.~~

~~11.8.9.4 The exact location and extent of Hazard Lands shall be determined through the subdivision and site plan approval process in accordance with the required Environmental Impact Study.~~

~~11.8.9.5 The location of Hazard Lands shall be specified in the Zoning By-law.~~

~~Where boundaries are adjusted, the abutting land use designation shall apply without amendment to this Plan, provided the intent of the Plan is maintained.~~

~~11.8.9.6 A trail system shall be developed in proximity to the Lynde Creek tributary, to provide pedestrians and bicyclists with recreational opportunities which take advantage of the views and ambiance of the natural environment.~~

~~11.8.9.7 Where the trail is to be accommodated within the Hazard Lands designation, the trail shall generally be established in accordance with the following:~~

- ~~a) A location within areas of low environmental sensitivity;~~
- ~~b) A design which avoids sensitive soils and erosion-prone areas;~~
- ~~c) A location which minimizes disruption to existing vegetation and fragmentation of wildlife habitat; and~~
- ~~d) A design which ensures user safety for a wide range of users. The exact location of the trail shall be determined through the site plan approval process and shall take into consideration any relevant recommendations of the Environmental Impact Study required for the Major Commercial designation. Connections between the trail system and the public sidewalks shall be provided and access to the trail through the adjacent development shall be encouraged.~~

~~11.8.9.8 A pedestrian crossing of the northern reach of the Lynde Creek tributary within the Major Commercial designation shall be encouraged, in order to provide connections between the Major Central Area and the residential lands to the north.~~

11.8.10 Parks ~~Open Space~~

11.8.10.1 Parkettes and Urban Squares are shown symbolically on Schedule "N" and shall be developed in accordance with the relevant policies of Sections 4.9.3.22.

~~11.8.10.1 The park located within the south west quadrant of the Major Central Area is intended to primarily serve the residential uses within the Mixed Use Area 1 designation. The size of the park shall be determined based on the actual density of residential lands being developed within Mixed Use Area 1, but shall generally be required to have a minimum size of 0.4 hectares subject to providing active park facilities. The exact location of the park shall be determined through the site plan approval process and may be relocated without amendment to this Plan.~~

11.8.11 Environmental Management

~~11.8.11.1 Development shall have regard to its effect on the natural environment and measures shall be taken to retain and enhance natural features having ecological, recreational or aesthetic value.~~

~~11.8.11.2 Development applications Applications for subdivision, severance or site plan approval which include or are in close proximity to, lands identified as Hazard lands Major Open Space may shall be required to submit an Environmental Impact Study, in accordance with Section 5.4.2 satisfactory to the Town, in consultation with the Town of Whitby and the Conservation Authority which addresses one or more of the following elements:~~

- ~~a) A detailed delineation of the on-site existing physical and biological features and functions, including the determination of flood hazards, sensitive soils, and erosion-prone areas;~~
- ~~b) An assessment of the proposed servicing and grading plan, its potential environmental impacts on the lands (e.g. the vegetation), and the potential mitigative measures to be undertaken during and after grading;~~
- ~~c) The identification of potential environmental impacts resulting from the proposed development;~~
- ~~d) Measures to be undertaken which will retain or enhance existing environmental features and conditions, or to mitigate potential negative impacts on these features and conditions that may result from development;~~
- ~~e) An engineering analysis to address erosion and sediment control both pre- and post-development, and its potential impacts;~~
- ~~f) An engineering analysis of surface and sub-surface drainage, both pre- and post-development, and its potential impacts;~~

- g) ~~Mitigative measures to be undertaken during construction of the development; and~~
- h) ~~A determination of the width of the buffer or setback required between the adjacent development and the Hazard Lands or Environmentally Sensitive lands, and/or the confirmation of any buffer or setback that may be determined by the Town, or other relevant agency.~~

~~11.8.11.3 The recommendations of the Environmental Impact Study shall generally be consistent with Section 5 of this Plan.~~

11.8.11 ~~11.8.12~~ Transportation

11.8.11.1 ~~The Secondary Plan area shall be developed in accordance with the Transportation policies of Sections 8.1 and 6.2 in particular Section 6.2.3.12 and 6.2.3.14 except as modified by the following policies.~~

11.8.11.2 ~~11.8.12.1~~ Taunton Road is a Type “A” arterial road which is intended to provide cross regional transportation ~~opportunities; however, this~~ This road also provides the main east-west transportation connection and individual property access within the Major Central Area.

11.8.11.13 ~~11.8.12.2~~ Brock Street North/Baldwin Street South ~~is~~ a Type “B” arterial road which is intended to provide the main north-south transportation connection through the Major Central Area ~~and also currently provides individual property access opportunities.~~

11.8.11.4 ~~11.8.12.3~~ In order to respect the designated road functions of the arterial roads and to provide opportunities for access to intensified uses within the Major Central Area, individual property access to the arterial roads may be restricted and may be required to be coordinated with other developments in order to ensure adequate vehicular and pedestrian safety. The Town of Whitby and the Region of Durham shall determine these requirements during the development ~~subdivision, severance or site plan~~ approval process.

11.8.11.5 ~~11.8.12.4~~ A vehicular and pedestrian movement shall be designed to reduce ~~pattern may be encouraged which reduces~~ conflict between pedestrians and vehicular traffic, and between residential and non-residential vehicular traffic.

11.8.11.6 ~~11.8.12.5~~ The use of ~~selective~~ traffic control measures may be required in the future to address the impacts of through traffic, or locally generated non-

residential traffic, on local streets within the Residential designations shown on Schedule “N”.

~~11.8.12.6 The location of the collector roads which are shown on Schedule “N” shall be determined through the subdivision approval process and may be modified without amendment to this Plan, as long as the intent of the Plan is maintained. The roads shall be developed to municipal standards in accordance with Section 8.1.3.4 of this Plan.~~

11.8.11.7 ~~11.8.12.7~~ Future public transit routes and facilities shall serve the Major Central Area and be designed to provide optimum service to the various land uses within the Major Central Area. Transit facilities ~~connection opportunities for both local and regional transit services~~ may be required in the Major Commercial designation and all land uses shall make provision for transit connections, where necessary.

11.8.11.8 ~~11.8.12.8~~ Safe and convenient pedestrian circulation systems shall be provided within all areas of the Major Central Area. Within developed areas, the pedestrian system shall include sidewalks and walkways which shall be well lit and hard surfaced. Within open space areas, the pedestrian system will be designed in accordance with the environmental character of the area. Appropriate pedestrian road crossing locations shall be provided. Landscaping and buffering of the pedestrian system shall be encouraged and shall be addressed through the development site plan approval process where appropriate.

11.8.11.9 ~~11.8.12.9~~ Active transportation ~~Bicycle use~~ shall be encouraged in and through the Secondary Plan area. The integration of active transportation bicycle parking facilities ~~with development~~ shall be addressed through the development site plan approval process, where appropriate ~~necessary~~.

11.8.11.10 ~~11.8.12.10~~ In addition to the matters listed in Section 4.4.3.13.2, the Municipality may also consider reduced parking requirements after detailed study for all developments, where justified in terms of need, to the satisfaction of the Municipality. ~~Parking requirements established in the Zoning By-law, may give consideration to reduced overall parking standards~~ Where specific land uses share a common ~~building or~~ site and have non-coincident peak parking requirements.

It is the long-term intent of this Plan that the majority of the parking spaces in the Central Area be included within structured parking garages or underground. In this regard, a long term parking strategy for the area which takes into account the phasing of development should be prepared.

11.8.13 Servicing

~~11.8.13.1 The Secondary Plan area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3, the site servicing policies of Section 6.2.3.16, and the Storm Water Management policies of Sections 5.3.9 and 8.2.5.~~

~~Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.~~

~~11.8.13.2 Applications for development shall be required to employ appropriate storm water management techniques and practices, in accordance with Sections 5.3.9 and 8.2.5 of this Plan.~~

~~11.8.12.2 11.8.13.3 The Town, in consultation with the Conservation Authority shall require the use of Best Management Practices (BMPs) green infrastructure and low impact development measures, where appropriate based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the condition of the receiving watercourses.~~

~~11.8.13.4 Storm water management facilities may be permitted in any land use designation on Schedule “N”, subject to any required approvals from the Town, in consultation with the Conservation Authority.~~

~~11.8.13.5 Storm water quality control measures shall be provided for all new development located north of Taunton Road. Storm water quantity controls shall be provided for all new development located north of Taunton Road and east of Brock Street, in accordance with Section 8.2.5 of this Plan.~~

~~11.8.13.6 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.~~

~~11.8.13.7 For any commercial development south of Taunton Road, on-site storm water quality controls may be required for specific types of commercial uses.~~

~~11.8.14~~ 11.8.12 Urban Design

~~11.8.14.1~~ 11.8.12.1 The provisions of Section 6.2 and 4.3.3.7 of this Plan shall apply to all development within the Major Central Area.

~~11.8.14.2~~ An Urban Design Plan shall be prepared as part of any development application to assist Council in the evaluation of development proposals within the Major Commercial and Mixed Use designations.

~~11.8.14.3~~ The Urban Design Plan shall address and include the following:

- ~~a) — The location and distribution of all land uses and general building envelopes through a detailed concept plan. — The concept plan will establish visual and functional relationships between individual buildings and groups of buildings establish the visual relationship with the Lynde Creek tributary, where appropriate and define building setbacks which reinforce the streetscape and the valley open space area.~~
- ~~b) — Within the Major Commercial designation, the provision for a publicly accessible Urban Square on the northwest corner of Brock Street and Taunton Road, the purpose of which is to:
 - ~~i) — promote the identity of the Central Area;~~
 - ~~ii) — to add a visually attractive feature to that corner; and~~
 - ~~iii) — to provide the opportunity for pedestrian comfort, convenience and enjoyment.~~~~

~~The Urban Square shall be encouraged to have edges which are defined by buildings and landscaping which contributes to the prominence of the location within the Major Central Area. The Urban Square may include lands within the existing hydro corridor;~~

- ~~c) — The location and coordination of access points onto the arterial roads;~~
- ~~d) — The location of vehicular and service circulation and access, including the integration of parking and loading areas. Parking and loading areas should have regard to both convenience and visual impact from the street;~~
- ~~e) — The provision of safe and convenient pedestrian access and connections and the provision of connections from the public sidewalks and the Urban Square, to the trail system along the Lynde Creek tributary;~~

- ~~f) — Where relevant, the location of a pedestrian trail system adjacent to the Lynde Creek tributary which takes into consideration recommendations of the required Environmental Impact Statement;~~
- ~~g) — The provision for and distribution of integrated transit facilities which may include on-site transit facilities routes and which provide for convenient access to all land uses and buildings, in particular within the Major Commercial designation, as appropriate; and;~~
- ~~h) — Guidelines addressing: the design and massing of buildings in order to create a sense of continuity and contextual harmony; building locations which encourage building placement in close relation to the arterial roads, landscaping, streetscape and other matters; and~~
- ~~i) — Where lands of a single designation are under more than one ownership, the Urban Design Plan should demonstrate how development of the land uses can be integrated.~~

~~11.8.14.4 The following policies shall be used to evaluate the urban design aspects of development applications for areas of this Plan not required to undertake an Urban Design Plan:~~

- ~~a) Existing natural features are preserved and wherever possible, incorporated into the man-made environment;~~
- ~~b) The road pattern reduces the need for, or distance of local vehicular trips and addresses the road pattern established in Section 11.8.12;~~
- ~~c) The road pattern contributes to the efficient provision of public transit services;~~
- ~~d) Building entrances are encouraged to be placed in close relationship to transit stops;~~
- ~~e) The provision of safe and comfortable pedestrian movements;~~
- ~~f) Reverse frontage residential lots are to be avoided, where possible;~~
- ~~g) Shadow and privacy impacts on residential areas and public open space shall be minimized; and~~

- h) ~~Where lands are under more than one ownership, the development application should demonstrate how development of the land uses can be integrated.~~

11.8.12.2 ~~11.8.14.5~~ Roads form an important aspect of the public realm within the Major Central Area. Proposals for development and redevelopment, adjacent arterial roads, shall be evaluated by the relevant urban design provisions of Section 6.2 and the ~~The~~ following urban design criteria: ~~shall be used to evaluate the urban design aspects of proposals adjacent to arterial roads:~~

- a) A coordinated streetscape theme ~~shall be encouraged, where~~ appropriate, within both the public and private realms in order to enhance the identity of the Major Central Area;
- b) ~~Landscaping enhancement shall be encouraged through regularly placed tree plantings that are aligned with street lighting and through the arrangement of street furniture to assist in defining the streetscape and pedestrian environment and not obstructing pedestrian movements or vehicular sight lines;~~
- b.)e) The provision of enhanced entrance landscaping treatments within the Major Commercial and Mixed Use designations ~~shall be encouraged where collector roads intersect with arterial roads;~~
- c.)d) The location and arrangement of built form, including reduced setbacks, where appropriate, shall be used ~~Building design may provide selective placement of the buildings and reduced building setbacks~~ in close proximity to the street edge in order to promote the image of the area as a high intensity node and to provide a more pedestrian-friendly and lively street environment;
- d.)e) ~~Transit connections along arterial and collector roads are provided for in locations providing safe, convenient and direct access to buildings or uses in those locations;~~ Primary access shall be coordinated between adjacent land parcels to minimize pedestrian and vehicular conflicts; and
- f) ~~Primary access shall be coordinated between adjacent landowners to minimize pedestrian and vehicular conflicts; and~~
- e.)g) Appropriate sidewalk connections ~~widths are~~ shall be incorporated within land parcels and to the right of way, where appropriate ~~necessary~~, to maximize opportunities for pedestrian movement.

11.8.12.3 ~~11.8.14.6~~ More ~~The more~~ intensive land uses and ~~the tallest~~ buildings shall be encouraged to be adjacent ~~to Brock Street and Taunton Road~~ arterial roads, wherever appropriate with a transition of ~~development~~ densities and building heights ~~radiating away~~ from these arterial roads.

~~11.8.14.7~~ ~~Maximum building heights for individual sites shall be determined through the development approval process. A minimum building height of 2 storeys shall generally be required for all residential, mixed use and, where appropriate, commercial development situated along arterial roads. Building heights shall be restricted to a maximum of 18 storeys for high density residential, commercial and mixed use buildings.~~

11.8.12.4 ~~11.8.14.8~~ Off street parking and service areas shall be encouraged to locate at the side or rear of buildings, where feasible, in order to promote an attractive streetscape and reduce the visual impact of large surface parking lots.

Underground or decked parking or other similar parking solutions shall be encouraged ~~permitted~~ and the treatment of such structures shall be consistent with the building materials and landscaping used elsewhere on the site. Sufficient setbacks for enhanced landscaping where parking is located adjacent to an arterial or collector road shall be provided, which does not limit or impair pedestrian or vehicular sightlines ~~encouraged in order to reduce the visual impact, while maintaining safety for pedestrians and vehicles.~~

11.8.12.5 ~~11.8.14.9~~ Commercial service areas shall be encouraged to locate away from residential areas and shall not be visible from arterial roads. Service areas shall be screened with a combination of fencing and /or landscaping.

11.8.12.6 ~~11.8.14.12~~ Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

11.8. 12.7 ~~14.10~~ Landscaping and planting shall be ~~used~~ provided in accordance with Section 6.2.3.15.1 and also include the following:

- ~~a) Screen unattractive views and buffer adjacent land uses;~~
- a) ~~b)~~ Define pedestrian and vehicular routes;
- b) ~~e)~~ Establish and define a uniform and coordinated street edge; and
- ~~d) Shelter and enhance outdoor activities;~~

e) ~~Enhance existing natural features; and~~

c)f) Reinforce the prominence and enhance ~~of~~ focal points within enhanced landscaping within the Major Central Area.

11.8.12.84.14 Landscaping plans shall include native local species, where appropriate.

~~11.8.14.13 The Town will work with Whitby Hydro, Durham Region and landowners, to secure the re-location of the existing hydro facilities to a location within the Taunton Road right-of-way.~~

11.8.145 Implementation and Interpretation

11.8.145.1 ~~The provisions of Sections 11.8 together with Schedule “N” of the Town of Whitby Official Plan shall comprise the Brock/Taunton Major Central Area Secondary Plan. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

11.8.16 Interpretation

~~11.8.16.1 The provisions of Section 11.8 apply to the Brock/Taunton Major Central Area Secondary Plan delineated on Schedule “N”.~~

11.8.14.2 ~~11.8.16.2~~ Notwithstanding Section 10.2.1.2 of this Plan, minor deviations to the floor space allocations of this Secondary Plan may be permitted without amendment to this Plan, where such deviations do not affect the general intent and purpose of this Plan and where supported by a valid planning rationale; to the satisfaction of the Town of Whitby.

~~11.8.16.3 The Brock/Taunton Major Central Area Secondary Plan Schedule “N” provides more precise illustrations of the land use designations than is shown on Schedule “A”.~~

11.10 Taunton North Community Secondary Plan

11.10.1 Goal

- 11.10.1.1 To provide for the comprehensive development of a safe, healthy, and attractive residential and industrial community that meets the needs of current and future residents and businesses.
- 11.10.1.2 To ensure that all decisions are based on an “Environment First” principle which preserves, protects, and enhances the significant environmental features, functions and linkages.

11.10.2 Objectives

- 11.10.2.1 To employ an ecosystem approach in planning to ensure all of the components of the ecosystem, which are air, water, land, and living organisms are considered as a whole and that balanced decisions are made with an understanding of the environmental, community and economic implications. Balance may not occur on each individual property and protection of the natural environment will be given more weight in certain areas.
- 11.10.2.2 To work with public and private sector interests to preserve, protect and enhance the significant environmental features, functions and linkages including valley and stream corridors, hydrogeological functions, water quality and quantity, groundwater recharge, headwater functions, riparian vegetation, fish habitat, forest and tree cover, species at risk and endangered species ~~uncommon species~~, wetlands and important terrestrial functions within the community.
- 11.10.2.3 To create a safe, livable, and healthy community that has a sense of community identity.
- ~~11.10.2.4 To ensure that the community is integrated with the rest of Whitby and adjacent communities, is linked to the Brock / Taunton Major Central Area and Thickson / Taunton Community Central Area and is internally integrated with community facilities.~~
- 11.10.2.~~4~~⁵ To encourage innovative and alternative forms of development ~~which~~ that respond to and enhance the environmental attributes of the area.
- 11.10.2.~~5~~⁶ To encourage, to the extent possible, an urban form that is efficient and cost effective for servicing, stormwater, transportation and public transit systems and is sensitive to environmental conditions.

- 11.10.2.~~67~~⁷⁸ To provide safe, comfortable and convenient opportunities for pedestrian, bicycling and other similar active transportation movements through streets, paths and greenways such as utility corridors throughout the community and to provide a connection from the Lynde Creek to the Whitby / Oshawa boundary.
- 11.10.2.~~78~~⁸⁹ To encourage a high standard of urban design ~~for both public and private sector lands~~ to ensure the creation of an attractive community.
- 11.10.2.~~89~~⁹¹⁰ To provide parks, open space, linkages and recreational opportunities that meet the needs of the community, respect the environment and ~~create meeting places.~~ provide opportunities for social connectivity.
- 11.10.2.~~910~~¹⁰⁴ To encourage the provision of a variety of housing forms which provide choices and address the economic and social needs of all facets of the population.
- 11.10.2.~~104~~¹² To provide for business opportunities ~~which~~ that benefit the community, provide employment opportunities, take advantage of existing and future transportation linkages and are sensitive to environmental conditions.
- ~~11.10.2.12 Where higher intensity uses are appropriate from an environmental perspective, to encourage them to locate close to major transportation routes and community and service facilities.~~
- ~~11.10.2.13 To preserve and incorporate existing cultural features wherever possible.~~

11.10.3 General Development Policies

- 11.10.3.1 ~~The boundary of the Taunton North Secondary Plan is shown on Schedule "P". The urban boundary is also shown on Schedule "P" and coincides with the boundaries of the Secondary Plan.~~

The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule "P". Any area shown on this map, but lying outside of this boundary, is governed by the policies of Part I of this Plan.

- 11.10.3.2 ~~Schedule "P" provides the detailed land use designation for the Secondary Plan Area. The land use designations include Low Density Residential, Medium Density Residential, High Density Residential, Institutional, High School, Special Purpose Commercial, General Industrial, Hazard Lands, Environmental Protection/Conservation Lands, Special Policy Area, Parks and Major Open Space. Many of these designations have been further refined through provision of a number following the designation. The~~

~~number refers to policies in the Secondary Plan that must be read in conjunction with the designation.~~

Schedule “P” provides the detailed land use designations for the Secondary Plan Area. The more detailed policies of Section 11.10, together with the policies of Part I of this Plan, apply to the land use designations of the Taunton North Community Secondary Plan area as shown on Schedule “P”.

11.10.3.3 Schedule “Q” identifies areas within which an Environmental Impact Study (EIS) shall be required prior to any development or development approvals being permitted to occur ~~and is based on the Taunton North Environmental Study prepared by Gartner Lee Limited (February, 1999).~~ For the purposes of this Secondary Plan, the term development as it relates to Schedule “Q” is defined to include the construction of any building or structure which requires ~~regrading~~, vegetation removal or installation of services. Policies outlining the EIS requirements are found in Section 11.10.4.

~~11.10.3.4 New development will occur in an orderly manner that is consistent with the efficient use and provision of municipal and community services, including transit.~~

11.10.3.4~~5~~ ~~There are a number of buildings that have been identified as significant by the municipal heritage committee. These buildings contribute to the architectural history and character of the area and the Municipality shall encourage the retention of these buildings in their current state or the incorporation of these buildings into future development.~~

Development and redevelopment on or adjacent to lands with heritage resources shall be considered in accordance with the policies of Section 6.1 of this Plan.

11.10.3.5~~6~~ Prior to any ~~rezoning~~ development or redevelopment within the Secondary Plan area boundary, an archaeological survey may be required in accordance with Section 6.1.4, and Policy 2.3.4 and Table ‘E8’~~2.3.4~~ of the Durham Regional Official Plan.

11.10.3.6~~7~~ ~~Applications for development adjacent to arterial roads which include residential land uses shall be required to submit a noise study that will demonstrate how appropriate noise levels of the residential development can be achieved, including the identification of any required mitigation measures.~~

Known former waste disposal sites are identified on Schedule “P”. The policies of Section 5.3.11 shall apply to those lands within 500 metres of identified former waste disposal sites.

- 11.10.3.7 Lands identified as School sites on Schedule “P” shall be developed in accordance with the policies of Section 4.8.

