

**Present:** Mayor Mitchell  
Councillor Drumm (Participating Virtually)  
Councillor Leahy (Participating Virtually)  
Councillor Lee (Participating Virtually)  
Councillor Mulcahy (Participating Virtually)  
Councillor Newman  
Councillor Roy (Participating Virtually, joined at 5:44 p.m.)  
Councillor Shahid  
Councillor Yamada (Participating Virtually, joined at 5:31 p.m.)

**Also Present:** M. Gaskell, Chief Administrative Officer  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
F. Wong, Commissioner of Financial Services/Treasurer  
J. Romano, Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
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.

Following the declarations of pecuniary interest, Mayor Mitchell led Council in the observance of a moment of silence to mourn the death of Queen Elizabeth II. Members of Council expressed their condolences and recognized the accomplishments of Queen Elizabeth II.

**Resolution # 188-22**

Moved By Councillor Newman  
Seconded By Councillor Leahy

Whereas the Mayor and Members of Whitby Council are deeply saddened at the death of Queen Elizabeth II;

And whereas Queen Elizabeth II came to the throne in 1952 and witnessed enormous social change, becoming for many the one constant point in a rapidly changing world;

And whereas Queen Elizabeth II was the longest-serving monarch, showing an unparalleled dedication to and hard work on behalf of the people of the Commonwealth;

Now therefore be it resolved:

That Mayor Mitchell, on behalf of the Council and residents of Whitby, be asked to convey an official letter of condolences to the Royal Family, Britain, and the Commonwealth for our collective loss of the Queen by way of the Governor General of Canada

**Carried**

It was the consensus of Council to hear Item 3.1, LS 09-22, at this time.

Moved By Councillor Shahid  
Seconded By Councillor Drumm

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)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

2. Delegations

- 2.1** Joel Farber, Folger, Rubinoff LLP representing SixFive (VicDev) Inc.  
Re: Financial Services Department and Legal and Enforcement Services Joint Report, FS 55-22  
Development Charge Complaint 1440 and 1450 Victoria Street East

**Refer to Item 5.1, FS 55-22**

Following the adoption of Resolution # 190-22, Item 4.2, below, the Chair inquired whether there was anything that Mr. Farber wished to

address Council regarding. Mr. Farber indicated that there was not, and the delegation did not proceed.

3. Closed Session

**3.1** Confidential Legal and Enforcement Services Report, LS 09-22  
Re: Advice that is subject to solicitor-client privilege and matter of litigation/potential litigation

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]

4. Rising and Reporting

**4.1** Motion to Rise

Moved By Councillor Shahid  
Seconded By Councillor Newman

That Council rise from the closed portion of the meeting.

**Carried**

**4.2** Reporting Out

Mayor Mitchell advised that during the closed portion of the meeting, Council received advice that is subject to solicitor-client privilege and provided direction to the Mayor and Staff regarding the development charge complaint for 1400 Victoria Street East, being a matter of potential litigation.

Confidential Legal and Enforcement Services Report, LS 09-22  
Re: Advice that is subject to solicitor-client privilege and matter of litigation/potential litigation

**Resolution # 190-22**

Moved By Councillor Shahid  
Seconded By Councillor Newman

1. That the letter dated September 6, 2022 entitled "Settlement Proposal re 1400 Victoria, Whitby Development Charge Complaint", included as Attachment 1 to this Report, be received.

**Carried**

5. Items for Consideration

- 5.1** Financial Services Department and Legal and Enforcement Services  
Joint Report, FS 55-22  
Re: Development Charge Complaint 1440 and 1450 Victoria Street East
- Council did not consider Financial Services Department and Legal and Enforcement Services Joint Report, FS 55-22. Refer to Resolution # 190-22, Item 4.2, above.

6. Confirmatory By-law

**6.1** Confirmatory By-law

**Resolution # 191-22**

Moved By Councillor Newman  
Seconded By Councillor Yamada

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 September 12, 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**

7. Adjournment

**7.1** Motion to Adjourn

Moved By Councillor Shahid  
Seconded By Councillor Yamada

That the meeting adjourn.

**Carried**

The meeting adjourned at 5:58 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor