



## Committee of the Whole Minutes

December 11, 2023, 6:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Also Present: R. Saunders, Acting Chief Administrative Officer  
M. Hickey, Fire Chief  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

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

There were no declarations of conflict of interest.

4. Consent Agenda

Recommendation:

Moved by Councillor Mulcahy

That the Committee of the Whole meeting of December 11, 2023 not go past 11:00 p.m.

**Carried**

5. Planning and Development

5.1 Presentations

There were no presentations.

5.2 Delegations

5.2.1 Wenda Abel, Resident (In-Person Attendance)

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

**Refer to Item 5.4.2, PDE 14-23**

Wenda Abel, Resident, expressed concerns regarding the lack of implementation of safety measures including the installation of flashing lights at pedestrian crossovers in Port Whitby. She stated that nine locations were listed in Report PDE 14-23 for safety improvements throughout Whitby, but that there were none in Port Whitby. Ms. Abel noted four high risk, high volume pedestrian crossing locations in Port Whitby including Watson Street at Port Whitby Marina waterfront trail, Watson Street at Brock Street South, Watson Street at Charles Street South, and Front Street at Brock Street South that were either not marked or signed, marked but not signed or not marked or signed, but have accessible curve cuts. She stated that development in the Port Whitby area would result in increased population, pedestrians, visitors, traffic, and use of the pedestrian crossovers. Ms. Abel requested that Council direct Staff to include the Port Whitby crossover locations noted for the installation of flashing lights prior to approving Report PDE 14-23. She further requested that Staff be directed to undertake additional actions to upgrade and improve pedestrian crossovers.

A brief question and answer period ensued between Members of Committee and Ms. Abel regarding the delegate's priority locations for pedestrian crossover safety improvements in Port Whitby.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDE 12-23, Planning and Development (Engineering Services)  
Department Report

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

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

- whether exceptions would be made for on-street parking by personal support workers; and,
- notifying residents and schools in the area.

Recommendation:

Moved by Councillor Mulcahy

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

**Carried**

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

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

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

- whether there were sufficient funds in the budget to cover the cost of upgrading pedestrian crossover locations in addition to the nine locations noted in Report PDE 14-23;
- whether Staff reviewed the pedestrian crossover locations in Port Whitby noted by the delegate in terms of pedestrian volume, traffic, speed, and crossover threshold, and the level and type of pedestrian crossover they currently meet;
- the rationale for not including the four crossovers in Port Whitby noted by the delegate in the Staff report;
- whether the upgrades to the pedestrian crossovers would include the new rectangular flashing beacons to alert drivers of pedestrian crossings;
- the cost of four additional pedestrian crossover upgrades in Port Whitby and whether the cost would be included in the 2024 budget;
- whether the third-party consultant was provided with any guidelines/criteria for the development of the traffic calming plan; and,
- reporting back on the need and feasibility of including the pedestrian crossovers in Port Whitby noted by the delegate.

Recommendation:

Moved by Councillor Mulcahy

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

**Carried**

5.4.3 PDP 47-23, Planning and Development (Planning Services)  
Department Report

Re: Region of Durham Modifications to Official Plan Amendment  
126 - Downtown Whitby Community Secondary Plan

Recommendation:

Moved by Councillor Lee

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

**Carried**

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

5.5.2 Port Whitby Pedestrian Crossovers

Recommendation:

Moved by Councillor Lundquist

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

**Carried**

6. General Government

6.1 Presentations

- 6.1.1 Ene Underwood, Chief Executive Officer, and Lorraine Huinink, Board Director, Habitat for Humanity Greater Toronto Area, and Jihan Ferguson, Habitat Homeowner in Oshawa (In-Person Attendance)

Re: Correspondence # 2023-587 from E. Underwood, Chief Executive Officer, Habitat for Humanity Greater Toronto Area,

regarding Expression of Interest in Acquiring Surplus Sites at Dunlop Street East and Hickory Street for Affordable Housing Development