Schools are symbolically shown and the exact location shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

Where a designated school site is not required, the site may be developed in accordance with the underlying designation without amendment to this Plan

11.10.4 Environmental Management Policies

- ~~11.10.4.14~~ ~~All owners in the Secondary Plan area shall be encouraged to protect, preserve and enhance to the greatest extent possible, the significant natural heritage values of their land. Development will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority (Conservation Authority) that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.~~ Development and redevelopment shall be subject to the appropriate policies of Section 5.3 of the Official Plan, except as modified by the following additional policies.

- 11.10.4.2 All owners in the Secondary Plan area shall be encouraged to protect, preserve, and enhance to the greatest extent possible, the significant natural heritage of their land.

Development and redevelopment will only be considered where it has been demonstrated to the satisfaction of the Municipality, in consultation with the Central Lake Ontario Conservation Authority that the Environment First principle has been achieved and that the environment can be protected and sustained over the long term.

- ~~11.10.4.3~~ ~~Existing Core woodlands as identified on Schedule ‘Q’ by the Taunton North Environmental Study prepared by Gartner Lee Limited~~ shall be protected and maintained in a natural state subject to the policies of this Plan. All owners ~~shall also be~~ are encouraged to promote restoration of forest edges and interior gaps through either active planting or passive

natural succession processes, in consultation with the Central Lake Ontario Conservation Authority.

11.10.4.4 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.

~~11.10.4.4~~ ~~Lands that are within the Environmental Protection/Conservation Lands designation that are part of a large parcel of land which also contains lands that are outside of the Environmental Protection/Conservation Lands or Hazard Lands designation and for which a development application has been submitted, may be eligible for bonusing provisions under the Planning Act for woodlands that are protected or restored. Such bonusing will be in accordance with the provisions of Section 10.1.10 of this Plan.~~

11.10.4.5 Schedule “Q” identifies those lands that are required to prepare a full or scoped Environmental Impact Study (EIS) prior to any development or redevelopment approvals being permitted to occur ~~on the land~~.

If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address the environmental conditions identified.

For the purposes of this Secondary Plan, the terms “development” and “redevelopment”, as it relates to Schedule “Q”, are defined to include the construction of any building or structure which requires regarding, vegetation removal or installation of services.

~~Schedule “Q” identifies whether a full EIS is necessary or whether the EIS can be scoped to focus on certain issues.~~ A full EIS is intended to apply to all those lands that are designated Natural Hazards ~~Hazard Lands~~ or Natural Heritage System ~~Environmental Protection/Conservation Lands~~ and to all lands within approximately 50 metres of those designations. A scoped EIS is intended to apply to those lands that have been identified ~~through the Taunton North Environmental Study~~ as having a high or moderate groundwater resource or lands within approximately 50 metres of such lands. The Municipality in consultation with the Central Lake Ontario Conservation Authority shall be responsible for the interpretation of the limits of the boundaries as shown on Schedule “Q” and the need for preparation of an EIS.

11.10.4.6 EIS shall be prepared in accordance with the policies of Section 5.4.2 of this Plan, except as modified by the following additional policies.

~~11.10.4.6 Where the preparation of an EIS is required, the EIS report shall be prepared to the satisfaction of the Municipality in consultation with the Conservation Authority and other agencies as required. The recommendations of the EIS shall be consistent with Section 5 of this Plan.~~

~~11.10.4.7 All Environmental Impact Studies shall be prepared by experts qualified in the fields of ecology, hydrogeology and/or environmental planning and shall be prepared in accordance with a work plan that has been approved by the Municipality in consultation with the Conservation Authority. The work plan shall identify the boundaries of the area to be studied and may include lands beyond the area for which the EIS is being carried out. The objective of the EIS is to identify and assess the potential impacts of a specific development proposal on the key environmental functions, attributes and linkages of the potentially affected area and to ensure that the proposed development complies with the policies and intent of the Secondary Plan for protection and enhancement of the environment. For development on individual lots of record, the Municipality in consultation with the Conservation Authority may consider modifying the requirements of a full EIS to reflect the scale of development.~~

11.10.4.6.1 In addition to the requirements of Section 5.4.2.4, Components of a full EIS shall generally include, but are not necessarily limited to:

- a) a detailed study area description, including an assessment of the terrain conditions, hydrogeology, surface water, groundwater-surface water interactions, biological setting and Natural Hazard lands;
- b) a characterization of existing on-site and adjacent natural heritage features and functions, including the roles of vegetation, surface water and groundwater in maintaining the natural heritage area and an assessment of the contribution of the study area to those adjacent functions;
- c) a detailed description of the proposed development or land use activities including servicing and grading plans and building envelopes where appropriate;
- d) a prediction of the potential direct, indirect and cumulative effects of the proposed development on the environment compared with the overall environmental objectives;
- e) preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change

in land use through the use of site planning design and Best Management Practices;

- f) an identification and evaluation of options to avoid or mitigate impacts, including recommendations for establishing buffers/setbacks, erosion and sediment control, surface and sub-surface drainage, and habitat restoration/enhancement;
- g) a strategy for implementing the recommended mitigation measures;
- h) a summary of predicted net effect following mitigation/rehabilitation compared with overall environmental objectives;
- i) recommendations to be applied to the Construction Management Plan and an evaluation of the need for a post construction monitoring program; and
- j) recommendations on information to be incorporated into the environmental education/awareness program, to be provided to the homeowners, as appropriate.

11.10.4. ~~96.2~~ ~~A scoped EIS shall generally focus on maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems. Provided that the issues are restricted to groundwater recharge/discharge functions, then only a hydrogeological study will be required. The study shall include the preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices. It shall also identify the need for a construction and post-construction monitoring program and make recommendations on information to be incorporated into the environmental education/awareness program.~~

In addition to the requirements of Section 5.4.2.4, components of a A scoped EIS shall generally include, but are not necessarily limited to:

- a) details regarding maintaining recharge of precipitation to the surface aquifer and to the contributions of baseflow to the Lynde and Pringle Creek systems.
- b) preparation of a water budget analysis which reflects the natural conditions determined by the site specific study and demonstrates that these existing conditions can be maintained with the proposed change in land use through the use of site planning design and Best Management Practices.
- c) construction and post-construction monitoring program and recommendations on information to be incorporated into the environmental education/awareness program.

d) recommendations on information to be incorporated into an environmental education/awareness program, to be provide to the homeowners, as appropriate.

11.10.4.7~~10~~ ~~Buildings and structures which require substantial below-ground excavation that could cause groundwater interference and dewatering may not be permitted in areas requiring an EIS unless an appropriate mitigation plan is approved as part of the EIS.~~

11.10.4.8~~11~~ Where the EIS recommends that minor modifications can be made to the boundary of the ~~Hazard Lands or Environmental Protection/Conservation Lands~~ Natural Hazards or Natural Heritage System and the Municipality, in consultation with the Conservation Authority approves that recommendation, then the boundary can be refined without further amendment to this Plan. Where boundaries are adjusted, the abutting land use designation shall apply, provided the intent of the Plan is maintained.

11.10.4.9~~12~~ A Construction Management Plan shall be required for all lands requiring an EIS. The Construction Management Plan shall be prepared in accordance with Section 5.4.3.2 of this Plan.

11.10.4.13 The Construction Management Plan may identify any s~~Special~~ construction and servicing techniques ~~shall be~~ utilized where necessary to prevent the alteration of existing groundwater conditions and to address disturbance of the natural environment during construction. Sewer materials and construction methods shall be designed to minimize the impact on water table conditions. ~~The specific techniques to be utilized shall be identified in a Construction Management Plan.~~

11.10.4.10~~4~~ Impacts of future road and utility crossings on stream and valley corridors shall be minimized to the greatest extent possible through the use of siting, design and construction techniques. Precise alignments of new roads will be determined by appropriate studies, such as, but not limited to environmental assessment studies.

11.10.4.11~~5~~ In accordance with the Durham Regional Official Plan and Section 4.9.3 of this Plan, an open space/wildlife corridor has been identified along the Trans Northern Oil Pipeline. Strengthening of the corridor adjacent to the pipeline shall be encouraged through such measures as naturalization or restoration of adjacent lands and buffering from adjacent land uses where appropriate.

~~11.10.4.16 An environmental education/awareness program which informs homeowners of the environmental sensitivities of the Taunton North Community shall be prepared by all developers to the satisfaction of the Municipality in consultation with the Conservation Authority. Preparation of this program shall be addressed through the subdivision approval process and will include recommendations from the EIS.~~

11.10.5 ~~Hazard Lands~~ Natural Hazards

~~11.10.5.1 The Hazard Lands designation in this Secondary Plan comprise lands associated with the Lynde and Pringle Creek valleys and the provisions of Section 5.3.10 shall apply to all Hazard Lands within this Secondary Plan.~~ Lands designated as Natural Hazards on Schedule 'P' comprise, in part of, lands associated with the Lynde and Pringle Creek valleys, and shall be developed in accordance with the policies of Section 5.3.10 of this Plan, except as modified by the following additional policies.

- 11.10.5.2 ~~The intent of the Hazard Lands policies is to address lands that have inherent environmental hazards and to ensure the preservation, conservation and enhancement of the natural environment. Lands having a Hazard Lands designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north south environmental linkages. In keeping with the goals and objectives of this Secondary Plan the protection, enhancement and restoration where possible of the vegetation, groundwater, surface water quality and quantity, uncommon species, fish habitat and wetlands within the Hazard Lands designation will be given the highest priority.~~ Natural Hazards are lands that have inherent environmental hazards requiring the preservation, conservation and enhancement of the natural environment. Lands having a Natural Hazard designation are considered to have the highest level of environmental sensitivity and provide the greatest number of environmental functions and attributes. As a result, they have the highest constraints to development. Natural Hazard Lands within the Secondary Plan area are usually associated with creek or stream valleys and therefore also provide significant north south environmental linkages. Within the Natural Hazards designation, protection, enhancement and restoration of the vegetation, groundwater, surface water quality and quantity, species at risk and endangered species, fish habitat and wetlands will be given the highest priority.
- 11.10.5.3 Permitted uses on lands designated as Natural Hazards ~~in a Hazard Lands designation~~ include conservation and passive recreational uses. Additional uses such as agriculture, passive recreation, conservation of soil, wildlife and fisheries habitats, may be permitted subject to the provisions of an ~~EIS~~ Environmental Impact Study (EIS) in accordance with the policies of Section 11.10.4.
- 11.10.5.4 The extent and exact limit of the Natural Hazards ~~Lands designation~~ shall be defined in the Zoning By-law, in consultation with the Municipality and the Central Lake Ontario Conservation Authority. The boundary shall be determined through the development approval process in accordance with the recommendations of the EIS, prepared in accordance with Section 11.10.4, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.

11.10.5.5 Natural Hazard ~~s-Lands~~ as designated on schedule 'P' identified are encouraged to be transferred to ~~the Municipality~~ public ownership through the development ~~review~~ approval process.

11.10.6 **Environmental Protection/Conservation Lands-Natural Heritage System**

~~11.10.6.1 The goal of the Environmental Protection/Conservation Lands is to protect and enhance the natural features, functions and linkages of these lands.~~

~~11.10.6.2 The objective of the Environmental Protection/Conservation Lands is to ensure that the natural heritage features are not compromised through urban development and that the quality of the ecosystem as a whole is maintained for present and future generations.~~

11.10.6.13 Environmental Protection/Conservation Lands designated Natural Heritage System shall be developed in accordance with the policies of Section 5.3.7 of this Plan, except as modified by the following additional policies. These Lands have high environmental sensitivity and are composed of lands which are generally part of large and contiguous core woodlands but may include openings in the forest cover that are within or adjacent to the forest block. The core woodlands contain a variety of vegetation communities and harbour many locally and regionally significant plant species. The forest provides habitat for regionally rare and provincially rare and vulnerable wildlife. It also provides habitat and local and regional movement corridors for a variety of species. The size of the core woodlands provides the opportunity for area sensitive wildlife and forest interior breeding bird species. Much of this area lies on the Lake Iroquois beach and is characterized by a high water table which makes this area a major groundwater recharge and discharge resource. The area provides baseflow to the Lynde and Pringle Creeks and the vegetation cover assists in providing temperature control for the surface and groundwater runoff. Together with the Natural Hazard Lands, the Natural Heritage System ~~the Environmental Protection/Conservation Lands~~ forms a contiguous corridor of land which create north/south and east/west environmental linkages which are critical to the long term sustainability of the environmental health of the Town.

11.10.6.24 Permitted uses on lands designated as Natural Heritage System will include passive recreation, environmental education, woodlot, fishery and wildlife management, conservation areas and other similar uses. Outdoor recreation ~~functions-uses~~ such as trails may also be permitted provided such uses are compatible with environmental conditions. ~~The establishment of golf courses shall require an amendment to this Plan and~~

~~are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged.~~

Existing residential uses on existing lots of record are permitted and one new house on an existing vacant lot of record ~~is~~ may be permitted subject to ~~the approval of~~ an Environmental Impact Study as defined in Section 11.10.4 of this Plan and subject to the approval of the Municipality and the Conservation Authority. Further subdivision or severance of land within this designation is not permitted without amendment to this Plan.

The establishment of golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged.

11.10.6.~~35~~ The extent and exact limit of the ~~Environmental Protection/Conservation Lands-Natural Heritage System~~ shall be defined in the Zoning By-law, in consultation with the Central Lake Ontario Conservation Authority. ~~The boundary shall be determined through the findings of the EIS. The development approval process in accordance with the recommendations of the EIS, and may include the greater of top of bank, flood hazard, wetlands, erosion setbacks, slope stability setbacks, adjoining woodlands and/or maintenance access, where required.~~

11.10.6.~~46~~ ~~Removal, modification or destruction of natural features, functions or linkages within this designation shall not provide the rationale for removal of these lands from their existing designation. Restoration of the natural features that have been damaged, modified or destroyed shall be strongly encouraged and is subject to the approval of the Municipality in consultation with the Conservation Authority.~~

In accordance with Section 5.3.7.14, where any feature in the Natural Heritage System is damaged or removed without appropriate approvals, the Municipality shall require the reinstatement of the feature(s). Furthermore, the Municipality will not consider the removal of the feature as being the basis for any application seeking development approvals on the affected lands.

11.10.6.~~57~~ Where lands designated ~~as Natural Heritage System~~ Environmental Protection/Conservation Lands are under private ownership, it shall not be construed ~~as implying~~ that such areas are free and open to the public ~~nor that they~~ will be ~~purchased~~ acquired by the municipality or other public agency.

However, ~~where a plan of subdivision or severance has been submitted during the development approval process~~, the dedication of ~~Environmental Protection/Conservation Lands~~ Natural Heritage System lands to the municipality or the provision of an Environmental Easement across some or all of the lands shall be encouraged. Where the lands have been dedicated to the municipality or other public agency, they shall be maintained in their natural state.

- 11.10.6.~~6~~8 Where new development is proposed on a site, those lands which are Natural Heritage System lands shall not be acceptable as part of the parkland dedication requirements under the Planning Act.

11.10.7 Major Open Space

- ~~11.10.7.1 The intent of the Major Open Space designation is to recognize existing uses that occur in the Major Open Space category such as cemeteries and golf courses, to recognize lands that form part of open space corridors and linkages, or to recognize areas where contamination of lands may have occurred and restoration is strongly encouraged.~~

- ~~11.10.7.12 The permitted use in the Major Open Space 1 designation shall be for active and/or passive recreational and conservation uses including parks, trails, conservation areas and greenways, existing golf courses and existing cemeteries. Forest, fisheries and wildlife management, agriculture, nurseries, gardening and other private recreational uses may also be permitted. New golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan. In addition to the uses permitted in Section 4.9.3, existing single detached dwelling units or the creation of a new single detached dwelling unit on a lot of record shall be permitted.~~

Lands designated as Major Open Space 1 shall be developed in accordance with the policies of Section 4.9 of this Plan.

Where lands in Major Open Space 1 are intended to form part of an open space corridor identified in this Plan, owners shall be encouraged to restore the environmental features, functions and linkages of the lands where appropriate and to minimize the impacts ~~from~~ of development on adjacent environmentally sensitive lands. ~~The provisions of Section 4.9.3 of this Plan shall apply to all Major Open Space 1 lands.~~

- 11.10.7.~~2~~3 Lands ~~that are~~ designated as Major Open Space 2 have been identified as having ~~some~~ environmental sensitivities and have also been filled or used for landfill purposes in the past. In some areas, there is the potential for

the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past. Prior to any development being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. Owners shall be strongly encouraged to restore ~~their~~ such lands to ~~its~~ their former environmental state. Restoration shall be carried out in conjunction with the recommendations of an EIS where required.

If it is demonstrated to the satisfaction of the Municipality, Region of Durham, and the Conservation Authority that these lands can be safely utilized, then the applicable permitted uses and provisions of Section 4.9.3 of this Plan shall apply ~~to the lands designated Major Open Space 2.~~

- 11.10.7.34 ~~There are existing residential and commercial uses on lands designated Major Open Space 3. The provisions of Section 4.9.3 shall apply to all lands designated Major Open Space 3 within this Secondary Plan.~~

Lands designated as Major Open Space 3 shall be developed in accordance with the policies of Section 4.9 of this Plan.

~~In addition to the uses permitted in Section 4.9.3.5 of this Plan, the existing uses~~ In accordance with Section 10.1.6.5, legally existing uses shall be permitted to continue and Council may zone to permit the minor expansion or enlargement of the existing uses or the variations to similar uses subject to the recommendations of an Environmental Impact Study in accordance with Section 11.10.4 of this Plan and provided the uses have no adverse effect on the ~~present~~ existing uses of the surrounding lands or the implementation ~~of the provisions~~ of this Plan.

11.10.8 Residential

- 11.10.8.1 The predominant use of land in areas designated as Residential shall be for residential purposes. Additional uses that are compatible with residential uses by their activity, scale and design and which serve the residential area shall also be permitted in accordance with Section 4.4.3.1.

~~These include recreational, institutional, and community uses such as places of worship, community centres, day care centres, nursing homes, branch libraries, schools and parks. Home-based business uses shall be permitted in accordance with the policies of Section 4.4.3.1 d) of this Plan. Business and professional offices and personal service uses may be permitted in accordance with the policies in Section 4.4.3.1 c) of this Plan.~~

~~Local Commercial Areas and Convenience Commercial Centres shall require an amendment to this Plan.~~

- 11.10.8.2 ~~Provision has been made in this Secondary Plan area for a variety of residential densities to accommodate a variety of housing opportunities. Residential development shall be sequential.~~ The intent of the Residential designation is to provide a variety of housing densities and forms that accommodate a broad range of incomes and household sizes.
- 11.10.8.3 Alternative and innovative housing forms and development design techniques which allow for greater protection or enhancement of the environmental conditions shall be encouraged.
- 11.10.8.4 The school and park symbols that are shown in the Residential designations are not intended to control the precise location of the land uses that they represent. The exact location will be determined at the time of development application. Where a designated school site is not required, the site may be developed in accordance with the underlying residential designation without amendment to this Plan.
- 11.10.8.5 All residential development shall be encouraged to provide attractive, coordinated streetscapes that enhance the identity of the area and reflect the environmental goals of this Plan.
- 11.10.8.6 Residential development may be required to prepare an EIS in accordance with Section 11.10.4 of this Plan and to address other matters as identified within this Plan prior to development ~~being permitted to proceed.~~ or redevelopment being permitted to proceed. If a full or scoped EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified.
- 11.10.8.7 The development of new medium and high density residential units shall be encouraged to contribute to the affordable housing targets in the Municipality ~~as identified in the Municipal Housing Statement.~~
- 11.10.8.8 Medium and High Density Residential development shall address the requirements of Sections 4.4.3.9.2 and 4.4.3.9.4 of this Plan.
- 11.10.8.9 Low Density Residential**
- 11.10.8.9.1 ~~The provisions of Section 4.4.3.4 of this Plan shall apply to all lands designated Low Density Residential 1. Development within lands designated Low Density Residential 1 may be subject to the requirements~~

~~of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to properly address environmental conditions identified.~~ Lands designated as Low Density Residential 1, 2, 3, 4, 5, 6 and 7 on Schedule "P" shall be developed in accordance with the policies of Section 4.4.3.5 except as modified by the following policies.

- 11.10.8.9.2 ~~Lands designated as Low Density Residential 2 shall only permit that are designated Low Density Residential 2 are currently developed with single detached houses that are privately serviced. The permitted uses shall be single detached houses dwellings on existing lots of record. Home-based businesses may be permitted subject to the provisions of Section 4.4.3.1 d) of this Plan. Due to servicing constraints in this area, f~~Further intensification of this area shall not be permitted and preservation of the character of the existing residential development located within the Robmar subdivision shall be encouraged. If municipal services are provided to this area, then Council ~~shall~~may review this policy.
- 11.10.8.9.3 ~~Lands that are designated Low Density Residential 3 are currently used for agricultural and open space purposes. It is not the intent of this Plan to discourage the continuation of these uses but to recognize the long-term potential land uses for this area. The uses permitted in Section 4.4.3.4 of this Plan shall apply to all land designated Low Density Residential 3. In addition to the uses permitted under Section 4.4.3.4 of this Plan, the Lands designated as Low Density Residential 3 shall also permit the additional uses permitted in the Major Open Space designation under Section 4.9.3.5 of this Plan shall also be permitted in the Low Density Residential 3 designation. Given the location of these lands which are on the edge of the residential community and in order provide for greater sensitivity to the existing environmental conditions, executive housing shall be encouraged and~~

Notwithstanding Section 4.4.3.5 the maximum density shall be up to 15 dwelling units per net residential hectare. ~~Development in this area shall be subject to the provision of an EIS in accordance with Section 11.10.4 of this Plan and shall be sensitive to the adjacent Hazard Lands and Environmental Protection/Conservation Lands.~~

Additional buffering and enhancement adjacent to the open space corridor along the Trans Northern Pipeline shall be required ~~at the time of development.~~

~~Notwithstanding any other provisions in this plan to the contrary, the maximum permitted residential density for lands identified by Assessment Roll No.s 18-09-010-037-15500 and 18-09-010-037-15400 shall be 17 units per net residential hectare.~~

- 11.10.8.9.4 ~~Lands that are designated Low Density Residential 4 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Low Density Residential 4 shall be limited to a maximum net density of~~ On lands designated Low Density Residential 4, the maximum density shall be 15 dwelling units per net hectare. For the purposes of this calculation, ~~net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of an overall plan of subdivision may exceed the maximum net density as long as the overall density within the draft plan of subdivision generally remains within the maximum density permitted, subject to the approval of the Regional Works Department. The uses permitted within Low Density Residential 4 shall include single detached, semi-detached or link and duplex dwellings and other similar ground related built forms. Development within Low Density Residential 4 shall be required to prepare an EIS as identified in Section 11.10.4 of this Plan and shall be~~ the net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Regional Works Department. An EIS is required and shall be prepared in accordance with Section 11.10.8.6 and shall also address the sensitive ~~to the~~ groundwater recharge functions of this area.
- 11.10.8.9.5 ~~Lands that are designated Low Density Residential 5 are completely surrounded by Hazard Lands and Environmental Protection/Conservation Lands and have major groundwater resource constraints. Development within lands designated Low Density Residential 5 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan. The form of development will be encouraged to respond to the environmental sensitivities of the area by limiting the development envelope and reducing the environmental impact on adjacent lands. In accordance with this principle, block townhouses and other forms of multiple dwellings not exceeding a height of four storeys arranged in clusters shall be permitted and encouraged. Such development shall be permitted to a maximum of 40 dwelling units per net hectare although the density of ground oriented units shall be lower. Freehold subdivision development shall be restricted to single detached dwellings at a maximum net density of 15 dwelling units~~

~~per net hectare. For the purpose of this calculation, net density is defined as the land on which the lot is situated and the local road adjacent to the lot.~~

On lands designated as Low Density Residential 5 the permitted use shall be single detached dwellings with a maximum net density of 15 dwelling units per net hectare and / or block townhouses and other forms of multiple dwellings, arranged in clusters with a maximum density of 40 dwelling units per net hectare.

