



## Regular Council Meeting Agenda

May 16, 2022 – 7:00 PM

Hybrid Meeting  
Whitby Town Hall

Following the lifting of certain health regulations by the Ontario Government on March 21, 2022, 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. In-person attendance by the public is not permitted at this time, but is expected to resume in the near future. The meeting is available for viewing through the Town's live stream feed at [www.whitby.ca/livestream](http://www.whitby.ca/livestream).

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 the Office of the Town Clerk at [clerk@whitby.ca](mailto:clerk@whitby.ca) by noon on the day of the meeting. Written 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**, 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.

If you do not wish to participate, but wish to watch the meeting, it will be available for live viewing through the Town's live stream feed at [www.whitby.ca/livestream](http://www.whitby.ca/livestream).

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**Call to Order: The Mayor**

**Call of the Roll: The Clerk**

### 1. Declarations of Pecuniary Interest

### 2. Adoption of Minutes

- 2.1 Regular Council - April 11, 2022
- Special Council - April 25, 2022
- Special Council - May 2, 2022 (Confidential Minutes under separate cover)
- Special Council - May 9, 2022 (Confidential Minutes under separate cover)

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### 3. Presentations

- 3.1 Fred Martin  
Recognition: Retirement as Town Crier
- 3.2 Lindsay Blake  
Recognition: Volunteer Service
- 3.3 Gerry Moote, Inspector, Durham Regional Police Service (DRPS)  
Re: DRPS Update to Council

#### **4. Delegations**



- 4.1 Eric Saulesleja representing Triovest Realty Advisors Inc.  
Re: Planning and Development (Planning Services) Department Report, PDP 27-22  
Zoning By-law Amendment Application, Triovest Realty Advisors Inc., 4140 & 4150 Garden Street, File Number: DEV-01-22 (Z-01-22)

**Refer to Item 6.4, PDP 27-22**

#### **5. Correspondence**

- 5.1 That the following requests be endorsed:
  - VON Week - May 22 to 28, 2022
  - Pride Week - May 29 to June 5, 2022
  - Pride Week - Flag Raising - May 31 to June 4, 2022

Recommendation:

That the proclamations for VON Week and Pride Week, and the flag raising for Pride Week be endorsed.

#### **6. Committee of the Whole Report**

Planning and Development - May 2 and 9, 2022

- 6.1 Planning and Development (Planning Services) Department Report, PDP 24-22  
Re: Extension to Temporary Use Zoning By-law Amendment Application, Brooklin Northeast Developments CR Inc., Northeast Corner of Thickson Road North and Columbus Road East, File Number: DEV-11-22 (Z-09-22)

Recommendation:

1. That Council approve a Zoning By-law Amendment (Z-09-22) for the extension of a temporary use for an additional three year period; and,
2. That the Zoning By-law Amendment be brought forward for Council's consideration.

6.2 Planning and Development (Planning Services) Department Report, PDP 25-22

Re: Request from the Whitby Curling Club to Declare a Portion of the Town's Land as Part of the Bradley Drive Road Allowance to Facilitate a Proposed Development

Recommendation:

1. That Council approve Whitby Curling Club's request to declare a portion of the Town's land as part of the Bradley Drive road allowance, as identified in Report PDP 25-22;
2. That Council approve the lifting of a 0.3m reserve along the Bradley Drive road allowance, as identified in Report PDP 25-22; and,
3. That the by-laws to lift the 0.3m reserve and to dedicate the lands as part of the Bradley Drive road allowance be brought forward for consideration by Council.

6.3 Planning and Development (Planning Services) Department Report, PDP 26-22

Re: Extension to Draft Approved Plan of Subdivision, 3425 Coronation Developments Limited, File Number: (SW-2017-06)

Recommendation:

That Council approve the extension of the Draft Approved Plan of Subdivision (SW-2017-06) by an additional 3 years, to May 16, 2025.

6.4 Planning and Development (Planning Services) Department Report, PDP 27-22

Re: Zoning By-law Amendment Application, Triovest Realty Advisors Inc., 4140 & 4150 Garden Street, File Number: DEV-01-22 (Z-01-22)

Recommendation:

1. That Council approve a Zoning By-law Amendment (Z-01-22) to permit additional commercial uses on the subject land; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

6.5 Planning and Development (Planning Services) Department Report, PDP 28-22

Re: Official Plan and Zoning By-law Amendment Applications, 412 Dundas Developments Limited (Vaultra Storage), Block 270 on Plan 40M-2647, West Side of Des Newman Boulevard, File Numbers: DEV-10-21 (OPA-2021-W/04, Z-07-21)

Recommendation:

1. That Council approve Official Plan Amendment Number 125 to the Whitby Official Plan (File: OPA-2021-W/04), as shown on Attachment #7;
2. That a By-law to adopt Official Plan Amendment Number 125 be brought forward for consideration by Council;
3. That Council approve an amendment to Zoning By-law # 1784 (Z-07-21), as outlined in Report PDP 28-22; and,
4. That the Clerk forward a copy of Planning Report No. PDP 28-22, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Amendment Number 125 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

6.6 Planning and Development (Planning Services) Department Report, PDP 29-22

Re: Sign By-law Variance and Sign By-law Amendment to Permanent Sign By-law for Amica (Taunton) Whitby Inc., 85 Taunton Road East, File Numbers: SB-02-22, SBA-01-22

Recommendation:

That Council approve the request for a variance and an amendment to the Town of Whitby Permanent Sign By-law # 7379-18 for Amica (Taunton) Whitby Inc., located at 85 Taunton Road East.

6.7 Planning and Development (Planning Services) Department Report, PDP 30-22

Re: Renewal of Sewage System Management Agreement

Recommendation:

1. That Council approve the renewal of an agreement with the Regional Municipality of Durham to delegate responsibilities under the Building Code Act with respect to private sewage systems with capacity of 10,000 litres or less per day;
2. That the Commissioner of Planning and Development be authorized to execute the agreement on behalf of the Town of Whitby; and,
3. That the authority to execute subsequent renewals of the Sewage System Management Agreement be delegated to the Commissioner of Planning and Development.

6.8 Planning and Development (Engineering Services) Department Report, PDE 05-22

Re: 2022 Lynde Creek Master Drainage Plan Update

Recommendation:

1. That the Planning and Development Report PDE 05-22 Lynde Creek Master Drainage Plan Update be received for information;
2. That the Final Environmental Study Report be filed in accordance with the Municipal Class EA process and be made available for agency and stakeholder review;
3. That staff advise Council if there are any significant comments or concerns following the public consultation; and,
4. That staff continue to develop and refine the implementation plan for the recommended projects and refer future departmental work plans, asset management plans and budgets for Council's consideration.

## **7. Committee of the Whole Report**

General Government - May 2 and 9, 2022

- 7.1 Financial Services Department Report, FS 32-22  
Re: Building Permit Fees Annual Financial Report 2021

Recommendation:

That Report FS 32-22 regarding Building Permit Fees Annual Financial Report 2021 be received as information.

- 7.2 Correspondence # 2022-247 received from Mayor Dan Carter, City of Oshawa dated April 7, 2022 regarding an Update on the Establishment of Noise Abatement Procedures and Restrictions for Oshawa Executive Airport under the Transport Canada Aviation Advisory Circular, and Correspondence # 2022-250 received from M. Medeiros, City Clerk, City of Oshawa dated April 8, 2022 regarding Proposed Noise Abatement Procedures for the Oshawa Executive Airport (Ward 2)

Recommendation:

1. That Correspondence # 2022-247 received from Mayor Dan Carter, City of Oshawa dated April 7, 2022 regarding an Update on the Establishment of Noise Abatement Procedures and Restrictions for Oshawa Executive Airport under the Transport Canada Aviation Advisory Circular, and Correspondence # 2022-250 received from M. Medeiros, City Clerk, City of Oshawa dated April 8, 2022 regarding Proposed Noise Abatement Procedures for the Oshawa Executive Airport (Ward 2) be received for information;
2. That Council requests that Transport Canada approve the Proposed Noise Abatement Procedures for the Oshawa Executive Airport submitted by the Airport Manager on behalf of the City of Oshawa; and,

3. That this resolution be forwarded to the Minister of Transport Canada, all Oshawa and Whitby MPs and MPPs, the City of Oshawa, and the Regional Municipality of Durham.

7.3 Planning and Development (Engineering Services) Department and Financial Services Department Joint Report, FS 23-22  
Re: T-13-2022 - DeHart Bridge Rehabilitation

Recommendation:

1. That Tender T-13-2022 be awarded to 2274084 ONTARIO LTD o/a GMP Contracting, for the rehabilitation of DeHart Bridge, in the amount of \$448,377.25 (plus applicable taxes), to be funded from the capital project listed in Table 2 of Report FS 23-22;
2. That the revised cost estimates totaling \$814,231 for the DeHart Bridge rehabilitation as outlined in Table 1 of Report FS 23-22, be approved;
3. That the budget shortfall in the amount of \$164,231 be funded from the Canada Community Building Reserve Fund; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

7.4 Community Services Department and Financial Services Department Joint Report, FS 30-22  
Re: Recommendation to Award Civic Recreation Complex (CRC) Renovations Provisional Items for Aquatics Hall Works

Recommendation:

1. That the proposed Civic Recreation Complex (CRC) Renovations Provisional items "C" and "D" for Aquatics Hall work identified in Tender T-1-2022, in the amount of \$370,000 (plus HST), be awarded to Steelcore Construction Ltd.;
2. That the revised scope and revised cost estimate for capital project #71201031 - CRC Pool Area Wall and Ceiling Refinish, in the amount of \$370,000, as outlined in report FS 30-22 be approved; and,
3. That the budget shortfall in capital project #71201031, in the amount of \$307,000, be funded from the Asset Management Reserve Fund.

7.5 Financial Services Department Report, FS 29-22  
Re: Update on Property Tax Assessment Appeals and Adjustments

Recommendation:

That Report FS 29-22 be received as information.

7.6 Financial Services Department Report, FS 34-22

Re: 2021 Year End Operating Variances and 2022 Year End Projection  
as at March 31

Recommendation:

1. That report FS 34-22 regarding 2021 Year End Operating Variances and 2022 Year End Projection as at March 31 be received;
2. That the 2021 surplus Engineering Fee revenues in the amount of \$509,720 be transferred from the Long Term Finance Reserve to the Engineering Development Fee Reserve; and,
3. That the 2021 surplus Planning Fees revenues in the amount of \$931,465 be transferred from the Long Term Finance Reserve to the Planning Development Fee Reserve.

7.7 Financial Services Department Report, FS 33-22

Re: Annual Statement of Development Charge and Parkland Dedication  
Cash-in-Lieu Reserve Funds as of December 31, 2021

Recommendation:

That Report FS 33-22, the Annual Statement of Development Charge and  
Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31,  
2022 be received as information.

7.8 Financial Services Department Report, FS 17-22

Re: 2021 Annual Investment Report

Recommendation:

1. That Report FS 17-22, 2021 Annual Investment Report and Review and Update of Investment Policy Statement, be received;
2. That Investment Policy F 100 attached as Appendix C to report FS 17-22, be approved by Council; and,
3. That the Treasurer be directed to sign a copy of the Investment Policy F 100 to indicate Council's approval and to forward a copy of this Policy to the ONE Joint Investment Board.

7.9 Office of the Chief Administrative Officer Report, CAO 11-22

Re: 2022–2025 Whitby Tourism Strategy

Recommendation:

1. That Report CAO 11-22 be received for information;
2. That Council endorse the 2022 – 2025 Whitby Tourism Strategy as outlined in Attachment 1 to Report CAO 11-22; and,
3. That a copy of the approved Whitby Tourism Strategy be circulated by Events staff to stakeholders and partners once adopted by Council.

7.10 Office of the Chief Administrative Office Report, CAO 12-22  
Re: Strategic Initiatives Restructuring

Recommendation:

That the budget and approved full-time position for the vacant Senior Manager of Community Advancements position be removed and funds be re-allocated to the following two new full-time positions: a Coordinator of Climate Change and a Coordinator of Culture & Tourism within the Strategic Initiatives Division.

7.11 Office of the Town Clerk Report, CLK 02-22  
Re: Board and Advisory Committee Streamlining and 2022-2026 Recruitment Schedule

Recommendation:

1. That Council authorize the establishment of a Municipal Licensing and Standards Committee to replace the Property Standards Appeal Committee and Animal Services Appeal Committee for the 2022-2026 Term and approve the Terms of Reference for the Municipal Licensing and Standards Committee appended to this Report as Attachment 1;
2. That Council direct the Clerk to bring forward administrative amendments to Town by-laws to replace references to the Property Standards Appeal Committee or Animal Services Appeal Committee (as the case may be) with the Municipal Licensing and Standards Committee;
3. That Council direct the Clerk to bring forward a by-law to amend Business Licensing By-law # 5545-04 to indicate that appeals for refusal to issue a licence under the by-law will be heard by the Municipal Licensing and Standards Committee;
4. That Council direct the Clerk to bring forward a by-law to set remuneration for the Municipal Licensing and Standards Committee at \$100 per meeting attended plus applicable mileage associated with site visits;
5. That Council direct the Clerk to amend the Terms of Reference for the Accessibility Advisory Committee and the Diversity and Inclusion Advisory Committee to increase the frequency of joint meetings between the Committees to two times each year for the 2022-2026 Term;
6. That Council authorize the disbanding of the Whitby in Bloom Committee and endorse the transition of the Committee's functions to the Town's Event Volunteer Program; and,
7. That Council direct the Clerk to amend Boards and Committees Policy G 030 to provide delegated authority to the Clerk to update



the Terms of Reference for Advisory Committees to reflect each Committee's preference for virtual, hybrid, or in-person meetings.

- 7.12 Office of the Town Clerk Report, CLK 03-22  
Re: 2023 Council and Standing Committees Calendar

Recommendation:

That Council approve the 2023 Council, Committee, and Public Meeting Schedule appended as Attachment 1 to this report.

- 7.13 Fire and Operational Services (Fire and Emergency Services)  
Department Report, FOS(FES) 02-22  
Re: Report and Recommendations of Changes to the Bylaw to Regulate the Sales and Discharge of Fireworks

Recommendation:

1. That Council extend the 2021 by-law exemption to allow Consumer grade fireworks to be used as part of Diwali celebrations on October 24, 2022 without the requirement to obtain a permit; and,
2. That Council direct staff to review By-law # 6339-10, in consideration of the Connect Whitby fireworks public survey results, and provide recommendations in the first quarter of 2023 for further revisions to the by-law.

For information only - Committee of the Whole Minutes of May 2, 2022 and May 9, 2022.

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## **8. Notice of Motion**

## **9. New and Unfinished Business**

## **10. By-Laws**

That the following by-laws be passed:

- |      |   |         |
|------|---|---------|
| 10.1 | By-law # 7888-22, being a by-law to amend Procedure By-law # 7462-18 to allow Members of Council to participate electronically at meetings. | 78 - 79 |
| 10.2 | By-law # 7889-22, being a by-law to Amend the Public Parks and Park Buildings By-law # 7419-18.   | 80 - 81 |
| 10.3 | By-law # 7890-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.                        | 82 - 83 |

Refer to PDP 24-22, Extension to Temporary Use Zoning By-law Amendment Application - Brooklin Northeast Developments CR Inc. - File No. DEV-11-22 (Z-09-22) Northeast corner of Thickson Road North and Columbus Road East

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10.4 By-law # 7891-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.  Refer to PL 69-21, Draft Plan of Subdivision and Zoning By-law Amendment Applications, Winash Developments Limited, 5380, 5505 and 5605 Baldwin Street South and other unaddressed Baldwin Street South properties, File Nos. DEV-12-20 (SW-2020-05, Z-10-20)	84 - 103
10.5 By-law # 7892-22, being a by-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.  Refer to PDP 27-22, Zoning By-law Amendment Application, Triovest Realty Advisors Inc., 4140 & 4150 Garden Street, File No. DEV-01-22 (Z-01-22)	104 - 106
10.6 By-law # 7893-22, being a by-law to provide for the remuneration of members of the Municipal Licensing and Standards Committee.  Refer to CLK 02-22, Board and Advisory Committee Streamlining and 2022-2026 Recruitment Schedule	107 - 108
10.7 By-law # 7894-22, being a by-law to amend Permanent Sign By-law # 7379-18.  Refer to PDP 29-22, Sign By-law Variance and Sign By-law Amendment to Permanent Sign By-law for 85 Taunton Road East (Amica (Taunton) Whitby Inc.) – File Nos. SB-02-22, SBA-01-22	109 - 110
10.8 By-law # 7895-22, being a by-law to amend Property Standards By-law # 6874-14, as amended.  Refer to CLK 02-22, Board and Advisory Committee Streamlining and 2022-2026 Recruitment Schedule	111 - 112
10.9 By-law # 7896-22, being a by-law to amend Responsible Pet Ownership By-law # 7294-17, as amended.  Refer to CLK 02-22, Board and Advisory Committee Streamlining and 2022-2026 Recruitment Schedule	113 - 114
10.10 By-law # 7897-22, being a by-law to amend Business Licensing By-law # 5545-04, as amended.  Refer to CLK 02-22, Board and Advisory Committee Streamlining and 2022-2026 Recruitment Schedule	115 - 116

- 10.11 By-law # 7898-22, being a by-law to dedicate Part 3 on Plan 40R-30953 as a Public Highway (Mary Street East). 117



- 10.12 By-law # 7899-22, being a by-law to adopt Amendment Number 125 to the Official Plan of the Town of Whitby. 118 - 120

Refer to PDP 28-22, Official Plan and Zoning By-law Amendment Applications – 412 Dundas Developments Limited (Vaultra Storage) – Block 270 on Plan 40M-2647 (West Side of Des Newman Boulevard), Town File Nos. DEV10-21 (OPA-2021-W/04, Z-07-21)



- 10.13 By-law # 7900-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby. 121 - 124

Refer to PDP 28-22, Official Plan and Zoning By-law Amendment Applications – 412 Dundas Developments Limited (Vaultra Storage) – Block 270 on Plan 40M-2647 (West Side of Des Newman Boulevard), Town File Nos. DEV10-21 (OPA-2021-W/04, Z-07-21)

That leave be granted to introduce By-laws # 7888-22 to # 7900-22 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.

## 11. Closed Session

In accordance with Procedural By-law #7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2) (c) a proposed or pending acquisition or disposition of land by the municipality or local board, parts of this meeting may be closed to the public.

- 11.1 Confidential Financial Services Department and Legal and Enforcement Services Joint Report, FS 37-22  
Re: Proposed Lease of 128 Brock Street South

## 12. Rising and Reporting

## 13. Confirmatory By-Law

- 13.1 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 May 16, 2022 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.