**Refer to Item 6.3.1, Correspondence # 2023-587**

Ene Underwood, Chief Executive Officer, and Lorraine Huinink, Board Director, Habitat for Humanity Greater Toronto Area (GTA), and Jihan Ferguson, Habitat Homeowner in Oshawa appeared before the Committee and provided a PowerPoint presentation about Habitat for Humanity GTA. Highlights of the presentation included:

- the Habitat for Humanity GTA's service area;
- details about the history of Habitat for Humanity GTA prior to and following their amalgamation with Habitat Durham;
- images depicting examples of Habitat for Humanity GTA communities and their partnership with Tribute Communities; and,
- detailed information about the importance of and who Habitat for Humanity GTA services.

A question and answer period ensued between Members of Committee and Ms. Underwood and Ms. Ferguson regarding:

- the timeline for the process from applying to moving into a home;
- details about the requirements and commitment by an applicant to attain home ownership, the application process, and how Habitat for Humanity GTA assists applicants with attaining home ownership;
- the timeline for completion of the proposed affordable housing development at Dunlop Street East and Hickory Street;
- whether Habitat for Humanity GTA's partnering municipalities all donate land for the development of affordable homes;

- whether there was a guarantee that homes transferred back to Habitat Humanity GTA would remain affordable housing stock, and the percentage of the housing stock that would remain affordable;
- whether there was a commitment from The Daniels Corporation or Tribute Communities to partner with Habitat for Humanity GTA with respect to the Dunlop Street East and Hickory Street surplus land;
- whether The Daniels Corporation or Tribute Communities in partnership with Habitat for Humanity would purchase land in other municipalities versus other municipalities donating land; and,
- how the Habitat for Humanity GTA model would work successfully should a municipality not have any land to donate.

It was the consensus of the Committee to hear Item 6.3.1, Correspondence # 2023-587, at this time.

## 6.2 Delegations

### 6.2.1 Nicole Keane, Owner, 417 Byron Street North (In-Person Attendance)

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

#### **Refer to Item 6.4.4, LS 13-23**

Nicole Keane, Owner, 417 Byron Street North, appeared before the Committee and advised that she owns and operates Whitby Transitional Community Care (WTCC). She indicated that when she purchased the home in June 2021 there were already 17 occupants, and that she was unaware that she was in contravention of any by-laws. She provided detailed information about the home, the various services provided within the home, the visits from the Assertive Community Treatment (Act) Team, and the rules of the home. She advised that most of the tenants were from Ontario Shores Centre for Mental Health Services (OSCMHS) and that they move into the home when they were rehabilitated and stable, noting that her job was to continue to support their stability

and advise nurses and social workers of their progress. Ms. Keane provided detailed information about the occupants, noting that most of them do not have family support, that they support each other and feel safe, accepted, and part of a family. She stated that a neighbour filed a disturbance of the peace complaint due to a new resident that screams. She advised that this resident requires extensive services and has complex needs. Ms. Keane provided details about the ongoing work to curb his behaviour and to find a new residence and/or proper facility for him. She advised that following an inspection by Town Staff, she was ordered to remove 7 residents which would exacerbate their mental health challenges and increase their anxiety. Ms. Keane advised that homelessness was a concern for the men due to high rental costs and discrimination, noting that homeless people with mental illness generate high costs for the community. She stated that that she provides an independent living facility with low and affordable rent, a high quality of life, and a service for the community that keeps vulnerable men off the streets and out of the parks. Ms. Keane advised that OSCMHS would not take the residents back, and that it was challenging to find housing for 7 men. She indicated that removing 7 people would change the business model and reduce or eliminate the services all people in the home receive. Ms. Keane stated that she hopes to work with the Region of Durham and the Town of Whitby to receive financial support to bring the home up to current standards. She requested that the by-law exemption request be approved to permit 17 residents and 2 employees to reside at the WTCC home.