For purposes of this calculation, net residential density may be averaged across the same plan of subdivision, provided that the overall maximum density remains within the maximum density permitted, subject to the approval of the Town of Whitby.

11.10.8.9.6 ~~Lands that are designated Low Density Residential 6 shall permit uses in accordance with Section 11.10.8.9.1 of this Plan.~~ On lands designated Low Density Residential 6, a full EIS is required. Increased building heights along the Taunton Road Intensification Corridor may be considered in accordance with Section 4.2.7.

11.10.8.9.7 ~~Lands that are designated Low Density Residential 7 are currently developed with single detached houses that are privately serviced. The permitted uses shall be those listed in Section 4.4.3.4 of this Plan. Home-based businesses may be permitted subject to the provisions of Section 4.4.3.1 d) of this Plan. Further~~ On lands designated Low Density Residential 7, further intensification may be considered subject to the applicable intensification policies of Section 4.2 and other relevant policies of this Plan.

11.10.8.10 Medium Density Residential

11.10.8.10.1 ~~The provisions of Section 4.4.3.5 of this Plan shall apply to all lands that are designated Medium Density Residential 1. Development within lands designated Medium Density Residential 1 may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to address environmental conditions identified.~~

Lands designated as Medium Density Residential 1, 2 and 3 shall be developed in accordance with the policies of Section 4.4.3.6 except as modified by the following additional policies.

~~11.10.8.10.2 Lands that are designated Medium Density Residential 2 are within the Lynde Creek watershed and the sanitary sewers for this area will discharge into the Cochrane Street Pumping Station. To ensure that development remains within the servicing capacity identified by the Region, residential development within Medium Density Residential 2 shall be limited to a net density of 32 dwelling units per net hectare. For the purposes of this calculation, net density is defined as the land on which the lot is situated and the local road in front of the lot. Density within portions of this designation may exceed the maximum net density as long as the overall density within the designation remains within the maximum density permitted. The uses permitted in Medium Density Residential 2 designation shall include street and block townhouse, triplex, fourplex and other forms of multiple dwellings, not exceeding four storeys.~~

11.10.8.10.3~~2~~Lands that are designated Medium Density Residential 3 are adjacent to Natural Hazard and Natural Heritage System and have major groundwater constraints. ~~Development within lands designated Medium Density Residential 3 will be subject to the requirements of a full EIS as identified in Section 11.10.4 of this Plan.~~ The form of development will be encouraged to respond to the environmental sensitivities of the area. The permitted uses include street and block townhouses, cluster bungalows, other forms of multiple dwellings and retirement homes not exceeding a height of four storeys; and, in limited amounts, semi-detached and small lot single detached units. Notwithstanding Section 4.4.3.6, the minimum ~~Such development shall be~~ permitted ~~at a density shall be of 20 units per net hectare and the maximum permitted density shall be to~~ 65 units per net hectare.

11.10.8.10.3~~4~~Lands that are designated Medium Density Residential 4 are adjacent to Natural Heritage System lands which include significant woodlots and Provincially Significant Wetlands. Lands designated as Medium Density Residential 4 permit street, block and stacked townhouses and other forms of multiple dwellings not exceeding a maximum height of 3 storeys and a maximum permitted net residential density of up to 80 units per net hectare. For the purpose of this calculation, net residential density excludes private roads and laneways.

11.10.8.11 High Density Residential

- 11.10.8.11.1 ~~The provisions of Section 4.4.3.6 of this Plan shall apply to all lands that are designated High Density Residential within this Secondary Plan. Development within lands designated High Density Residential may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and density of development that will be permitted shall be determined through the EIS process and may be lower than the maximum density permitted by this Plan in order to address environmental conditions identified.~~ Lands designated as High Density Residential shall be developed in accordance with the policies of Section 4.4.3.7.

11.10.9 Special Purpose Commercial

- 11.10.9.1 ~~The permitted uses within the Special Purpose Commercial 1 designation shall be in accordance with Section 4.5.3.4 of this Plan. Development shall be located with exposure to arterial roads and is encouraged to develop in a “comprehensive block” manner as defined in Section 6.2.4.2 of this Plan. Development within Special Purpose Commercial 1 areas may be subject to the requirements of an EIS as identified in Section 11.10.4 of this Plan. If an EIS is required, the exact form and layout of development that will be permitted shall be determined through the EIS process and may be required to address environmental conditions identified.~~

The permitted uses for lands designated as Special Purpose Commercial shall be in accordance with the policies of Section 4.5.3.4.

11.10.10 General Industrial

- 11.10.10.1 The permitted uses for ~~all~~ lands designated as General Industrial shall be in accordance with ~~governed by~~ the policies of Section 4.7.3.1 ~~of this Plan.~~
- 11.10.10.2 Development or redevelopment adjacent to lands designated as Natural Hazards Hazard Lands or Natural Heritage System Environmental Protection /Conservation Lands shall be required to carry out an EIS in accordance with Section 11.10.4 of this Plan, ~~and shall provide~~ incorporate appropriate buffers and landscape treatments adjacent to those lands, and shall. ~~Development shall~~ also address the requirements in Sections 11.10.15.9 and 11.10.15.10 of this Plan to ensure that appropriate stormwater management techniques and controls are established ~~which~~ that protect, maintain and enhance adjacent environmentally sensitive areas.

- 11.10.10.3 New development ~~or~~ expansion of existing development or redevelopment on lands designated as General Industrial, adjacent to Major Open Space 3 lands or existing residential uses ~~within the General Industrial designation~~ shall be sensitive to existing residential and commercial uses and shall provide appropriate buffers as determined by the Municipality in consultation with the ~~Ministry of Environment and Climate Change~~ Central Lake Ontario Conservation Authority.

11.10.11 Parks

- 11.10.11.1 Lands identified as a District Park, Local Park, and Parkette ~~and District Park symbols are~~ shown on Schedule “P” to this Plan shall be developed in accordance with the policies of Section 4.9.3.22.

Parks are symbolically shown and the exact location and size shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.

~~and are intended to denote the approximate location of these facilities. The actual size and location of these parks shall be determined by the development approval process and shown in the Zoning By-law. Relocation of these parks may be permitted without amendment to this Plan. In particular, the two Parkettes located between Garden Street and Anderson Road may be consolidated to create one Local Park, if it is deemed appropriate at the time of development approvals.~~

- ~~11.10.11.2 The parks shown on Schedule “P” are primarily intended to serve the residents of the Taunton North Community.~~

- ~~11.10.11.3 The provisions of Section 4.9.3 of this Plan shall apply to parks in this Secondary Plan.~~

- 11.10.11.24 Connections between parks and open space lands which are under public ownership or for which access arrangements have been made shall be encouraged where environmentally appropriate.

11.10.12 Special Policy Area

- 11.10.12.1 Lands that are designated as Special Policy Area have been filled or used for landfill purposes in the past. In some areas, there is the potential for the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past.

Prior to ~~rezoning or to~~ any development or redevelopment being permitted to occur on these lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. If it is demonstrated to the satisfaction of the Municipality that these lands can be safely developed, then the land use designation as shown on Schedule “A” of this Plan and the corresponding provisions of this Plan shall apply.

Where the land use designation on Schedule “A” is Residential then the provisions of the Low Density Residential designation shall apply. All other provisions of this Secondary Plan including Section 11.10.4 shall apply to the lands designated Special Policy Area.

11.10.13 Urban Design

11.10.13.1 The relevant provisions of Section 6.2 of this Plan shall apply to all lands within this Secondary Plan.

~~11.10.13.2 During the development review process the application shall be reviewed to ensure that the existing natural features, functions and linkages are preserved and enhanced.~~

~~11.10.13.3 Where development occurs adjacent to Hazard Lands or Environmental Protection/Conservation Lands, landscaping enhancement shall be encouraged and lighting shall be oriented internally to the site so as not to cause glare on those lands.~~

~~11.10.13.4 For all development, landscaping and planting shall be used to enhance existing natural features, establish a uniform and coordinated street edge, and buffer and/or screen adjacent land uses.~~

~~11.10.13.5 Landscaping plans shall include native local species, where appropriate.~~

11.10.13.26 Rear yards for residential lots adjacent to arterial roads are to be avoided, wherever possible.

11.10.13.37 Where feasible, electrical, cable, telephone and other utilities shall be encouraged to locate underground and the location of associated at-grade service boxes will have regard to the pedestrian environment and vehicular sight-lines.

11.10.14 Transportation

~~11.10.14.1 There is an existing network of Type A, B and C arterial roads within the Secondary Plan area. The location of arterial and collector roads is shown~~

~~on Schedule “P” as well as Schedule “D” of this Plan. Local roads are not shown on Schedule “P” and the creation of local roads will be determined at the time of draft plan of subdivision.~~

The Secondary Plan area shall be developed in accordance with the Transportation policies of Section 8.1.3 except as modified by the following policies. The location of arterial and collector roads are shown on Schedule “P” as well as Schedule “D” of this Plan.

- ~~11.10.14.2 In addition to the existing arterial road network, the Regional and Town Official Plans have identified the completion of several arterial roads and the creation of one new Type C arterial road within the Secondary Plan area. A preliminary analysis of the need for and potential alignments of these roads has been reviewed as part of the background analysis work for this Secondary Plan. The final alignment for these roads shall be determined through a Class Environmental Assessment process which shall take into consideration the environmental goals and objectives of this Secondary Plan.~~
- ~~11.10.14.3 The constructed portion of Conlin Road currently ends west of Anderson Street. The continuation of this road to Baldwin Street and possibly beyond is shown on Schedule “D” of this Plan and Schedule “D” identifies that the road link will be subject to special study. The background analysis prepared for this Secondary Plan indicates that this road connection will be required. Based on the Environmental Study prepared by Gartner Lee Limited for this area, it was identified that utilization of the existing road allowance would require crossing the Lynde Creek and an area of environmentally sensitive lands. In order to minimize the impact on the environment, other alternative road alignment locations which avoid these sensitive lands should be considered and the study area for the completion of this stretch of Conlin Road should be increased in size. The study area for Conlin Road extends from the Hydro Corridor in the north to the Trans-Northern Pipeline in the south or approximately 450 metres north and 500 metres south of the existing road allowance. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.4 The completion of Garden Street across the Lynde Creek is also identified in Schedule “D” of this Plan. Utilization of the existing road allowance may be acceptable from an environmental perspective although the final determination of the road alignment will be determined through a Class Environmental Assessment.~~

- ~~11.10.14.5 The completion of Ashburn Road is shown on Schedule “D” as following the existing road allowance through the Robmar subdivision and across the Lynde Creek. This link is identified as being subject to special study on Schedule “D”. In order to avoid crossing the Lynde Creek and to avoid impacting the Robmar subdivision, alternative alignments were examined in the background analysis for this Secondary Plan which would involve connecting Ashburn Street to Baldwin Street north of the Robmar subdivision. The study area includes the area from Ashburn Street to Baldwin Street between the Robmar subdivision and approximately 700 metres north of the hydro corridor. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.6 The Town and Regional Official Plans provide for the creation of an east-west Type C arterial road located between Conlin Road and Taunton Road which is to be built from the Town’s eastern boundary to Thickson Road. Schedule “D” of this Plan identifies that this road link will be subject to special study and will require co-ordination with the City of Oshawa. The location of this road as shown on Schedule “D” crosses areas designated Environmental Protection/Conservation Lands and Hazard Lands. Alternative locations for this road were reviewed in the background analysis for this Secondary Plan to consider options that may reduce the environmental impact from this road. The study area for this road ranges from 400 metres to the north and 200 metres to the south of the location shown on Schedule “P”. The road location alternatives and final determination of the road alignment will be determined through a Class Environmental Assessment.~~
- ~~11.10.14.7 The location of the collector between Baldwin Street and Garden Street is intended to route traffic around the Brock/Taunton Major Central Area and to provide transition from the Special Purpose Commercial and Institutional uses to the south and the residential uses to the north. The exact location of this road will be determined through a functional alignment study and may be modified without amendment to this Plan as long as the intent of the Plan is maintained.~~
- 11.10.14.28 ~~The roads shall be developed to municipal standards in accordance with Section 8.1.3 of this Plan.~~ In determining the location of roads, consideration shall be given to minimizing the impact on the natural environment. Consideration should also be given to the alignment of connections on both sides of arterial roads ~~in order~~ to control the number of intersections on the arterial road networks and to provide continuity for any future transit service. Where it is undesirable to align roads, then they

should be sufficiently offset, and adequate spacing between intersections shall be provided wherever possible on arterial roads.

11.10.14.39 ~~Future public transit routes may serve the Secondary Plan area and shall be designed to provide optimum service to the area.~~ The location and distribution of land uses shall also be designed to be transit supportive.

11.10.14.40 Safe and convenient active transportation ~~pedestrian circulation~~ systems shall be provided within the Secondary Plan area in accordance with Section 8.1.3.7 of this Plan.

Connections between residential, industrial, commercial and community and recreational facilities shall be provided, where appropriate.

11.10.14.5 Within ~~the~~ developed areas, the pedestrian system shall include sidewalks and walkways that are well lit and hard surfaced, where appropriate.

11.10.14.6 Within the open space areas, the pedestrian system will be designed in accordance with the environmental character of the area.

Connections between sidewalks and the pedestrian systems within the open space system shall be encouraged. Appropriate pedestrian crossings shall be provided and landscaping and buffering of the pedestrian system shall be encouraged.

11.10.14.7 A direct pedestrian connection between the Lynde Creek valley system and the City of Oshawa boundary may be provided within the Taunton North Community.

11.10.14.8 ~~14 Bicycle~~ Cycling use shall be encouraged in and through the Secondary Plan area and adequate ~~provision for the use of bicycles shall be~~ cycling facilities shall be encouraged. The integration of bicycle parking facilities with development shall be addressed through the site plan approval process.

11.10.15 Servicing

11.10.15.1 ~~Adequate municipal services shall be available prior to development proceeding within the Secondary Plan area and development may be phased in accordance with the availability and sequential provision of municipal services.~~

The Secondary Plan Area shall be developed in accordance with the Municipal Servicing policies of Section 8.2.3 and the Site Servicing policies of Section 6.2.3.16.

- ~~11.10.15.2 Municipal water supply plant and water pollution control plant capacity will be allocated upon execution of a servicing/subdivision agreement with the Region.~~
- ~~11.10.15.23 The majority of lands within the Secondary Plan area are to be serviced by the Zone 2 water supply system with the exception of the north-eastern area which will be serviced by the Zone 3 water supply system. The extension of the Zone 3 water supply system will ultimately require the completion of the Thicksen Road Reservoir and Zone 3 Pumping Station. The Zone 3 water supply system may be supplied from the Garrard Road Pumping Station. Adequate looping of watermain within each pressure zone~~s shall be incorporated into development plans in accordance with the Region of Durham's design criteria and engineering principles.
- ~~11.10.15.4 The majority of land within the Secondary Plan may be serviced by sequential extension of the sanitary sewer system with the Lynde Creek and Pringle Creek watershed systems. Private and/or municipal sanitary pumping stations may be required depending on the development form and area.~~
- ~~11.10.15.35~~ Development of municipal services in areas with a high water table shall provide appropriate design and construction techniques to address potential negative impacts on the groundwater regime. The design may include a restriction on the density of development. These restrictions shall be determined through the subdivision approval process and in accordance with the provisions of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan. In addition, the specific construction techniques shall be addressed in the Construction Management Plan as identified in Section 11.10.4 of this Plan.
- ~~11.10.15.46 Notwithstanding any provisions of this Plan to the contrary, consideration may be given to allowing development of one house on an existing lot of record within lands designated Environmental Protection/Conservation Lands to proceed on the basis of private services if municipal servicing is not available and subject to the completion of an Environmental Impact Study carried out in accordance with Section 11.10.4 of this Plan.~~

Applications for development shall be required to employ appropriate stormwater management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Lynde Creek Master Drainage Plan, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.

- ~~11.10.15.7 Lands designated Low Density Residential 2 are currently developed on the basis of private services. At this point in time there are no plans to provide full services to this area, however, when lands to the north develop, full municipal services may be provided in conjunction with that development. If the option of constructing a Regionally owned sanitary sewage pumping station is considered to service the area, the force main will be required to discharge into the Anderson Street trunk sanitary sewer or the Fallingbrook sanitary sewer.~~
- ~~11.10.15.8 Sanitary servicing constraints currently exist for lands identified as Low Density Residential 4 and Medium Density Residential 2 and the corresponding density constraints are identified in Sections 11.10.8.9.4 and 11.10.8.10.2 respectively of this Plan.~~
- ~~11.10.15.9 Applications for development shall be required to employ appropriate storm water management techniques and practices to maintain the existing conditions within this area in accordance with Sections 5.3.9 and 8.2.5 of this Plan and in accordance with the principles of the background analysis for this Secondary Plan and the requirements of the Pringle Creek Master Drainage Plan Update, the Lynde Creek Water Resource Management Strategy and the Taunton North Environmental Study.~~
- 11.10.15.5~~10~~ The Municipality, in consultation with the Conservation Authority shall require the use of Best Management Practices based on local soil and groundwater conditions, in order to promote environmental objectives consistent with sound engineering practices, to control both the quantity and quality of surface water run-off and to maintain or enhance the conditions of the receiving watercourses. In particular, the storm water management facilities for development within the Lake Iroquois Beach area, and within areas of high water table and/or groundwater recharge functions shall address these criteria in conjunction with the criteria in Section 11.10.4 of this Plan.
- ~~11.10.15.11 Conceptual locations for stormwater management facilities have been identified through the background analysis carried out for this Secondary Plan. The exact location of these facilities shall be determined through the subdivision approval process.~~
- 11.10.15.6~~12~~ For commercial, institutional and industrial development within the Secondary Plan area, On-site stormwater quantity and quality controls shall be encouraged for specific types of commercial, institutional and industrial uses in accordance with the background analysis for this Secondary Plan.

11.10.15.137 ~~Stormwater management facilities may be permitted in any land use designation on Schedule “P” except for the Environmental Protection/Conservation Lands~~ Natural Heritage System designation, subject to any required approvals from the Municipality in consultation with the Conservation Authority.

~~11.10.15.14 Alternative site development standards may possibly be considered where safety and operational criteria can be maintained.~~

11.10.16 Implementation and Interpretation

11.10.16.1 ~~The provisions of Sections 11.10 together with Schedules “P” and “Q” of the Town of Whitby Official Plan shall comprise the Taunton North Community Secondary Plan.~~ The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.

11.10.16.2 The lot lines shown on Schedules ‘P’ and Q’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

~~11.10.17~~ Interpretation

~~11.10.17.1 The provisions of Section 11.10 apply to the Taunton North Community Secondary Plan delineated on Schedule “P”.~~

~~11.10.17.2 The Taunton North Community Secondary Plan Schedule “P” provides more precise illustrations of the land use designations and policies than is shown on Schedule “A”. Schedule “Q” identifies the locations where full or scoped Environmental Impact Studies shall be required. The final determination of when an Environmental Impact Study shall be required shall be made by the Municipality.~~

11.11 Oak Ridges Moraine Secondary Plan

~~The Oak Ridges Moraine Conservation Act and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.~~

~~The following text and Schedules “R”, “S”, “T”, and “U” constitute the Secondary Plan for the Oak Ridges Moraine Secondary Plan Area and should be read in conjunction with the Official Plan Part I, the Ashburn Secondary Plan and the Durham Regional Official Plan.~~

11.11.1 **Goal**

To protect the ecological and hydrological features and functions of the Oak Ridges Moraine.

11.11.2 **Objectives**

- 11.11.2.1 To protect the ecological and hydrological integrity of the Oak Ridges Moraine Area.
- 11.11.2.2 To ensure that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted.
- 11.11.2.3 To maintain, improve and where possible, restore the health, diversity, size and connectivity of significant natural heritage features, hydrologically sensitive features and related ecological functions.
- 11.11.2.4 To maintain natural stream form and flow characteristics and the integrity and quality of watercourses.
- 11.11.2.5 To maintain the quantity and quality of groundwater and surface water, and maintain groundwater recharge.
- 11.11.2.~~6~~⁵ To ensure that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations.
- 11.11.2.~~7~~⁶ To provide for land and resource uses and development that is compatible with the other objectives of the Official Plan.

- 11.11.2.~~87~~ To encourage all ~~private~~ landowners to practice good stewardship and enhance natural features and functions on the Oak Ridges Moraine wherever possible.
- 11.11.2.~~98~~ To provide for appropriate public recreational access to the Oak Ridges Moraine Area.
- 11.11.2.~~109~~ ~~To guide and~~ provide ~~clear~~ direction on ~~what~~ which, where, and when uses are permitted and under what conditions the uses ~~as~~ may be specified in the implementing Zoning By-law.
- ~~11.11.2.10 To maintain the quantity and quality of groundwater and surface water.~~
- ~~11.11.2.11 To maintain groundwater recharge.~~
- 11.11.2.1~~12~~ To establish a process whereby certain uses, buildings and structures ~~can~~ may be permitted adjacent to Key Natural Heritage Features and Hydrologically Sensitive Features.

11.11.3 General Development Policies ~~Boundary~~

11.11.3.1 The **Oak Ridges Moraine Conservation Act** and the accompanying Oak Ridges Moraine Conservation Plan provide land use and resource management planning direction for protecting the ecological and hydrological features and functions of the Oak Ridges Moraine. The applicable provisions of the Provincial Oak Ridges Moraine Conservation Plan have been incorporated within this Secondary Plan.

11.11.3.2 The Oak Ridges Moraine Secondary Plan southern boundary, within the town of Whitby is shown on Schedules “A”, “C”, ~~and~~ “E” and Appendix “1” of the Town of Whitby Official Plan. The southern boundary of the Oak Ridges Moraine coincides with the boundary defined in the Oak Ridges Moraine Conservation Plan.

The boundary of the Oak Ridges Moraine has been established by the Province by Ontario Regulation 01/02 and can only be changed by the Province. However, in the case of a discrepancy between the 245 metre contour elevation and the boundary shown on the mapping, a licensed Ontario Land Surveyor shall be consulted, at the proponent’s cost, to identify those lands above the 245 metre (Ontario Geodetic Datum) contour elevation for the purposes of establishing more accurate zone boundaries. An application to amend the Zoning By-law may be permitted to refine the boundaries.

11.11.3.3 The area to which this Secondary Plan applies is indicated by the Secondary Plan boundary on Schedule “R”, “S”, “T”, and “U”. Any area shown on this map, but lying outside of this boundary is governed by the policies of Part I of this Plan.

11.11.4 Existing and Accessory Uses

11.11.~~3.4~~4.4 Nothing in this Secondary Plan or the Zoning By-law shall prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was legally used for that purpose on November 15, 2001 and continues to be used for that purpose.

11.11.~~3.5~~4.2 Nothing in this Secondary Plan applies to prevent the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8(2) of the **Building Code Act**, 1992 on or before November 15, 2001 providing the permit has not been revoked under subsection 8 (10) of the **Building Code Act**, 1992, and the building or structure when erected is used and continues to be used for the purpose for which it was erected.

~~11.11.4.3 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:~~

~~a) the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and~~

~~b) the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.~~

~~If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section 11.11.4.10 of this Plan.~~

~~For the purposes of this subsection, institutional use includes, without limitation, churches, community centres and fire halls.~~

11.11.~~3.6~~4.4 Nothing in this Secondary Plan applies to prevent the reconstruction of any building or structure that legally existed on November 15, 2001, provided the ground floor area of the reconstructed building or structure is within the outside limits of the building or structure that existed on

November 15, 2001 and provided the use of the building or structure, once reconstructed, will be the same as, the use of the building or structure on November 15, 2001 and there is no intensification of the use.

11.11.3.7~~4.5~~ Nothing in this Secondary Plan applies to prevent the conversion of a legally existing use to a similar use. An application to amend the Zoning By-law to permit any other use not identified in the by-law will be required and will only be approved if it can be demonstrated that the conversion will bring the use into closer conformity with the requirements of the Official Plan and will not adversely affect the ecological integrity of the Oak Ridges Moraine.

11.11.3.8 Nothing in this Secondary Plan applies to prevent the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 120 metres from the Environmental Protection designation provided:

- a) the use of the building or structure, once expanded, will be the same as, or similar to, the use of the building or structure on November 15, 2001; and
- b) the expansion will not adversely affect the ecological integrity of the Oak Ridges Moraine.

If the lands on which the expansion is proposed are located closer than 120 metres from the boundary of the Environmental Protection designation or within the Environmental Protection designation, such development is subject to Section ~~11.11.4.10~~ 11.11.5 of this Plan.

For the purposes of this subsection, institutional use includes, without limitation, existing place of worship ~~churches~~, existing community centres and existing fire halls.

11.11.3.9 Nothing in this Plan shall prevent the erection of an accessory building or structure provided it:

- a) is accessory to a principal use that is permitted on the property;
- b) is located in close proximity to the main building or structure on the lot; and
- c) complies with Section 11.11.5, 11.11.9.4 and 11.11.9.5 of this Plan.

Notwithstanding any other policy in this Plan to the contrary, deemed to be hazardous, unless specific permission is obtained from the Conservation Authority.

11.11.3.10 Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:

- a) the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-law;
- b) the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and
- c) the development complies with Section ~~11.11.4.10~~ 11.11.5 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.

~~11.11.3.11~~ 11.11.4.6 Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,

- i) there will be no change in use; and
 - ii) the expansion will not adversely affect the ecological integrity of the Plan Area.
- ~~b)~~ If an existing use has adverse effects on the ecological integrity of the Oak Ridges Moraine, any **Planning Act** or **Condominium Act** application to expand the building, structure or use or to convert the existing use to a similar use may be considered provided the approval, if granted, will bring the use into closer conformity with the requirements of the Official Plan.

11.11.3.12 Notwithstanding any other policy in this Plan to the contrary, in accordance with the Durham Regional Official Plan, granny flats/garden suites within ~~on~~ the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.

~~11.11.4.7~~ ~~Nothing in this Plan applies to prevent the use, erection or location of a single detached dwelling and accessory uses on a lot that existed on November 15, 2001 provided:~~

- a) ~~the proposed dwelling is located on an open public road maintained on a year round basis and subject to the provisions of the Zoning By-law;~~
- b) ~~the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001; and~~
- c) ~~the development complies with Section 11.11.4.10 of this Plan if the lands on which the dwelling is proposed are located within the Environmental Protection designation.~~

~~11.11.4.9 Notwithstanding Section 11.11.4.8, nothing in this Plan shall prevent the erection of an accessory building or structure provided it:~~

- a) ~~is clearly accessory to a principal use that is permitted on the property;~~
- b) ~~is located in close proximity to the main building or structure on the lot; and~~
- c) ~~complies with Section 11.11.4.10 of this Plan.~~

~~11.11.4.10 Notwithstanding any other policy in this Plan, the construction of buildings or structures within a significant wetland is not permitted. In addition, no development is permitted on lands that are deemed to be hazardous, unless specific permission is obtained from the applicable Conservation Authority.~~

~~Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.~~

~~Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.~~

~~The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is~~

~~deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.~~

~~If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:~~

- ~~a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;~~
- ~~b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and~~
- ~~c) the development will not have an adverse impact on the ecological integrity of the Oak Ridges Moraine.~~

~~The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.11.7 of this Secondary Plan.~~

~~Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.~~

~~A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act**, 2001 and regulations thereunder. A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.~~

~~Notwithstanding any other policy in this Plan, the entering into of a Site Plan Agreement is not required for development that is located within the Oak Ridges Moraine Rural Settlement designation, provided such~~

~~development is located no closer than 30 metres from the boundary of the Environmental Protection designation.~~

11.11.45 Land Use Designations

11.11.45.1 Only applications for development, redevelopment, and site alteration that conform to the Official Plan will be considered within the Oak Ridges Moraine Secondary Plan Area. The following land use categories, as shown on Schedule “R”, govern the use of land within the Oak Ridges Moraine. All development, redevelopment, and site alteration shall conform to the purposes and objectives of the applicable land use designation as set out in the Oak Ridges Moraine Conservation Plan.

11.11.45.2 Oak Ridges Moraine Natural Linkage Area

11.11.4.2.1a) The Oak Ridges Moraine Natural Linkage Area as shown on Schedule “R” applies to lands identified as being part of a Provincially Significant open space corridor that stretches along the length of the Oak Ridges Moraine. The purpose of the Oak Ridges Moraine Linkage Area is to maintain, and where possible improve or restore, the ecological integrity of the Moraine, and where possible, to improve or restore the regional-scale open space linkages between Key Natural Heritage Features, Hydrologically Sensitive Features, Landform Conservation Areas, river valleys and stream corridors.”

11.11.4.2.2b) Only those uses permitted in the land use designations, as specified in Sections 11.11.4.3 and 11.11.4.5, shall be permitted ~~in the Oak Ridges Moraine Natural Linkage Area~~, save and except ~~for~~ agriculture related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population.

11.11.4.2.3c) ~~On lands within the Natural Linkage Area, e~~ Every **Planning Act** or **Condominium Act** application or site alteration shall be supported by information which identifies the planning, design and construction practices that will ensure that no buildings or other site alterations will impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands.

11.11.4.2.4d) The use of lands ~~within the Oak Ridges Moraine Natural Linkage Area designation, as shown on Schedule “R”~~, shall be in accordance with the relevant policies of this Secondary Plan, including Subsections 11.11.5 to 11.11.9 inclusive.

11.11.4.3 Oak Ridges Moraine Agriculture

11.11.4.3.1 ~~a)~~ Any development, redevelopment or site alteration ~~in the Oak Ridges Moraine Agricultural designation, as shown on Schedule "R",~~ shall be subject to the policies of Section 4.10 ~~–Agriculture of the Official Plan~~ in addition to the underlying land uses permitted in Section 11.11.4.5 ~~policies of the Oak Ridges Moraine Secondary Plan~~. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.

11.11.4.3.2 ~~b)~~ New or expanding mineral aggregate operations shall only be considered by an Official Plan Amendment application and must conform to the Part 1 policies, including Section 4.12 of the Whitby Official Plan and the relevant sections of the Durham Regional Official Plan and shall be further subject to the policies of ~~Subsection Section~~ 11.11.6.27.

11.11.4. 3.3-8 ~~Within the Oak Ridges Moraine Agricultural designation, nothing in this Plan shall prevent t~~The following accessory uses to agricultural uses are permitted, but are not limited to:

- a) construction of buildings and structures that are farm-related and required for a farm operation;
- b) roadside sale of produce from a farm operation;
- c) development of a second dwelling that is a temporary, mobile or portable unit, if the applicant demonstrates that the dwelling:
 - i) is required to house help that is needed on the farm operation on a seasonal or full time basis;
 - ii) does not require a consent under Section 50 or 53 of the **Planning Act**; and
 - iii) will not adversely affect the ecological integrity of the Oak Ridges Moraine.
- d) uses accessory to the agricultural uses shall be developed in accordance with the relevant policies of this Secondary Plan, including Subsections ~~11.11.7~~ 11.11.4 to ~~11.11.9~~ 11.11.9 inclusive.

~~In addition, approval for the dwelling shall conform to Section 11.11.4.10 of this Plan if applicable.~~

11.11.54.4 Oak Ridges Moraine Rural Settlement

11.11.4.4.1a) The Oak Ridges Moraine Rural Settlement designation includes the Hamlets of Ashburn, Myrtle and Myrtle Station as shown on Schedule “R”.

Any development, redevelopment or site alteration in Hamlets on the Oak Ridges Moraine shall be subject to the policies of Section 4.11.3 —~~Rural Settlements of the Official Plan and in addition to~~ the policies of this Secondary Plan. ~~In addition to Section 4.11 of the Official Plan, the Hamlet of Ashburn shall also be subject to the policies of Section 11.7 — Ashburn Secondary Plan. Where there is a conflict between the policies of either Sections 4.11 or 11.7 of the Official Plan and this Secondary Plan, the policies of this Secondary Plan shall prevail.~~

11.11.4.4.2 The permitted uses for lands designated as Oak Ridges Moraine Rural Settlement shall consist of predominantly single detached dwellings, community uses, parks, and limited commercial and employment uses that meet the needs of the residents of the Hamlet and surrounding rural area in accordance with the policies of this Secondary Plan.

11.11.4.4.3 Community uses include, but are not limited to, ~~such as~~ parks, community centres, places of worship, fraternal organizations, schools, post offices, fire stations and fire fighting reservoirs ~~may be permitted in any land use designation within the Hamlet.~~

11.11.4.4.4 The Municipality shall encourage and, where possible, may require that new development ~~residential dwellings~~ in the Hamlet complement the architectural character of that Hamlet ~~Ashburn~~ in terms of a variety of height, siting and design.

11.11.4.4.5 Notwithstanding any other policy in this Plan to the contrary, the entering into of a Site Plan Agreement is not required for residential development that is located within the Oak Ridges Moraine Rural Settlement designation, are exempt from Site Plan Control, provided such development or redevelopment is not:

- i) located no closer than 30 metres from the boundary of the Environmental Protection designation;
- ii) located within a Natural Heritage System or Natural Hazard indication as shown on Schedule “C”;
- iii) designated under the Ontario Heritage Act; and

- iv) a structure that is a garden suite.

11.11.4.4.6 Limited Commercial, Industrial and Institutional within Oak Ridges Moraine Rural Settlement designation

11.11.4.4.6.1 New or expanding small scale commercial, industrial and institutional uses shall only be permitted if:

- i) such uses do not require large scale modification of terrain or vegetation, and do not require large scale buildings and structures; and
- ii) the buildings and structures will be planned, designed and constructed so as not to adversely affect the character of the hamlet or the ecological and hydrological integrity of the Oak Ridges Moraine.

11.11.4.4.6.2 Notwithstanding any other policy in this Plan to the contrary, within the Hamlet of Ashburn, the following properties identified as:

- a) the lands identified by Assessment Roll No. 18-09-010-043-04000-0000, municipally known as 8990 Ashburn Rd;
- b) the portion of land adjacent the former Wilson House Hotel, on the lands identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd;
- c) the portion of land adjacent Myrtle Road West outside of the Natural Heritage System on Schedule 'C' – Environmental Management, on land identified by Assessment Roll No. 18-09-010-043-37310-0000, municipally known as 600 Myrtle Rd W,

may permit commercial and are intended for limited retail and personal service uses, automobile service stations, public garages and farm implement dealerships. The specific commercial uses permitted on a particular property shall be specified in the Zoning By-law.

11.11.4.4.6.3 ~~Notwithstanding the policies of Section 4.4 of this Plan to the contrary, subject to the provisions of Section 11.7.4.2, the residential property at the north-east corner of Myrtle Road and Ashburn Road may also be zoned for commercial purposes.~~

Notwithstanding Section 11.11.4.4.6.2, on the property located at the north-east corner of Myrtle Road and Ashburn Road, identified by Assessment Roll No. 18-09-010-043-39500-0000, municipally known as 9005 Ashburn Rd, indicated as being subject to a ~~Heritage Use Policy on Schedule "M"~~ is the former Wilson House

Hotel. ~~This property~~ building may also be zoned to permit a commercial use within the existing building if it is designated as a heritage structure under Part IV of the Ontario Heritage Act.

11.11.4.5.5 Oak Ridges Moraine Environmental Protection

11.11.4.5.1a) Lands within the Oak Ridges Moraine Environmental Protection designation are those lands identified as key natural heritage features or hydrologically sensitive features on Schedules “R” and “S” of the Official Plan.

11.11.4.5.2b) The following land uses may be permitted in the Oak Ridges Moraine Environmental Protection designation:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Existing agricultural uses;
- iv) Low intensity recreational uses;
- v) Transportation, infrastructure and utilities (subject to Section 11.11.9 of this Plan); and
- vi) Uses accessory to the uses set out above.

11.11.4.5.3c) Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:

- i) Non-motorized trail uses;
- ii) Natural heritage appreciation;
- iii) Unserved camping on public and institutional land; and
- iv) Accessory uses.

11.11.4.5.4d) Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the adverse effects on the ecological integrity of the Oak Ridges Moraine will be kept to a minimum by:

- i) keeping disturbed areas to a minimum; and
- ii) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.

11.11.6 Specific Land Use Policies

11.11.6.1 Granny Flats / Garden Suites

~~Notwithstanding any other policy in this Plan to the contrary, In accordance with the Durham Regional Official Plan, granny flats/garden suites within on the Oak Ridges Moraine are only permitted in the Rural Settlement designations, as shown on Schedule 'R' - Oak Ridges Moraine Secondary Plan.~~

11.11.75 Development Criteria

11.11.57.1 Key Natural Heritage and Hydrologically Sensitive Features

11.11.5.1.1a) Key natural heritage features relate to wetlands, significant portions of the habitat of endangered, rare and threatened species, fish habitat, significant valley lands, significant woodlands, and significant wildlife habitat. Hydrologically sensitive features relate to permanent and intermittent streams, wetlands, and seepage areas and springs.

The general location of key natural heritage features and hydrologically sensitive features are shown on Schedule "S". Schedule "S" does not include seepage areas and springs. These features shall either be identified on a site-by-site basis or through the appropriate study such as a natural heritage evaluation prior to undertaking any development or site alteration on the Oak Ridges Moraine.

Minor changes and refinements to Schedule "S" based on updated information from the Province or as a result of a natural heritage evaluation and/or hydrological evaluation will not require an amendment to this Plan.

11.11.5.1.2b) Development, redevelopment and site alteration shall be prohibited within key natural heritage features and hydrologically sensitive features and their related minimum vegetation protection zone as identified by Table 1. Notwithstanding, forest, fish and wildlife management, conservation and flood or erosion control projects, transportation, infrastructure, utilities, and low intensity recreational uses may be permitted.

11.11.5.1.3c) New agricultural uses and/or agriculturally related uses including accessory uses shall not be permitted within a key natural heritage feature and/or a hydrologically sensitive feature and their associated minimum vegetation protection zone.

11.11.5.1.4 ~~e)~~ An application for development or redevelopment requiring approval under the **Planning Act** and **Condominium Act** or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature and/or hydrologically sensitive feature, but outside the feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation and/or hydrological evaluation.

11.11.5.1.5 ~~e)~~ Where lands require a natural heritage evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A natural heritage evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage features and its connectivity with other key natural heritage features;
- iii) in the case of an application relating to land in an Oak Ridges Moraine Natural Linkage Area, Oak Ridges Moraine Environmental Protection or Oak Ridges Moraine Agriculture Area, demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;
- iv) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient to protect the natural heritage features within it and their associated functions, and if not, specify whether a larger minimum vegetation protection zone is necessary and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;
- v) where a minimum vegetation protection zone is not specified in Table 1, determine whether such a minimum vegetation protection zone is required and if so, provide the appropriate dimensions to protect, improve or restore the key natural heritage feature and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;

- vi) in the case of key natural heritage feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans.

11.11.5.1.6f) Where lands require a hydrological evaluation, the evaluation shall satisfy the Oak Ridges Moraine Conservation Plan requirements for a natural heritage evaluation to the satisfaction of the Municipality.

A hydrological evaluation shall include, but not be limited to:

- i) demonstrate that the development, redevelopment or site alteration will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions;
- ii) identify planning, design and construction practices that will maintain and, where possible, improve or restore, the health, diversity and size of the hydrologically sensitive feature;
- iii) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

11.11.5.1.7g) In determining the minimum vegetation protection zone for permanent and intermittent streams and seepage areas and springs, a key natural heritage evaluation shall include an analysis of land use, soil type, slope and vegetation type using criteria established by the Province to the satisfaction of the Municipality.

11.11.5.1.8h) Schedule 'S' does not ~~include~~ identify significant portions of the habitat of endangered, rare and threatened species, significant valleylands, significant wildlife habitat and seepage areas and springs. These features shall either be identified on a site-by-site basis or through the completion of an appropriate study such as a watershed plan or natural heritage evaluation, prior to undertaking any development or site alteration within the Oak Ridges Moraine.

Table 1:

Key Natural Heritage Features and Hydrologically Sensitive Features - Minimum Areas of Influence and Minimum Vegetation Protection Zones

Column 1 Item #	Column 2 Feature	Column 3 Minimum Area of Influence	Column 4 Minimum Vegetation Protection Zone
1.	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
2.	Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.11.7.1 (e) <u>11.11.5.1.5</u>
3.	Fish Habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
4.	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
5.	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the base of outermost tree trunks within the woodland, subsection to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if a natural heritage evaluation is required
6.	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under Section 11.11.7.1 (e) <u>11.11.5.1.5</u>
7.	Permanent and Intermittent streams	All land within 120 metres of meander belt	All lands within 30 metres of meander belt, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> and subsection 11.11.7.1

			(f) <u>11.11.5.1.8</u> if a hydrological evaluation is required
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Table 1: continued

Column 1 Item #	Column 2 Feature	Column 3 Minimum Area of Influence	Column 4 Minimum Vegetation Protection Zone
8.	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause <u>Sections 11.11.7.1 (e) 11.11.5.1.5</u> and subsection 11.11.7.1 (f) <u>11.11.5.1.8</u> if a hydrological evaluation is required
9.	Sand barrens, Savannahs and Tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to Section 11.11.7.1 (e) <u>11.11.5.1.5</u> if natural heritage evaluation is required.

11.11.5.2 Watershed and Subwatershed Plans

11.11.5.2.1 a) Any major development or redevelopment proposed in the Secondary Plan Area shall be in accordance with watershed and subwatershed plans prepared by the Region of Durham.

11.11.5.2.2 b) Notwithstanding any other provision of this Plan, Major development is prohibited after April 23, 2007 unless:

- i) the appropriate watershed plan, including the water budget and conservation plan, has been completed to the satisfaction of Ministry of Municipal Affairs and Housing;
- ii) the proposed major development conforms to the Watershed Plan; and
- iii) it can be demonstrated that water supply required for the proposed major development is sustainable in accordance with the appropriate water budget and conservation plan.

11.11.5.2.3 e) Notwithstanding any other provision of this Plan, ~~a~~ Applications for major development made before April 22, 2007 shall not be approved unless;

- i) the Region of Durham has confirmed compliance with Section 11.11.7.2(b) (iii) of the Town of Whitby Official Plan; or
- ii) the applicant identifies any hydrologically sensitive features and related hydrological functions on the site and how they will be protected; and
- iii) the applicant demonstrates that an adequate water supply is available for the development without compromising the ecological integrity of the Oak Ridges Moraine; and
- iv) the applicant provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that models groundwater and surface flow systems, identifies the availability, quantity and quality of water sources and identifies water conservation measures.

11.11.5.2.4~~e~~) Development, redevelopment and site alteration are prohibited if the total percentage of the area of the sub-watershed that has impervious surfaces exceeds 10% or any lower percentage of the applicable watershed plan.

11.11.5.2.5~~e~~) In considering applications for development or site alteration with respect to land in a sub-watershed Council shall take into account the desirability of ensuring at least 30% of the area of the sub-watershed has self-sustaining vegetation.

11.11.5.2.6~~f~~) Applications that exceed 10% impervious surface and provide less than 30% self-sustaining vegetation shall be forwarded to the Region of Durham for confirmation of the sub-watershed policies identified in Section 11.11.5~~7~~.2.

11.11.5.2.7~~g~~) The Town shall incorporate through an official plan amendment the applicable objectives and requirements of completed watershed and subwatershed plans undertaken by the Region of Durham as well as the results of related environmental studies and monitoring into planning documents as appropriate.