**14. Adjournment**

Regular Council Minutes  
April 11, 2022 - 7:00 PM  
Council Chambers  
Whitby Town Hall

**Present:**

Mayor Mitchell  
Councillor Drumm (Participating Electronically)  
Councillor Leahy  
Councillor Lee (Participating Electronically)  
Councillor Mulcahy (Participating Electronically)  
Councillor Newman  
Councillor Roy  
Councillor Shahid (Participating Electronically)  
Councillor Yamada

**Also Present:**

M. Gaskell, Chief Administrative Officer  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
D. Speed, Head of Operations & Fire Chief  
F. Wong, Commissioner of Financial Services/Treasurer  
S. Klein, Director of Strategic Initiatives  
H. Ellis, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
L. MacDougall, Temporary Legislative Specialist (Recording Secretary)

**Regrets:**

None noted

1. Declarations of Pecuniary Interest
  - 1.1 There were no declarations of pecuniary interest.
2. Adoption of Minutes
  - 2.1 Special Council - March 7, 2022  
Regular Council - March 7, 2022

Special Council - April 4, 2022

### **Resolution # 80-22**

Moved By Councillor Drumm  
Seconded by Councillor Yamada

That the Regular Council minutes of March 7, 2022 and the Special Council minutes of March 7, and April 4, 2022 be adopted.

### **Carried**

#### **3. Presentations**

##### **3.1 Katherine Rogers**

Award/Recognition: Heroic efforts in 2021 snow clearing incident at Julie Payette Public School

Mayor Mitchell attended the dais and was joined by Councillor Newman. Katherine Rogers was welcomed onto the dais, along with members of her family, and was recognized for her heroic efforts during a snow clearing incident that occurred on February 16, 2021 at Julie Payette Public School in Whitby.

##### **3.2 Clint Scott and Colin Thomson, PARA Marine Search and Rescue**

Re: 2021 Annual Report

Clint Scott, PARA Marine Search and Rescue, appeared before Council and provided a PowerPoint presentation regarding:

- PARA's history and strategic plan including their vision, mission, and values;
- PARA'S five-year business plan including strengthening the organization, developing their crews, ensuring search and rescue readiness, and planning for the future;
- organizational changes in 2021 including an expanded Board of Directors to include representatives from the Town of Whitby and the business community;
- the number of volunteers that serve with PARA, how volunteers are trained, and details about their

partnerships with the Durham Regional Police Service, Toronto Police Service, the Town of Whitby, the Town of Ajax, the City of Pickering, the Royal Canadian Air Force, the Canadian Coast Guard, and the Joint Rescue Coordination Centre;

- details about PARA's financial strength and sustainability including how they were funded, other income for services, and donations in kind;
- statistics on the number of rescues conducted in past seasons, noting an increase in rescues in both 2020 and 2021;
- details about PARA'S readiness and availability, the number of hours of search and rescue service, and the decrease in response time;
- the locations where PARA was deployed for rescues during the past couple of years;
- planning for a replacement rescue vessel within the next 5 to 10 years, the estimated replacement cost of between \$1,500,000 and \$2,000,000, and the future addition of a vessel with a near shore operating capability; and,
- a brief video highlighting PARA'S re-branding efforts.

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

- whether the increase in the number of participants in water based activities and the related increase in rescues was attributed to the COVID-19 pandemic;
- the number of active volunteers, details about the volunteer recruitment process, and the number of search and rescue vessels;
- PARA's response time from Pickering to Oshawa in connection with the incident involving children in an inflatable device that was blown off shore;
- whether PARA services Oshawa in addition to Whitby, Ajax, and Pickering;
- how the proposed replacement vessel would be funded;
- whether PARA was a not-for-profit organization, opportunities for partnerships with municipalities and/or emergency services for potential Provincial or Federal funding, and opportunities for discussion with the Durham Regional Police Service about their vessel; and,
- the amount of the grant received from the Region of Durham and whether there have been annual

increases in the amount of the grant.

#### 4. Delegations

- 4.1** Cheryl Shindruk and Matthew Cory representing 2569565 Ontario Inc. c/o Geranium Corporation  
Re: Planning and Development (Planning Services)  
Department Report, PDP 21-22  
Draft Plan of Subdivision and Zoning By-law Amendment Applications, Malone Given Parsons on behalf of Geranium Corporation, 6760 and 6900 Baldwin Street North, File Numbers: DEV-07-21 (SW-2021-02, Z-04-21) - Revised

#### **Refer to Item 6.5, PDP 21-22**

Cheryl Shindruk and Matthew Cory, representing 2569565 Ontario Inc. c/o Geranium Corporation, advised that they were in support of the Staff recommendation and the implementation of the Zoning By-law Amendment listed as Item 10.13 on the Council agenda. Ms. Shindruk stated that the planning instruments reflect the efforts of their team working with Town Staff, the review agencies, and the residents of Camber Court to bring the vision of the Brooklin Secondary Plan to fruition, noting the principles of mixed-use and pedestrian oriented neighbourhoods offering a variety of housing options. Ms. Shindruk stated that the proposed development had evolved in response to comments from Town Staff and their neighbours since the submission of the applications in February 2021, and the May 31, 2021 Public Meeting, noting that they were pleased to have their support for the Draft Plan of Subdivision and Zoning By-law Amendment. She advised that the landscape and fence buffer along and between the proposed development and Camber Court was of the utmost importance to the residents of Camber Court, noting that they continue to work with Staff and their neighbours to expedite this work in the spring. She advised that they were working on the submission of the Site Alteration Permit Application to secure the required permit for site remediation in order for the remedial work to commence in the spring. Ms. Shindruk requested Council's approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications.

A brief question and answer period ensued between Members of Council, Ms. Shindruk, and Mr. Cory regarding expediting the landscape buffer and the planting of above-standard trees.



### 5. Correspondence

#### 5.1 That the following requests be endorsed:

- Guillain-Barre Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy Awareness Month - May 2022
- Maternal Mental Health Week - May 2 to 8, 2022
- Apraxia Awareness Day - May 14, 2022
- International Day Against Homophobia, Transphobia and Biphobia - May 17, 2022
- International Day Against Homophobia, Transphobia and Biphobia - Flag Raising - May 17 to 21, 2022
- Bike Month - June 2022
- Longest Day of SMILES® - June 19, 2022

#### **Resolution # 81-22**

Moved By Councillor Shahid  
Seconded by Councillor Roy

That the proclamations for Guillain-Barre Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy Awareness Month, Maternal Mental Health Week, Apraxia Awareness Day, International Day Against Homophobia, Transphobia and Biphobia, Bike Month, and Longest Day of SMILES® and the flag raising for International Day Against Homophobia, Transphobia and Biphobia be endorsed.

#### **Carried**

### 6. Committee of the Whole Report Planning and Development - March 28, 2022 and April 4, 2022

- #### 6.1 Planning and Development (Planning Services) Department Report, PDP 17-22
- Re: Draft Plan of Condominium Application, Acorn Taunton Whitby Inc. (Block 121, Plan 40M-2313), 665 Taunton Road East, File Number: CW-2021-05

#### **Resolution # 82-22**

Moved By Councillor Newman

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Condominium (CW-2021-05), subject to the comments included in Planning Report PDP 17-22 and the conditions of draft plan approval included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject land; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development, at the Region of Durham, of Council's decision.

**Carried**

- 6.2** Planning and Development (Planning Services) Department Report, PDP 18-22  
Re: Sign By-law Variance to Permanent Sign By-law for 1801 Dundas Street East (RioCan), File Number: SB-07-21

**Resolution # 83-22**

Moved By Councillor Newman  
Seconded by Councillor Leahy

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for RioCan, located at 1801 Dundas Street East.

**Carried**

- 6.3** Planning and Development (Planning Services) Department Report, PDP 19-22  
Re: Sign By-law Variance to Permanent Sign By-law for 5185 Garrard Road (Garrard Limited Partnership), File Number: SB-01-22

**Resolution # 84-22**

Moved By Councillor Newman  
Seconded by Councillor Leahy

That Council approve the request for a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Garrard Limited Partnership, located at 5185 Garrard Road.

**Carried**

- 6.4** Planning and Development (Planning Services) Department Report, PDP 20-22  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Winash Developments Limited (Phase 2), 145 Winchester Road West, File Numbers: DEV-23-21 (SW-2021-07, Z-13-21)

**Resolution # 85-22**

Moved By Councillor Newman  
Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-07), subject to the comments included in Planning Report PDP 20-22 and the conditions of draft plan approval included in Attachment #12;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision;
5. That Council approve the amendment to Zoning By-law # 1784 (File Number: Z-13-21), as outlined in Planning Report PDP 20-22; and,
6. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

**Carried**

- 6.5** Planning and Development (Planning Services) Department Report, PDP 21-22  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Malone Given Parsons on behalf of Geranium Corporation, 6760 and 6900 Baldwin Street North, File

Numbers: DEV-07-21 (SW-2021-02, Z-04-21) - Revised

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

- confirmation that the trees for the landscape buffer would be the size and type agreed upon during discussions between the residents of Camber Court and the developer, and that the matter of the treed buffer would be expedited;
- confirmation that the treed buffer would be planted on Town property, and the rationale for the Letter of Undertaking and the extended warranty on the trees;
- whether the Town would have a use for the property should it not be used for the landscape buffer; and,
- whether there were any anticipated concerns related to the landscape buffer or warranty on the trees.

### **Resolution # 86-22**

Moved By Councillor Newman

Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2021-02), subject to the comments included in Planning Report PDP 21-22 (Revised) and the Conditions of Draft Approval included in Attachment #12;
2. That Council approve an amendment to Zoning By-law # 1784 (File Number: Z-04-21), as outlined in Planning Report PDP 21-22;
3. That Staff be authorized to prepare a Subdivision Agreement;
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**

- 6.6** Planning and Development (Planning Services) Department Report, PDP 22-22  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Abacus Equity Infusion Limited, 7400 Thickson Road North, File Numbers: DEV-03-20 (SW-2020-01, Z-02-20)

### **Resolution # 87-22**

Moved By Councillor Newman  
Seconded by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2020-01), subject to the comments included in Planning Report PDP 22-22 and the Conditions of Draft Approval included in Attachment #10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision;
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision;
6. That Council approve an amendment to Zoning By-law # 1784 (File Z-02-20), as outlined in Planning Report PDP 22-22;
7. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council,
8. That item number MD-6135 be removed from the New and Unfinished Business list; and,
9. That the delegated authority for site plan approval for the high density/mixed use block (Block 299) be rescinded.

### **Carried**

- 6.7** Planning and Development (Engineering Services) Department Report, PDE 08-22  
Re: Memorandum of Understanding with the Region of Durham for Development at 270 Water Street

A brief question and answer period ensued between Members of Council and Staff regarding the timeline for discussions on cost sharing arrangements between the Region and the Town.

A brief discussion ensued between Members of Council and Staff regarding the modifications to the original proposal, and the Region's commitment for this project to be an asset on Whitby's waterfront.

### **Resolution # 88-22**

Moved By Councillor Newman  
Seconded by Councillor Leahy

1. That Council approve in principle, the Memorandum of Understanding (MOU) between the Region of Durham and the Town of Whitby related to proposed development at 270 Water Street, as provided in Attachment 2 to Report PDE 08-22; and,
2. That the Mayor and the Clerk be authorized to sign any necessary documents.

### **Carried**

- 6.8** Planning and Development (Planning Services) Department Report, PDP 23-22  
Re: Envision Durham - Growth Management Study - Alternative Land Needs Scenarios Assessment Summary Report

Discussion ensued between Members of Council regarding:

- concerns about the impact of the Community Area Land Need Assessment on Whitby's development boundary;
- the establishment of the built boundary in 2006, the challenges associated with the ratio of the number of units built in the designated Greenfield Area versus the existing development boundary, and the resulting intensification within existing older neighbourhoods;
- the undertaking of the Mature Neighbourhoods Study to protect existing neighbourhoods from excessive intensification;
- intensification in mature neighbourhoods and historic

- areas of Whitby and expanding the existing development boundary;
- the Envision Durham - Growth Management Study setting the direction of growth in Durham Region from 2031 to 2051;
- the proposed population and the number of jobs created in Durham Region by 2051;
- the protection of the Town's vibrancy, identity, heritage and safety in relation to the significant rate of residential and commercial intensification proposed within the Community Area Land Need Assessment;
- the percentage of the number of high density units approved by Whitby Council over the last 10 years versus the percentage of the number of permits issued for high density units; and,
- the acceptability of a medium density type of housing in existing neighbourhoods and whether hyper-intensification would actually assist in resolving the housing shortage.

Moved By Councillor Newman  
Seconded by Councillor Leahy

1. That Report PDP 23-22 be endorsed as the Town's comments on the Envision Durham – Growth Management Study – Release of Alternative Land Need Scenarios Assessment Summary Report # 2022-INFO-19 [Region of Durham File D-01]; and,
2. That the Clerk forward a copy of Report PDP 23-22 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

**Carried later in the meeting. (See following motion)**

Moved By Mayor Mitchell  
Seconded By Councillor Newman

That the main motion be amended by including Item 2 as follows, and that the remaining item be renumbered accordingly:

2. That the Built Boundary, which was established in 2006, be expanded/adjusted proportionate to any greenfield expansion to ensure that intensification within the Built

Boundary is reasonable and respectful to the historic areas and mature neighbourhoods within the existing Built Boundary;

**Carried**

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

**Resolution # 89-22**

Moved By Councillor Newman

Seconded by Councillor Leahy

1. That Report PDP 23-22 be endorsed as the Town's comments on the Envision Durham – Growth Management Study – Release of Alternative Land Need Scenarios Assessment Summary Report # 2022-INFO-19 [Region of Durham File D-01];
2. That the Built Boundary, which was established in 2006, be expanded/adjusted proportionate to any greenfield expansion to ensure that intensification within the Built Boundary is reasonable and respectful to the historic areas and mature neighbourhoods within the existing Built Boundary; and,
3. That the Clerk forward a copy of Report PDP 23-22 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

**Carried**

7. Committee of the Whole Report  
General Government - March 28, 2022 and April 4, 2022

- 7.1 Correspondence # 2022-133 received by C. Harris, Town Clerk, from John Semjan dated February 28, 2022 regarding Dry Saw Cutting Asphalt, Stone, and Concrete on Residential Home Improvement Projects

A brief discussion ensued between Members of Council regarding providing the resident an opportunity to address Council when the report was presented.



Moved By Councillor Lee  
Seconded by Councillor Mulcahy

1. That Correspondence # 2022-133 received by C. Harris, Town Clerk, from John Semjan dated February 28, 2022 regarding Dry Saw Cutting Asphalt, Stone, and Concrete on Residential Home Improvement Projects be received for information; and,
2. That Council shall direct staff to further investigate and research to determine best practices in neighbouring municipalities and report back to Council through a memo on the merits and financial implications of a residential construction dust permit system.

**Carried later in the meeting. (See following motion)**

Moved By Councillor Drumm  
Seconded by Councillor Leahy

That Item 2 of the main motion be amended by replacing the word 'memo' with the word 'report'.

**Carried**

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

**Resolution # 90-22**

Moved By Councillor Lee  
Seconded By Councillor Mulcahy

1. That Correspondence # 2022-133 received by C. Harris, Town Clerk, from John Semjan dated February 28, 2022 regarding Dry Saw Cutting Asphalt, Stone, and Concrete on Residential Home Improvement Projects be received for information; and,
2. That Council shall direct staff to further investigate and research to determine best practices in neighbouring municipalities and report back to Council through a report on the merits and financial implications of a residential construction dust permit system.

**Carried**

- 7.2** Financial Services Department Report, FS 24-22  
Re: 2021 Remuneration and Expenses for Members of  
Council and Council Appointees to Boards

**Resolution # 91-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

That Report FS 24-22 regarding 2021 Remuneration and  
Expenses for Members of Council and Council Appointees to  
Boards be received for information.

**Carried**

- 7.3** Office of the Chief Administrative Officer and Financial  
Services Department Joint Report, CAO 09-22  
Re: Celebration Square Placemaking Budget

**Resolution # 92-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

That Council approve a new 2022 capital project, in the  
amount of \$155,400, for Celebration Square Placemaking  
(capital project 70222023) funded \$116,550 from a grant and  
\$38,850 from the Long Term Finance Reserve.

**Carried**

- 7.4** Virtual Attendance at Council and Committee Meetings by  
Members of Council

**Resolution # 93-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

Whereas the pandemic has shown how we can operate

virtually at Council and has provided efficiencies for Councillors and meetings;

Whereas the Town has the necessary technology in place to allow for virtual and hybrid meetings and has successfully ran virtual meetings for the past two years;

Whereas Regional Council currently has the option for Councillors to meet virtually should they choose at meetings; and,

Whereas the public and delegations already have and will continue to have the option to meet virtually moving forward at meetings.

Now therefore be it resolved:

1. That the Clerk be directed to bring forward a by-law to amend the Procedure By-law to allow Council Members to continue to meet virtually at Committee and Council meetings;
2. That the Office of Town Clerk provide a memo on the process, timeline and cost for full or partial video upgrade for live streaming Standing Committee and Council meetings; and,
3. That Staff report to Council on the effectiveness of hybrid meetings by the end of Q2 2022.

**Carried**

### **7.5 Humanitarian Aid Efforts for Ukraine**

#### **Resolution # 94-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

Whereas there are conflicts around the world, such as the Russian invasion of the Ukraine, resulting in millions of refugees; and,

Whereas the Region and the Town of Whitby have access to resources for refugees and those in war ravaged countries; and,

Whereas Whitby Fire and Emergency Services has firefighter bunker gear (including personal protective equipment) that has been in service for at least 10 years and is scheduled for disposal; and,

Whereas firefighter bunker gear greater than 10 years old is recommended to be replaced in accordance with National Fire Protection Association (NFPA) Standards; and,

Whereas the Town's Purchasing Policy provides guidance on the disposal of surplus goods and equipment where revenue from the sale of used goods and equipment is allocated back to Town reserve funds; and,

Whereas Firefighters Without Borders is a Canadian charitable organization that provides donated equipment and training to communities throughout Canada and in countries around the World; and,

Whereas Firefighters Without Borders is currently collecting equipment for delivery to Ukraine to assist with international humanitarian aid efforts.

Now therefore be it resolved:

1. That Council authorize the Corporation of the Town of Whitby's firefighter bunker gear scheduled to be disposed of in 2022 to be donated to the Firefighters Without Borders organization in support of the Ukrainian humanitarian aid effort; and,
2. That the Corporation of the Town of Whitby purposefully seek opportunities to aid, either monetarily or in kind, organizations identified by Durham Region's social services in supporting those fleeing countries of war as refugees.

**Carried**

- 7.6** Memorandum from J. Battersby, Manager, Revenue, dated March 15, 2022 regarding Downtown Whitby Business Improvement Area (BIA) 2022 Budget

**Resolution # 95-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

1. That the 2022 budget for the Downtown Whitby Business Improvement Area (BIA), in the amount of \$381,040, be approved;
2. That the Commissioner of Financial Services/Treasurer be directed bring forward a tax levy by-law to collect a Special Tax Levy, in the amount of \$200,000, from applicable businesses within the Downtown Whitby Business Improvement Area to fund the BIA's 2022 budget; and,
3. That the Commissioner of Financial Services/Treasurer be directed develop a payment schedule with the BIA for the 2022 Special Tax Levy for the BIA.

**Carried**

- 7.7** Office of the Chief Administrative Officer, Community Services Department, and Planning and Development (Engineering Services) Department Joint Report, CAO 07-22  
Re: Zero Carbon Geo-Exchange District Energy Feasibility Study

### **Resolution # 96-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

1. That Council endorse the connection of the proposed Zero Carbon Geo-Exchange District Energy System to the Whitby Sports Complex;
2. That Council authorize an Agreement for the use of the Whitby Sports Complex lands for the development of the District Energy System and road allowance for the DES piping system via the mid arterial roadway on terms satisfactory to the Commissioners of Financial Services and Treasurer and Legal and Enforcement Services/Town Solicitor;
3. That Council direct staff to continue to support funding opportunities for the proposed District Energy System;
4. That staff be directed to develop a District Energy

Connection By-Law to support the operation and connectivity of district energy systems;

5. That the Town partner with Elexicon and contribute a total of \$200,000, being half of the projected \$400,000 District Energy System initial design costs, via a payment to Elexicon, funded from the remaining budget in the original District Energy Feasibility Study Capital Budget (in the amount of \$94,625) and from the Whitby Sports Complex Construction project (in the amount of \$105,375); and,
6. That staff be authorized to enter into an agreement with Elexicon regarding the reimbursement of the \$200,000 and the Town's right to utilize the detailed designs as outlined in Report CAO 07-22 to the satisfaction of the Commissioners of Financial Services and Treasurer and Legal and Enforcement Services/Town Solicitor.

### **Carried**

- 7.8** Financial Services Department and Planning and Development (Engineering Services) Department Joint Report, FS 22-22  
Re: T-501-2022 – Urban Road Resurfacing

### **Resolution # 97-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

1. That Tender T-501-2022 be awarded to Four Seasons Site Development Ltd., for the 2022 urban road resurfacing works, in the amount of \$4,132,237.20 (plus applicable taxes) to be funded from the capital projects listed in Table 2 of Report FS 22-22;
2. That the revised cost estimates totaling \$5,036,852.41 for the fourteen (14) capital projects noted in Table 2 of Report FS 22-22 be approved; and,
3. That the Mayor and Clerk be authorized to execute the contract documents.

### **Carried**

- 7.9** Office of the Chief Administrative Officer Report, CAO 08-22

Re: 2021 Annual Sustainability and Climate Change Report

Discussion ensued between Members of Council regarding:

- the establishment of the Town of Whitby as a municipal leader in climate change;
- details about the key achievements in 2021 and the key projects identified for 2022; and,
- the proposed Zero Carbon District Energy System and the Town's commitment to reduce greenhouse gas emissions.

### **Resolution # 98-22**

Moved By Councillor Lee

Seconded by Councillor Mulcahy

1. That Report CAO 08-22 be received as information; and,
2. That the Clerk forward a copy of Staff Report CAO 08-22 to the Region of Durham's Sustainability Department.

**Carried**

- 7.10** Financial Services Department Report, FS 25-22  
Re: New Financial Reserve Policies and Update of the Disposition of Operating Surplus Policy

### **Resolution # 99-22**

Moved By Councillor Lee

Seconded by Councillor Mulcahy

1. That Council approve the creation of the Engineering Development Fee Reserve and the affiliated reserve policy included in Attachment 1 of Report FS 25-22;
2. That Council approve the creation of the Planning Development Fee Reserve and the affiliated reserve policy included in Attachment 2 of Report FS 25-22; and,
3. That Council approve the updated Disposition of Operating Surplus Policy F 010 included in attachment 3 of Report FS 25-22.

**Carried**

- 7.11** Financial Services Department Report, FS 28-22  
Re: 2022 Property Tax Rates and Final Billing Due Dates

**Resolution # 100-22**

Moved By Councillor Lee  
Seconded by Councillor Mulcahy

1. That the property tax rates for the year 2022, General Municipal Town Levies be approved as indicated in Schedule "A", attached to Report FS 28-22;
2. That staff be authorized to calculate the special tax levy and tax rates for the properties located within the Downtown Whitby Business Improvement Area (BIA) for the purposes of a Special Tax Levy by-law for the BIA following Council receipt and approval of the BIA's 2022 Budget;
3. That the final tax bill due dates for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 24, 2022 and September 26, 2022;
4. That the final tax bill due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) also be established for June 24, 2022 and September 26, 2022;
5. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates for the capped tax classes only and notify Council at the earliest opportunity; and,
6. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the BIA, to set the due dates and levy rates for 2022 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

**Carried**

- 7.12** Legal and Enforcement Services Department Report, LS 05-22  
Re: Noise By-law Review and Proposed Amendments



### **Resolution # 101-22**

Moved By Councillor Lee

Seconded by Councillor Mulcahy

1. That the Noise By-law amendments appended to this report as Attachment # 1 be brought forward to Council for consideration;
2. That Council approve the proposed pilot project outlined in Option # 2 of Report LS 05-22;
3. That staff be directed to implement operational changes to reduce the requirement for residents to attend court to give evidence; and,
4. That Staff report back to Committee on the success/outcome of the pilot project by Q2 of 2023.

### **Carried**

#### **8. Notice of Motion**

**8.1** There were no notices of motion.

#### **9. New and Unfinished Business**

**9.1** There was no new and unfinished business.

#### **10. By-Laws**

That the following by-laws be passed:

**10.1** By-law # 7872-22, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2016-08) as not being subject of Part Lot Control.

**10.2** By-law # 7873-22, being a by-law w to designate certain portions of a registered Plan of Subdivision (SW-2013-03) as not being subject of Part Lot Control.

**10.3** By-law # 7874-22, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2015-03) as not being subject of Part Lot Control.

**10.4** By-law # 7875-22, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2017-07) as not being subject of Part Lot Control.

- 10.5** By-law # 7876-22, being a by-law to dedicate Block 129 on Plan 40M-1549, as a Public Highway (Braebrook Drive).

- 10.6** By-law # 7877-22, being a by-law to amend Property Standards By-law #6874-14, as amended.

Refer to LS 04-22, Amendments to Property Standards By-law # 6874-14, Hedge Heights and Management of Vermin

- 10.7** By-law # 7878-22, being a by-law to amend Noise By-law # 6917-14, as amended.

Refer to LS 05-22, Noise By-law Review and Proposed Amendments

- 10.8** By-law # 7879-22, being a by-law to authorize Staff to enter into a Contribution Agreement with the Federal Government of Canada.

Refer to CAO 09-22, Celebration Square Placemaking Budget

- 10.9** By-law # 7880-22, being a by-law to designate certain portions of a registered Plan of Subdivision (S-130-84) as not being subject of Part Lot Control.

- 10.10** By-law # 7881-22, being a by-law to amend By-law # 2585, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 03-22, DEV-28-21: Zoning By-law Amendment Application Z-18-21, 2751757 Ontario Inc., 1717 Brock Street South and portion of 1716 & 1718 Dufferin Street

- 10.11** By-law # 7882-22, being a by-law to amend By-law # 1812-85 to amend the legal description of the Heritage Property known as the Emmanuel Sleep House, municipally known as 601 Victoria Street East, as being of cultural heritage value and interest.

Refer to PDP 07-22, Technical Amendment to By-law 1812-85 which Designated 601 Victoria Street East as being of

Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act, R.S.O. 1990 c. O.18.

- 10.12** By-law # 7883-22, being a by-law to set and levy tax rates for the calendar year 2022 for the Town of Whitby and to set penalty and interest rates for unpaid taxes.

Refer to FS 28-22, 2022 Property Tax Rates and Final Billing Due Dates

- 10.13** By-law # 7884-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PDP 21-22, Draft Plan of Subdivision Application and Zoning Bylaw Amendment Applications for 6760 and 6900 Baldwin Street North, by Malone Given Parsons on behalf of Geranium Corporation File No. DEV-07-21 (SW-2021-02, Z-04-21) (REVISED)

- 10.14** By-law # 7885-22, 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 Memorandum from J. Battersby, Manager, Revenue, dated March 15, 2022 regarding Downtown Whitby Business Improvement Area (BIA) 2022 Budget

- 10.15** By-law # 7886-22, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby.

Refer to PL 91-19, DEV-04-17: Draft Plan of Subdivision Application SW-2017-08 and Zoning By-law Amendment Application Z-19-17, Winash Developments Limited, 5550 Baldwin Street South and a portion of 145 Winchester Road West

### **Resolution # 102-22**

Moved By Councillor Roy  
Seconded by Councillor Drumm

That leave be granted to introduce By-laws # 7872-22 to # 7886-22 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**

11. Confirmatory By-Law

11.1 Confirmatory By-law

**Resolution # 103-22**

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 April 11, 2022 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**

Prior to the adjournment of the meeting, Mayor Mitchell announced that he would not be running in the 2022 Municipal Election. Mayor Mitchell noted that he was in his 28th year as a Member of Whitby Council, and that he would be moving on to new adventures and experiences with his wife and family.

Members of Council expressed their gratitude for Mayor Mitchell's leadership, vision, dedication, compassion, advice, and candor during his tenure as a Member of Whitby Council.

12. Adjournment

12.1 Adjournment

Moved By Councillor Mulcahy  
Seconded By Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 8:48 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor

Special Council Minutes  
April 25, 2022 - 6:00 PM  
Hybrid Meeting  
Whitby Town Hall

**Present:** Mayor Mitchell (Participating Virtually)  
Councillor Drumm (Participating Virtually)  
Councillor Leahy  
Councillor Lee (Participating Virtually)  
Councillor Mulcahy (Participating Virtually)  
Councillor Newman  
Councillor Roy (Participating Virtually)  
Councillor Shahid (Participating Virtually)  
Councillor Yamada

**Also Present:** 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  
H. Ellis, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Douglas, Legislative Specialist (Recording Secretary)

**Regrets:** None noted

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1. Declarations of Pecuniary Interest
  - 1.1 There were no declarations of pecuniary interest.
2. Delegations
  - 2.1 There were no delegations.
3. Items for Consideration
  - 3.1 Planning and Development (Planning Services), Legal and Enforcement Services, Financial Services, and Community Services Department Joint Report, PDP 31-22  
Re: Ontario Bill 109 – More Homes for Everyone Act, 2022  
  
A question and answer period ensued between Members of Council and

Special Council Minutes  
April 25, 2022 - 6:00 PM

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Staff regarding:

- whether staff have communicated the Town's concerns regarding Ontario Bill 109 with the Association of Municipalities of Ontario, Honourable Steve Clark, or MPP Lorne Coe;
- the impact of the short consultation period on the Town's ability to respond to Bill 109;
- next steps to ensure the Town's concerns are addressed before the legislation comes into effect;
- risks associated with expediting the review process for zoning by-law amendment or site plan applications in order to meet the legislated timelines proposed in Bill 109, including the possibility of an Ontario Land Tribunal (OLT) appeal;
- whether staff have consulted with other municipalities on their approach to address the proposed changes and mitigate any risks associated with Bill 109;
- the estimated number of staff and other resources required to address the new guidelines stipulated in Bill 109;
- estimated financial impact and strategies to mitigate the potential financial impact of the proposed application fee refund system;
- the impact of Bill 109 on public consultation regarding future zoning by-law amendments or site plan applications;
- means of mitigating risks to the natural environment, cultural heritage resources, and other critical infrastructure resulting from the legislative timeframes imposed by Bill 109;
- clarification regarding the timeline for public consultation on Bill 109 and the impact of the next Provincial election;
- whether the Ontario Housing Affordability Task Force consulted with any municipalities when preparing their report;
- the negative implications of Bill 109 on tax payers;
- confirmation that the Town's obligation to ensure the health, safety, and wellbeing of residents is not a provincially mandated requirement when reviewing zoning by-law amendment or site plan applications;
- the speed at which provincial agencies respond to comments and report to municipalities on zoning by-law amendment and site plan matters;
- whether the Town must deny a zoning by-law amendment or site plan application, should there be insufficient time to review the application within the legislated timelines stipulated by Bill 109;
- whether the Province would likely oppose any holding provisions imposed by the Town; and,
- clarification regarding the types of priority developments that may be subject to the powers of the Community Infrastructure and Housing Accelerator provisions.

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April 25, 2022 - 6:00 PM

## Resolution # 104-22

Moved By Councillor Newman

Seconded By Councillor Shahid

1. That Report PDP 31-22 be endorsed as the Town's comments on Provincial Bill 109 – the More Homes for Everyone Act, 2022, and other associated proposed changes.
2. That the Clerk forward a copy of Report PDP 31-22 to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Premier of Ontario, Doug Ford, MPP Lorne Coe, Leader of the Official Opposition, Andrea Horwath, Leader of the Ontario Liberal Party, Steven Del Duca, Leader of the Ontario Green Party, Mike Schreiner, and the Association of Municipalities of Ontario.
3. That the Clerk forward a copy of the Report for information to the Council of the Regional Municipality of Durham and its area municipalities.

**Carried unanimously on a recorded vote as follows:**

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor Drumm	x		
Councillor Leahy	x		
Councillor Lee	x		
Councillor Mulcahy	x		
Councillor Newman	x		
Councillor Roy	x		
Councillor Shahid	x		
Councillor Yamada	x		
Mayor Mitchell	x		
	9	0	0

## 4. Confirmatory By-law

### 4.1 Confirmatory By-law

## Resolution # 105-22

Moved By Councillor Drumm

Seconded By Councillor Newman



Special Council Minutes  
April 25, 2022 - 6:00 PM

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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 25, 2022 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**

5. Adjournment

**5.1** Motion to Adjourn

Moved By Councillor Newman  
Seconded By Councillor Mulcahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:47 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor

Special Council Minutes  
May 2, 2022 - 5:30 PM  
Hybrid Meeting  
Whitby Town Hall

**Present:** Mayor Mitchell  
Councillor Drumm (Participating Virtually)  
Councillor Leahy (Participating Virtually)  
Councillor Lee (Participating Virtually)  
Councillor Mulcahy (Participating Virtually)  
Councillor Newman  
Councillor Shahid  
Councillor Yamada

**Also Present:** M. Gaskell, Chief Administrative Officer  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement  
Services/Town Solicitor  
D. Speed, Head of Operations & Fire Chief  
F. Wong, Commissioner of Financial Services/Treasurer  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
H. Ellis, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Douglas, Legislative Specialist (Recording Secretary)

**Regrets:** Councillor Roy

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1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

Moved By Councillor Newman  
Seconded By Councillor Yamada

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, (c) a proposed or pending acquisition or disposition of land by the municipality or local board, and (d) labour relations or employee negotiations.

Special Council Minutes  
May 02, 2022 - 5:30 PM

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**Carried**

2. Closed Session

- 2.1** Tony Doyle, Dean, Schools of Science and Engineering Technology, and Hospitality and Horticultural Science, Durham College  
Re: Barrett Centre of Innovation in Sustainable Urban Agriculture Site Options

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

- 2.2** Confidential Office of the Chief Administrative Officer Report, CAO 13-22  
Re: Deputy Chief Compensation Policy

Council did not consider or discuss Item 2.2, CAO 13-22 in Closed Session. Please refer to the recommendation that was moved and carried in Open Session under Item 3.2, below.

3. Rising and Reporting

- 3.1** Motion to Rise

Moved By Councillor Drumm  
Seconded By Councillor Shahid

That Council rise from the closed portion of the meeting.

**Carried**

- 3.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting Council discussed and provided direction to Staff regarding the proposed disposition of lands by the municipality.

Confidential Office of the Chief Administrative Officer Report, CAO 13-22  
Re: Deputy Chief Compensation Policy

**Resolution # 106-22**

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May 02, 2022 - 5:30 PM

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Moved By Councillor Shahid  
Seconded By Councillor Yamada

That Council approve the recommendation outlined in report CAO 13-22 regarding compensation policy to address compression issues in the Deputy Chief role in Whitby Fire and Emergency Services.

**Carried**

4. Confirmatory By-law

4.1 Confirmatory By-law

**Resolution # 107-22**

Moved By Councillor Newman  
Seconded By Councillor Mulcahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on May 2, 2022 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**

5. Adjournment

5.1 Motion to Adjourn

Moved By Councillor Shahid  
Seconded By Councillor Mulcahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:38 p.m.

Special Council Minutes  
May 02, 2022 - 5:30 PM

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor

Special Council Minutes  
May 9, 2022 - 6:00 PM  
Hybrid Meeting  
Whitby Town Hall

**Present:** Mayor Mitchell  
Councillor Drumm (Participating Virtually)  
Councillor Leahy  
Councillor Mulcahy  
Councillor Newman  
Councillor Roy  
Councillor Shahid  
Councillor Yamada

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

**Regrets:** Councillor Lee

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1. Declarations of Pecuniary Interest

- 1.1 Councillor Roy declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 2.1, Collective Bargaining - Canadian Union of Public Employees (CUPE), Local 53 - Part Time noting that a member of her family is a member of the CUPE, Local 53 for Part Time staff. Councillor Roy did not take part in the discussion or voting on this matter.

Moved By Councillor Leahy  
Seconded By Councillor Roy

That Council move in-camera in accordance with Procedure By-law #

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7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, and (d) labour relations or employee negotiations.

**Carried**

2. Closed Session

- 2.1** Confidential Verbal Report from M. Gaskell, Chief Administrative Officer and J. Long, Head of Organizational Effectiveness  
Re: Collective Bargaining - Canadian Union of Public Employees (CUPE), Local 53 - Part Time

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

- 2.2** Proposed Acquisition of Land by the Municipality

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

3. Rising and Reporting

- 3.1** Motion to Rise

Moved By Councillor Leahy  
Seconded By Councillor Newman

That Council rise from the closed portion of the meeting.

**Carried**

- 3.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council discussed the proposed acquisition of land by the municipality and labour relations matters related to the collective agreement with CUPE, Local 53 – Part Time Bargaining Unit.

**Resolution # 108-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

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That Council ratify the renewal of the Collective Agreement between The Corporation of the Town of Whitby and Canadian Union of Public Employees (CUPE), Local 53 – Part-time, for the period of June 1, 2020 to May 31, 2023.

**Carried**

### **Resolution # 109-22**

Moved By Councillor Mulcahy  
Seconded By Councillor Roy

Whereas Council authorized in 2013 the redevelopment of the property located at the north-east corner of Baldwin Street and Winchester Avenue, which further authorized the heritage houses at 18 and 20 Winchester Road to be relocated to 16 and 18 Durham Street, all in the community of Brooklin;

Whereas since their relocation, Council and staff have accommodated the owner's requests to amend zoning and heritage expectations for the relocation of the heritage houses to allow for the owner to complete the project; and,

Whereas notwithstanding the Town's accommodations, the heritage houses remain in an unfinished state since their relocation to 16 and 18 Durham Street approximately 10 years ago, which has been to the detriment of the historical downtown of Brooklin and surrounding community.

Now therefore be it resolved:

That staff at the Town of Whitby prepare a report for Council on options to acquire 16 and 18 Durham Street through purchase, expropriation or any other means for Town purposes which may include, but are not limited to, staffing, affordable housing, refugee housing or community use.

**Carried**

#### 4. Confirmatory By-law

##### 4.1 Confirmatory By-law



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**Resolution # 110-22**

Moved By Councillor Shahid  
Seconded By Councillor Drumm

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 May 9, 2022 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**

5. Adjournment

5.1 Motion to Adjourn

Moved By Councillor Shahid  
Seconded By Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:18 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor

Committee of the Whole Minutes  
May 2, 2022 - 7:00 PM  
Council Chambers  
Whitby Town Hall

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**Present:** Mayor Mitchell  
Councillor Drumm (Participating Electronically)  
Councillor Leahy  
Councillor Lee (Participating Electronically)  
Councillor Mulcahy (Participating Electronically)  
Councillor Newman  
Councillor Roy (Participating Electronically)  
Councillor Shahid  
Councillor Yamada

**Also Present:** M. Gaskell, Chief Administrative Officer  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement  
Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
S. Klein, Director of Strategic Initiatives  
H. Ellis, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording  
Secretary)

**Regrets:** None noted

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Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

## **Planning and Development**

### **Councillor Newman assumed the Chair.**

#### **1. Presentations**

##### **1.1 There were no presentations.**

#### **2. Delegations**

- 2.1** Jeff Solly representing Whitby Curling Club  
Re: Planning and Development (Planning Services)  
Department Report, PDP 25-22  
Request from the Whitby Curling Club to Declare a Portion  
of the Town's Land as Part of the Bradley Drive Road  
Allowance to Facilitate a Proposed Development

##### **Refer to Item 4.2, PDP 25-22**

Jeff Solly, representing Whitby Curling Club, stated that he had read and was in support of the Staff recommendation, and that he was available to answer questions.

A brief question and answer period ensued between Members of Committee and Mr. Solly regarding confirmation that approval of the request would allow the Whitby Curling Club to fund improvements to the existing curling complex through the creation and sale of five residential building lots on Bradley Drive.

It was the consensus of the Committee to hear Item 4.2, PDP 25-22, at this time.

- 2.2** Peter Kulkarni representing Triovest Realty Advisors Inc.  
Re: Planning and Development (Planning Services)  
Department Report, PDP 27-22  
Zoning By-law Amendment Application, Triovest Realty  
Advisors Inc., 4140 & 4150 Garden Street, File Number:  
DEV-01-22 (Z-01-22)

##### **Refer to Item 4.4, PDP 27-22**

Peter Kulkarni, representing Triovest Realty Advisors Inc., stated that he was available to answer questions.

It was the consensus of the Committee to hear Item 4.4 PDP 27-22, at this time.

- 2.3** Steve Edwards and Shawn Shanmuganathan representing 412 Dundas Developments Limited (Vaultra Storage)  
Re: Planning and Development (Planning Services)  
Department Report, PDP 28-22  
Official Plan and Zoning By-law Amendment Applications, 412 Dundas Developments Limited (Vaultra Storage), Block 270 on Plan 40M-2647, West Side of Des Newman Boulevard, File Numbers: DEV-10-21 (OPA-2021-W/04, Z-07-21)

**Refer to Item 4.5, PDP 28-22**

Steve Edwards and Shawn Shanmuganathan, representing 412 Dundas Developments Limited (Vaultra Storage), stated that they had read and were in support of the Staff recommendation. Mr. Edwards advised that Vaultra Storage was partnering with Fieldgate Developments to create the composite employment development as outlined in the Staff report. He noted the concerns raised by Economic Development Staff about the initial construction phases only including self-storage facilities and the possibility that further phases of the development may not be realized. Mr. Shanmuganathan confirmed that the entire site would be developed all at once and that it would not be developed in phases. Mr. Edwards advised that they were available to answer questions.

- 2.4** Navdeep Nijhawan  
Re: Planning and Development (Planning Services)  
Department Report, PDP 28-22  
Official Plan and Zoning By-law Amendment Applications, 412 Dundas Developments Limited (Vaultra Storage), Block 270 on Plan 40M-2647, West Side of Des Newman Boulevard, File Numbers: DEV-10-21 (OPA-2021-W/04, Z-07-21)

**Refer to Item 4.5, PDP 28-22**

Navdeep Nijhawan, 27 Edgar Avenue, Richmond Hill, stated that he was a physician and current partner of the proposed healthcare complex that was under construction just north of the proposed development, and the co-owner of the four-

acre vacant land located just south of the proposed development. Mr. Nijhawan advised that the entire area was designated as Prestige Employment with residential and mixed-use lands surrounding. He stated that he did not have any objection to the two multi-use prestige industrial buildings, but that he was opposed to the rezoning of the land to allow the construction of the four-storey and five single-storey commercial self-storage facilities. Mr. Nijhawan noted that when this land was purchased all of the surrounding neighbours understood that they were purchasing Prestige Employment land which would have been known by the developers who purchased this land. He commented on the approval of rezoning of this land being patently unfair to homeowners and other prestige employment landowners in the area who would have purchased their properties with a clear understanding of how their community would be developed. Mr. Nijhawan stated that having self-storage facilities, no matter how small, was a contravention of Zoning By-law # 1784, and that previous Council decisions made it clear that self-storage units were better placed in Industrial Zone areas separate from Prestige Employment and residential communities. Mr. Nijhawan noted that the Urban Design Guidelines approved by Council on April 7, 2016 provided a specific vision for the area that did not include self-storage units. He stated that self-storage units would not be the highest or best use of these lands and that they would remove the vibrancy of the area and effectively create a “dead zone” where people would come in and out of the area to access their storage unit and leave. He raised concerns about the storage facilities creating additional traffic in the residential neighbourhood, noting that they would not provide any ancillary employment opportunities or generate any significant revenue for the community, and that there would be a disproportionate benefit to non-residents of the community. Mr. Nijhawan raised further concerns about self-storage units exposing the area to significant risks including criminal behaviour, noting that in 2021 a self-storage facility in Whitby had over 40 break-ins, and that there were already several dozen storage facilities located within Durham Region. He noted that this developer has a storage facility located in Ajax and that it was not located near a residential community or a Prestige Employment community. Mr. Nijhawan inquired about the number of storage unit facilities needed in Durham Region. He stated that the Staff report notes concerns raised by the Region of Durham about using the proposed site as a self-

storage facility indicating that self-storage facilities typically result in very low employment density which does not support the Region's goal of achieving increased local employment for residents and the higher employment densities expected within designated Prestige Employment areas. Mr. Nijhawan requested that the Committee reconsider supporting the application to rezone the land to permit self-storage facilities on the site. He stated that, while the Staff report recommends approval of the rezoning, there was a certain intangible effect of having self-storage units in the area that deters from ensuring that the community can achieve its highest potential. Mr. Nijhawan advised that the decision that the Committee makes now would significantly impact the nature of future developments in the area. He stated that he hoped that the Committee would ensure that the development of the West Whitby community satisfies the vision of the original plan.

It was the consensus of the Committee to hear Item 4.5, PDP 28-22, at this time.

3. Correspondence

3.1 There was no correspondence.

4. Staff Reports

4.1 Planning and Development (Planning Services) Department Report, PDP 24-22

Re: Extension to Temporary Use Zoning By-law Amendment Application, Brooklin Northeast Developments CR Inc., Northeast Corner of Thickson Road North and Columbus Road East, File Number: DEV-11-22 (Z-09-22)

Recommendation:

Moved By Councillor Roy

1. That Council approve a Zoning By-law Amendment (Z-09-22) for the extension of a temporary use for an additional three year period; and,
2. That the Zoning By-law Amendment be brought forward for Council's consideration.

**Carried**

- 4.2** Planning and Development (Planning Services) Department Report, PDP 25-22  
Re: Request from the Whitby Curling Club to Declare a Portion of the Town's Land as Part of the Bradley Drive Road Allowance to Facilitate a Proposed Development

Recommendation:

Moved By Councillor Roy

1. That Council approve Whitby Curling Club's request to declare a portion of the Town's land as part of the Bradley Drive road allowance, as identified in Report PDP 25-22;
2. That Council approve the lifting of a 0.3m reserve along the Bradley Drive road allowance, as identified in Report PDP 25-22; and,
3. That the by-laws to lift the 0.3m reserve and to dedicate the lands as part of the Bradley Drive road allowance be brought forward for consideration by Council.

**Carried**

It was the consensus of the Committee to hear Item 2.2, Delegation by Peter Kulkarni representing Triovest Realty Advisors Inc., at this time.

- 4.3** Planning and Development (Planning Services) Department Report, PDP 26-22  
Re: Extension to Draft Approved Plan of Subdivision, 3425 Coronation Developments Limited, File Number: (SW-2017-06)

Recommendation:

Moved By Councillor Mulcahy

That Council approve the extension of the Draft Approved Plan of Subdivision (SW-2017-06) by an additional 3 years, to May 16, 2025.

## Carried

- 4.4** Planning and Development (Planning Services) Department Report, PDP 27-22  
Re: Zoning By-law Amendment Application, Triovest Realty Advisors Inc., 4140 & 4150 Garden Street, File Number: DEV-01-22 (Z-01-22)

Recommendation:

Moved By Councillor Roy

1. That Council approve a Zoning By-law Amendment (Z-01-22) to permit additional commercial uses on the subject land; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

## Carried

It was the consensus of the Committee to hear Item 2.3, Delegation by Steve Edwards and Shawn Shanmuganathan representing 412 Dundas Developments Limited (Vaultra Storage), at this time.

- 4.5** Planning and Development (Planning Services) Department Report, PDP 28-22  
Re: Official Plan and Zoning By-law Amendment Applications, 412 Dundas Developments Limited (Vaultra Storage), Block 270 on Plan 40M-2647, West Side of Des Newman Boulevard, File Numbers: DEV-10-21 (OPA-2021-W/04, Z-07-21)

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

- whether the highest or best use of the land could be argued in relation to the proposed self storage buildings;
- the flexibility of the Town to deny the self storage buildings component of the proposed development and the ability to defend a denial;
- confirmation that the management of concerns about criminal activity such as break-ins would be



- addressed by the property owner;
- concerns about rezoning high visibility Prestige Industrial land on this site and protecting future Prestige Industrial land;
- whether the requirement for the self storage buildings being built concurrently would be included as a condition of Site Plan approval;
- confirmation that both Staff from the Region and the Town did not identify traffic generation as a concern as a result of the proposed development;
- whether viewing the proposed development as a whole addresses the concerns raised about removing the vibrancy of the area; and,
- the value of the adjacent properties and how they may be impacted by the proposed development.

Recommendation:

Moved By Councillor Shahid

1. That Council approve Official Plan Amendment Number 125 to the Whitby Official Plan (File: OPA-2021-W/04), as shown on Attachment #7;
2. That a By-law to adopt Official Plan Amendment Number 125 be brought forward for consideration by Council;
3. That Council approve an amendment to Zoning By-law # 1784 (Z-07-21), as outlined in Report PDP 28-22; and,
4. That the Clerk forward a copy of Planning Report No. PDP 28-22, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Amendment Number 125 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development.

**Carried**

It was the consensus of the Committee to hear Item 4.1, PDP 24-22, at this time.

- 4.6** Planning and Development (Planning Services) Department Report, PDP 29-22  
Re: Sign By-law Variance and Sign By-law Amendment to

Permanent Sign By-law for Amica (Taunton) Whitby Inc., 85 Taunton Road East, File Numbers: SB-02-22, SBA-01-22

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

- a description of the proposed projecting sign; and,
- the rationale for prohibiting projecting signs other than in Downtown Whitby and Brooklin.

Recommendation:

Moved By Councillor Mulcahy

That Council approve the request for a variance and an amendment to the Town of Whitby Permanent Sign By-law # 7379-18 for Amica (Taunton) Whitby Inc., located at 85 Taunton Road East.

**Carried**

**4.7** Planning and Development (Planning Services) Department Report, PDP 30-22

Re: Renewal of Sewage System Management Agreement

A brief question and answer period ensued between Members of Committee and Staff regarding the rationale for not utilizing Town Staff for the inspections of private septic systems.

Recommendation:

Moved By Councillor Drumm

1. That Council approve the renewal of an agreement with the Regional Municipality of Durham to delegate responsibilities under the Building Code Act with respect to private sewage systems with capacity of 10,000 litres or less per day;
2. That the Commissioner of Planning and Development be authorized to execute the agreement on behalf of the Town of Whitby; and,
3. That the authority to execute subsequent renewals of the Sewage System Management Agreement be

delegated to the Commissioner of Planning and Development.

**Carried**

5. New and Unfinished Business - Planning and Development

**5.1** New and Unfinished Business - Planning and Development

There was no new and unfinished business.

**General Government**

**Councillor Lee assumed the Chair.**

6. Presentations

**6.1** There were no presentations.

7. Delegations

**7.1** There were no delegations.

8. Correspondence

**8.1** There was no correspondence.

9. Staff Reports

**9.1** Financial Services Department Report, FS 32-22  
Re: Building Permit Fees Annual Financial Report 2021

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

- confirmation that the amount of funds in the Building Permit Reserve Fund would cover two years of operating costs;
- whether there would be a reduction in the building permit fees or whether funds would be redirected to another reserve fund;
- the possibility of utilizing all reserve funds should the building permit fees be reduced;
- the possibility of requiring additional Staff resources to manage building permit applications in the future; and,

- the rationale for the reserve fund target balance of \$10.2 million.

Recommendation:

Moved By Councillor Leahy

That Report FS 32-22 regarding Building Permit Fees Annual Financial Report 2021 be received as information.

**Carried**

10. New and Unfinished Business - General Government

**10.1** New and Unfinished Business - General Government

There was no new and unfinished business.

**Adjournment**

Motion to Adjourn

Recommendation:

Moved By Councillor Drumm

That the meeting adjourn.

**Carried**

The meeting adjourned at 7:48 p.m.

Committee of the Whole Minutes  
May 9, 2022 - 7:00 PM  
Council Chambers  
Whitby Town Hall

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**Present:** Mayor Mitchell  
Councillor Drumm (Participating Electronically)  
Councillor Leahy  
Councillor Mulcahy  
Councillor Newman  
Councillor Roy  
Councillor Shahid  
Councillor Yamada

**Also Present:** M. Gaskell, Chief Administrative Officer  
C. Bridgeman, Director of Facilities  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
D. Speed, Head of Operations & Fire Chief  
F. Wong, Commissioner of Financial Services/Treasurer  
S. Klein, Director of Strategic Initiatives  
H. Ellis, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

**Regrets:** Councillor Lee

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Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

## Planning and Development

## **Councillor Newman assumed the Chair.**

### **1. Presentations**

**1.1** There were no presentations.

### **2. Delegations**

**2.1** There were no delegations.

### **3. Correspondence**

**3.1** There was no correspondence.

### **4. Staff Reports**

**4.1** Planning and Development (Engineering Services) Department Report,  
PDE 05-22  
Re: 2022 Lynde Creek Master Drainage Plan Update

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

- clarification on the meaning of the priority given to culvert improvements from the downstream portion of the watercourse upstream and confirmation that improvements to culverts closest (downstream) to Lake Ontario would take place first to ensure capacity for any water surges while carrying out work upstream (northerly);
- whether there were any recommendations within the Staff report for a flood mitigation plan in the area of Thickson Road South, and for improvements to the Dryden Boulevard and Anderson Street culverts;
- the possibility of altering high priority projected dates with respect to the watershed area due to the effects climate change;
- whether the approximate cost of \$19 million for work in the watershed would be covered by the Central Lake Ontario Conservation Authority, the Region of Durham, Metrolinx and the Canadian National Railway, and whether there was any risk for further financial impact on the Town within the 5 to 20-year period;
- the difference between riparian restoration and erosion protection sites; and,
- the timeline for the implementation of the Flood Protection Berm in the area near Michael Boulevard and a flood readiness plan for residents.

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Recommendation:

Moved By Councillor Drumm

1. That the Planning and Development Report PDE 05-22 Lynde Creek Master Drainage Plan Update be received for information;
2. That the Final Environmental Study Report be filed in accordance with the Municipal Class EA process and be made available for agency and stakeholder review;
3. That staff advise Council if there are any significant comments or concerns following the public consultation; and,
4. That staff continue to develop and refine the implementation plan for the recommended projects and refer future departmental work plans, asset management plans and budgets for Council's consideration.

**Carried**

5. New and Unfinished Business - Planning and Development

**5.1 New and Unfinished Business - Planning and Development**

There was no new and unfinished business.

## **General Government**

### **Councillor Mulcahy assumed the Chair.**

6. Presentations

**6.1 Sarah Hickman, Policy Advisor, Diversity, Equity and Inclusion Division, Region of Durham**  
Re: Refugee and Immigrant Settlement

Sarah Hickman, Policy Advisor, Diversity, Equity and Inclusion Division, and Allison Hector-Alexander, Director of Diversity, Equity and Inclusion, Region of Durham provided a PowerPoint presentation regarding refugee and immigrant settlement. Highlights of the presentation included:

- the Region of Durham being the fastest growing region in Canada with much of its growth due to immigration, a choice destination for immigrants to Canada, and typically a place of second landing;

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- the reliance of Canada on immigration due to the significant demographic shifts namely the national stagnant birth rate and the number of baby-boomers leaving the workforce;
- the Government of Canada's ambitious immigration targets over the next 2 to 3 years resulting in over 1 million immigrants to Canada, and almost 100 percent of Canada's population growth by the year 2035 being from immigration;
- the percentage of the population of Whitby and the Region of Durham that were identified as immigrants according to the 2016 Census;
- the commitment of the Government of Canada for the resettlement of approximately 40,000 vulnerable Afghan nationals as refugees, and the announcements by the Government of Canada about immigration measures and support for people fleeing the war in Ukraine;
- detailed information about Government Assisted Refugees (GARs) and Privately Sponsored Refugees (PSRs);
- detailed information about Canadian immigration measures for Ukrainians commencing in February and March 2022 including the number of applications received and approved as of May 5, 2022 and the number of Ukrainians who have arrived in Canada since January 2022;
- the number of applications for Afghan nationals received, approved, and the number of arrivals for those who assisted the Government of Canada and through a humanitarian program since August 2021;
- detailed information about the GAR and the PSR programs;
- detailed information about the supports for Afghans and Ukrainians provided by the Federal and Provincial Governments through the GAR and PSR programs;
- the majority of Afghan refugees arriving into Canada falling under GARs which is supported under the Resettlement Assistance Program (RAP) for up to 12 months or until they were self sufficient;
- the Region of Durham not having a RAP at this time;
- details about the supports that PSR groups must provide to immigrants for a 12-month sponsorship period or until they were self sufficient;
- the eligibility of refugees after 12 months for supports such as Income Employment Assistance under the Ontario Works Program;
- concerns about the capacity of municipalities and community services to respond;
- the expectation that the number of Afghan refugees and Ukrainian immigrants would continue to increase in addition to



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- the ongoing arrivals of other immigrants to the Region of Durham;
- detailed information about the Federal and Provincial supports for Ukrainian immigrants;
- detailed information about the Region of Durham and Durham Immigration and Settlement Services actions; and,
- continuous updates to the Durham Immigration Portal which are available via [www.durhamimmigration.ca](http://www.durhamimmigration.ca).