A question and answer period ensued between Members of Committee and Ms. Keane regarding:

- the rationale for the delegate purchasing and operating the home;
- clarification on the number of residents and employees in the home;
- whether the employees live in the home and where their living quarters were located within the home;
- clarification on the number of employees currently occupying living space within the home;



- the number of bedrooms in the home and whether any bedrooms were shared;
- whether the house was originally a 3-bedroom home;
- whether there have been any challenges with residents in the past;
- whether the criteria for admittance to the home would be revised based on the challenges with the new resident;
- whether the residents have expressed concerns about the having to leave, what would happen to the residents should the exemption not be approved, and whether the residents could be housed in a low-barrier shelter;
- whether a reduction in the number of residents would be detrimental to the business model to maintain the operation of the home;
- the details about receiving patients from OSCMHS; and,
- the rationale for the frequency of police and ambulance attendance at the home.

#### 6.2.2 Meghan Gaudet, Resident (In-Person Attendance)

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

#### **Refer to Item 6.4.4, LS 13-23**

Meghan Gaudet, Resident, appeared before the Committee and stated that she was not in support of approving the by-law exemption request, and that she would support the recommendation to reduce the capacity for occupancy through attrition. She raised concerns regarding:

- the significant change regarding the impact of the WTCC home on the community over the past 3 to 5 years;
- residents from 417 Byron Street North entering the delegate's yard and looking in windows;

- the increase in police presence at the home, and residents being escorted from the WTCC home in handcuffs;
- the operation and supervision of the residents including the lack of overnight supervision;
- whether the live-in overnight supervisor was certified in CPR and basic first aid, and whether regular fire drills took place;
- who determines the suitability of a resident, whether the residents have to submit criminal record and vulnerable sector checks, and whether the owner(s) and employee(s) were subject to a vulnerable sector check; and,
- the number of residents paying for private accommodation but living in a semi-private space.

A question and answer period ensued between Members of Committee and Ms. Gaudet regarding:

- confirmation that the live-in care giver at WTCC home has full-time employment outside of home, and the time of day/evening that he works at the WTCC home;
- when the delegate noticed the change regarding the impact of the home on the community;
- confirmation that since 2019/2020 there has been an increase in police and emergency services presence at the WTTC home; and,
- the result of the situation that occurred when the resident from the WTCC home entered the delegate's property.

#### 6.2.3 Gary Gannon, Resident (In-Person Attendance)

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

#### **Refer to Item 6.4.4, LS 13-23**

Gary Gannon, Resident, appeared before the Committee and stated his support for the by-law exemption request by Ms. Keane for 417 Byron Street North. An overview of his delegation included:

- conversations with a resident of the WTCC home who was anxious and worried about being forced to leave the home due to a complaint received by the Town regarding the number of tenants residing in the home;
- gathering information about the home including its history, Ms. Keane's acquisition of the property, and the responsibilities included in operating the home; and,
- detailed information about the home, meeting the residents, the provisions and services offered for a well run home that include a safe, secure, and respectful environment with contact with nurses and case workers from OSCMHS.

A question and answer period ensued between Members of Committee and Mr. Gannon regarding:

- the importance of transitional homes for the most vulnerable population in the community; and,
- whether the delegate had an opportunity to speak to neighbours in the area of the WTCC home about their experiences.

#### 6.2.4 Robert Johnson, Resident (In-Person Attendance)

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

##### **Refer to Item 6.4.4, LS 13-23**

Robert Johnson, Resident, appeared before the Committee and raised various concerns about the possibility of being forced to leave his home located at 417 Bryron Street North, and the stress and hardships he experienced while residing in other group homes. Mr. Johnson spoke to the services provided at the WTCC home, the cleanliness and upkeep of the home, the ease of access to professional supports, the support provided by staff, and the safe environment and neighbourhood.