11.11.5~~7~~.3 Areas of High Aquifer Vulnerability Policies

11.11.5.3.1~~a~~) Aquifer vulnerability refers to the susceptibility of the groundwater aquifer to contamination from both human and natural sources. Areas of High Aquifer Vulnerability are shown on Schedule "T".

11.11.5.3.2~~b~~) Council shall consider impacts on Areas of High Aquifer Vulnerability when new development, redevelopment or site

alteration is proposed. The following uses are prohibited on the lands identified as High Aquifer Vulnerability on Schedule “T”:

- i) generation and storage of hazardous waste or liquid industrial waste;
- ii) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- iii) underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and
- iv) storage of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

11.11.5.4 Landform Conservation Area Policies

11.11.5.4.1a) Landform Conservation Areas are areas consisting of steep slopes and representative landforms that shall be protected for their contribution to the ecological integrity and hydrological function of the Moraine. Landform Conservation Areas (Categories 1 and 2) are shown on Schedule “U”.

11.11.5.4.2b) Council shall consider impacts on landform conservation areas when new development or site alteration is proposed.

11.11.5.4.3e) A **Planning Act** or **Condominium Act** application for development or site alteration on lands identified as a Landform Conservation Area - Category 1 or 2 with the exception of mineral aggregate operations shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum including:

- i) maintaining significant landform features such as steep slopes, kames, ravines and ridges in their natural undisturbed form;
- ii) limiting the portion of the net developable area of the site in accordance with the following:

Criteria	Category 1	Category 2
Maximum net developable area of the site that is disturbed	25%	50%

Maximum net developable area of the site with impervious surfaces	15%	20%
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11.11.5.4.4 ~~e)~~ A **Planning Act** or **Condominium Act** application for major development with the exception of mineral aggregate operations with respect to land in a Landform Conservation Area shall be accompanied by Landform Conservation Plan ~~that shows~~, to the satisfaction of the municipality, that included, but not limited to:

- i) elevation contours in sufficient detail to show the basic topographic character of the site, with an interval of not more than two metres;
- ii) analysis of the site by slope type;
- iii) significant landform features such as kames, ravines and ridges; and
- iv) all water bodies including intermittent streams and ponds.

11.11.5.4.5 ~~e)~~ The landform conservation plan shall also include a development strategy, to the satisfaction of the municipality, that identifies appropriate planning, design and construction practices to minimize disruption to landform character including but not limited to:

- i) retention of significant landform features in an open, undisturbed form;
- ii) road alignment and building placement to minimum grading requirements;
- iii) concentration of development on portions of the site that are not significant;
- iv) use of innovative building design to minimize grading requirements; and
- v) use of selective grading techniques.

11.11.5.4.6 ~~f)~~ A **Planning Act** or **Condominium Act** application for development or site alteration with the exception of mineral aggregate operations that does not constitute major development in a Landform Conservation Area shall be accompanied by a site plan ~~that~~, to the satisfaction of the municipality, that includes, but is not limited to:

- i) identifies the areas within which all building, grading and related construction will occur; and
- ii) demonstrates that buildings and structures will be located within the areas referred to in clause i) so as to minimize the amount of site alteration required.

11.11.5.4.7g) Site Plan Control will be used to limit grading and the alteration of the natural landscape to implement the policies of this Section of the Plan.

11.11.68 Lot Creation Policies

11.11.68.1 Notwithstanding any provision of this Plan, a lot may be created subject to the policies of this Plan and under the following conditions, where applicable:

- a) Severance, from a rural lot, of a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total. This policy applies, whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.
- b) Severances of 40 hectare parcels or greater may be permitted only if the subject properties have previously merged in title and the severance follows the original lot lines or original half lot lines and the retained portion has an area of at least 40 hectares.
- c) Allowing land acquisition for transportation, infrastructure and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative.
- d) The addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.
- e) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation.
- f) Severance from each other the parts of a lot that are devoted to different uses, but only if uses are legally established at the time of the application for severance.

11.11.68.2 A lot may be created subject to the policies Section 11.11.68.1 and under the following conditions:

- a) Only residential infilling and lot creation shall be permitted within the hamlet boundaries of Ashburn, Myrtle and Myrtle Station. An expansion of these hamlet boundaries shall not be permitted.
- b) A lot may only be created if there is enough net developable area on both the severed lot and the retained lot to accommodate the proposed uses, buildings, structures and accessory uses without encroachment into key natural heritage features or hydrologically sensitive features shown on Schedule "S" or as identified within an approved natural heritage evaluation or hydrological evaluation.

- c) When a lot is created, Council shall enter into a site plan agreement or other agreement with the applicant to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any key natural heritage features or hydrologically sensitive features on the lot.
- d) New lots shall not be created within or partially within a minimum vegetation protection zone of a key natural heritage feature and/or a hydrologically sensitive feature.
- e) New estate residential subdivisions shall not be permitted within the Oak Ridges Moraine.
- f) A lot shall not be permitted that would extend or promote strip development.
- g) Any application to create new lots must include a report demonstrating that the application is in conformity with the requirements of the Oak Ridges Moraine Secondary Plan.

11.11.6.27 Mineral Aggregate Operations and Wayside Pits

11.11.7.1a) In addition to the policies of Section 4.12 – Aggregates of the Official Plan, the policies of Section 11.11.7 shall apply to lands within the Oak Ridges Moraine Secondary Plan Area.

11.11.7.2b) Applications for mineral aggregate operations or wayside pits shall not be approved unless the applicant demonstrates that:

- i) the quantity and quality of groundwater and surface water will be maintained and, where possible, improved or restored;
- ii) the health, diversity, size and connectivity of key natural heritage features on the site or on adjacent land, will be maintained and, where possible, improved or restored;
- iii) there will be no extraction within 1.5 metres of the water table within the Natural Linkage Area designation;
- iv) the extraction of mineral aggregates from the site will be completed as quickly as possible within the Natural Linkage Area designation; and
- v) the entire site will be rehabilitated as quickly as possible, and in the case of a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level and in all other cases, by establishing or restoring natural self-sustaining vegetation.

11.11.7.3e) In order to maintain connectivity, when a mineral aggregate operation or wayside pit is located in the Natural Linkage Area

designation, there shall at all times be an excluded area which may contain both undisturbed land and land whose rehabilitation is complete that:

- i) is at least 1.25 kilometres wide;
- ii) lies outside the active or unrehabilitated portions of the area being used; and
- iii) connects parts of the Natural Linkage Area designation outside of the mineral aggregate operation or wayside pit.

11.11.7.4~~e)~~ Notwithstanding Section 11.11.~~7.1(b)~~5.2, an application for mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved provided:

- i) the key natural heritage feature is occupied by young plantations or early successional habitat; and
- ii) the applicant demonstrates to the satisfaction of the Municipality that:
 - the long-term ecological integrity of the site will be maintained, or where possible improved or restored;
 - the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation; and
 - the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.

11.11.7.5~~e)~~ An application for mineral aggregate operation or wayside pit in a Landform Conservation Area shall not be approved unless the applicant demonstrates to the satisfaction of the municipality and that:

- i) the area from which the mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent lands; and
- ii) the long-term ecological integrity of the subject lands will be maintained, or where possible improved or restored.

11.11.7.6~~f)~~ The Town of Whitby shall work cooperatively with the aggregate industry to develop and implement comprehensive rehabilitation

plans for the parts of the Oak Ridges Moraine that are affected by mineral aggregate operations.

11.11.7.7g) Mineral aggregate operations are exempt from the requirements of Section 11.11.57.2.

11.11.9 Infrastructure Policies

~~11.11.9.1 In addition to the policies of Section 8—Transportation, Servicing and Utilities of the Official Plan, the policies of Section 11.11.9 of this Secondary Plan shall apply to lands within the Oak Ridges Moraine Secondary Plan Area. Where there is a conflict between the policies of Section 8 of the Official Plan and this Secondary Plan, the policies of the Oak Ridges Moraine Secondary Plan shall prevail.~~

11.11.9.28 Transportation, Infrastructure and Utilities

11.11.8.1 The Secondary Plan area shall be developed in accordance with the Transportation policies of the Oak Ridges Moraine Conservation Plan and Section 8.1 and 8.2 of this Plan, except as modified or clarified by the following policies.

11.11.8.2 Transportation, infrastructure and utility uses are only permitted within the Oak Ridges Moraine if the appropriate study has been undertaken, to the satisfaction of the municipality, and demonstrated both need and that there is no reasonable alternative to the undertaking.

An undertaking for a transportation, infrastructure or utility use is required to demonstrate that the requirements of this Secondary Plan and the Oak Ridges Moraine Conservation Plan for protecting the ecological and hydrological integrity of the Moraine have been fulfilled.

11.11.89.3 Transportation, infrastructure and utilities uses are defined to include:

- a) public highways;
- b) transit lines, railways and related facilities;
- c) gas and oil pipelines;
- d) sewage and water service systems and lines and stormwater management facilities;
- e) power transmission lines;
- f) telecommunications lines and facilities, including broadcasting towers;
- g) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (f); and
- h) rights of way required for the facilities listed in clauses (a) to (g).

- 11.11.89.4 An application for a transportation, infrastructure or utilities use shall not be approved unless:
- a) the need for the project has been demonstrated and there is no reasonable alternative, to the satisfaction of the municipality; and
 - b) the applicant demonstrates the applicant demonstrates, to the satisfaction of the municipality that the following requirements will be satisfied, to the greatest extent possible while also meeting all applicable safety standards:
 - i) The area of construction disturbance will be kept to a minimum;
 - ii) Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utility uses within a single corridor as possible;
 - iii) The project will allow for wildlife movement;
 - iv) Lighting will be focused downwards; and
 - v) The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum.
- 11.11.89.5 Except as permitted in Sections 11.11.89.4 and 11.11.89.6, with respect to land in a key natural heritage feature or a hydrologically sensitive feature, all new transportation, infrastructure and utilities uses and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited.
- 11.11.89.6 Transportation, infrastructure, and utilities uses may be permitted to cross a key natural feature or hydrologically sensitive feature if the applicant demonstrates, to the satisfaction of the municipality that:
- a) the need for the project has been demonstrated and there is no reasonable alternative;
 - b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum;
 - c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages.
 - d) the landscape design will be adapted to the circumstances for the site and use native plant species as much as possible, especially along rights of way; and

- e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health, diversity, size and connectivity of the key natural heritage feature or hydrologically sensitive feature.
- f) service and utility trenches for transportation, infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater to a minimum.

11.11.8.7 Stormwater Management

11.11.8.7.1 Every application for development, redevelopment or site alteration shall demonstrate planning, design and construction practices, to the satisfaction of the municipality, to protect water resources will be used, including:

- a) keeping the removal of vegetation, grading and soil compaction to a minimum;
- b) keeping all sediment that is eroded during construction within the site;
- c) seeding or sodding exposed soils as soon as possible after construction; and
- d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.

11.11.8.7.29.8 In considering an application for development, redevelopment or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads.

11.11.9.98.7.3 Municipal development standards shall incorporate planning, design and construction practices that will:

- 1. reduce the portions of lots and sites that have impervious surfaces; and
- 2. provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.

11.11.9.108.7.4 Sections 11.11.9.7 to 11.11.9.9 11.11.8.7.1 to 11.11.8.7.3 (inclusive) ~~of this Plan~~ do not apply to applications for mineral aggregate operations.

- 11.11.~~9.11~~8.7.5 For the purposes of stormwater management, the minimum standard for water quality is that 80 percent of suspended solids shall be removed from stormwater runoff as a long-term average.
- 11.11.~~9.12~~8.7.6 ~~Despite anything else in this Plan~~ Notwithstanding any other provisions in this plan to the contrary, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.
- 11.11.~~9.13~~8.7.7 An application for major development shall be accompanied by a Stormwater Management Plan.
- 11.11.~~9.14~~8.7.8 **Stormwater Management Plans**
- 11.11.8.7.8.1 The objectives of a stormwater management plan are to:
- a) maintain groundwater quality and flow and stream base flow;
 - b) protect water quality;
 - c) protect aquatic species and their habitat;
 - d) prevent increases in stream channel erosion; and
 - e) prevent any increase in flood risk.
- 11.11.~~9.15~~8.7.8.2 A stormwater management plan shall provide for an integrated treatment train approach that uses a planned sequence of methods of controlling stormwater and keeping its impact to a minimum by techniques including, without limitation:
- a) lot level controls such as devices and designs that direct roof discharge to rear yard ponding areas;
 - b) conveyance controls such as grassed swales; and
 - c) end-of-pipe controls such as wet ponds at the final discharge stage.
- 11.11.~~9.16~~8.7.8.3 A Stormwater Management Plan shall be prepared in accordance with the applicable watershed plan, if one exists.
- 11.11.~~9.17~~8.7.8.4 ~~Despite anything else in this Plan~~ Notwithstanding any other provisions in this plan to the contrary, new rapid infiltration basins and new rapid infiltration columns are prohibited.

~~11.11.7.5~~ **11.11.8.8 Sewage and Water Services**

An application for major development shall be accompanied by a sewage and water system plan that demonstrates, to the satisfaction of the municipality:

- a) that the ecological integrity of hydrological features and key natural heritage features will be maintained;
- b) that the quantity and quality of groundwater and surface water will be maintained;
- c) that stream baseflows will be maintained;
- d) that the project will comply with the applicable watershed plan and water budget and conservation plan; and
- e) that the water use projected for the development will be sustainable.

Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

11.11.9.10 Implementation and Interpretation

~~11.11.10.9.1 The provisions of Sections 11.11 together with Schedules “R”, “S”, “T”, and “U” of the Town of Whitby Official Plan shall comprise the Oak Ridges Moraine Secondary Plan. This Secondary Plan shall be implemented by a Zoning By-law under Section 34 of the **Planning Act**. Permitted uses are subject to inclusion in the implementing Zoning By-law. The implementation and interpretation of the Secondary Plan will be in accordance with Section 10 of Part I of this Plan.~~

11.11.9.2 The lot lines shown on Schedules ‘R’, ‘S’, ‘T’ and ‘U’ are approximate and illustrative for information purposes only.

The lot lines shown are not intended to control nor represent the precise location of the property boundary lines.

11.11.9.3 All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of the Oak Ridges Moraine Conservation Plan, Part 1 and this Secondary Plan.

11.11.9.4 Zoning By-Law and Minor Variances

~~11.11.10.2~~ **9.4.1** Lands within the Rural Settlement designation shall be placed within the appropriate zone in the Zoning By-law to provide for a

range of residential uses and small scale commercial and industrial uses that meet the needs of the rural area.

~~11.11.10.3~~ 11.11.9.4.2 All key natural heritage features and hydrologically sensitive features shall be placed within an appropriate zone in the Zoning By-law.

~~11.11.10.4~~ ~~All public works undertaken in the Oak Ridges Moraine Planning Area shall conform to the policies of this Secondary Plan.~~

11.11.9.4.3 The Zoning By-law shall permit minor development such as limited expansions to legally existing buildings that existed as of November 15, 2001 and the development of small-scale accessory structures. However, such development may be subject to a scoped site plan approval process at the discretion of the Town. If such development is proposed, it is deemed, for the purposes of this Plan, not to have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

If development that cannot occur as-of-right in accordance with the implementing Zoning By-law is proposed, an application for Site Plan Approval may be considered by Council provided the applicant demonstrates that:

- a) the development will be set back from the boundaries of the Environmental Protection designation as far as possible;
- b) no other reasonable opportunities to site the development on the lot are available and that the ecological integrity of the natural heritage feature can be maintained or enhanced; and
- c) the development will not have an adverse impact on the ecological integrity of the Oak Ridges Moraine.

The preparation of a natural heritage evaluation and/or hydrological evaluation or other studies shall be in accordance with the policies in Section 11.11.7 of this Secondary Plan.

11.11.9.4.4 A minor variance may be granted by the Committee of Adjustment to permit development without requiring the lands to be rezoned provided that the Committee is satisfied that the variance is minor in nature and is in keeping with the intent of this Plan and the **Oak Ridges Moraine Conservation Act**, 2001 and regulations thereunder.

11.11.9.4.5 A minor variance may be used to alter the boundary of the vegetation buffer zone associated with a key natural heritage/hydrological feature where an Environmental Impact Study has demonstrated that the vegetation buffer area may be reduced without resulting in adverse impacts on the ecological features and functions for which the area has been identified.

11.11.9.5 Site Plan Control

11.11.9.5.1 Applications for Site Plan Approval within the Oak Ridges Moraine Area will be reviewed in accordance with the objectives of the Oak Ridges Moraine Conservation Plan and this Plan in order to protect and enhance the ecological features and functions of the Oak Ridges Moraine ecosystem.

Notwithstanding this Policy, where the lands are situated on the Oak Ridges Moraine, site plan control shall be in accordance with the relevant policies of the Oak Ridges Moraine Conservation Plan, and Subsection 10.1.11 of this Plan

~~11.11.9.5.2 Site Plan Control shall be applied to single residential buildings on a lot that existed on November 15, 2001, farm buildings and structures with temporary buildings and uses on lands within the Environmental Protection designation and within 120 metres of the Environmental Protection designation.~~

11.11.9.5.2 Through the Site Plan Approval process, the municipality may require the preservation, maintenance or establishment of vegetation buffers in order to mitigate the potential impact of the development and enhance the natural features and functions of the Oak Ridges Moraine ecosystem. Conditions of Site Plan Approval may require greater setbacks, landscaped open space, less lot coverage or other limitations that exceed the minimum requirements of the Zoning By-law in order to maintain or enhance the ecological integrity of the Oak Ridges Moraine.

11.11.9.6 Definitions

~~11.11.11.1 The provisions of Section 11.11 apply to the Oak Ridges Moraine Secondary Plan delineated on Schedule "R". Despite the policies of this Secondary Plan and the Oak Ridges Moraine Conservation Plan, lands located on the Oak Ridges Moraine are also subject to the policies in both the Region of Durham Official Plan and the Provincial Policy Statement where there is no conflict.~~

~~11.11.11.2~~ 29.6.1 ~~The following~~ definitions contained in the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02 shall apply in the Oak

Ridges Moraine Secondary Plan Area in addition to the definitions of Section 10.2.2 of the Official Plan (where questions of interpretation arise, regard shall be had to the Oak Ridges Moraine Conservation Plan itself).

~~“Adverse Effect” means any impairment, disruption, destruction or harmful alteration;~~

~~“Agriculture-related Uses” means commercial and industrial uses that are,~~

- ~~a) small-scale,~~
- ~~b) directly related to a farm operation, and~~
- ~~c) required in close proximity to the farm operation;~~

~~“Aquifer Vulnerability” means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality;~~

~~“Connectivity” means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs;~~

~~“Development” means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:~~

- ~~a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of the this Secondary Plan; or,~~
- ~~b) for greater certainty:~~
 - ~~i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or~~
 - ~~ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;~~

~~“Ecological Features” means naturally occurring land, water and biotic features that contribute to ecological integrity;~~

“Ecological Functions” means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions;

“Ecological Integrity”, which includes hydrological integrity, means the condition of ecosystems in which,

- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- (b) natural ecological processes are intact and self-sustaining, and
- (c) the ecosystems evolve naturally;

“Ecological Value” means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species;

“Endangered Species” means any native species, as listed in the regulations under the **Endangered Species Act**, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed;

“Farm Retirement Lot” means a lot that is severed from land that is being used in a farming operation, on the application of a person who,

- (a) owned and operated the farm operation, as a full time farmer, for a substantial number of years;
- (b) was engaged in farming on January 1, 1994 or on an earlier date set out in the Official Plan; and
- (c) has reached retirement age and is retiring from active working life;

“Fish Habitat” means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada);

~~“Forest Access Road”~~ means a one or two lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes;

~~“Forest Management”~~ means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- (a) ~~for the production of wood and wood products, including maple syrup;~~
- (b) ~~to provide outdoor recreation opportunities;~~
- (c) ~~to maintain, and where possible improve or restore, conditions for wildlife; and~~
- (d) ~~to protect water supplies;~~

~~“Habitat of Endangered, Rare and Threatened Species”~~ means land that,

- (a) ~~is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species,~~
- (b) ~~has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;~~

~~“Hazardous Waste”~~ has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

~~“Hydrological Features”~~ means;

- (a) ~~permanent and intermittent streams;~~
- (b) ~~wetlands;~~
- (c) ~~kettle lakes and their surface catchment areas;~~
- (d) ~~seepage areas and springs; and~~

(e) ~~aquifers and recharge areas;~~

~~“**Hydrological Functions**” means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environmental including its relation to living things;~~

~~“**Hydrological Integrity**” means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity;~~

~~“**Impervious Surface**” means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot;~~

~~“**Landform Features**” means distinctive physical attributes of land such as slope, shape, elevation and relief;~~

~~“**Liquid Industrial Waste**” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;~~

~~“**Major Development**” means development consisting of:~~

- ~~(a) the creation of four or more lots; or~~
- ~~(b) the construction of a building or buildings with a ground floor area of 500 square metres or more;~~

~~“**Meander Belt**” means the land across which a stream shifts its channel from time to time;~~

~~“**Mineral Aggregate Operation**” means,~~

- ~~(a) an operation, other than a wayside pit, conducted under a licence or permit under the **Aggregate Resources Act**, and~~
- ~~(b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products;~~

~~“**Natural Self-Sustaining Vegetation**” means self-sustaining vegetation dominated by native plant species;~~

~~“**Original Half Lot**” means half of an original lot that contained 80.9 hectares (200 acres) more or less;~~

~~“Original Lot”~~ means a township lot shown on a plan certified by the Surveyor General of Ontario as being the original plan of an original survey;

~~“Rapid Infiltration Basin/Column”~~ means a basin/column or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces;

~~“Rare Species”~~ means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increased in certain types of human activity;

~~“Rural Lot”~~ means a lot that is at least 97.5 % of the land that is left in an original lot or an original half lot after the deduction of any land that is,

- (a) conveyed at any time for transportation, utilities or infrastructure, whether before, on or after November 16, 2001; or
- (b) validly conveyed before June 27, 1970.