A question and answer period ensued between Members of Committee, Ms. Hickman, and Ms. Hector-Alexander regarding:

- whether there was information available about supports for Ukrainian immigrants by way of a hard copy document versus the portal and welcome centres;
- whether residents receiving Ukrainian immigrants should reach out directly to Staff at the Region of Durham or through the portal;
- the process for residents wishing to provide housing for Ukrainian immigrants and Afghan refugees, and whether there was a system in place for hotel or other accommodations should housing not be available;
- whether there were enough resources available at the Durham Welcome Centres to meet the demand of new arrivals;
- whether the Region has partnered/collaborated with the Whitby Diversity and Inclusion Advisory Committee;
- the possibility of re-implementing the newcomer bus tour and the availability of a video to introduce immigrants and newcomers to Whitby; and,
- whether there were any unforeseen barriers with respect to the approval of Ukrainian applications; and,
- whether the number of Ukrainian immigrant applications were increasing or decreasing as a result of the ongoing war.

- 6.2** Lara Scott, Program Manager, Events, Culture, and Tourism  
Re: Office of the Chief Administrative Officer Report, CAO 11-22  
2022-2025 Whitby Tourism Strategy

**Refer to Item 9.7, CAO 11-22**

Lara Scott, Program Manager, Events, Culture, and Tourism, provided a PowerPoint presentation regarding the 2022-2025 Whitby Tourism Strategy. Highlights of the presentation included:

- the rationale for tourism in Canada including its contribution to the economy, job creation, and the cultural and social benefits to the community;
- the support role of organizations in Ontario's tourism industry framework to maximize the economic benefits to communities;

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- the need at the local municipal level to assist in coordinating and developing tourism experiences and products within the business community;
- detailed information about the Whitby Tourism Strategy development process including the partnership with Central Counties Tourism, the formation of a Tourism Steering Committee, and community engagement;
- detailed information about the implementation of the Destination Whitby Strategy including its vision, key objectives, goals, and action items;
- the six tourism sectors identified by the Steering Committee for Whitby;
- a brief video on tourism in Whitby, and Tourism Week from May 29 to June 4, 2022; and,
- the next steps.

A question and answer period ensued between Members of Committee, Mr. Thibault, and Ms. Cook, Central Counties Tourism, and Staff regarding:

- whether opportunities to apply for grants have been investigated;
- whether communications promoting/marketing staycations in Whitby would take place, and whether the Town would collaborate with businesses for information sharing on tourism in Whitby;
- how focus would be given to the rural aspects of tourism in Whitby;
- how the six tourism sectors would fit together to create Whitby as a unique place to visit, the strategic goal with respect to character to differentiate Whitby as a unique destination within Ontario, and how Destination Whitby would relate to the identity of the Town;
- opportunities to leverage the Ontario Ministry of Tourism and the Region of Durham with respect to partnerships and grants;
- whether the Coordinator of Culture & Tourism position has already been approved;
- the number of attendees at the Food Truck Frenzy and Rib Fest events and whether collaboration would take place with the Rotary Clubs of Whitby;
- whether there has been any collaboration with the Whitby Public Library and the 55+ Recreation Advisory Committee, and whether Staff would provide a presentation to the library and the committee in the future;
- whether components of Whitby's history and heritage would be included within the Destination Whitby Strategy;
- the timeline for the availability of the tourism video;
- the financial impact on the budget for the two new full-time

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- coordinator positions within Strategic Initiatives Division; and,
- whether the cost for action items identified in the strategy would be covered within the budget amount of \$290,000.00 (\$40,000.00 operating and \$250,000 capital) over four years.

It was the consensus of the Committee to hear Item 9.7, CAO 11-22, at this time.

7. Delegations

7.1 There were no delegations.

8. Correspondence

8.1 Correspondence # 2022-247 received from Mayor Dan Carter, City of Oshawa dated April 7, 2022 regarding an Update on the Establishment of Noise Abatement Procedures and Restrictions for Oshawa Executive Airport under the Transport Canada Aviation Advisory Circular, and Correspondence # 2022-250 received from M. Medeiros, City Clerk, City of Oshawa dated April 8, 2022 regarding Proposed Noise Abatement Procedures for the Oshawa Executive Airport (Ward 2)

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

- whether there has been any communication with and/or updates from the City of Oshawa since their submission was made to Transport Canada;
- the status of the City of Oshawa's submission and whether there has been any response from Transport Canada regarding the proposed abatement procedures;
- the location for the flight training schools upon the closure of the Buttonville Municipal Airport; and,
- obtaining an update on the status of the commercial leases for the flight training schools at the Oshawa Executive Airport.

Recommendation:

Moved By Councillor Shahid

That Correspondence # 2022-247 received from Mayor Dan Carter, City of Oshawa dated April 7, 2022 regarding an Update on the Establishment of Noise Abatement Procedures and Restrictions for Oshawa Executive Airport under the Transport Canada Aviation Advisory Circular, and Correspondence # 2022-250 received from M. Medeiros, City Clerk, City of Oshawa dated April 8, 2022 regarding

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Proposed Noise Abatement Procedures for the Oshawa Executive Airport (Ward 2) be received for information.

**Carried later in the meeting (See following motion)**

Recommendation:

Moved By Councillor Shahid

That the main motion be amended by including Items 2 and 3 as follows:

2. That Council requests that Transport Canada approve the Proposed Noise Abatement Procedures for the Oshawa Executive Airport submitted by the Airport Manager on behalf of the City of Oshawa; and,
3. That this resolution be forwarded to the Minister of Transport Canada, all Oshawa and Whitby MPs and MPPs, the City of Oshawa, and the Regional Municipality of Durham.

**Carried**

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

Recommendation:

Moved By Councillor Shahid

1. That Correspondence # 2022-247 received from Mayor Dan Carter, City of Oshawa dated April 7, 2022 regarding an Update on the Establishment of Noise Abatement Procedures and Restrictions for Oshawa Executive Airport under the Transport Canada Aviation Advisory Circular, and Correspondence # 2022-250 received from M. Medeiros, City Clerk, City of Oshawa dated April 8, 2022 regarding Proposed Noise Abatement Procedures for the Oshawa Executive Airport (Ward 2) be received for information;
2. That Council requests that Transport Canada approve the Proposed Noise Abatement Procedures for the Oshawa Executive Airport submitted by the Airport Manager on behalf of the City of Oshawa; and,
3. That this resolution be forwarded to the Minister of Transport Canada, all Oshawa and Whitby MPs and MPPs, the City of Oshawa, and the Regional Municipality of Durham.

**Carried**

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9. Staff Reports

**9.1** Planning and Development (Engineering Services) Department and  
Financial Services Department Joint Report, FS 23-22  
Re: T-13-2022 - DeHart Bridge Rehabilitation

A brief question and answer period ensued between Members of Committee regarding clarification on whether the Dehart Bridge rehabilitation work would change the status of or use of the road.

Recommendation:

Moved By Councillor Shahid

1. That Tender T-13-2022 be awarded to 2274084 ONTARIO LTD o/a GMP Contracting, for the rehabilitation of DeHart Bridge, in the amount of \$448,377.25 (plus applicable taxes), to be funded from the capital project listed in Table 2 of Report FS 23-22;
2. That the revised cost estimates totaling \$814,231 for the DeHart Bridge rehabilitation as outlined in Table 1 of Report FS 23-22, be approved;
3. That the budget shortfall in the amount of \$164,231 be funded from the Canada Community Building Reserve Fund; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

**9.2** Community Services Department and Financial Services Department  
Joint Report, FS 30-22  
Re: Recommendation to Award Civic Recreation Complex (CRC)  
Renovations Provisional Items for Aquatics Hall Works

A brief question and answer period ensued between Members of Committee and Staff regarding the possibility of accommodating aquatic programming at designated times for females only.

Recommendation:

Moved By Councillor Shahid

1. That the proposed Civic Recreation Complex (CRC) Renovations Provisional items "C" and "D" for Aquatics Hall work identified in Tender T-1-2022, in the amount of \$370,000 (plus HST), be

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- awarded to Steelcore Construction Ltd.;
2. That the revised scope and revised cost estimate for capital project #71201031 - CRC Pool Area Wall and Ceiling Refinish, in the amount of \$370,000, as outlined in report FS 30-22 be approved; and,
  3. That the budget shortfall in capital project #71201031, in the amount of \$307,000, be funded from the Asset Management Reserve Fund.

**Carried**

**9.3** Financial Services Department Report, FS 29-22  
Re: Update on Property Tax Assessment Appeals and Adjustments

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

- confirmation that Town's portion of adjustments was offset by supplementary property tax revenue in 2021;
- whether the \$1.4 million for the school board tax assessment was on all tax bases;
- whether the number of property tax assessment appeals was consistent with the number of tax appeals in previous years;
- the average number of outstanding appeals in previous years prior to the COVID-19 pandemic;
- whether the Municipal Property Assessment Corporation (MPAC) was assessing all new homes at the 2016 assessment values; and,
- whether new homes constructed since 2016 would be assessed by MPAC at current market values.

Recommendation:

Moved By Councillor Newman

That Report FS 29-22 be received as information.

**Carried**

**9.4** Financial Services Department Report, FS 34-22  
Re: 2021 Year End Operating Variances and 2022 Year End Projection as at March 31

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

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- whether the amount of \$509,720 was projected surplus and whether the projection for surplus in 2022 would be higher than the 2021 surplus amount; and,
  - clarification on the funding amount of \$2.5 million in the Long Term Finance Reserve for the 2022 budgeted initiatives not being adequate without the transfer of funds in the amount of \$4.3 million in 2021.

Recommendation:

Moved By Councillor Shahid

1. That report FS 34-22 regarding 2021 Year End Operating Variances and 2022 Year End Projection as at March 31 be received;
2. That the 2021 surplus Engineering Fee revenues in the amount of \$509,720 be transferred from the Long Term Finance Reserve to the Engineering Development Fee Reserve; and,
3. That the 2021 surplus Planning Fees revenues in the amount of \$931,465 be transferred from the Long Term Finance Reserve to the Planning Development Fee Reserve.

**Carried**

- 9.5** Financial Services Department Report, FS 33-22  
Re: Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2021

A brief question and answer period ensued between Members of Committee and Staff regarding clarification on the Development Charge Reserve Fund final uncommitted funds at the end of December 2021.

Recommendation:

Moved By Councillor Newman

That Report FS 33-22, the Annual Statement of Development Charge and Parkland Dedication Cash-in-Lieu Reserve Funds as of December 31, 2022 be received as information.

**Carried**

- 9.6** Financial Services Department Report, FS 17-22

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Re: 2021 Annual Investment Report

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

- whether the increase in the amount of funds in Long Term investments over 10 years was to align with the projected use of committed funds;
- confirmation that Town's funds in the ONE Joint Investment Board was approximately \$150 million;
- the total amount of the investment portfolio and whether it includes current operating cash or whether it is all reserves and the actual amount of the reserves after removing operating cash;
- whether slightly better returns were anticipated for the Short-Term Investment Portfolio;
- whether the overall return for 2021 of \$9 million met expectations;
- whether a coordinated effort between Financial Services and various departments to understand the anticipated cash flows related to capital expenditures and to help inform the Short-Term Investment strategy has taken place in the past year; and,
- whether Whitby's investment return related to the ONE Joint Investment Board was comparable to the returns for other municipalities.

Recommendation:

Moved By Councillor Newman

1. That Report FS 17-22, 2021 Annual Investment Report and Review and Update of Investment Policy Statement, be received;
2. That Investment Policy F 100 attached as Appendix C to report FS 17-22, be approved by Council; and,
3. That the Treasurer be directed to sign a copy of the Investment Policy F 100 to indicate Council's approval and to forward a copy of this Policy to the ONE Joint Investment Board.

**Carried**

**9.7** Office of the Chief Administrative Officer Report, CAO 11-22  
Re: 2022–2025 Whitby Tourism Strategy

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

- whether the 461 visitors to the Connect Whitby site was related



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- specifically to the Tourism Strategy survey in 2021; and,
  - whether the position for a Senior Manager of Community Advancements would be required in the future.

Recommendation:

Moved By Mayor Mitchell

1. That Report CAO 11-22 be received for information;
2. That Council endorse the 2022 – 2025 Whitby Tourism Strategy as outlined in Attachment 1 to Report CAO 11-22; and,
3. That a copy of the approved Whitby Tourism Strategy be circulated by Events staff to stakeholders and partners once adopted by Council.

**Carried**

It was the consensus of the Committee to hear Item 8.1, Correspondence # 2022-247 received from Mayor Dan Carter, City of Oshawa dated April 7, 2022 regarding an Update on the Establishment of Noise Abatement Procedures and Restrictions for Oshawa Executive Airport under the Transport Canada Aviation Advisory Circular, and Correspondence # 2022-250 received from M. Medeiros, City Clerk, City of Oshawa dated April 8, 2022 regarding Proposed Noise Abatement Procedures for the Oshawa Executive Airport (Ward 2), at this time.

**9.8** Office of the Chief Administrative Office Report, CAO 12-22  
Re: Strategic Initiatives Restructuring

A brief question and answer period ensued between Members of Committee and Staff regarding clarification on the annual salaries for the two coordinator positions including benefits and overhead costs, and confirmation that the impact on the budget would be up to \$20,000.00.

Recommendation:

Moved By Councillor Leahy

That the budget and approved full-time position for the vacant Senior Manager of Community Advancements position be removed and funds be re-allocated to the following two new full-time positions: a Coordinator of Climate Change and a Coordinator of Culture & Tourism within the Strategic Initiatives Division.

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## Carried

### 9.9 Office of the Town Clerk Report, CLK 02-22 Re: Board and Advisory Committee Streamlining and 2022-2026 Recruitment Schedule

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

- whether there would be a review of the procedure to initiate appeals before the Municipal Licensing and Standards Committee and a review of the process of adjudication to ensure clarity and administrative fairness;
- whether the procedure would be presented to Council; and,
- whether the budget for Whitby in Bloom Committee would be transferred to the Town's Event Volunteer Program.

Recommendation:

Moved By Councillor Shahid

1. That Council authorize the establishment of a Municipal Licensing and Standards Committee to replace the Property Standards Appeal Committee and Animal Services Appeal Committee for the 2022-2026 Term and approve the Terms of Reference for the Municipal Licensing and Standards Committee appended to this Report as Attachment 1;
2. That Council direct the Clerk to bring forward administrative amendments to Town by-laws to replace references to the Property Standards Appeal Committee or Animal Services Appeal Committee (as the case may be) with the Municipal Licensing and Standards Committee;
3. That Council direct the Clerk to bring forward a by-law to amend Business Licensing By-law # 5545-04 to indicate that appeals for refusal to issue a licence under the by-law will be heard by the Municipal Licensing and Standards Committee;
4. That Council direct the Clerk to bring forward a by-law to set remuneration for the Municipal Licensing and Standards Committee at \$100 per meeting attended plus applicable mileage associated with site visits;
5. That Council direct the Clerk to amend the Terms of Reference for the Accessibility Advisory Committee and the Diversity and Inclusion Advisory Committee to increase the frequency of joint meetings between the Committees to two times each year for the 2022-2026 Term;
6. That Council authorize the disbanding of the Whitby in Bloom

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- Committee and endorse the transition of the Committee's functions to the Town's Event Volunteer Program; and,
7. That Council direct the Clerk to amend Boards and Committees Policy G 030 to provide delegated authority to the Clerk to update the Terms of Reference for Advisory Committees to reflect each Committee's preference for virtual, hybrid, or in-person meetings.

**Carried**

- 9.10** Office of the Town Clerk Report, CLK 03-22  
Re: 2023 Council and Standing Committees Calendar

Recommendation:

Moved By Councillor Newman

That Council approve the 2023 Council, Committee, and Public Meeting Schedule appended as Attachment 1 to this report.

**Carried**

- 9.11** Fire and Operational Services (Fire and Emergency Services) Department Report, FOS(FES) 02-22  
Re: Report and Recommendations of Changes to the Bylaw to Regulate the Sales and Discharge of Fireworks

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

- the methods of public engagement and possible amendments to By-law # 6339-10 in 2023;
- the possibility of face to face engagement with residents during the Town's fireworks displays in Whitby;
- the rationale for another survey or more consultation;
- whether another survey would take place prior to a report back to Council in 2023; and,
- whether there were any concerns raised with respect to the use of fireworks on Diwali.

Discussion ensued between Members of the Committee regarding:

- the Diwali celebrations/fireworks continuing in 2022;
- concerns regarding setting off fireworks in school yards and parks prior to and following holidays late into the evenings;
- the identification and removal of the barrier for cultural celebrations in Whitby, and allowing fireworks on Diwali to

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- continue;
  - incorporating cultural celebrations into Town events;
  - the growing diversity of the community and how cultural celebrations may be incorporated into Town events;
  - the likelihood of additional celebrations in Whitby;
  - the rationale for allowing fireworks in Whitby given the impact on the wildlife and disruption to residents; and,
  - the addition of more cultural celebrations that have fireworks resulting in increased concerns/complaints.

Recommendation:

Moved By Councillor Shahid

1. That Council extend the 2021 by-law exemption to allow Consumer grade fireworks to be used as part of Diwali celebrations on October 24, 2022 without the requirement to obtain a permit; and,
2. That Council direct staff to review By-law # 6339-10, in consideration of the Connect Whitby fireworks public survey results, and provide recommendations in the first quarter of 2023 for further revisions to the by-law.

**Carried**

## 10. New and Unfinished Business - General Government

### 10.1 New and Unfinished Business - General Government

There was no new and unfinished business.

## Adjournment

Motion to Adjourn

Recommendation:

Moved By Councillor Yamada

That the meeting adjourn.

**Carried**

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The meeting adjourned at 9:48 p.m.



## **Town of Whitby By-law # 7888-22**

### **Amendment to Procedure By-law**

Being a By-law to Amend Procedure By-law # 7462-18 to allow Members of Council to participate electronically at meetings.