#### 6.2.5 Vivian Terrelonge, Ajax Resident (In-Person Attendance)

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

#### **Refer to Item 6.4.4, LS 13-23**

Vivian Terrelonge, Ajax Resident, appeared before the Committee and advised of his support of his daughter, Nicole Keane, and for the 17 tenants to remain in the home. Highlights of his delegation included:

- the delegate's attendance at the home inspection prior to the purchase of the property, and confirmation via the previous owner, the real estate agent, and a manual head count, that there were 17 male tenants in the home at that time;
- the purchase of the property to help people, but not to have more expense than revenue;
- the significant impact on the business model should 7 residents have to leave, and potential loss of the business and personal bankruptcy;
- the well-being and comfort of the residents who were well taken care of and have resided in the home for many years;
- selecting the residents that would need to leave should the by-law exemption request not be approved, where they would go, and assurances that they would be treated properly; and,
- the delegate's request to permit the WTCC home to continue operate with a total of 17 residents.

#### **6.2.6 Vahid Kazemi, Toronto Resident (In-Person Attendance)**

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

#### **Refer to Item 6.4.4, LS 13-23**

Vahid Kazemi, Toronto Resident, appeared before the Committee and shared detailed information about his mental and physical challenges, his hospitalization at OSCMHS, his inability to live on his own, his experiences residing at the WTCC home and the positive impact it had on his life. He stated that the support, assistance, and services he received provided the opportunity for him to transition to a normal life. Mr. Kazemi advised that he moved

out of the WTCC home and lives independently in his own place. He noted that his personal goal was to give back to the community.

6.2.7 Cherilyn Gill, Cambridge Resident (In-Person Attendance)

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

**Refer to Item 6.4.4, LS 13-23**

Cherilyn Gill, Cambridge Resident, appeared before the Committee and stated her support for approval of the by-law exemption request by Ms. Keane. Highlights of her delegation included:

- the delegate's education and work experience, and advocating for individuals with a variety of disabilities and challenges;
- details about the various supports and services provided at the WTCC home that provide the residents with a sense of dignity, and a place to call home;
- a rarely witnessed level of care and love provided by the employees that work at the home;
- details about the delegate's experiences with the residents including following the rules of the house, i.e., no alcohol, no drugs, no violence, or aggression;
- detailed information about the delegate's brother currently residing at the WTCC home including the support and services he receives to be successful and independent;
- the public perception about the people living at the WTCC home due to their physical and/or mental health challenges; and,
- the success of the WTCC home supporting 17 rule following residents without cost to taxpayers, and who may become homeless should the number of residents be reduced from 17 to 10.

A question and answer period ensued between Members of Committee and Ms. Gill regarding:

- options for the delegate's brother should the by-law exemption request not be approved; and,
- details about delegate's brother and his successes during his residency at the home.

It was the consensus of the Committee to hear Item 6.4.4, LS 13-23, at this time.

Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor provided clarification regarding Item 6.4.3, LS 12-23, Follow up re Prohibited and Regulated Animals By-law Exemption Request for Nova's Ark - 7505 Cedarbrook Trail as follows:

- the report was not seeking to regulate programming taking place at Nova's Ark;
- Town staff were not seeking to close Nova's Ark, and that the report only deals with the prohibited animals located at the facility; and,
- Town staff were not seeking to euthanize any animals housed at Nova's Ark, and that Town staff requested that the animals be rehomed and were willing to provide additional time for the animals to be rehomed pending the decision of the Committee and Council with respect to the by-law exemption request.