~~“Sand Barrens”~~ means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:

- (a) has sparse or patchy vegetation that is dominated by plants that are:
 - i) adapted to severe drought and low nutrient levels; and
 - ii) maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- (b) has less than 25% tree cover;
- (c) has sandy soils (other than shorelines) exposed by natural erosion, depositional process or both; and
- (d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures

established by the Ministry of Natural Resources as amended from time to time;

~~“Savannah” means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:~~

- ~~(a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;~~
- ~~(b) has from 25% to 60% tree cover;~~
- ~~(c) has mineral soils; and~~
- ~~(d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures established by the Ministry of Natural Resources as amended from time to time;~~

~~“Self-Sustaining Vegetation” means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending;~~

~~“Site Alteration” means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:~~

- ~~(a) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 11.11.9 of this Secondary Plan; or~~
- ~~(b) for greater certainty,~~
 - ~~i) the reconstruction, repair or maintenance of a drain approved under the **Drainage Act** and in existence on November 15, 2001; or~~
 - ~~ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;~~

~~“Subwatershed” means an area that is drained by a tributary or some defined position of a stream;~~

~~“Surface Catchment Area” means the area including and surrounding a kettle land or wetland, from which surface runoff drains directly into the kettle lake or wetland;~~

“Sustainable”, when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected;

“Tallgrass Prairie” means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- (a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- (b) has less than 25% tree cover;
- (c) has mineral soils; and
- (d) has been further identified by the Ministry of Natural Resources or by any other person according to evaluation procedures established by the Ministry of Natural Resources as amended from time to time;

“Threatened Species” means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

“Watershed” means an area that is drained by a river and its tributaries;

“Wildlife Habitat” means land that:

- (a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

“Woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.



Town of Whitby

By-law # 8067-24

Infill Development By-law

Being a By-law to prohibit or regulate any alteration to the grade (topography) and drainage of land within the Town of Whitby to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated grading and drainage alterations as a result of Infill Developments, to limit the use of improper fill and potential environmental impacts, to limit erosion arising from such changes and to limit impacts on neighboring and surrounding properties.

Whereas, Section 142 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to prohibit or regulate the dumping of fill, removal of topsoil and alteration of grades;

And whereas Section 11(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Section 11(2), paragraph 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, allows for a municipality to pass by-laws respecting the protection of persons and property, including consumer protection;

And whereas Section 11(3), paragraphs 6 and 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, allow for a municipality to pass by-laws relating to drainage and flood control and structures;

And whereas Section 8(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits a municipality to provide for a system of licenses respecting a matter in a by-law passed under Section 11;

And whereas, the Council for The Corporation of the Town of Whitby considers it desirable and necessary to regulate the alteration of sites where ten (10) residential units or less is being altered and constructed in a manner that will protect persons and property surrounding the site, as well as the public.

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

The by-law provides an explanation of what defines the requirements for a Grading, Servicing and Drainage Permit.

1. Definitions

- 1.1 "Adjacent Lands" means any lot, block, section or parcel of property owned by a Person, other than the Owner of the Site, that shares a property boundary with the Site;
- 1.2 "Applicant" means any person, partnership, organization, or corporation who or which is the certified agent to act on behalf of the Owner of the Site in the application process and performance of the Site Engineering Works seeking to obtain a permit;
- 1.3 "Complete application" means an application including the contents as

outlined within the Infill Development Guidelines, to the satisfaction of the Director;

- 1.4 “Council” means the Council of The Corporation of the Town of Whitby;
- 1.5 “Director” means the Director of Engineering Services or their designate;
- 1.6 “Drainage” means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;
- 1.7 “Drainage System Appurtenance” includes the various accessories on the drainage system that are necessary for the approved operation of the drainage system, including but not limited to catchbasins, area drains, maintenance holes, infiltration galleries, and low impact development measures;
- 1.8 “Drainage Areas” includes areas of land surface that contribute water flow to a particular point;
- 1.9 “Dumping” shall be broadly interpreted to include stripping, removing, moving, transporting, importing, exporting, or placing of any fill into, out of, or upon lands within the Town;
- 1.10 “Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity;
- 1.11 “Excavation or Excavating” means to remove by digging, scraping, or scooping out;
- 1.12 “Fee” means a non-refundable payment by certified cheque or cash in a form acceptable to the Director;
- 1.13 “Fill” means any type of material deposited or placed on lands, and includes clean fill, soils and topsoil with any water content and other regulated materials including, stone, concrete, construction materials, asphalt, sod, turf, or debris either singly or in combination;
- 1.14 “Grade” means the elevation of the ground surface and shall be more particularly defined as follows:
 - 1.14.1 “Existing Grade” means the elevation of the existing ground surface of the site upon which the placing, dumping, excavating or removal of fill or altering of the grade is proposed and of the existing ground surface of adjacent lands up to 5 m wide surrounding such site, except that where such activity has occurred in contravention of this by-law, existing grade shall mean the ground surface of the site and adjacent lands as existed prior to the said activity requiring a permit under this by-law;
 - 1.14.2 “Proposed Grade” means the proposed finished elevation of ground surface of the site after fill is dumped or placed, the grade altered, or topsoil removed; and
 - 1.14.3 “Finished Grade” means the approved elevation of ground surface of

the site upon which fill has been placed, dumped, excavated or removed or the grade altered pursuant to this by-law.

- 1.15 “Grading, Servicing and Drainage Permit” or “Permit” means a permit issued by the Director pursuant to the provisions of this by-law, Section D5.00 of the Town’s Design Criteria and Engineering Standards for the purpose of creating an Infill Development. Grading, Servicing and Drainage Permit (GSDP) is a separate permit, issued by Engineering Services and is not a Building Permit issued by the Building Department.
- 1.16 “Grading, Servicing, and Drainage Plan” means a drawing or set of drawings as outlined within the Infill Development Guidelines, that details the Site Engineering Works to the satisfaction of the Director;
- 1.17 “Haul” means to move fill and/or topsoil on Town highways;
- 1.18 "Infill Development" (or Infill Lot) means the development of a new or re-development of an existing lot up to 10 units with a new building or structure beyond that of the original footprint that includes an increase of the impervious surface of the lot by altering of drainage pattern and/or grading of the lots. Infill Development may vary in size, consist of more than one residential unit/lot and include different types of residential dwellings, such as single, semi-detached, and townhouse blocks. Other types of small-scale developments may fall under the Infill Developments definition, at the sole discretion of the Director;
- 1.19 “Lot” means a parcel of land, described in a deed or other document legally capable of being conveyed, or shown as a block on a registered plan of subdivision;
- 1.20 “Owner” means the registered owner of a property and includes the owner’s representative, a tenant, or the property manager;
- 1.21 “Permit Holder” means an applicant for a permit issued under this by-law and/or the owner of a lot to which a permit issued under this by-law applies;
- 1.22 “Person” means any individual, firm, partnership, company or corporation or any trustee, manager or other person, either individually or jointly with others, owning, occupying or having the management or supervision of any building or property, and shall also include any agent, workman, servant, employee, or authorized representative of such individual, firm, partnership, company or corporation;
- 1.23 “Placing” means the distribution of fill on sites to establish a finished grade higher than the originally existing grade;
- 1.24 “Ponding” means the accumulation of surface water in an area not having drainage there from which the lack of drainage could have been caused by the placing or dumping of fill, altering of grade or removing of fill;
- 1.25 “Qualified Person” has the same meaning as in Section 5 of Ontario Regulation 153/04, or a licensed surveyor (for the purpose of land surveying), possessing expert or special knowledge in regard to matters contained within

- this by-law;
- 1.26 “Removal” means the moving of fill off an existing site;
 - 1.27 “Security” means a refundable deposit by certified cheque, cash, or an irrevocable letter of credit in a form acceptable to the Director;
 - 1.28 “Site” means the lands from which it is proposed that material be moved or removed, or subjected to a site alteration and/or land development;
 - 1.29 “Site Alteration” means dumping, the removal of topsoil from land, or the alteration of the grade of land by any means including placing fill, clearing and grubbing, the compaction of soil or the creation of impervious surfaces, or any combination of these activities;
 - 1.30 “Site Engineering Works” mean the following:
 - 1.30.1 placing, dumping, excavating, or removal of fill from the site;
 - 1.30.2 the alteration of grade of the site by any means including placing, dumping, excavating, or removal of fill, clearing and grubbing, the compaction of soil or the creation of impervious surfaces;
 - 1.30.3 the alteration of drainage, drainage areas and/or drainage system appurtenances within and external to the site; and
 - 1.30.4 any combination of these activities.
 - 1.31 “Soil” means material commonly known as earth, topsoil, loam, subsoil, clay, sand, or gravel;
 - 1.32 “Storm Sewer” means a sewer dedicated for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof under Town roads and on Town property;
 - 1.33 “Swale” means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage;
 - 1.34 “Topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;
 - 1.35 “Town” means The Corporation of the Town of Whitby or the geographic jurisdiction of the Town of Whitby as the context requires;
 - 1.36 “Watercourse” means an identifiable depression, channel, or ditch, either natural or artificial, in which the flow of water occurs either continuously or intermittently;
 - 1.37 “Zoning By-law” means a by-law passed by the Town pursuant to Section 34 of the Planning Act and includes Zoning By-law 2585, Zoning By-law 1784 and Oak Ridges Moraine Zoning By-law 5581-05, as amended from time to time, whichever is applicable to any land to which this by-law applies.

2. Interpretation

- 2.1. 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.
- 2.2. 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.
- 2.3. This by-law shall be read with all changes in gender or number as the context requires.
- 2.4. References in this by-law to items in the plural include the singular, and references to the singular include the plural, as applicable.
- 2.5. The words “include”, “includes” or “including” are not to be read or interpreted as limiting the words, phrases or descriptions that precede them.

Severability

- 2.6. 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.

Application

- 2.7. The provisions of this by-law shall apply to all lands and premises within the Town.

Compliance with Other Laws

- 2.8. This by-law and the provisions contained within are intended to be complementary to Provincial statutes and to other by-laws passed by Council, in the event that any other applicable law requires a higher standard than this by-law requires, the higher standard shall apply.

Delegated Authority – Infill Development Guidelines

- 2.9. The Director is hereby authorized to amend the provisions of the Infill Development Guidelines, as required.
- 2.10. The Infill Development Guidelines provide steps involved in submitting an application, calculating fees and securities, and issuing a Grading, Servicing and Drainage Permit.
- 2.11. The Director shall be authorized to issue a Grading, Servicing and Drainage Permit in the form of a Permit and Letter of Conditions, and approved Grading, Servicing and Drainage Plan, pursuant to this by-law, and to amend or revise such

Permit, from time to time, provided that the Permit, amendment(s) or revision(s), as the case may be, are in the form satisfactory to the Town Solicitor.

2.12. Nothing in this by-law shall be interpreted so as to permit Site Engineering Works, which by provisions of any applicable Town by-law, plan, approval, etc. or Provincial Act, regulation, policy, etc. or to a provision thereof is prohibited.

2.13. Any reference to any Town by-law, plan, approval, etc. or Provincial Act, regulation, policy, etc. or provision enacted in substitution or amendment thereof.

2.14. This by-law shall apply to Site Engineering Works on all Infill Developments.

3. Exempted Activities

3.1. The provisions of this by-law, with respect to the requirement to obtain a Grading, Servicing and Drainage Permit as described in the Infill Development Guidelines, do not apply where **all** of the following conditions are met:

3.1.1. Renovation of an existing building that does not involve changes to the building footprint and changes to the existing grade and drainage pattern of the site;

3.1.2. the total lot coverage does not exceed max lot coverage as per the Zoning By-Law;

3.1.3. post development flows do not exceed originally designed flows for the subject property;

3.1.4. existing receiving storm sewers are not running under surcharge conditions; and

3.1.5. Development construction where the finished grade is established through a Development Approval Process, such as, Site Alteration Permit, Site Plan, Draft Plan of Subdivision, Approved Subdivision Grading Plan, or a Consent under Sections 41, 51, or 53 of the Planning Act or as a requirement of a Site Plan Agreement, Subdivision Agreement or Letter of Undertaking entered into under those sections.

4. Restrictions

4.1. No person shall perform Site Engineering Works activities on their land except in accordance with the provisions of this by-law and the Infill Development Guidelines, including any requirement for a Grading, Servicing and Drainage Permit.

4.2. No person shall use the Town's highways for the purpose of moving fill and/or topsoil to or from lands, construction or reconstruction of roads, sewers, watermains, utilities and other infrastructure, except in accordance with this by-law and the Infill Development Guidelines, including any requirement for a Grading, Servicing and Drainage Permit.

4.3. Where a Grading, Servicing and Drainage Permit has been issued pursuant to this by-law, no permit holder shall, except in accordance with the provisions of the Permit,

4.3.1. place, dump or remove fill or cause or permit fill to be placed, dumped or removed; or

4.3.2. alter the grade of any land or cause or permit the alteration of the grade of any land in the Town; or

4.3.3. commence construction or reconstruction of roads, sewers, watermains, utilities and other infrastructure.

4.4. No person shall conduct or permit the operation of any site alteration, site servicing or construction activity,

4.4.1. outside of the times permitted for the operation of heavy equipment in the Town's Noise By-law, as may be amended from time to time; or

4.4.2. during a period in which a wind warning has been issued for the area by Environment Canada and when dust/material is being blown off of the site or off of the external roadways being used to access the site, as the context requires; or

4.4.3. within 24 hours of precipitation or snow melt events, unless the operations being performed during this time are completely within the boundaries of the site alteration property or do not result in mud tracking onto the external roadways adjacent to the property.

5. Permit

5.1. Infill Developments are subject to a Building Permit Application (as per OBC) and Engineering Review fee, as per Town's Consolidated Fees & Charges by-law. The Building Permit Application for Infill Developments shall be supported, at a minimum, by approved engineering drawings, such as Grading, Servicing & Drainage Plans, and reports as determined by the Town.

5.2. A Grading, Servicing and Drainage Permit must be issued prior to the initiation of a Building Permit process and a commencement of proposed works.

5.3. The Director has the authority to issue a Permit where an applicant has satisfied the requirements of this by-law and the Infill Development Guidelines.

5.4. All applicants for a Permit shall pay the appropriate fees as set out in the Fees and Charges By-law and shall provide the appropriate securities as set out in the Infill Development Guidelines, as amended from time to time.

- 5.5. All applicants for a Permit shall submit a completed permit application, including the submission of a Grading, Servicing and Drainage Plan(s), Stormwater Management Brief, financial securities and other requirements as described in the Infill Development Guidelines, within a six (6) month timeframe from the date of submission of the application form, failing which, the application is deemed to have expired.
- 5.6. Applicants for a Permit who are unable to comply with the timeframe specified in Section 5.5. of this by-law shall be required to make a new application for a Permit including the payment of applicable fees, and such applicants are not entitled to a refund of any fees paid for with respect to the previous, expired application.

Grading, Servicing, and Drainage Permit Conditions

- 5.7. All surface run-off, including roof drainage directed to surface, generated from the private site as a result of the Infill Development works must be contained within private property limits and managed in accordance with the Town's Property Standards By-law and accepted engineering design / proposal.
- 5.8. An inspection of site grading, municipal servicing and stormwater management (SWM) measures is required to be completed by Town staff of Engineering Services before and after measures are installed. An appointment for the inspection must be booked in advance to ensure final grading, servicing and stormwater management measures are completed and in place prior to any deposits being refunded.
- 5.9. Consistent with the Ontario Building Code requirements, a site shall be graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties. The Qualified Person must ensure that no ponding or other drainage issues will occur as a result of construction.
- 5.10. The Permit Holder Shall:
- i. Ensure all other parties involved with the Infill Development project are provided with a copy of the signed Permit, Letter of Conditions and approved Grading Plan and ensure copies of same are kept on-site.
 - ii. Ensure sufficient space is provided to accommodate drainage swales along the boundary of the proposed lot next to adjacent properties. All grades must match existing grades on lot lines unless written permission from adjacent landowner(s) is provided.
 - iii. Provide any extension request to the Town of Whitby three (3) weeks in advance of the expiry date of the Permit where the specified site alteration activities will be required after the approved expiry date.
 - iv. Ensure all sedimentation controls and silt/protective fencing is in place prior to the commencement of the proposed construction works.

- v. Notify Construction Inspection staff two (2) days before backfilling of any services and SWM measures and post completion of construction works to arrange for inspection of the site grading, servicing and SWM measures installed as per the approved grading plan(s) in accordance with Condition 5.8.
- vi. Ensure all proposed construction activities are in accordance with the approved Construction Management Report.
- vii. Ensure all construction activities, vehicles and material storage are contained entirely within the subject property.
- viii. Ensure all applicable construction signage, with reference but not limited to Ontario Traffic Manual (OTM) Book 7, are in place prior to the commencement of the proposed construction works.
- ix. Ensure works outlined in the permit (including warming up of equipment) are conducted in accordance with the Town of Whitby's Noise By-Law No. 6917-14, as may be amended or replaced.
- x. Inform Engineering Services if there are changes to any proposed grading, servicing, and SWM design as approved. Any change in design, and/or scope of works, will have to go through permit amendment.
- xi. Ensure that any Erosion and Sediment Control (ESC) measures are inspected weekly, and immediately following any significant rainfall or snow melt events and restore as necessary.
- xii. Comply with, and ensure all on-site contractors comply with, all applicable Provincial Orders, Provincial and Regional Public Health directives and guidelines.
- xiii. Submit a Sealed Final Grading Certificate to Construction Staff upon completion of all grading works. The form shall be in accordance with Section D7.04, page D-13. This is required for release of the development securities, including Sodding Deposit.

5.11. If construction works have come to a halt for any reason, after fourteen (14) days of no work activity, the entire site will need to be stabilized through hydro seeding or any other manner satisfactory to the Director.

5.12. Construction traffic shall be restricted to time windows that do not conflict with any nearby school drop-off and pick-up times.

5.13. On a continuous basis both during and after construction works, until the site has been stabilized, the applicant shall:

- i. Ensure all ESC measures are functioning as intended.

- ii. Perform regular site and road inspections.
 - iii. Control dust with water, chemical agent, and/or other appropriate media, as required or directed by the Director.
- 5.14. The applicant shall monitor surrounding roads and immediately implement mud tracking mitigation and dust control measures as required and upon the written or verbal request from Town staff.
- 5.15. The applicant shall immediately remove debris, mud, dirt or any material deposited on any of the roads within the construction area or accumulated through other operations from the construction area, as required, and upon written or verbal request from the Town.
- 5.16. When moving material, it is the contractor's responsibility to abide by the half load restrictions that may apply at the time of hauling material.
- 5.17. The applicant acknowledges that the securities may be drawn upon at the Director's sole discretion, to remedy any deficiency in the approved works and to correct or complete works under this permit.
- 5.18. The Town reserves the right to modify and provide additional conditions as required by site conditions, performance, and orderly management of the construction site.

Permit Expiry, Extension and Transfers

- 5.19. All permits issued under this by-law shall expire or be extended or transferred in accordance with the terms identified in the Infill Development Guidelines.
- 5.20. Permit conditions may be transferred in accordance with the terms identified in the Infill Development Guidelines.

Permit Refusal, Suspension and Revocation

- 5.21. The Director may refuse to accept an application for a permit, or may refuse to issue a permit, where in the opinion of the Director, the acceptance of a permit application or the issuance of a permit would not be in the best interests of the Town.
- 5.22. The Director, in determining whether the acceptance of a permit application or the issuance of a permit would not be in the best interests of the Town, shall consider all the relevant circumstances, including (without limitation):
- 5.22.1. past performance of the applicant in complying with the provisions of this by-law or any applicable legislation; and
 - 5.22.2. ongoing or past prosecution of the applicant regarding compliance with this by-law or any applicable legislation; and

- 5.22.3. the number of active permits within the Town or within a geographic area of the Town; and
 - 5.22.4. the condition of public highways which provide access to a proposed area of site alteration, including any planned highway improvements by the Town, the Regional Municipality of Durham, or the Province of Ontario.
- 5.23. If the Director refuses to issue a permit, the Applicant shall be informed of this decision in writing and the reasons for the refusal.
- 5.24. The Director shall revoke a permit if,
- 5.24.1. the permit was obtained on mistaken, false, incorrect or misleading information; or
 - 5.24.2. the permit was issued in error; or
 - 5.24.3. the permit holder requests in writing that the permit be revoked.
- 5.25. The Director may suspend and/or revoke a permit if,
- 5.25.1. the permit holder or any person acting on behalf of the permit holder fails to comply with the conditions of an issued permit made under this by-law;
 - 5.25.2. the permit holder or any person acting on behalf of the permit holder fails to comply with the provisions of this by-law or with an order issued pursuant to this by-law; or
 - 5.25.3. the Site Engineering Works authorized under the Permit has been halted for a period of 1 year.
- 5.26. If a permit is suspended in accordance with the provisions of this by-law, the Director may impose additional conditions on the applicant. Until such time as those conditions are satisfied in the sole discretion of the Director, the permit shall remain suspended.
- 5.27. If a permit is suspended or revoked in accordance with the provisions of this by-law, then any financial security provided by the applicant may be used or drawn upon by the Town to remedy any non-compliance with the provisions of this by-law, without any further notice to the applicant.

6. Enforcement and Penalties

- 6.1. The Director shall be responsible for the enforcement of this by-law.

6.2. The Director, or any person acting under his or her direction, may enter upon any Site at any reasonable time without a warrant for the purpose of inspecting the lands, machinery, equipment, work, activity or documents to determine:

6.2.1. Whether the Site conforms to the standards prescribed in this by-law; or

6.2.2. Whether a notice of contravention, order to comply or permit made under this by-law has been complied with.

Orders

6.3. If the Owner fails to comply with this by-law, the Director may issue an Order to comply to the Owner and the Owner shall, at the Owner's sole expense, bring the Site into compliance with this by-law.

6.4. An Order to Comply issued pursuant to Subsection 6.3 of this by-law shall:

6.4.1. State the municipal address or the legal description of the Property;

6.4.2. Give reasonable particulars of the steps to be taken in order to comply with this By-Law; and

6.4.3. Indicate the time for complying with the terms and conditions of the order and give notice that if compliance is not obtained within that time, the Town may take such action as is necessary to rectify and remedy the contravention of this By-Law at the Owner's expense.

6.5. The Order to Comply shall be served:

6.5.1. upon the Owner by personal service; or

6.5.2. by mailing a copy of the notice by registered mail to the last known address noted on the tax assessment roll and shall be deemed to have been served five (5) days after it is mailed.

6.6. In the event that an Order to Comply issued pursuant to Subsection 6.3 of this by-law is not complied with by the specified date, the Town may take such action as necessary to rectify and remedy the contravention of this by-law at the Owner's sole expense and the Town may send an invoice to the Owner of the costs incurred by the Town thereto. In the event of failure to pay the entire invoice within thirty (30) days of the date of the invoice, any unpaid costs, plus interest in the amount of 15% per annum, may be added to the tax roll of the Property and collected in the same manner as property taxes. For the purposes of this section, interest shall be calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including interest, are paid in full.