Whereas Council enacted By-law # 7618-20 on March 23, 2020 to allow Members of Council to participate electronically at meetings during an emergency; and,

Whereas Council enacted By-law # 7632-20 on May 19, 2020 to allow Members of Council to participate electronically at meetings during an emergency and/or a pandemic during times when physical distancing or quarantine measures are required by health agencies; and,

Whereas Bill 197, the COVID-19 Economic Recovery Act, 2020, amended the Municipal Act, 2001 to permit members of councils, local boards, and committees to participate electronically in open and closed meetings and be counted for the purposes of quorum; and,

Whereas Council adopted Resolution # 93-22 at their Regular Meeting on April 11, 2022 directing the Clerk to prepare a by-law to amend the Procedure By-law to allow Members of Council to participate electronically at Committee and Council meetings, outside of an emergency situation and/or during a pandemic.

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

#### **1. General**

- 1.1. That Section 7 of By-law # 7462-18 be repealed and replaced with the following:

##### **Section 7 - Electronic Participation at Meetings**

- 7.1. A Member of Council may participate electronically in a Meeting that is open or closed to the public. A Member participating electronically shall count towards determining whether or not a quorum of members is present at any point in time.
- 7.2. Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair in consultation with the Clerk shall have the authority to modify the Rules of Procedure to ensure Members can effectively electronically participate in the meeting.
- 7.3. Members of the public shall have the option to present or delegate to Council and at Statutory Public Meetings under the Planning Act either electronically or in person, and the Clerk shall facilitate the presenter or delegate's preferred option upon receiving a formal request to appear as a delegation.

- 7.4. The Clerk may provide for the electronic participation of Staff, including electronic participation of the Clerk.

**2. Effective Date**

- 2.1. This by-law shall come into force and take effect upon the final passing thereof.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk



## **Town of Whitby By-law # 7889-22**

### **Amendment to Public Parks and Park Buildings By-law # 7419-18**

Being a By-law to Amend the Public Parks and Park Buildings By-law # 7419-18.

Whereas the Council of The Corporation of the Town of Whitby considered the Memorandum from A. Gratton, Manager of Enforcement Services dated April 20, 2022 regarding Administrative Amendments to Public Parks and Park Building By-law # 7419-18 at its meeting on May 16, 2022; and,

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

#### **1. General**

1.1. That the following be inserted as subsection 5.3 of the Public Parks and Park Buildings By-law # 7419-18 and that the remaining subsections in Section 5 be renumbered accordingly.

5.3. Every person who is ordered by a police officer or municipal law enforcement officer to desist an activity that contravenes this by-law, or leave a park, shall immediately comply with such an order.

#### **2. Effective Date**

2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk



## **Memorandum to Council**

Legal and Enforcement Services

By-law Division



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**To:** Mayor and Members of Council

**CC:** Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor      **Acknowledged by M. Gaskell, Chief Administrative Officer**

**From:** Andre Gratton, Manager of Enforcement Services

**Date:** April 20, 2022

**File #:** n/a

**Subject:** Administrative Amendments to Public Parks and Park Building By-law # 7419-18

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### **Background**

The Town's Public Parks and Parks Buildings By-law # 7419-18 (the "By-law") contains provisions for police officers and Municipal Law Enforcement Officers ("MLEOs") to order a person to desist from an activity that contravenes the By-law, and/or order a person to leave the park.

The Regional Court of Justice has advised Staff that in order for the Town to be able to register the set fine schedule for the offences under the By-law, an administrative amendment to the by-law is required to clarify the offence of contravening an order of a police officer or MLEO.

### **Staff recommend amending the By-law to address the Court's concerns.**

To address the Court's concerns, Staff recommend amending the By-law to add the following as subsection 5.3 and renumbering the remaining subsections in Section 5 accordingly. This change is required for procedural and prosecutorial purposes.

- 5.3. Every person who is ordered by a police officer or municipal law enforcement officer to desist an activity that contravenes this by-law, or leave a park, shall immediately comply with such an order.

The associated amending by-law has been added to the May 16, 2022 Regular Council agenda.



## **Town of Whitby By-law # 7890-22**

### **Zoning By-law Amendment**

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

Whereas, on June 24, 2019 the Council of The Corporation of the Town of Whitby passed By-law #7531-19 which amended By-law #1784, as amended, to grant the temporary use of a residential sales office on the lands situated at the north-east corner of Thickson Road North and Columbus Road East (Subject Land) for three years until June 24, 2022.

And whereas, the temporary use provisions on the Subject Land are scheduled to expire on June 24, 2022, and Council deems it advisable to further amend By-law #1784, as amended, to grant a further period of three years for the temporary use of a residential office on the Subject Land until June 24, 2025;

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

#### **1. General**

- 1.1. Subsection 11(h), Agricultural (A) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by deleting sentence 2 in Exception 13: A-13 and replacing it with the following sentence:
- 1.2. The temporary use of one residential sales office shall cease to be in effect as of **June 24, 2025**.

By-law read and passed this 16th day of May, 2022.

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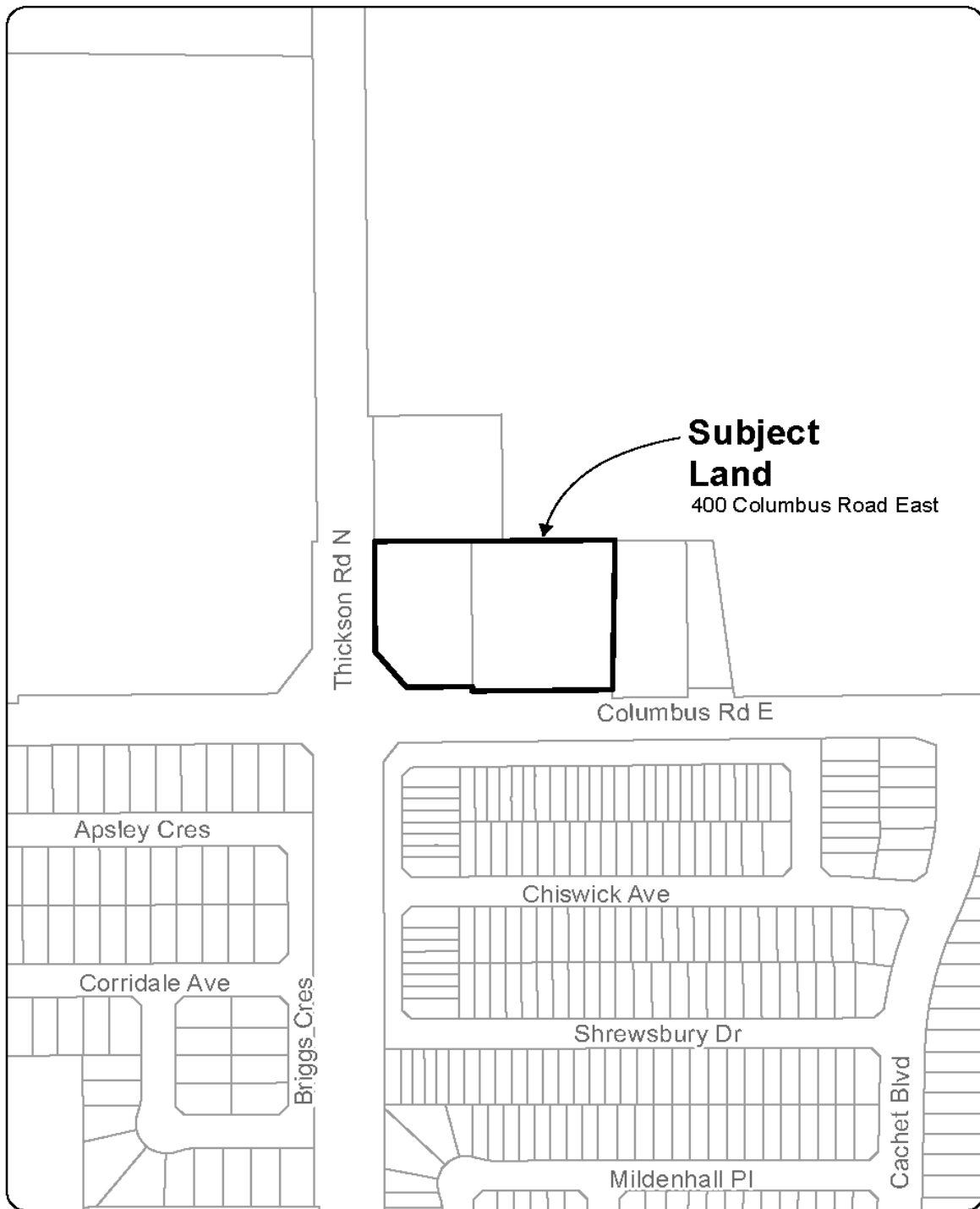
Don Mitchell, Mayor

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Christopher Harris, Town Clerk



**Key Map to By-Law # 7890 -22**



By-law Name: Zoning By-law Amendment  
By-law # 7890-22

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## **Town of Whitby By-law # 7891-22**

### **Zoning By-law Amendment**

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

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784.

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

#### **1. General**

- 1.1. Section 1 Title – Table of Contents is hereby amended by adding thereto a new section 8D – Prestige Industrial / Health Precinct (M1A/HP) Zone.
- 1.2. Section 3 – Zones is hereby amended by adding a new subsection “(c)” as follows:
  - (c) Compound Zones
    - (i) Where two or more zoning symbols divided by an oblique line (“/”) are shown on Schedule “B” to this By-law as applying to a lot, that lot may be used for any use permitted in any one of the zones included in the compound zone symbol or for any combination of uses permitted in any of the zones included in the compound zone symbol subject to compliance with the articles below.
    - (ii) The provisions prescribed in this By-law for the selected zone in the compound zone symbol in which the use is permitted shall be complied with in the development of the lands. When a combination of uses from two or more zones are to be developed on a lot, the zone provisions applicable to each use shall be complied with or the most restrictive provision shall apply.
    - (iii) The General Provisions and Parking and Loading Requirements of this By-law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be satisfied and/or provided.
- 1.3. Schedule ‘B’ to By-law #1784 is hereby amended by changing the zoning from A and M2 to M1A/HP, M1A-9, M1A-10, M1A-AC-3, GB-CW and OS of the lands marked M1A/HP, M1A-9, M1A-10, M1A-AC-3, GB-CW and OS shown as the Subject Land on Schedule “A-1” attached to and forming part of this By-law Amendment.

- 1.4. Subsection 8A(iii) – Prestige Industrial (M1A) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

**Exception 9: M1A-9**  
**South of Hwy #407, East of Baldwin Street South**

**1. Defined Area**

The lands generally located south of Highway #407 situated east of Baldwin Street South and zoned M1A-9 shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

**2. Uses Permitted**

No person shall within any M1A-9 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- ancillary retail sales
- assembly hall
- banquet hall
- business services including industrial supply, printing/graphic design establishment and other similar services
- catering service establishment
- commercial school
- communication facility
- craft brewery
- data centre
- eating establishment
- eating establishment, take-out
- financial institution
- food preparation plant
- heavy equipment sales and service
- hotel
- light manufacturing
- office
- personal service establishment
- pharmaceutical production facility
- place of entertainment
- private stormwater management pond/facility
- recreational club or facility
- research and development facility

- technology industry
- warehouse distribution facility
- warehouse facility
- wholesale distribution centre

The following uses are prohibited within the M1A-9 Zone:

- automobile dealership complex
- automobile sales establishment
- automobile service station
- car wash
- commercial self storage warehouse
- elementary and secondary school
- gas bar
- outside storage
- place of worship
- public garage
- retail store
- salvage yard
- transport terminal

### 3. Zone Provisions

No person shall within any M1A-9 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

- |     |  |                     |
|-----|--|---------------------|
| (a) | Lot Area<br>Minimum                          | 0.4 ha              |
| (b) | Lot Coverage<br>Maximum                      | 60% of the lot area |
| (c) | Landscaped Open Space<br>Minimum             | 10% of the lot area |
| (d) | Front Yard<br>Minimum Depth<br>Maximum Depth | 6.0 m<br>9.0 m      |

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- |     |                            |       |
|-----|----------------------------|-------|
| (e) | Rear Yard<br>Minimum Depth | 7.5 m |
|-----|----------------------------|-------|

- (f) Interior Side Yard  
Minimum Width 3.0 m
- (g) Exterior Side Yard  
Minimum Width 6.0 m
- (h) Height of Building  
Maximum 8 storeys
- (i) Gross Floor Area Restrictions
  - (i) The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m<sup>2</sup> per premise.
  - (ii) The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A-9.
  - (iii) Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m<sup>2</sup> of gross floor area.
  - (iv) The maximum gross floor area for ancillary retail sales associated with all other industrial uses shall be 250m<sup>2</sup> per premise.

**4. Definitions**

For the purpose of the interpretation of the various provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #1784, the following definitions shall apply:

**“Ancillary retail sales”** means retail uses associated with but clearly subordinate to a principal use.

**“Assembly Hall”** means a building or part of a building in which facilities are provided for such purposes as meetings for civic,

educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

**“Commercial Self-Storage Facility”** means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

**“Craft Brewery”** means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

**“Food Preparation Plant”** means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

**“Heavy Equipment Sales and Service”** means a building or part of a building where new and/or used heavy equipment are kept for display and sale, and may include as an accessory use the repair and service of heavy equipment, but shall not include a contractor’s yard.

**“Light manufacturing”** means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

**“Personal Service Establishment”** means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner’s distribution station and laundromat or similar uses, but shall not include a body rub establishment.

**“Place of Entertainment”** means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

**“Recreational Club or Facility”** means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.



**“Research and Development Facility”** means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

**“Technology Industry”** means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

**“Transport Terminal”** means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

**“Wholesale Distribution Centre”** means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

**5. Zone Provisions That Do Not Apply**

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-9 by this By-law:

- 4(g) Sight Triangles
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

- 1.5. Subsection 8A(iii) – Prestige Industrial (M1A) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

**Exception 10: M1A-10  
South of Hwy #407, West of Baldwin Street South**

**1. Defined Area**

The lands generally located south of Highway #407 situated west of Baldwin Street South and zoned M1A-10 shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

## 2. Uses Permitted

No person shall within any M1A-10 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- ancillary retail sales
- assembly hall
- banquet hall
- business services including industrial supply, printing/graphic design establishment and other similar services
- commercial school
- communication facility
- data centre
- eating establishment
- eating establishment, take-out
- financial institution
- hotel
- office
- personal service establishment
- pharmaceutical production facility
- place of entertainment
- private stormwater management pond/facility
- recreational club or facility
- research and development facility
- technology industry

The following uses are prohibited within the M1A-10 Zone:

- automobile dealership complex
- automobile sales establishment
- automobile service station
- car wash
- commercial self storage warehouse
- elementary and secondary school
- gas bar
- outside storage
- place of worship
- public garage
- retail store
- salvage yard
- transport terminal
- warehouse distribution facility
- warehouse facility
- wholesale distribution centre

**3. Zone Provisions**

No person shall within any M1A-10 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

- |     |                       |                     |
|-----|-----------------------|---------------------|
| (a) | Lot Area              |                     |
|     | Minimum               | 0.4 ha              |
| (b) | Lot Coverage          |                     |
|     | Maximum               | 60% of the lot area |
| (c) | Landscaped Open Space |                     |
|     | Minimum               | 10% of the lot area |
| (d) | Front Yard            |                     |
|     | Minimum Depth         | 6.0 m               |
|     | Maximum Depth         | 9.0 m               |

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- |      |   |           |
|------|---|-----------|
| (e)  | Rear Yard   |           |
|      | Minimum Depth   | 7.5 m     |
| (f)  | Interior Side Yard  |           |
|      | Minimum Width   | 3.0 m     |
| (g)  | Exterior Side Yard  |           |
|      | Minimum Width   | 6.0 m     |
| (h)  | Height of Building  |           |
|      | Maximum   | 8 storeys |
| (i)  | Gross Floor Area Restrictions   |           |
| (i)  | The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m <sup>2</sup> per premise. |           |
| (ii) | The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A-10.       |           |

- (iii) The maximum gross floor area for ancillary retail sales associated with other industrial uses shall be 250m<sup>2</sup> per premise.

**4. Definitions**

For the purpose of the interpretation of the various provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #1784, the following definitions shall apply:

**“Ancillary retail sales”** means retail uses associated with but clearly subordinate to a principal use.

**“Assembly Hall”** means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

**“Commercial Self-Storage Facility”** means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

**“Personal Service Establishment”** means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner's distribution station and laundromat or similar uses, but shall not include a body rub establishment.

**“Place of Entertainment”** means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

**“Recreational Club or Facility”** means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

**“Research and Development Facility”** means a building or part of a building used for carrying on investigation in the natural, physical or

social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

**“Technology Industry”** means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

**“Transport Terminal”** means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

**“Wholesale Distribution Centre”** means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

**5. Zone Provisions That Do Not Apply**

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-10 by this By-law:

- 4(g) Sight Triangles
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

- 1.6. By-law #1784, as amended is hereby further amended by adding a new Section 8D – Prestige Industrial/Health Precinct (M1A/HP) Zone as follows:

**8D Prestige Industrial/Health Precinct (M1A/HP) Zone**

**1. Defined Area**

The land located west of Baldwin Street South, north of the Hydro One hydro corridor and south of the new east – west Type B arterial road and zoned M1A/HP shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

**2. Uses Permitted**

No person shall within any M1A/HP Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with one or more of the following uses:

(a) Prestige Industrial Uses

- All uses either permitted or prohibited are as per the M1A-9 Zone.

(b) Health Precinct Uses

- clinic
- commercial parking lot or structure
- education training, meeting or conference facility related to health care
- health care complex
- laboratory
- hospital
- research and development facility

(c) Accessory Uses

The following uses are permitted within a building that contains one or more of the permitted uses in the Health Precinct.

- accommodation facility related to healthcare
- eating establishment
- financial Institution
- personal service establishment
- pharmacy
- retail store

**3. Zone Provisions**

No person shall within any M1A/HP Zone use any lot or erect, alter, or use any building or structure for any purpose except in accordance with the following provisions:

(a) Prestige Industrial Uses

- |       |                                  |                     |
|-------|----------------------------------|---------------------|
| (i)   | Lot Area<br>Minimum              | 0.4 ha              |
| (ii)  | Lot Coverage<br>Maximum          | 60% of the lot area |
| (iii) | Landscaped Open Space<br>Minimum | 10% of the lot area |

- (iv) Front Yard
- |               |       |
|---------------|-------|
| Minimum Depth | 6.0 m |
| Maximum Depth | 9.0 m |

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- (v) Rear Yard
- |               |       |
|---------------|-------|
| Minimum Depth | 7.5 m |
|---------------|-------|

- (vi) Interior Side Yard
- |               |       |
|---------------|-------|
| Minimum Width | 3.0 m |
|---------------|-------|

- (vii) Exterior Side Yard
- |               |       |
|---------------|-------|
| Minimum Width | 6.0 m |
|---------------|-------|

- (viii) Height of Building
- |         |           |
|---------|-----------|
| Maximum | 8 storeys |
|---------|-----------|

- (ix) Gross Floor Area Restrictions

- (a) The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m<sup>2</sup> per premise.
- (b) The maximum aggregate number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A/HP.
- (c) Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m<sup>2</sup> of gross floor area.
- (d) The maximum gross floor area for ancillary retail sales associated with all other industrial uses shall be 250m<sup>2</sup> per premise.