#### 6.2.8 Mary-Ann Nova representing Nova's Ark

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

#### **Refer to Item 6.4.3, LS 12-23**

Mary-Ann Nova representing Nova's Ark, appeared before the Committee and noted the support from the public by the number of delegations and amount of correspondence submitted. A summary of her delegation included:

- following the Canada's Accredited Zoos and Aquariums (CAZA) and the Association of Zoos and Aquariums (AZA)

recommendations for specific animal enclosures and safety protocols for specific animals;

- detailed binders outlining the safety requirements and standards for each animal;
- that Staff at the facility were licensed by the Ministry of Natural Resources and Forestry (MNRF) to work with birds of prey;
- addressing safety and health concerns including avian flu and the biosecurity of animals at the facility;
- various resources provided to Nova's Ark through the Provincial Animal Welfare Society (PAWS), and information for animal enrichment and/or safety;
- the number of employees, the commitment to animal care which includes VetCheck, rabies vector species training protocols, and wildlife rehabilitation certification;
- the physical safety for animals, participants, staff, and the community;
- the types of animals at Nova's Ark; and,
- research and work taking place for assisted animal interventions using larger animals.

A detailed question and answer period ensued between Members of Committee and Ms. Nova regarding:

- whether the animal assisted therapy was accredited;
- whether employees were fully accredited for the care of the animals;
- the education that the animal care supervisors have, and the number of animal care takers;
- the precautions in place for disease control;
- whether the delegate has experienced any injuries at Nova's Ark, and whether there were any concerns about people in the animal enclosures with animals;

- how animals were obtained, whether all of the animals were donated, and confirmation that the animals were not purchased at auction;
- the current number of exotic prohibited animals;
- whether any animals on the prohibited list were acquired after May 2021, and the number of animals that were acquired in 2022 and 2023;
- concerns about acquiring animals following the Town's direction not to acquire any animals and assurances that exemptions would be adhered to;
- whether all of the animal enclosures were built to the standards of the Association of Zoos and Aquariums (AZA) and Canada's Accredited Zoos and Aquariums (CAZA), and whether the perimeter fencing, and the safety and emergency plans were fully up to standard;
- whether any recommendations address permitting children or adults or staff that were not trained into the animal enclosures;
- whether an animal has ever escaped from any enclosure, and if so, what animal(s), and whether a patron or employee has ever been injured by one of the prohibited animals including the wolves;
- the ability to run the program or a version of the program without the exotic prohibited animals;
- whether the delegate has access to a solicitor and an insurance broker;
- whether Nova's Ark has current liability insurance, whether the current liability insurance company knows and covers the full programming including permitting patrons into all animal enclosures, whether the insurance company inspected the site and provided a written coverage guarantee, and whether Ms. Nova would be able to confirm and provide to the Town that the insurance company was fully aware and willing to insure all patrons of all ages entering the animal enclosures;



- whether the delegate has all of the proper safety and emergency procedures and plans, and first aid training that would satisfy insurers;
- whether the proposed increase from \$5,000,000 to \$10,000,00 liability insurance has been reviewed by the Board of Directors and the delegate, whether the increase in insurance was affordable and whether the insurer will cover the amount;
- detailed information about the animal enclosures, and confirmation that animals were unable to escape from their enclosures;
- whether the number of prohibited animals would eventually be reduced to zero;
- what would happen to the remaining prohibited animals and the impact on programming should the by-law exemption request not be approved;
- whether a Burmese python was a dangerous animal;
- clarification about whether a fox has ever escaped from Nova's Ark;
- whether the wolves at Nova's Ark attract coyotes or other animals to the facility;
- the percentage of patrons on the autism spectrum;
- addressing the safety concerns of residents related to the wolves at Nova's Ark;
- whether many of the animals donated or rescued by Nova's Ark were at risk of being euthanized;
- where the prohibited animals would be re-homed should the by-law exemption request not be approved, and whether there was any risk that they may be euthanized;
- the timeline for end of life for the remaining prohibited animals, and confirmation that there would not be any exotic prohibited animals once the existing animals expire;

- whether there were any concerns about the impact on the animals or the community due to current/future residential development in the area;
- the sources of funding for Nova's Ark;
- whether the Ministry of Natural Resources and Forestry or any other organization dealing with animals has expressed any concerns about Nova's Ark;
- confirmation that no further prohibited animals would be acquired should the by-law exemption request be approved;
- whether the Town would be liable should an accident or injury occur;
- the number of Board of Directors, the frequency of meetings, and whether Nova's Ark has a safety committee;
- clarification about whether any employee or patron has been injured or bitten by an animal at Nova's Ark;
- whether there were any other facilities who permit children or adults into the animal enclosures; and,
- details about the emergency plan should an individual in an enclosure be attacked by an animal.