Penalties

6.7. Every Person, other than a corporation, who contravenes any provisions of this by-law, the terms or conditions of a Certificate issued pursuant to this by-law or an order issued pursuant to this by-law and Section 444(1) or 445(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, is guilty of an offence and, upon conviction, is liable:

6.7.1. on a first conviction, to a fine of not more than \$10,000; and

6.7.2. on any subsequent conviction to a fine of not more than \$25,000.

6.8. Every corporation that contravenes any provision of this by-law, the terms or conditions of a Certificate issued pursuant to this by-law, or an order issued pursuant to this by-law and Section 444(1) or 445(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, is guilty of an offence and on conviction is liable:

6.8.1. on a first conviction, to a fine of not more than \$50,000; and

6.8.2. on any subsequent conviction to a fine of not more than \$100,000.

7. Short Title

7.1. This by-law may be cited as the Infill Development By-law.

8. Effective Date

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

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8068-24

Amendment to the Fees and Charges By-law

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

Whereas the Council of The Corporation of the Town of Whitby considered Report PDE 01-24, regarding the Infill Development By-law at its meeting on March 18, 2024 and Report CMS 04-24, regarding the Commemorative Tree and Bench Policy Update at its meeting on April 29, 2024;

And whereas Council deems it necessary to amend Schedule T, Planning and Development (Engineering Services) Department Fees of the Fees and Charges By-law # 7220-17, as amended, in accordance with Report PDE 01-24;

And whereas Council deems it necessary to amend Schedule L, Community Services Department - Parks Feature Fees of the Fees and Charges By-law # 7220-17, as amended, in accordance with Report CMS 04-24.

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

1. General

- 1.1. That Definition 12 of Schedule T, Planning and Development (Engineering Services) Department Fees, to By-law # 7220-17, as amended, be repealed and replaced with the following:

Residential Infill Development (or Infill Lot) means the development of a new or re-development of an existing lot up to 10 units with a new building or structure beyond that of the original footprint that includes an increase of the impervious surface of the lot by altering of drainage pattern and/or grading of the lots. Infill Development may vary in size, consist of more than one residential unit/lot and include different types of residential dwellings, such as single, semi-detached, and townhouse blocks.

These developments are subject to:

- Grading, Servicing and Drainage Permit as per the Town's Infill Development By-law;
- Building Permit Application as per Ontario Building Code; and,
- Engineering Review and Inspection Fee (for external works only), as per the Town's Fees & Charges By-law.

The Grading, Servicing and Drainage Permit and the Building Permit Application for Residential Infill Developments shall be supported, at a minimum, by Grading & Servicing Plans and a Stormwater Management Brief. Residential Infill Developments may vary in size, consist of more than one residential unit/lot and include different types of residential dwellings, such as single, semi-detached, and townhouse blocks.

Other types of small-scale developments may fall under the Residential Infill Developments definition, at the sole discretion of the Director of Engineering Services.

- 1.2. That Schedule T, Planning and Development (Engineering Services) Department Fees, to By-law # 7220-17, as amended, be amended to include the following new fees with an effective date of June 1, 2024:

Fee No.	Category	Fee Title	Fee (Excluding Taxes)	Fee Basis	HST Applicable
ENG-49	Grading, Servicing and Drainage Permit	Grading, Servicing and Drainage Permit Extension fee	50% of the original Application Fee (Engineering Review for Residential Infill Lots)	Each	No
ENG-50	Grading, Servicing and Drainage Permit	Grading, Drainage & Erosion Control Works Deposit	Total Building size is < 2500 ft ² (232 m ²) - \$20,000. Total Building size is > 2500 ft ² (232 m ²) - \$40,000.	Per unit	No

- 1.3. That Schedule L, Community Services Department Fees – Park Feature Fees, to By-law # 7220-17, as amended, be amended to include the following new fees effective immediately:

Fee No.	Category	Fee Title	Proposed Fee (Excluding Taxes)	Fee Basis	HST Applicable
PFE- 2	Park Features	Dedication of Existing Bench	\$2,700.48	Per Permit	No
PFE- 3	Park Features	Dedication of New Bench in Priority Location	\$3,240.58	Per Permit	No
PFE- 4	Park Features	Dedication of New Bench in a Non-Priority Location *	\$5,106.65	Per Permit	No
PFE- 5	Park Features	Dedication of Existing Tree or New Tree in a Priority Location	\$888.97	Per Permit	No
PFE- 6	Park Features	Dedication of New Tree in a Non-Priority Location *	\$1,848.12	Per Permit	No

* Tree and bench dedication requests are subject to staff approval.

2. Effective Date

2.1. This by-law shall come into force and effect on the date of its passing.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk



Town of Whitby

By-law # 8069-24

Set and Levy Tax Rates for Town General Purposes

Being a By-law to set and levy tax rates for the calendar year 2024 for the Town of Whitby and to set penalty and interest rates for unpaid taxes.

Whereas, Subsection 312(2) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that for purposes of raising the general local municipality levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes; and,

Whereas, Subsection 342(1) of the Municipal Act, S.O. 2001, c. 25, as amended, states that a local municipality may pass by-laws providing for,

- (a) the payment of taxes in one amount or by instalments and the date or dates in the year for which the taxes are imposed on which the taxes or instalments are due; and,

Whereas, Subsection 342(2) (b) of the Municipal Act, S.O. 2001, c. 25, as amended, allows for a by-law under clause (1) (a) may establish different instalments and due dates for taxes on property in different property classes; and,

Whereas Subsection 345 of the Municipal Act, S.O. 2001, c.25, as amended, states that:

A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date.

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

1. General

- 1.1. For the year 2024, it shall levy upon the current value assessments in the property classes set out in Schedule A, attached to and forming part of this by-law, the rates of taxation therein for its purposes.
- 1.2. The levy provided in Schedule A to this by-law shall be reduced by the amount of the interim levy for 2024.
- 1.3. All taxes, local improvements and other special rates applicable to the property classes as set out in Schedule A shall be payable in two instalments on June 24, 2024 and September 24, 2024. These dates are subject to

amendment by the Treasurer, if required, to meet the statutory notice period as required under the Act.

- 1.4. The penalty charge for non-payment of said taxes on or before the respective due date shall be at the rate of one and one quarter (1.25) per cent of the amount outstanding on the first day of default.
- 1.5. In addition, statutory interest at the rate of one and one quarter (1.25) per cent per month on any unpaid taxes shall be added on the first day of each calendar month until such taxes are paid in full.
- 1.6. That the Treasurer shall add to the Collector's Roll all or any Municipal charges in arrears for Water and Sewer Billings, Cutting Weeds, Property Standard infractions or any other charges which should be levied pursuant to any Statute or By-law against the respective properties chargeable therewith and that the same shall be collected in the same manner, including interest and penalty charges, and at the same time as all other rates or levies.
- 1.7. That where there is a conflict between a provision(s) of this by-law and any other by-law of the Town of Whitby, the provision(s) of this by-law shall prevail to the extent of the conflict.
- 1.8. That in the event any part or provision, including any part or provisions of Schedule(s) is declared by a court of competent jurisdiction to be void illegal or invalid, the offending part or provision shall be considered as separate, severable and struck out from the remaining parts or provisions of this by-law which parts or provisions shall remain valid, binding and of full force and effect.

2. Schedule(s)

- 2.1. Schedule "A" – 2024 General Town Municipal Tax Rates

3. Effective Date

- 3.1. That the provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Attachment "A"
2024 Final Tax Levy

Tax Class		Taxable Assessment	Municipal Tax Levy	Municipal Tax Rate
Residential Full Rate	RT	23,679,308,200	103,060,317.23	0.00435234
Residential Full Rate (PIL)	RF		-	0.00435234
Residential Farmland Awaiting Development (75%)	R1		-	0.00000000
Residential Full Prov Tenant (PIL)	RP	1,664,500	7,244.46	0.00435234
Residential Full Rate (PIL)	RG	21,197,800	92,259.96	0.00435234
Multi-Residential Full Rate	MT	573,274,200	4,657,071.04	0.00812364
New Multi-Residential	NT	37,720,000	180,587.15	0.00478757
Commercial Full Rate	CT	1,435,901,449	9,061,813.24	0.00631089
Commercial Excess Land	CU	18,487,542	116,672.81	0.00631089
Commercial Vacant Land	CX	83,733,200	528,430.85	0.00631089
Commercial General Rate (PIL)	CG	143,633,300	906,453.67	0.00631089
Commercial General Vacant Land (PIL)	CZ	6,859,000	43,286.38	0.00631089
Commercial Full Rate (PIL)	CF	45,539,900	287,397.21	0.00631089
Commercial Vacant Land	CY		-	0.00631089
Commercial Tax Shared (PIL)	CH	6,244,000	39,405.18	0.00631089
Commercial Vacant Land Shared (PIL)	CJ		-	0.00631089
Commercial Prov Tenant (PIL)	CP	144,700	913.19	0.00631089
Commercial Full Excess Land Prov Tenant (PIL)	CQ	355,100	2,241.00	0.00631089
Commercial General Excess Land (PIL)	CW	2,161,900	13,643.51	0.00631089
Parking Lot	GT	8,753,100	55,239.83	0.00631089
Commercial New Construction	XT		-	0.00631089
New Construction Excess land	XU		-	0.00631089
Shopping Centre Full Rate	ST	603,579,491	3,809,122.58	0.00631089
Shopping Centre Excess Land	SU	300,100	1,893.90	0.00631089
Office Full Rate	DT	19,088,298	120,464.11	0.00631089
Office General	DG	376,400	2,375.42	0.00631089
Office General Excess Land (PIL)	DW	187,900	1,185.82	0.00631089
Industrial Ful Rate	IT	142,299,563	1,253,226.99	0.00880696
Industrial Excess Land	IU	3,450,095	30,384.86	0.00880696
Industrial Vacant Land	IX	87,343,900	769,234.50	0.00880696
Industrial Taxable Vacant Land Shared (PIL)	IJ	90,000	792.63	0.00880696
Industrial Taxable Shared (PIL)	IH	5,432,000	47,839.42	0.00880696
Industrial General Vacant land (PIL)	IZ	3,540,500	31,181.05	0.00880696
Industrial General (PIL)	IW		-	0.00880696
Pipelines	PT	42,632,000	228,113.71	0.00535076
Large Industrial Excess Land	LU	1,847,000	16,266.46	0.00880696
Large Industrial Full Rate	LT	115,585,180	1,017,954.41	0.00880696
New Construction Industrial vacant land	JU	0	-	0.00880696
Farmlands	FT	91,437,900	79,593.70	0.00087047
Farmlands Full Prov Tenant (PIL)	FP	1,216,500	1,058.92	0.00087047
Managed Forest	TT	3,704,500	4,030.81	0.00108808
Exempt	EN	1,139,184,554		
Total Returned Assessment		\$28,326,273,772	\$126,467,696.00	



Town of Whitby

By-law # 8070-24

Set and Levy Business Improvement Area Tax Levy By-law

Being a By-law to set and levy tax rates for the Business Improvement Area (BIA) and to set penalty and interest rates for unpaid taxes.

Whereas By-law # 7268-17 established a Downtown Whitby BIA in accordance with Subsection 204 of the Municipal Act, S.O. 2001, c 25, as amended; and,

Whereas Council was presented with the Downtown Whitby BIA budget as prepared by the Board of Directors at the Committee of the Whole Meeting held on April 8, 2024; and,

Whereas in accordance with Subsection 205(2) of the Municipal Act, S.O. 2001, c 25, as amended the Council has approved this budget; and,

Whereas Subsection 208(1) of the Municipal Act, S.O. 2001, c 25, as amended provides that the municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management; and,

Whereas Subsection 208(2) of the Municipal Act, S.O. 2001, c 25, as amended provides that the municipality may establish a special charge for the amount referred to in subsection (1)

(a) by levy upon rateable property in the improvement area that is in a prescribed business property class; and,

Whereas Subsection 208(7) of the Municipal Act, S.O. 2001 c 25, as amended provides that charges levied under this section shall have a priority lien status and shall be added to the tax roll; and,

Whereas, Subsection 345 of the Municipal Act, S.O. c 25, as amended states that:

A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date.

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

1. General

- 1.1. For the year 2024, it shall levy upon the current value assessments, for the properties located within the BIA district, in the property classes set out in Schedule A, attached to and forming part of this by-law, the rates of taxation therein for its purpose.
- 1.2. That all taxes for the BIA purposes shall be payable in two instalments on June 24, 2024 and September 24, 2024. These dates are subject to

amendment by the Treasurer, if required, to meet statutory notice periods as required under the Act.

- 1.3. The penalty charge for non-payment of said taxes on or before the respective due date shall be at the rate of one and one quarter (1.25) per cent of the amount outstanding on the first day of default.
- 1.4. In addition, statutory interest at the rate of one and one quarter (1.25) per cent per month on any unpaid taxes shall be added on the first day of each calendar month until such taxes are paid in full.

2. Schedule(s)

- 2.1. Schedule "A" – 2024 BIA Tax Levy Rates

3. Effective Date

- 3.1. That the provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Attachment "A"**2024 Special Tax Levy for Downtown Whitby Business Improvement Area**

Tax Class	Assessment	Special (BIA) Tax Levy	Taxes by Class
CT - Commercial Full Rate	\$108,504,000	0.00183518	\$199,124.83
CU - Commercial Excess Land	\$0	0.00183518	\$0.00
CX - Commercial Vacant Land	\$1,511,000	0.00183518	\$2,772.96
DT - Office Full Rate	\$4,201,100	0.00183518	\$7,709.77
E - Exempt	\$21,314,200	0	\$0.00
CF - Commercial Full Rate (PIL)	\$5,093,500	0	\$0.00
GT - Parking Lots	\$2,835,000	0.00183518	\$5,202.74
IT - Industrial Full Rate	\$1,301,200	0.00256103	\$3,332.41
JT - New Industrial Full Rate	\$0	0.00256103	\$0.00
MT - Multi-Res - Full Rate	\$21,513,200	0	\$0.00
RT - Residential Full Rate	\$58,034,300	0	\$0.00
ST - Shopping Full Rate	\$1,284,500	0.00183518	\$2,357.29
XT - New Commercial Full Rate	\$0	0.00183518	\$0.00
	<u>\$225,592,000</u>		<u>\$220,500.00</u>



Town of Whitby

By-law # 8071-24

Zoning By-law Amendment

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

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #2585.

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

1. General

- 1.1. Schedule 'A' to By-law #2585 is hereby amended by changing the zoning from I and OS to R3-6, OS and OS-3 of the lands marked R3-6, OS and OS-3 shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law.
- 1.2. Subsection 10 (3) – Residential Type 3 Zone (R3) – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following exception:

Exception 6: (R3-6)

Block F, Plan 40M-1148

Draft Plan of Subdivision SW-2023-03

1. Defined Area

The lands located south of Palmerston Avenue and east of White Ash Drive and zoned R3-6 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 #2585.

2. Uses Permitted

No person shall within any R3-6 Zone use any lot or erect, alter, or use any building or structure for any purpose except one or more of the following uses:

- single detached dwelling
- semi-detached dwelling

3. Zone Provisions

No person shall within any R3-6 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 (Table 1) establishes the zone standards that apply to the R3-6 Zone.

Table 1: R3-5 Zone Standards

Building Type	Min. Lot Area	Min. Lot Frontage	Min. Front Yard	Min. Interior Side Yard	Minimum Exterior Side Yard	Min. Rear Yard	Minimum Front Yard Landscaped Open Space	Maximum Building Height
Single detached dwelling	330 m ²	11.0 m	3.0 m ⁽¹⁾	1.2 m & 0.6 m	3.0 m ⁽¹⁾	7.0 m ⁽³⁾	25%	3 storeys (4) (5)
Semi-detached dwelling	170 m ²	6.0 m	3.0 m ⁽¹⁾	0.6 m ⁽²⁾	3.0 m ⁽¹⁾	7.0 m ⁽³⁾	20%	3 storeys (4) (5)

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 where semi-detached dwellings on abutting lots share either a common wall or a connecting wall, no interior side yard shall be required in the yard with a common wall or connecting wall.
- (3) For lots 1-14 as shown on Schedule A-1 the OS-3 Zone shall be included in the calculation of minimum rear yard depth.
- (4) Except that the maximum building height for any dwellings on lots 1-16 as shown on Schedule A-1, which abut lots that front onto Sugar Maple Crescent and White Ash Drive, shall be two storeys.
- (5) Except that for any dwellings on lots 17-35 as shown on Schedule A-1 which abut onto Palmerston Park, any third storey component of a dwelling must be incorporated into the roof structure.

(b) Additional Provisions

- (i) The following provisions apply to both a single detached dwelling and a semi-detached dwelling unit.

(a) Decks, Porches, Steps, Patios and Balconies

Notwithstanding any provisions of subsection 6(23)(c) to the contrary, the following provisions shall apply:

- (i) Decks, porches and patios are permitted to project from the exterior wall of a dwelling unit provided they are set back a minimum distance of 1.5m from a street line.
- (ii) Steps are permitted to project provided they are set back a minimum distance of 0.4m from a street line.
- (iii) Decks and porches are permitted to project from the first storey of a dwelling a maximum distance of 3.5m from the rear main wall of a dwelling unit.
- (iv) Balconies are permitted to project from the second storey of a dwelling unit a maximum distance of 1.5m from the rear main wall of a dwelling unit.
- (v) Stairs to a deck or porch are permitted provided they are setback a minimum distance of 0.6m from an exterior side lot line, interior side lot line or rear lot line.

- (b) Set back to a Visibility Triangle
Minimum 0.6m

- (ii) The following provisions apply to semi-detached dwelling units.

(a) Common Wall or Connecting Wall Below Finished Grade Level

The semi-detached dwelling units on lots 1 to 11 as shown on Schedule A-1 shall only be attached by either a common wall or a connecting wall below finished grade level.

(b) Common Wall Above Finished Grade Level

The semi-detached dwelling units on Lots 12 to 16 and Lots 18 to 34 as shown on Schedule A-1 shall be attached by a common wall above finished grade level.

4. Zone Provisions that Do Not Apply

(b) The following subsections of By-law #2585 shall not apply to the lands zoned R3-6 by this By-law amendment:

- 6(2)(h) Satellite Dishes
- 6(18) Sight Triangles

5. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definitions shall apply and where there is a conflict between the definition set forth hereunder and those set forth in Section 2 of By-law #2585, the following definitions shall apply:

“Semi-Detached Dwelling” means a dwelling unit in a building that is divided vertically into two dwelling units that share either a common wall or a connecting wall.

“Wall, Common” means a vertical wall separating two dwelling units where such wall may extend either above or below the finished grade level and is mutual to both dwelling units.

“Wall Connecting” means a wall below finished grade level that connects two dwelling units either horizontally or vertically

- 1.3 Subsection 13(3) – Open Space Zone OS – Exceptions to By-law #2585, as amended, is hereby further amended by adding thereto the following Exception:

Exception 3 (OS-3)
Draft Plan of Subdivision SW-2023-03

1. Defined Area

The lands located south of Palmerston Avenue and east of White Ash Drive and zoned OS-3 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 #2585.

2. Uses Permitted

Notwithstanding any provisions of this By-law to the contrary, in any OS-3 Zone only the following uses shall be permitted:

- Passive recreational uses and activities that preserve and sustain the natural environment including the soil, topography, and existing mature trees. No accessory building, structure, swimming pool or similar use shall be permitted.

By-law read and passed this 29th day of April, 2024.

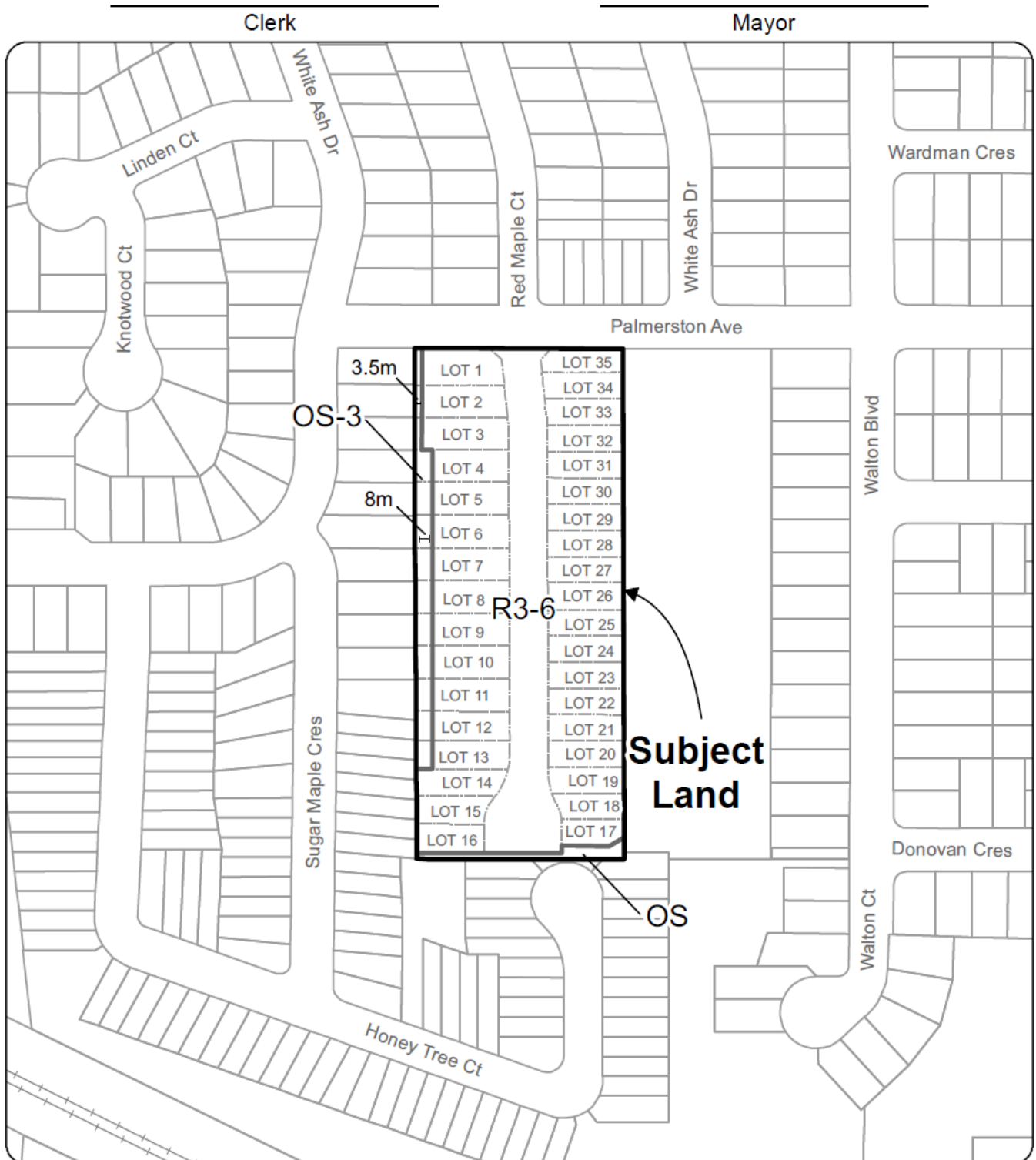
Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A-1

To By-law # 8071-24

This is Schedule A-1 to By-law # 8071-24 passed by the
Council of the Town of Whitby this 29th day of April, 2024.





Town of Whitby

By-law # 8072-24

Traffic By-law Amendment

Being a By-law to Amend 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.

Whereas the Council of The Corporation of the Town of Whitby has passed By-law # 8059-24 to regulate traffic and parking on highways in the Town of Whitby and considers it desirable to amend the provisions of the By-law;

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

1. General

- 1.1. That Schedule W, Community Safety Zones, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

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

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

Schedule W, Community Safety Zones, to By-law # 8059-24 is amended by deleting thereto the following:

Column 1 Highway	Column 2 Between	Column 3 Times or Days
Watson Street West	Victoria Street and Charles Street	Anytime

Table 1 - Schedule A, Community Safety Zones, to By-law 8059-24 deleting thereto

Schedule W, Community Safety Zones, to By-law # 8059-24 is further amended by adding thereto the following:

Column 1 Highway	Column 2 Between	Column 3 Times or Days
Watson Street	Victoria Street and Dufferin Street	Anytime

Table 2 - Schedule A, Community Safety Zones, to By-law 8059-24 adding thereto



Town of Whitby

By-law # 8073-24

Traffic By-law Amendment

Being a By-law to Amend 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.

Whereas the Council of The Corporation of the Town of Whitby has passed By-law # 8059-24 to regulate traffic and parking on highways within the Town of Whitby and considers it desirable to amend the provisions of the By-law;

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

1. General

- 1.1. That Schedule P, Maximum Rate of Speed, is hereby amended, as described in Schedule A hereto attached.

2. Effective Date

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

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule A

Schedule P, Maximum Rate of Speed, to By-law # 8059-24 is amended by adding thereto the following:

Column 1 Highway	Column 2 From	Column 3 To	Column 4 Maximum
Charles Street	Victoria Street	Front Street	40 km/h
Dufferin Street	Victoria Street	Front Street	40 km/h
Front Street	Charles Street	Dufferin Street	40 km/h
Galt Street	Watson Street	Grand Trunk Street	40 km/h
Harbour Street	Watson Street	South Terminus	40 km/h
Sobczak Drive	Dufferin Street	Watson Street	40 km/h
Watson Street	Victoria Street	Harbour Street	40 km/h

Table 1 - Schedule A, Maximum Rate of Speed, to By-law 8059-24 adding thereto



Town of Whitby

By-law # 8074-24

Amendment to ONE JIB Agreement and Approval of ONE JIB Records Retention By-law

Being a By-law to authorize, as a Participating Municipality, the approval of amendments to the ONE Joint Investment Board Agreement and the draft Records Retention By-law of ONE Joint Investment Board ("ONE JIB") in addition to the delegation to the Secretary of ONE JIB of the powers and duties in respect of ONE JIB's records as set out in the draft by-law.

Whereas the Municipality entered into the ONE Joint Investment Board Agreement with ONE JIB ("ONE JIB Agreement") pursuant to which ONE JIB agreed to invest the Municipality's money and investments that are not required immediately under section 418.1 of the Municipal Act, 2001 ("Act"); and,

Whereas ONE JIB is currently authorized to have ten members serve on its Board, two of which are municipal treasurers, but would like to increase that number to twelve so that it can strengthen the municipal finance knowledge of the Board by adding another municipal treasurer, while continuing to comply with the applicable legislation that limits the number of municipal treasurers who can serve on the Board to not more than 25% of its members; and,

Whereas the ONE JIB Agreement provides that Participating Municipalities representing at least 75% of the Participating Municipalities who are parties to the ONE JIB Agreement and who represent not less than 50% of the money and investments that are under the control and management of ONE JIB must approve ("Mandated Approval") the five matters described in subparagraphs (1) through (5) of paragraph (a) of section 12.02 of the ONE JIB Agreement being: (1) removal of any member of ONE JIB; (2) any increase in the size of ONE JIB, (3) any change relating to further authorizations (sub-delegations); (4) any change relating to section 7.03 of the ONE JIB Agreement that relates to municipal treasurers; and (5) any change to the amendment provisions of the ONE JIB Agreement; and,

Whereas it has been determined that the operations of ONE JIB and of its agent ONE Investment would be made more efficient if the Mandated Approval by the Participating Municipalities is no longer required in respect of the five matters described in the preceding recital and that instead the requirement for the Mandated Approval of the Participating Municipalities is restricted to amendments to the ONE JIB Agreement for which the Mandated Approval of the Participating Municipalities is required by applicable law; and,

Whereas ONE JIB as a local board of the Municipality has decided to pass a Records Retention By-law substantially in the form attached to this by-law as Schedule "A" ("Records Retention By-law"); and,

Whereas the Municipality, as an "affected municipality" under the Act, is authorized to establish retention periods during which the records of ONE JIB must be retained and preserved in accordance with the Act and may establish such retention periods by approving the Records Retention By-law; and,

Whereas the Municipality is authorized under section 23.1 of the Act to delegate its powers and duties, and ONE JIB has determined that delegating the powers and duties in respect of its records described in the Records Retention By-law to the ONE JIB Secretary is appropriate, the Municipality, as an affected municipality under the Act, may also authorize such delegation to the ONE JIB Secretary in accordance with the provisions of the Records Retention By-law.

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

1. General

- 1.1. The Municipality hereby approves the increased number of members to serve on the Board of ONE JIB to twelve.
- 1.2. The Municipality hereby approves the amendment of the ONE JIB Agreement to delete the required Mandated Approval by the Participating Municipalities in respect of the matters described in subparagraphs (1) through (5) of paragraph (a) of section 12.02 and related changes to the ONE JIB Agreement on the basis that the Mandated Approval by the Participating Municipalities will only be required for amendments to the ONE JIB Agreement in respect of which such approval is required by applicable law.
- 1.3. The Municipality hereby approves the Records Retention By-law thereby establishing retention periods during which the records of ONE JIB must be retained and preserved in accordance with the Act.
- 1.4. The Municipality hereby delegates to the Secretary of ONE JIB the necessary powers and duties in respect of the records of ONE JIB in accordance with the Records Retention By-law. The delegation of such powers and duties to the Secretary of ONE JIB will not be revoked prior to the end of the term of the current council of the Municipality but may be revoked at any time thereafter. However, the delegation remains in effect unless and until such revocation occurs.

By-law read and passed this 29th day of April, 2024.

Appendices

Appendix 1

ONE Joint Investment Board Records Retention By-law

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

ONE JOINT INVESTMENT BOARD

BY-LAW NO. XX

(NOTE: for consideration/adoption at Feb 28, 2024 ONE JIB Meeting)

A by-law to establish retention periods for records of ONE Joint Investment Board

WHEREAS ONE Joint Investment Board (the “Board”) is a local board within the meaning of the *Municipal Act, 2001* (the “Act”) for more than one municipality;

AND WHEREAS Section 254(1) of the Act provides that if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for retaining and preserving the records of the local board in a secure and accessible manner;

AND WHEREAS Section 254(2) of the Act provides that despite Section 254(1), a local board that has ownership and control of its records shall retain and preserve them in a secure and accessible manner;

AND WHEREAS Section 255(2) of the Act provides that a local board’s records may be destroyed if a retention period for the record has been established and the retention period has expired;

AND WHEREAS Section 255(4) of the Act provides that if a local board is a local board of more than one municipality, a majority of the affected municipalities may establish retention periods during which the records of the local board must be retained and preserved in accordance with Section 254;

AND WHEREAS ONE Investment, pursuant to section 2.3 (a) of a Services Agreement with the Board dated May 19, 2020 is responsible for the maintenance of proper and complete records in connection with the ONE Prudent Investment Program that is governed by the Board;

AND WHEREAS Section 23.1 of the Act provides that a municipality may delegate its powers to a person, subject to certain restrictions;

NOW THEREFORE the ONE Joint Investment Board hereby enacts as follows:

1. In this by-law:

“disposition” means the secure destruction of records;

“record” means any record of information, including a transitory record, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, metadata, any other documentary material regardless of physical form or characteristics, and any copy thereof; and
- (b) subject to any regulations under the *Municipal Freedom of Information and Protection of Privacy Act*, any record that is capable of being produced from a machine-readable record under the control of the Board by means of computer hardware and software or any other storage equipment ordinarily used by the Board;

“retention schedule” means the schedule prescribing retention periods for records set out in Schedule “A” to this by-law;

“Secretary” means the Board Secretary appointed by the Board, or designee;

“transitory record” means a record only having temporary value and that is not required for legal, financial, operational or official reasons, including:

- (a) miscellaneous notices or memoranda, including emails on minor administrative matters;
- (b) drafts of letters, memoranda or reports which do not record official positions or decisions;
- (c) duplicate copies of documents produced only for distribution or convenience, including multiple copies of reports, memoranda, agendas and minutes;
- (d) records of a personal nature not related to the Board’s business;
- (e) reference publications, including administrative manuals, directories, catalogues, newsletters, pamphlets and periodicals; and
- (f) unsolicited advertising, including brochures and flyers.

2. All staff who create records pertaining to the Board are responsible for the filing, retention, preservation and disposition of these records in accordance with this by-law.
3. Transitory records may be destroyed at any time. Where a record is destroyed upon expiry of the retention period described in Schedule "A" any corresponding transitory record shall also be destroyed.
4. Any record in a Class of Records set out in Schedule "A" shall be retained for the period set out opposite such Class and may thereafter be subject to disposition.
5. Any Board record relating to pending or actual litigation, investigation or a request under any access and privacy legislation shall not be destroyed until such record is no longer required for such purpose.
6. The Secretary, in consultation with the appropriate officials of ONE Investment, is responsible for establishing procedures for the retention and disposition of the Board's records, including but not limited to the establishment of archival appraisal and selection criteria, considering the legal, financial, operational and historical value of the records.
7. The Secretary is hereby delegated the authority to establish, in consultation with the appropriate officials of ONE Investment, Classes of Records and to amend any Classes of Records and retention periods set out in Schedule "A".
8. The Secretary is hereby authorized to amend Schedule "A" from time to time to reflect a decision made by the Secretary under section 7 of this by-law.
9. Schedule "A" is attached to and forms part of this by-law.
10. This by-law shall be known as the "Records Retention By-law".

ENACTED AND PASSED on February 28, 2024.

Board Chair

Board Secretary

Schedule “A” – ONE JIB Records Retention and Classification

NOTE: for consideration/adoption at February 28, 2024 ONE JIB Meeting

ONE Investment, pursuant to section 2.3 (a) of a Services Agreement with ONE Joint Investment Board (ONE JIB), dated May 19, 2020, is responsible for the maintenance of proper and complete records in connection with the ONE Prudent Investment Program that is governed by the Board.

CATEGORY: Finance	Notes	Classification	Retention
Auditor/Audit		F03 Agreements/Leases/Contracts	Termination plus 7 years
		F08 Financial Statements	15 years
		E13 Officers	7 years
Benchmarks for Prudent Investment Funds		F10 Investments	7 years
Chief Investment Officer		E13 Officers	7 years
Compliance Officer		E13 Officers	7 years
Compliance		F20 Compliance	7 years
External Fund Managers	More details under “Funds Operation”	F03 Agreements/Leases/Contracts	Termination plus 7 years
Financial Statements		F08 Financial Statements	15 years
Funds Operation	Sub-folder for each Fund Manager	F04 Banking	7 years
		F08 Financial Statements	15 years
		F10 Investments	7 years
Investment Allocation and Strategy		F10 Investments	7 years
Management Fees		F10 Investments	7 years
Meetings/Conferences		F19 Meetings/Conferences	2 years
Outcomes Framework		F10 Investments	7 years
Outsourced Chief Investment Officer	Agreement	F03 Agreements/Leases/Contracts	Termination plus 7 years
	Operations	F10 Investments	7 years
Participating Municipalities	Agreement	F03 Agreements/Leases/Contracts	Termination plus 7 years
	Operations	M00 Participating Municipalities subfolder for each of the ONE JIB investors	7 years
Securities		F21 Securities	7 years
Templates		A07 Policies and Procedures	Current version plus 2 years

CATEGORY: Administration, Governance and Membership	Notes	Classification	Retention
Administrative		A00 Administrative General	2 years
Annual Report		E01 Annual Report	Permanent
Board Chair		E12 Board Members	10 years
Board Governance Self Evaluation		E12 Board Members	7 years
Board Governance Training		E12 Board Members	7 years
Board Members		E12 Board Members	10 years
Board Secretary		E13 Officers	7 years
		A15 Access and Privacy (for any FOI)	7 years
Board Vice-Chair		E12 Board Members	10 years
Closed Meeting Investigator		E13 Officers	7 years
Code of Conduct		A07 Policies and Procedures	Current version plus 2 years
Committees		E04 Committee Agendas/Minutes	Permanent
Futures List		E03 Board and Executive Agenda Package	7 years
Integrity Commissioner		E13 Officers	7 years
Legal Opinions		A16 Legal Counsel/Opinions	Permanent
Meeting Schedules		E03 Board/Executive Agenda Package	7 years
ONE Investment		F03 Agreements/Leases/Contracts	Termination Plus 7 years
ONE JIB Agendas		E03 Board/Executive Agenda Package	Permanent
ONE JIB By- laws/Constitution		E07 Constitution/Bylaw	Permanent
ONE JIB Minutes		E02 Board and Executive Minutes	Permanent
Policies		A07 Policies and Procedures	Current version plus 2 years
Prospective Municipalities		M01 Prospective Municipalities	2 years
Skills Matrix		E12 Board Members	7 years
Strategic Planning/ Strategic Plan		E08 Organization/Strategic Plan	7 years

CATEGORY: Human Resources	Notes	Classification	Retention
Training, Development and Certification	For ONE JIB members and key ONE Investment staff	H06 Training and Development	5 years



Town of Whitby

By-law # 8075-24

Official Plan Amendment Number 134

Being a By-law to adopt Amendment Number 134 to the Official Plan of the Town of Whitby.

Whereas Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, provide that the Council of a municipality may by by-law adopt amendments to its Official Plan;

And whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend the Official Plan of the Town of Whitby;

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

1. General

- 1.1. Amendment Number 134 to the Official Plan of the Town of Whitby, attached as Schedule "A" to this By-law, is hereby adopted.
- 1.2. The Clerk of the Corporation of the Town of Whitby is hereby authorized and directed to forward to the Regional Municipality of Durham the documentation required by Regional By-law 11-2000 and Regional Procedure: Area Municipal Official Plans and Amendments, for exempt Official Plan Amendments.
- 1.3. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act.

By-law read and passed this 29th day of April 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Schedule 'A' to By-Law 8075-24

Amendment # 134 to the Town of Whitby Official Plan

Purpose:	The purpose of this Amendment to the Whitby Official Plan and the Port Whitby Community Secondary Plan is to increase the maximum permitted density on the subject lands from 300 units per hectare to 630 units per hectare.
Location:	The lands subject to the Amendment are generally located at the northeast corner of Byron St. S. and Victoria St. W., municipally known currently as 106 & 110 Victoria Street East (the "Subject Lands").
Basis:	<p>The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV- 33-22, OPA-2022-W/04), as submitted by KLM Planning Partners Inc., on behalf of Whitby-108 Victoria Inc-Orpheus Management Services Inc. The Amendment would permit an increase in the maximum permitted residential density on the subject lands from 300 units per hectare to 630 units per hectare, on the existing lot prior to any road widenings/site triangles, in order to permit the proposed development of an 18-storey mixed-use apartment building, containing a total of 238 rental apartments (including 30 affordable units), retail/office space at grade, and underground parking.</p> <p>The Amendment is consistent with the policies of the Provincial Policy Statement, in that it would provide increased and transit-supportive residential densities and intensification; takes advantage of existing infrastructure and public services facilities; and, supports active transportation and transit in the neighbourhood.</p> <p>The Amendment conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the policies of the Regional Official Plan, in that it would support increased housing supply and residential densities, take advantage of existing infrastructure; provides compact and pedestrian oriented development; and support active transportation and transit oriented development through intensification within a Protected Major Transportation Station Area (PMTSA) and Intensification Area.</p>

The Amendment for the proposed development meets the overall goals and intent of the Whitby Official Plan and Port Whitby Secondary Plan, by increasing residential density in the Major Transit Station Area and the Port Whitby Intensification Area, where such residential intensification is planned to occur. The subject lands are serviceable and suitable for the proposed use and would be compatible with the existing and designated uses of surrounding lands.

Development of the subject lands would be subject to the provisions in the implementing Zoning By-law and Site Plan approval.

Actual Amendment:	<p>The Town of Whitby Official Plan is hereby amended as follows:</p> <p>1) By amending the Port Whitby Secondary Plan, by adding the following new section:</p> <p>“11.1.11.5 Notwithstanding any other provisions of this Plan to the contrary, for lands municipally known as 106 and 110 Victoria Street West and identified by Assessment Roll #'s 18-09-030-012-07000-0000 and 18- 09-030-012-07100-0000, the maximum permitted residential density shall be 630 units per hectare.”</p>
Implementation:	<p>The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.</p>
Interpretation:	<p>The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply regarding this amendment.</p>



Town of Whitby

By-law # 8076-24

A By-law to extend the time to implement a new Administrative Penalty System By-law and Traffic By-law

Being a By-law to extend the effective date of Administrative Penalty By-law # 8056-24 and Traffic By-law # 8059-24.

Whereas at its meeting on March 18, 2024, the Council of The Corporation of the Town of Whitby adopted By-law # 8056-24, being a by-law to establish a system for Administrative Penalties in the Town of Whitby; and,

Whereas at its meeting on March 18, 2024, the Council of The Corporation of the Town of Whitby adopted By-law # 8059-24, being the Traffic By-law in the Town of Whitby; and,

Whereas the Town has experienced delays in undertaking the requisite steps to implement By-law # 8056-24 and By-law # 8059-24;

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

1. General

1.1. That Section 11.1 of By-law # 8056-24 be repealed and replaced with the following:

“11.1 This by-law shall come into force at 12:00 a.m. nine (9) calendar days after Council has received a Memorandum from the Commissioner of Legal and Enforcement Services through the Council Information Index advising that the Authorized Requester Information Services (“ARIS”) Agreement has been fully executed by the Town of Whitby and the Province of Ontario, or representative thereof.

11.2 The computation of time in this Section shall be in accordance with Subsection 89(3) of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F, as amended.”

1.2. That Article 31, Repeal and In-force Date of By-law 8059-24 be repealed and replaced with the following:

“Article 31

Repeal and In-force Date

31.1 Any by-law which was in effect in the Town on the date of passage of this bylaw which covers the same subject matter as this by-law shall remain in effect only for the purposes of the completion of any procedure that was commenced under that by-law and applicable legislation.

- 31.2 Subject to 31.1, the following by-laws shall be repealed at 11:59:59 p.m. eight (8) calendar days after Council has received a Memorandum from the Commissioner of Legal and Enforcement Services through the Council Information Index advising that the Authorized Requester Information Services ("ARIS") Agreement has been fully executed by the Town of Whitby and the Province of Ontario, or representative thereof:
- a) 1862-85, as amended;
 - b) 4084-97, as amended;
 - c) 7285-17; and,
 - d) 6887-14, as amended.
- 31.3 This by-law shall come into force and effect at 12:00:00 a.m. nine (9) calendar days after Council has received a Memorandum from the Commissioner of Legal and Enforcement Services through the Council Information Index advising that the Authorized Requester Information Services ("ARIS") Agreement has been fully executed by the Town of Whitby and the Province of Ontario, or representative thereof.
- 31.4 The computation of time in this Article 31 shall be in accordance with Subsection 89(3) of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F, as amended."

2. Effective Date

- 2.1. This by-law is effective upon the date it is adopted.

By-law read and passed this 29th day of April, 2024.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



To: Mayor and Members of Council

CC: Roger Saunders – Commissioner, Planning and Development
Peter Angelo – Director, Engineering
Tara Painchaud – Sr. Manager, Transportation Services

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

From: Francesco Santaguida – Commissioner, Legal and Enforcement Services/Town Solicitor

Date: April 29, 2024

File #: LS 04-24; By-law #8056-24;
By-law #8059-24

Subject: Extension of time to implement the new Administrative Penalty System By-law # 8056-24 (the “APS By-law”) and new Traffic By-law # 8059-24 (the “Traffic By-law”)

Enforcement Services has been working diligently to implement the new Administrative Penalty System (“**APS**”) for parking offences in the Town. There are a few outstanding administrative and technical tasks that staff are required to work through before the APS can be implemented.

These tasks include:

1. Acquiring new notices of offence (i.e., tickets) to reflect the APS,
2. Issuing an Expression of Interest for a Hearings Officer, and,
3. Executing an Authorized Requester Information Services Agreement (the “**ARIS Agreement**”) through the Ministry of Transportation.

Tasks 1 and 2 are underway, and we expect them to be completed by mid-May.

Task 3 may take additional time, as the ARIS Agreement is provided by the Ministry of Transportation, and the Town does not control when it will be executed. Town staff have

been in contact with Ministry staff and are working towards execution of the ARIS Agreement.

As a result, the Town Solicitor recommends that Council adopt the by-law to which this memorandum is attached to extend the time for the implementation of the new APS By-law and new Traffic By-law. The amending by-law allows for the coming into force and implementation of the new APS By-law and new Traffic By-law to be tied to the execution of the ARIS Agreement. Under the amending by-law, the Traffic and APS By-laws would come into force nine (9) days after a Council Information Index Memorandum from the Commissioner, Legal and Enforcement Services/Town Solicitor advising that the ARIS Agreement has been fully executed.

Nine (9) days after the memorandum will allow for the Traffic By-law and APS By-law to come into force at 12:00 a.m. on a Monday morning, which would help minimize disruption for residents, businesses, and operations. Importantly, it will also allow staff to communicate the change to APS to residents, businesses, and the public generally in advance of the by-laws coming into force.