(b) Health Precinct Uses

- |       |                                     |                     |
|-------|-------------------------------------|---------------------|
| (i)   | Front Yard<br>Minimum Depth         | 7.5 m               |
| (ii)  | Rear Yard<br>Minimum Depth          | 7.5 m               |
| (iii) | Interior Side Yard<br>Minimum Width | 7.5 m               |
| (iv)  | Exterior Side Yard<br>Minimum Width | 7.5 m               |
| (v)   | Landscaped Open Space               | 15% of the lot area |
| (vi)  | Height of Building<br>Maximum       | 8 storeys           |

Provided however that the maximum building height for a public hospital shall be 12 storeys

(vii) Roof Top Appurtenances

The maximum height of any roof top appurtenance such as an elevator penthouse, mechanical room/equipment, stair tower, roof top access room and any architectural features shall not exceed 7 metres.

(viii) Green Roof

- A green roof shall be required on any building greater than 4 storeys in height.
- The minimum coverage of available roof spaces covered by the green roof shall be 25% of the total available roof space excluding roof top appurtenances such as an elevator penthouse, mechanical room/equipment, stair tower, roof top access room, and any architectural feature.

(ix) Gross Floor Area Restrictions

- The maximum gross floor area permitted for an eating establishment, financial institution, personal service establishment and a retail store shall be 250 m<sup>2</sup> per premise.



- The maximum aggregate number of eating establishment, financial institution, personal service establishment and retail store uses shall be 4 such uses for lands zoned M1A/HP.

(x) **Parking Restrictions**

- The minimum parking requirements for a public hospital shall be provided in accordance with the results of a Parking Study as required by Section 4A of By-law #1784.
- There shall be no parking or loading spaces in the front or exterior side yards.

**4. Definitions**

For the purpose of the interpretation of the various provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 and subsection 14.1 of By-law #1784, the following definitions shall apply:

**“Accommodation Facility Related to Healthcare”** means a room or suite of rooms for non-profit, designed to provide temporary accommodation to person(s) attending health care related uses.

**“Commercial Parking Lot or Structure”** means a building, part of a building or area of land other than a street or lane, used for the temporary parking of motor vehicles for compensation, but shall not include the storing of impounded, damaged or unlicensed motor vehicles or a salvage yard. A commercial parking lot shall include ten or more parking spaces with parking aisles and with principle access to a street.

**“Education Training, Meeting or Conference Facility Related to Healthcare”** means a building or part of a building used for instruction, training, workshops, seminars, meetings, or other similar activities related to healthcare and may include accessory food preparation areas.

**“Hospital”** means any institution, building or other premises established and operated for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved in accordance with Provincial legislation and may include educational research, laboratory and similar facilities related to health care and may also include eating establishment, take-out eating establishment, personal service establishment, retail store and similar uses associated with a hospital.

**“Laboratory”** means a building used for scientific research, medication testing or experimentation but not facilities for the manufacture or sale of products.

**“Pharmacy”** means a retail store in which prescription drugs are dispensed and in which non-prescription medicines, health and beauty products, and associated sundry items may be sold.

**“Research and Development Facility”** means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

**5. Zone Provisions That Do Not Apply**

The following subsections of Section #4 General Provisions shall not apply to the lands zoned M1A-9, M1A/HP and OS by this By-law amendment.

- 4(g) Sight Triangles
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

- 1.7. Subsection 8C – Prestige Industrial – Automobile Complex (M1A-AC) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

**Exception 3: M1A-AC-3  
South of Hwy #407, East of Baldwin Street South**

**1. Defined Area**

The lands generally located south of Highway #407 and east of Baldwin Street South and zoned M1A-AC-3 shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

## 2. Uses Permitted

No person shall within any M1A-AC-3 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with one or more of the following uses:

- all uses permitted are as per the M1A-9 Zone
- automobile sales establishment

## 3. Zone Provisions

No person shall within any M1A-AC-3 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

- |     |  |                     |
|-----|--|---------------------|
| (a) | Lot Area<br>Minimum                          | 0.4 ha              |
| (b) | Lot Coverage<br>Maximum                      | 60% of the lot area |
| (c) | Landscaped Open Space<br>Minimum             | 10% of the lot area |
| (d) | Front Yard<br>Minimum Depth<br>Maximum Depth | 6.0 m<br>9.0 m      |

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- |     |                            |       |
|-----|----------------------------|-------|
| (e) | Rear Yard<br>Minimum Depth | 7.5 m |
|-----|----------------------------|-------|

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- |     |                                     |       |
|-----|-------------------------------------|-------|
| (f) | Interior Side Yard<br>Minimum Width | 3.0 m |
|-----|-------------------------------------|-------|

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- (g) Exterior Side Yard  
Minimum Width 6.0 m

Notwithstanding the required setbacks, the setback required by the Ministry of Transportation shall apply along any public street that is subject to Ministry of Transportation corridor control.

- (h) Height of Building  
Maximum 8 storeys

- (i) Gross Floor Area Restrictions

- (i) The maximum gross floor area permitted for a personal service establishment, eating establishment, takeout eating establishment and financial institution shall be 500m<sup>2</sup> per premise.
- (ii) The maximum number of personal service establishment, eating establishment, takeout eating establishment and financial institution uses shall be four such uses for the lands zoned M1A-AC-3.
- (iii) Ancillary retail sales associated with a light manufacturing use shall be permitted to a maximum of 10 percent of the gross floor area of the principal use. The ancillary retail sales area may be used for the display and retail sale of products manufactured, fabricated, processed or assembled on the premises provided that the floor area devoted to ancillary retail sales shall not occupy more than 500m<sup>2</sup> of gross floor area.
- (iv) The maximum gross floor area for ancillary retail sales associated with all other industrial uses shall be 250m<sup>2</sup> per premise.

## 4. Definitions

For the purpose of the interpretation of the various provisions set forth above, the following definitions shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #1784, the following definitions shall apply:

**“Ancillary retail sales”** means retail uses associated with but clearly subordinate to a principal use.

**“Assembly Hall”** means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, fraternal or social purposes, conferences, conventions and trade shows and may include ancillary banquet facilities.

**“Commercial Self-Storage Facility”** means a building or part of a building where separate compartmentalized storage units are made available to the public and where the public are permitted to access the building to place or remove their personal property.

**“Craft Brewery”** means a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the site and where the use is of a small-scale and may be associated with an eating establishment.

**“Food Preparation Plant”** means a building or part of a building in which food products are cooked, baked, mixed, packaged or otherwise prepared, for distribution to wholesale or retail outlets.

**“Light manufacturing”** means a building or part of a building for the altering, assembling, fabricating, processing, treating, or repairing of goods, wares, merchandise, substances, articles, or products.

**“Personal Service Establishment”** means a building or part of a building, where services are provided and administered to individuals and their personal needs and where ancillary retail sales is permitted and include, but is not limited to, hair care, esthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, dry cleaner’s distribution station and laundromat or similar uses, but shall not include a body rub establishment.

**“Place of Entertainment”** means a building or part of a building intended for recreational or entertainment uses, including a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, bowling alley, paint ball, go kart, parkour, rock climbing, gymnasium, escape room, axe throwing or similar such uses, and where all such uses are contained within a fully enclosed structure.

**“Recreational Club or Facility”** means a building or part of a building where recreation, sports and/or fitness activities are provided and shall include a private club.

**“Research and Development Facility”** means a building or part of a building used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, but not facilities for the manufacture or sale of products.

**“Technology Industry”** means a use where advanced sophisticated devices, especially in the field of electronics, computer, communication or aerospace technologies are manufactured, assembled, packaged or warehoused.

**“Transport Terminal”** means a premises use for transferring of goods involving the loading and unloading of freight carrying trucks, trailers or transports and may include the storing, parking, servicing and dispatching of such vehicles.

**“Wholesale Distribution Centre”** means a building or part of a building where finished products are stored or kept in bulk for sale to retail establishments but shall not include a retail store other than a sales outlet.

**5. Zone Provisions That Do Not Apply**

The following subsections of Section 4 General Provisions shall not apply to the lands zoned M1A-AC-3 by this By-law:

- 4(g) Sight Triangles
- 4(m) Ten Percent (%) of Every Lot
- 4(w) Satellite Dishes

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

## Schedule A-1

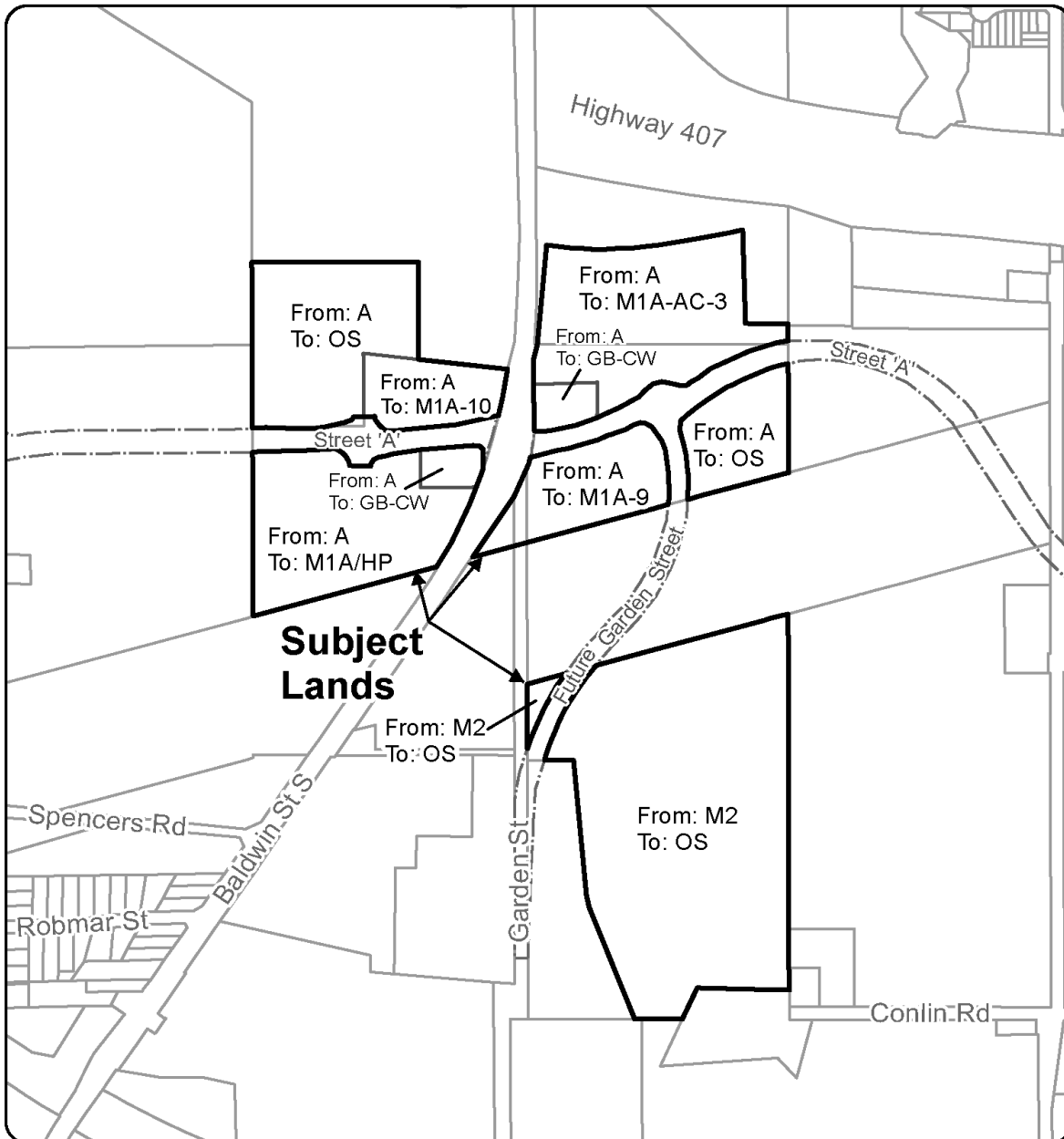
To By-law # 7891-22

This is Schedule A-1 to By-law # 7891-22 passed by the

Council of the Town of Whitby this 16th day of May, 2022.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor



By-law Name: Zoning By-law Amendment  
By-law # 7891-22

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## **Town of Whitby By-law # 7892-22**

### **Zoning By-law Amendment**

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

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784;

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

#### **1. General**

- 1.1. Schedule "B" to By-law #1784 is hereby amended by changing the zoning from C2-S-4 to C2-S-10 for the Subject Land shown on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Subsection 7E(iii) – Special Purpose Commercial (C2-S) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

#### **C2-S-10 – Special Purpose Commercial – Exception 10 Zone 4140 – 4150 Garden Street**

##### **1. Defined Area**

The lands located north of Taunton Road East and west of Garden Street and zoned C2-S-10 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #1784.

##### **2. Uses Permitted**

No person shall within any C2-S-10 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- all uses permitted in the C2-S zone
- bakeshop or confectionary shop
- clinic
- commercial school
- courier shop
- eating establishment
- eating establishment – take out
- financial institution



- food store
- laundromat
- laundry
- office
- personal service establishment
- print shop
- recreational club or facility
- retail store
- service shop
- studio
- wellness centre

**3. Zoning Provisions That Do Not Apply**

The following zone provisions shall not apply to the lands zoned C2-S-10 by this By-law amendment:

4(m) Ten Percent % of Every Lot

4(w) Satellite Dishes

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

By-law Name: Zoning By-law Amendment  
By-law # 7892-22

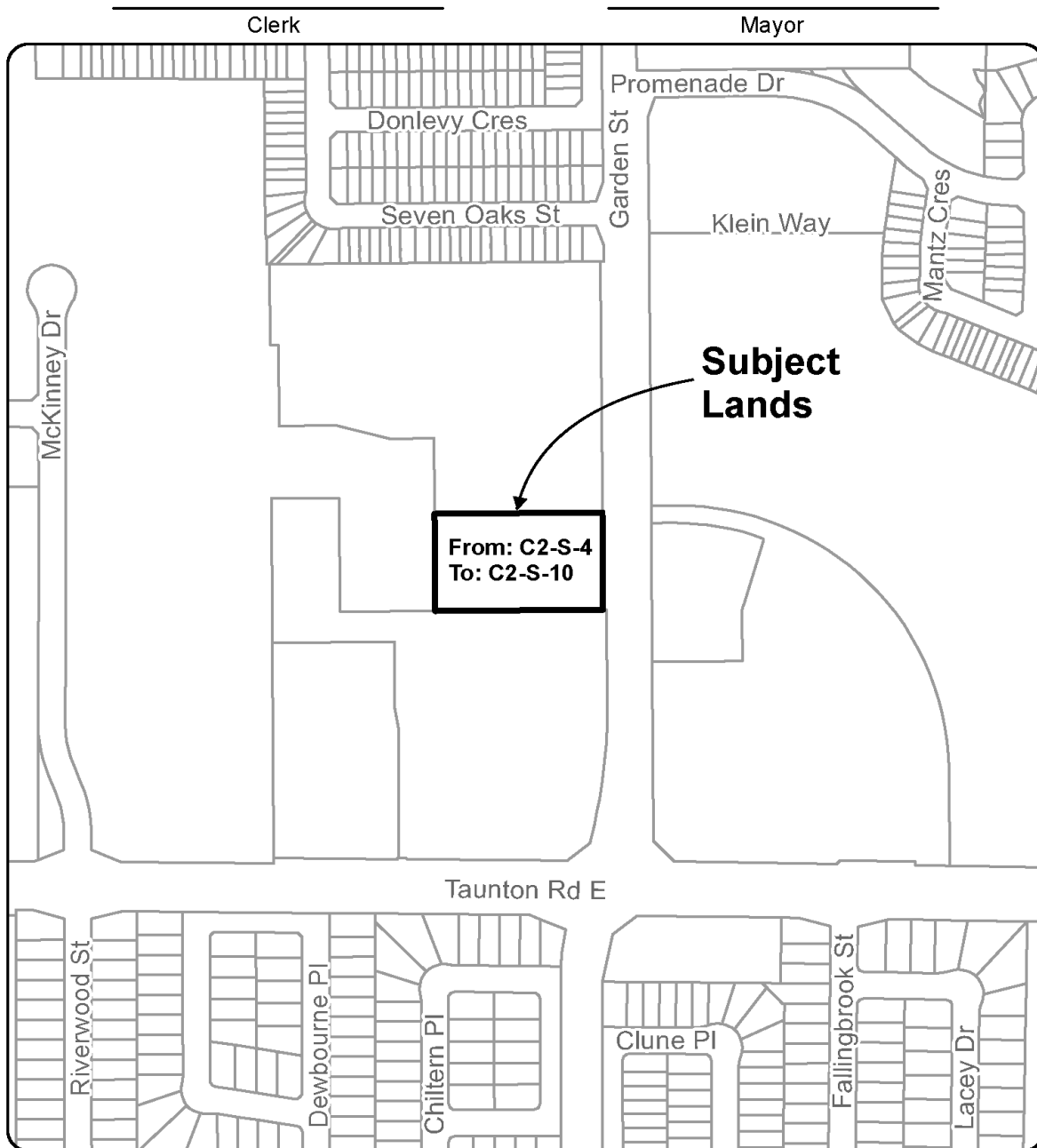
Page 2 of 3

**Schedule A-1**

To By-law # 7892-22

This is Schedule A-1 to By-law # 7892-22 passed by the

Council of the Town of Whitby this 16th day of May, 2022.



By-law Name: Zoning By-law Amendment  
By-law # 7892-22

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## **Town of Whitby By-law # 7893-22**

### **Municipal Licensing and Standards Committee Remuneration By-law**

Being a By-law to provide for the remuneration of members of the Municipal Licensing and Standards Committee.

Whereas Section 283(1) of the Municipal Act, S.O. 2001, c. 25 provides that a municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality; and,

Whereas the Council of The Corporation of the Town of Whitby considered Report CLK 02-22 at its meeting on May 16, 2022; and,

Whereas Council deems it necessary to pay remuneration and vehicle mileage generated through property inspections to members of the Municipal Licensing and Standards Committee;

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

#### **1. General**

- 1.1. Remuneration in the amount of one hundred dollars (\$100.00) shall be paid to members of the Municipal Licensing and Standards Committee of The Corporation of the Town of Whitby for each meeting attended.
- 1.2. Members of the Municipal Licensing Standards Committee of The Corporation of the Town of Whitby shall be reimbursed for their vehicle mileage generated through property inspections incidental to appeals at the current mileage rates as approved through Town of Whitby Policy F 120, Automobile Allowance Rates.