#### 6.2.9 Steven Ko, Resident (In-Person Attendance)

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

#### **Refer to Item 6.4.3, LS 12-23**

Steven Ko, Resident, appeared before the Committee and stated his support for the preservation of Nova's Ark. An overview of his delegation included:

- detailed information about his daughter, and the benefits and positive impact the therapeutic environment provided by Nova's Ark has had on her life and development;

- the transformative experience for his daughter due to the exotic animals who his daughter has formed a deep and meaningful connection with;
- the name(s) and type(s) of animals who have become his daughter's, friends, and instrumental components of her therapy;
- Nova's Ark not only being a sanctuary for exotic animals but a refuge for people like his daughter who find solace, understanding, companionship, and unique bonds with the animals;
- how severing the connections made with the exotic animals would affect his daughter, and how much progress would be lost for his daughter and other patrons; and,
- whether the consequences of removing the exotic animals from Nova's Ark have been considered.

A question and answer period ensued between Members of Committee and Mr. Ko regarding:

- whether the delegate has felt unsafe or had any concerns about any of the animals at Nova's Ark;
- whether a sudden removal of the exotic animals would have an impact on the program or the delegate's daughter;
- the length of time the delegate's daughter has been attending at Nova's Ark and whether the program has helped her;
- whether there was any improvement of the delegate's daughter in the public school system; and,
- clarification about the age of the delegate's daughter and the animals she interacts with.

#### 6.2.10 Leigh Doran, Resident (In-Person Attendance)

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

**Refer to Item 6.4.3, LS 12-23**

Leigh Doran, Resident, appeared before the Committee and expressed her opposition to the by-law exemption request and advised of organizations that were also opposed. She raised concerns regarding:

- the lack of enrichment opportunities for the animals at the facility;
- the lack of space for the animals to express their natural behaviour;
- animals of prey being in sight of predator animals causing anxiety in the animals;
- whether the same therapeutic benefits could be gained through interaction with domestic animals as opposed to prohibited animals;
- the safety of vulnerable children when interacting with animals; and,
- the inability to eliminate risk while exposing vulnerable people in close contact with prohibited exotic animals.

#### 6.2.11 Sarah Rapp, Resident (In-Person Attendance)

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

#### **Refer to Item 6.4.3, LS 12-23**

Sarah Rapp, Resident, appeared before the Committee and stated her opposition to the by-law exemption request. She raised concerns regarding:

- the location of Nova's Ark in a residential neighbourhood;
- the existing homes and multiple schools located within a 5km radius of Nova's Ark, the future increase in residential homes on the other side of Cedarbrook Trail, and the future development of hundreds of homes, four elementary schools, and one high school all within a 2 km radius of Nova's Ark;

- the safety of participants and volunteers attending Nova's Ark, the safety of families in the community, and the safety of her own family;
- the lack of a governing body monitoring or regulating Nova's Ark and the lack of accountability for the welfare and safety of the animals and participants interacting with the animals;
- the lack of transparency about the number and types of animals located at Nova's Ark;
- the number of animals at Nova's Ark in 2014, and the increase in the number of animals over the past 9 years;
- the number of prohibited animals at Nova's Ark in 2021, and the increase in prohibited animals upon publication of Report LS 12-23 regardless of previous direction by the Town not to acquire any more prohibited animals until a decision was made;
- whether the facility and available land was sufficient to adequately house the number of animals, the residence, the garages, the gazebos, and parking;
- ensuring a standard of care that the animals in captivity were entitled to; and,
- various opportunities for animals to escape their enclosures.

Moved by Councillor Shahid

That the rules of procedure be suspended to allow the delegation to exceed the five minute speaking limit.

### **Carried**

Ms. Rapp continued her delegation and advised of further concerns regarding:

- the by-law exemption request relying on Nova's Ark self reporting, the owner's history of not following directives, not complying with by-laws, and not reporting accurately;
- the damaged privacy fence located on-site;
- using unnecessary prohibited exotic animals for programming at Nova's Ark; and,

- the age of and life span of the wolves at Nova's Ark.

A question and answer period ensued between Members of Committee and Ms. Rapp regarding:

- whether the delegate believes that Nova's Ark would follow rules and Staff directives should the by-law exemption request be approved;
- whether there have been any other animals from Nova's Ark on the delegate's property, and the number of animals from Nova's Ark on the delegate's property during the past 6 years; and,
- details about Nova's Ark's privacy fence and whether it encloses the property, and whether the delegate was aware of any upgrades to the privacy fence.

#### 6.2.12 Abbiramy Thurairajah, Resident (In-Person Attendance)

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

#### **Refer to Item 6.4.3, LS 12-23**

Abbiramy Thurairajah, Resident, appeared before the Committee and provided detailed information about her role as a child and youth care support staff member at Nova's Ark. An overview of her delegation included:

- assisting children and youth to attain their personal goals including building social skills, emotional regulation and discovering outlets for self-interest behaviours;
- the delegate's previous fear of and current trust of animals due to working at Nova's Ark;
- the need to explore innovative and effective ways to support emotional and mental well-being;
- animal assisted therapy offering a unique and powerful approach that ventures outside traditional methods; and,

- understanding the significance of animal assisted therapy and recognizing the connection between animals and children.

A question and answer period ensued between Members of Committee and Ms. Thuraiajah regarding:

- the impact on the programs offered by Nova's Ark should the prohibited animals be suddenly removed;
- whether Nova's Ark would adjust to not having the prohibited animals;
- the age of children, youth, and young adults interacting with the wolves;
- whether the animals were forced to interact with people;
- the ages of the lynx and the wolves; and,
- whether the delegate has ever felt unsafe at any time at Nova's Ark.

### 6.3 Correspondence

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

Discussion ensued between Members of Committee regarding:

- the importance of the project to address a housing gap;
- the proposed project location in Whitby being close to a transit corridor and essential services;
- the need for a commitment to maintain 80 percent of the housing stock as affordable housing;
- detailed information about the project and the process for donating surplus land;
- whether an appraisal on the surplus land would be obtained should the land be donated, and including the appraisal of the surplus land within the report back to Council; and,

- whether an appraisal was obtained for the land that was donated by the Town to Otter Creek Cooperative Homes, and the cost and the purpose of obtaining an appraisal.

Recommendation:

Moved by Councillor Lundquist

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

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

Recommendation:

Moved by Councillor Bozinovski

That the main motion be amended by including Item 3 as follows:

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

**Carried**

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

Recommendation:

Moved by Councillor Lundquist

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



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

**Carried**

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

Moved by Councillor Mulcahy

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

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

Moved by Councillor Mulcahy

That the main motion be amended by including Item 2 as follows:

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

**Carried**

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

Recommendation:

Moved by Councillor Mulcahy

1. That Correspondence # 2023-550 from V. Lautan, Resident, regarding Fence By-law Exemption Request for 1000 McCullough Drive be received for information; and,
2. That an exemption to the one (1) metre fence height maximum in Fence By-law # 4394-99, as amended, be provided for the existing fence located in the front yard on the west side of the property located at 1000 McCullough Drive.

**Carried**

It was the consensus of the Committee to hear Item 6.4.5, CMS 10-23, at this time.