#### **2. Repeal of Existing By-law**

- 2.1. That By-law # 7329-17 and By-law # 7340-17 are hereby repealed once this by-law comes into force and takes effect.

#### **3. Effective Date**

- 3.1. The provisions of this By-law shall come into force and take effect on November 15, 2022.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

By-law Name: Municipal Licensing and Standards Committee Remuneration By-law  
By-law # 7893-22 Page 2 of 2



## **Town of Whitby By-law # 7894-22**

### **Amendment to Permanent Sign By-law # 7379-18**

Being a By-law to amend Permanent Sign By-law # 7379-18.

Whereas the Council of The Corporation of the Town of Whitby considered Staff Report PDP 29-22 at its meeting on May 16, 2022; and,

Whereas Council deems it necessary to amend the Permanent Sign By-law to permit a projecting sign at 85 Taunton Road East.

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

#### **1. General**

- 1.1. That Subsection 4.2.2. of Permanent Sign By-law # 7379-18 be repealed and replaced with the following:
  - 4.2.2. a projecting sign, except in Downtown Brooklin, Downtown Whitby, and at 85 Taunton Road East, in accordance with subsection 4.22. of this by-law;
- 1.2. That Subsection 4.22. of Permanent Sign By-law # 7379-18 be repealed and replaced with the following:
  - 4.22. In addition to any other provisions contained in this by-law, projecting signs are permitted in commercial zones located within Downtown Brooklin, Downtown Whitby, and 85 Taunton Road East in accordance with the following:
- 1.3. That Subsection 4.22.1. of Permanent Sign By-law # 7379-18 be repealed and replaced with the following:
  - 4.22.1. one (1) projecting sign is permitted on each lot, except in cases where a lot has more than one (1) street frontage, then the maximum number of projecting signs is increased to one (1) projecting sign per frontage, except for the property at 85 Taunton Road East where the maximum number of projecting signs is one (1), regardless of the number of frontages.

#### **2. Effective Date**

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

By-law Name: Amendment to Permanent Sign By-law # 7379-18  
By-law # 7894-22

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## **Town of Whitby By-law # 7895-22**

### **Amendment to Property Standards By-law # 6874-14**

Being a By-law to amend Property Standards By-law # 6874-14, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered Report CLK 02-22 at its meeting on May 16, 2022; and,

Whereas Council deems it necessary to amend the Property Standards By-law, as amended, to change references to the Property Standards Appeal Committee to the Municipal Licensing and Standards Committee in accordance with the recommendations contained in Report CLK 02-22;

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

#### **1. General**

- 1.1. That Subsection 1.14. of Property Standards By-law # 6874-14, as amended, be repealed and replaced with the following:
  - 1.14. "committee" means the Municipal Licensing and Standards Committee established pursuant to the Building Code Act, and Subsection 2.7. and Subsection 2.8. of this by-law;
- 1.2. That the heading, "Property Standards Appeal Committee" appearing immediately prior to Subsection 2.7. of Property Standards By-law # 6874-14, as amended, be deleted and replaced with the heading "Municipal Licensing and Standards Committee".
- 1.3. That Subsection 2.7. of Property Standards By-law # 6874-14, as amended, be repealed and replaced with the following:
  - 2.7. The Council of the Town shall establish a Municipal Licensing and Standards Committee that,
    - 2.7.1. subject to the Building Code Act, hears all appeals of orders issued under this by-law;
    - 2.7.2. consists of no fewer than three (3) citizen members;
    - 2.7.3. has its members appointed for a term equivalent to Council's term of office;
    - 2.7.4. has an assigned staff member of the Town to serve the role of secretary to the committee, performing the duties and obligations required by the Building Code Act; and,
    - 2.7.5. has the powers and duties prescribed by the Building Code Act.

1.4. That Subsection 2.8. of Property Standards By-law # 6874-14, as amended, be repealed and replaced with the following:

2.8. Despite the provisions of Subsection 2.7.3., Council may, at their sole discretion, appoint members or revoke the appointment of members of the Municipal Licensing and Standards Committee, provided that a minimum of three (3) citizen members remain on the committee at all times.

**2. Effective Date**

2.1. The provisions of this By-law shall come into force and take effect on November 15, 2022.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk





## **Town of Whitby By-law # 7896-22**

### **Amendment to Responsible Pet Ownership By-law # 7294-17**

Being a By-law to amend Responsible Pet Ownership By-law # 7294-17, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered Report CLK 02-22 at its meeting on May 16, 2022; and,

Whereas Council deems it necessary to amend the Responsible Pet Ownership By-law, as amended, to change references to the Animal Services Appeal Committee to the Municipal Licensing and Standards Committee in accordance with the recommendations contained in Report CLK 02-22;

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

#### **1. General**

- 1.1. That Subsection 1.2. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:
  - 1.2. "Municipal Licensing and Standards Committee" means the Municipal Licensing and Standards Committee appointed by Town Council;
- 1.2. That Subsection 6.4. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:
  - 6.4. Should the owner of the dog disagree with the order issued by an animal services officer, the owner may appeal the order to the Municipal Licensing and Standards Committee within 10 business days of the order being served.
- 1.3. That Subsection 6.5. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:
  - 6.5. Upon receipt of an appeal, the Municipal Licensing and Standards Committee shall, as soon as is possible, conduct a hearing and shall hear evidence presented by both the animal services officer and the owner of the dog.
- 1.4. That Subsection 6.6. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:
  - 6.6. In the interim, between the date of the order issued by the animal services officer and the date of the hearing by the Municipal Licensing and Services Committee, the owner of the dog shall comply with the conditions of the order.

1.5. That Subsection 6.7. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:

6.7. On appeal of an order, the Municipal Licensing and Standards Committee has the power to confirm, modify or quash an order issued by an animal services officer.

1.6. That Subsection 6.8. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:

6.8. The decision of the Municipal Licensing and Standards Committee shall be final and binding and the owner of the dog shall comply with the decision of the committee and the conditions of the order.

1.7. That Subsection 6.9. of Responsible Pet Ownership By-law # 7294-17, as amended, be repealed and replaced with the following:

6.9. If an owner fails to appear at a hearing before the Municipal Licensing and Services Appeal Committee, the order shall be deemed to be in full force and effect as if no appeal had been filed.

## **2. Effective Date**

2.1. The provisions of this By-law shall come into force and take effect on November 15, 2022.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

By-law Name: Amendment to Responsible Pet Ownership By-law # 7294-17  
By-law # 7896-22

Page 2 of 2



## **Town of Whitby By-law # 7897-22**

### **Amendment to Business Licensing By-law # 5545-04**

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

Whereas the Council of The Corporation of the Town of Whitby considered Report CLK 02-22 at its meeting on May 16, 2022; and,

Whereas Council deems it necessary to amend the Business Licensing By-law, as amended, to change references to Council as the appeal body for appeals heard pursuant to the by-law to the Municipal Licensing and Standards Committee in accordance with the recommendations contained in Report CLK 02-22;

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

#### **1. General**

- 1.1. That the following Subsection be inserted into Business Licensing By-law # 5545-04, as amended, as Subsection 1.m. and the remaining Subsections in Section 1 be renumbered accordingly:
  - 1.m. "municipal licensing and standards committee" means the Municipal Licensing and Standards Committee appointed by Council.
- 1.2. That Subsection 5.(2) of Business Licensing By-law # 5545-04, as amended, be repealed and replaced with the following:
  - 5.(2) If the applicant is not satisfied with the decision of the Clerk to refuse the licence, the applicant may appeal the Clerk's decision to the Municipal Licensing and Standards Committee by written notice delivered to the Clerk and the decision of the Clerk shall be effective until the appeal is disposed of by the Municipal Licensing and Standards Committee.
- 1.3. That Subsection 10.(1) of Business Licensing By-law # 5545-04, as amended, be repealed and replaced with the following:
  - 10.(1) The Clerk may suspend, for cause, any licence issued under this by-law until the next meeting of the Municipal Licensing and Standards Committee.
- 1.4. That Subsection 10.(2) of Business Licensing By-law # 5545-04, as amended, be repealed and replaced with the following:
  - 10.(2) The Municipal Licensing and Standards Committee may, for cause, revoke or suspend or refuse to issue or renew any licence to which this by-law applies but before doing so the applicant/licensee shall be permitted either by himself/herself or his/her representative to

appear before the Municipal Licensing and Standards Committee to show cause why he/she believes such licence should be granted.

- 1.5. That Subsection 10.(3) of Business Licensing By-law # 5545-04, as amended, be repealed and replaced with the following:

10.(3) The decision of the Municipal Licensing and Standards Committee respecting any licence required under this by-law shall be final.

**2. Effective Date**

- 2.1. The provisions of this By-law shall come into force and take effect on November 15, 2022.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk



## **Town of Whitby By-law # 7898-22**

### **Dedication By-law**

Being a By-law to dedicate Part 3 on Plan 40R-30953 as a Public Highway (Mary Street East).

Whereas Subsection 31(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires a municipality to enact a by-law in order to establish lands as a highway;

And whereas The Corporation of the Town of Whitby has acquired certain lands as hereinafter described for the purpose of widening as a condition of Site Plan Application SP-23-18;

And whereas Subsection 31(6) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that if land is acquired for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening;

And whereas the Council of The Corporation of the Town of Whitby considers it desirable to dedicate lands as hereinafter described as a public highway.

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

#### **1. General**

- 1.1. That the following lands in the Town of Whitby, Regional Municipality of Durham, be and are hereby established as a highway by the Town, and forming part of the highway known as Mary Street East:
  - a) Part Lot 295, E/S Brock Street, Plan H50029, being Part 3, Plan 40R-30953, being all of PIN 26532-0431 (LT).
- 1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title to lands and highways set out herein.
- 1.3. That this By-law shall come into full force and effect upon final passage hereof.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk



## **Town of Whitby By-law # 7899-22**

### **Official Plan Amendment Number 125**

Being a By-law to adopt Amendment Number 125 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 125 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 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

## **Schedule 'A' to By-Law 7899-22**

### **Amendment # 125 to the Town of Whitby Official Plan**

<b>Purpose:</b>	The purpose of this Amendment to the Town of Whitby Official Plan is to permit a multi-storey, commercial self-storage and flex office building and accessory single storey, commercial self-storage buildings on the subject lands, as a site specific exception, within the Prestige Industrial designation.
<b>Location:</b>	The lands subject to this Amendment are legally known as Block 270, Plan 40M-2647, generally located on the west side of Des Newman Boulevard, south of Bonacord Avenue, identified by Assessment Roll number 18-09-020-001-33563-0000.
<b>Basis:</b>	<p>The Amendment is based on an application to amend the Town of Whitby Official Plan (File: OPA-2021-W/04), as submitted by GHD, on behalf of 412 Dundas Developments Limited. The Amendment would permit, as an exception to the 'Prestige Industrial' land use designation, the additional use of commercial self-storage facility on the subject land. The proposed use would operate wholly within enclosed buildings with a gross floor area of 15,275 square metres (169,265 square feet), and would restrict all outdoor storage.</p> <p>The proposed 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 overall goals and intent of the policies of the Regional Official Plan.</p> <p>The proposed development meets the overall intent of the policies of the Whitby Official Plan and West Whitby Community Secondary Plan by: providing an integrated compact form and range of uses that are an efficient and effective use of land resources and municipal services; providing space to serve local industrial area businesses, institutions, small firms, and industry clusters, as well as serve the residential community; providing an appropriate transition to the adjacent residential areas; and, ensuring land use compatibility.</p> <p>The subject lands are serviceable and suitable for the proposed use, and would be compatible with the existing and designated uses of surrounding lands.</p>

Development of the subject lands would be subject to the provisions in the implementing Zoning By-law and Site Plan Control By-law and appropriate easements for shared access, vehicular and pedestrian circulation and municipal servicing.

**Actual Amendment:**

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

- 1) By amending the West Whitby Community Secondary Plan, to add the following new section:

“11.12.2.6.11 Notwithstanding any other provisions of this Plan to the contrary, for lands legally known as Block 270, Plan 40M-2647, identified by Assessment Roll number 18-09-020-001-33563-0000, the additional use of a multi-storey, commercial self-storage facility and flex office building, and accessory single-storey, 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.

In addition, a lot for the additional use(s) noted above 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.”

**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.





## **Town of Whitby By-law # 7900-22**

### **Zoning By-law Amendment**

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

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784;

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

#### **1. General**

- 1.1. Schedule "B" to By-law #1784 is hereby amended by changing the zoning from PE to PE-1 for the land shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Section 14.1 Definitions to By-law #1784, as amended, is hereby further amended by deleting the definition title "Self Storage Warehouse" and replacing it with the title "Commercial Self-Storage Warehouse".
- 1.3. Section 14.7 Prestige Employment Zone Regulations to By-law #1784, as amended, is hereby further amended by adding a new subsection 14.7.4 Exceptions and adding thereto the following Exception:

#### **14.7.4 Exceptions**

##### **(1) Exception 1: PE-1 Block 270 on Plan 40M-2647**

##### **1. Defined Area**

The lands located west of Des Newman Boulevard and north of Woodrow Court and zoned PE-1 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #1784.

##### **2. Uses Permitted**

No person shall within any PE-1 Zone use any lot or erect, alter or use any building or structure except for one or more of the following uses:

- All uses permitted in the PE Zone
- Commercial self-storage warehouse

**3. Zone Provisions**

Notwithstanding any provisions of this By-law to the contrary, in any PE-1 Zone the following provisions shall apply:

(a) Determination of Lot

Notwithstanding the definition of Lot in Section 2 and any other provisions of By-law #1784 and notwithstanding the obtaining of any severance by way of a consent under the provisions of the Planning Act, R.S.O. 1990, C. P.13 as amended from time to time, or the registration at any time of any Condominium Declaration, a Plan of Subdivision, or conveyance with respect to any portion of the said land, the land zoned PE-1 by this By-law shall be considered to be one lot.

(b) Location of Commercial Self-Storage Warehouse Buildings

No commercial self-storage warehouse building shall be situated any closer than 90 metres from the Des Newman street line.

(c) Parking Requirements

(i) Number of Parking Spaces

The minimum number of outdoor parking spaces required for any commercial self-storage warehouse buildings with a maximum gross floor area of 12,200 m<sup>2</sup> shall be 1 parking space per 500 m<sup>2</sup>.

**4. Zoning Provisions That Do Not Apply**

The following zone provisions shall not apply to the lands zoned PE-1 by this By-law amendment:

4A 1.2(c) Parking Spaces Required – More Than One Use on a Lot

14.2.6 Frontage on a Street

4A 4.1(b) Non-Residential Parking Provisions – Location of Parking

4A 5.3 Loading Space Regulations – More Than One Use on a Lot

- 1.4. This By-law shall not come into full force and effect until Amendment No 125 to the Town of Whitby Official Plan has received final approval.

By-law read and passed this 16th day of May, 2022.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk

**Schedule A-1**

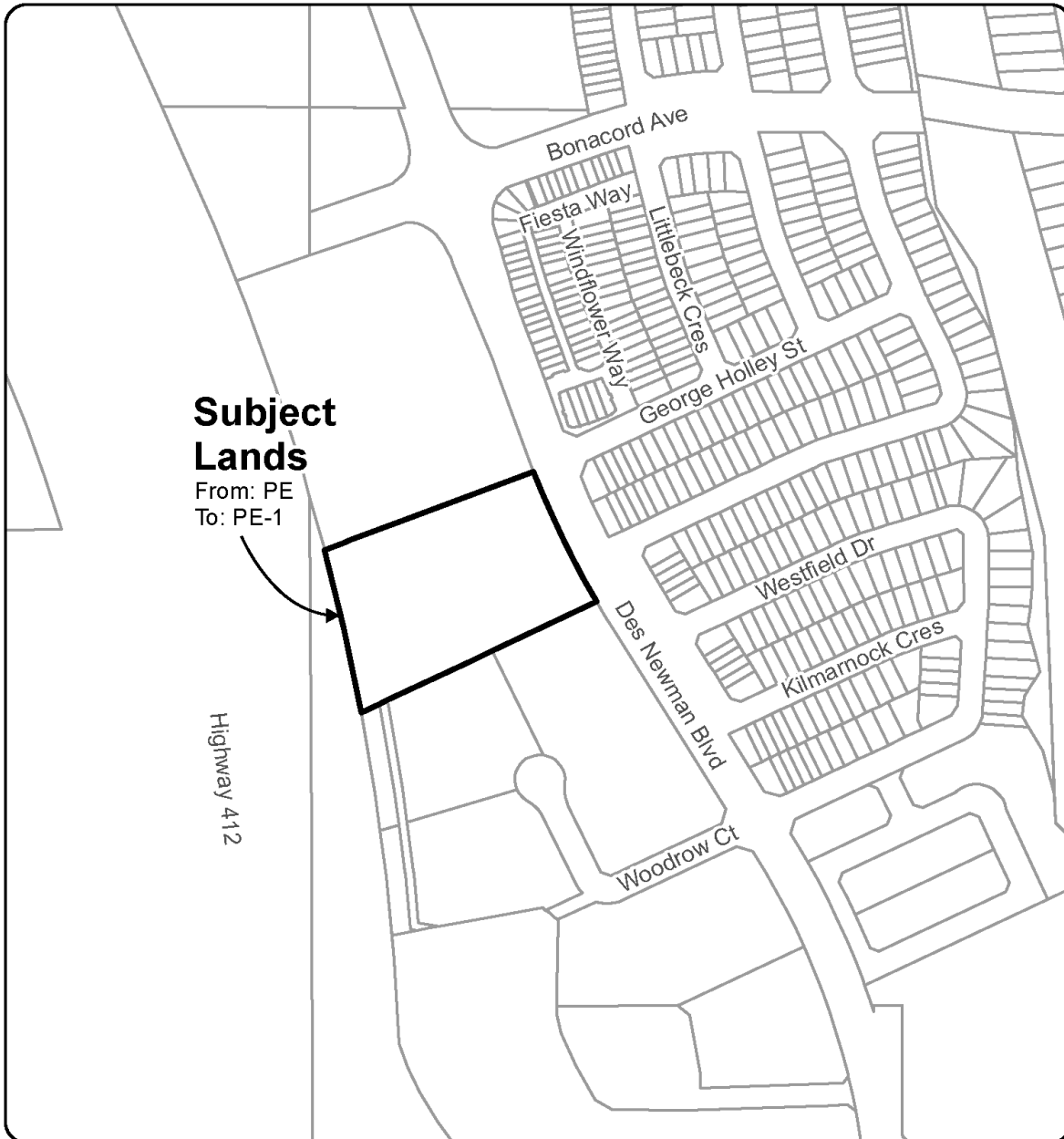
To By-law # 7900-22

This is Schedule A-1 to By-law # 7900-22 passed by the

Council of the Town of Whitby this 16th day of May, 2022.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor



By-law Name: Zoning By-law Amendment  
By-law # 7900-22

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