## 6.4 Staff Reports

### 6.4.1 FS 27-23, Financial Services Department Report

Re: 2024 Temporary Borrowing By-law

Recommendation:

Moved by Councillor Yamada

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

**Carried**

### 6.4.2 FS 29-23, Financial Services Department Report

Re: 2024 Interim Property Tax Billing

Recommendation:

Moved by Councillor Yamada

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

**Carried**

### 6.4.3 LS 12-23, Legal and Enforcement Services Department Report

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

**Note:** The consideration Report LS 12-23 will take place at the Committee of the Whole meeting on January 8, 2024.

### 6.4.4 LS 13-23, Legal and Enforcement Services Department Report

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

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

- how current and future concerns of the neighbours would be addressed;

- details about the changes required by the Fire and Emergency Services Department, and whether the installation of fire pull stations have taken place;
- clarification on compliance with the outstanding Order issued by Enforcement Services, the timeline for compliance with the Order, and confirmation about compliance with Building and Fire Code standards;
- consultation with the community and confirmation that the intent of consultation was to inform the community;
- the length of time the WTCC has been operating with 17 tenants in the home;
- whether there were concerns about whether the number of residents eventually being reduced to 10 would lead to the end of the current business model;
- amending the motion to retain the total number of tenants at 17, and including a timeline for a review of condition 2 noted in the Staff Report; and,
- referring consideration of the matter to the Council meeting on December 18, 2023.

Recommendation:

Moved by Councillor Shahid

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

5. That Council direct staff to review the merits of adding provisions/schedules to the Business Licensing By-law to regulate Rooming Houses in the Town of Whitby.

**See following motions**

Recommendation:

Moved by Councillor Lundquist

That the main motion be amended by including Item 6 as follows:

6. That consultation with the community occur with respect to the exemption and conditions thereof.

**Carried**

Recommendation:

Moved by Councillor Leahy

That Item 3 of the main motion be amended by adding 'save and except for condition 2 which shall be subject to a review undertaken by Staff following consultation in Q1 2024'.

**Note: The disposition of this matter, Item 6.4.4, LS 13-23, was determined through the referral motion below.**

Recommendation:

Moved by Councillor Leahy

That consideration of Staff Report LS 13-23 be referred to the Council meeting on December 18, 2023.

**Carried**

Recommendation:

Moved by Councillor Lundquist

That Council take a five minute recess.

**Carried**

The Committee recessed at 8:38 p.m. and reconvened at 8:46 p.m.

It was the consensus of the Committee was to hear Item 6.2.8, Delegation by Mary-Ann Nova representing Nova's Ark, at this time.

#### 6.4.5 CMS 10-23, Community Services Department Report

Re: 2023-24 Winter Maintenance Service Improvements

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

- whether Staff would be able to manage and meet the current level of service of the Senior's Windrow Program given the increase in the number of participants and the lack of a deadline for enrolment in the 2023/2024 season;
- the rationale for a hard enrolment deadline for the Senior's Windrow Program of October 31 for the 2024/2025 season, and the opportunity for growth of the program when hard enrolment deadlines were being introduced; and,
- whether increased enrolment in the Senior's Windrow Program would warrant outsourcing the program to ensure service levels were met, and investigating whether other municipalities outsource this service.

Recommendation:

Moved by Councillor Leahy

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

**Carried**

#### 6.5 New and Unfinished Business - General Government

##### 6.5.1 New and Unfinished Business - General Government

There was no new and unfinished business.

Mayor Roy advised that the continuation and consideration of the Report LS 12-23 would take place at the Committee of the Whole meeting on January 8, 2024. Mayor Roy advised that the delegations on this agenda for the matter would be contacted and would be listed on the January 8, 2024 Committee of the Whole

agenda. She noted that delegates were welcome to submit correspondence on this matter.

7. Adjournment

In accordance with the motion adopted earlier in the meeting, the Committee of the Whole meeting of December 11, 2023 adjourned at 11:02 p.m.