

Regular Council Minutes  
December 14, 2020 - 7:00 PM  
Council Chambers/Virtual Meeting  
Whitby Town Hall

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

**Also Present:** M. Gaskell, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor  
J. Romano, Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
D. Speed, 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  
K. Douglas, Legislative Specialist (Recording Secretary)

**Regrets:** None noted

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Prior to the Call of the Roll, Mayor Mitchell provided an overview of the emergency evacuation on December 9, 2020 of a six-story residential building located at 250 Hickory Street South due to a carbon monoxide gas leak. Mayor Mitchell advised that Durham Regional Police Services assisted Whitby Fire and Emergency Services to evacuate approximately 250 tenants, who were safely transported to the Abilities Centre via Durham Region Transit buses. Mayor Mitchell explained that the Technical Standards and Safety Authority (TSSA) and Enbridge gave clearance for all residents to return to their homes in the evening of December 9, 2020.

Mayor Mitchell and Members of Council thanked the Abilities Centre, Social Services, Durham Transit, DRPS, Whitby Fire and Emergency Services, TSSA and Enbridge for

their support, and highlighted efforts made by both the Salvation Army and the local Tim Hortons.

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Adoption of Minutes

2.1 Regular Council - November 30, 2020  
Special Council - December 7, 2020 (Confidential Minutes Under  
Separate Cover)

A question and answer period ensued between Members of Council and Staff concerning Resolution # 258-20 on the December 7, 2020 Special Council minutes regarding:

- whether a GIS map exists that outlines geographic boundaries to identify which properties are affected by the Interim Control By-law # 7699-20 and # 7700-20;
- how applicants whose property falls within the affected boundaries may request an exemption from or amendment to the Interim Control By-law;
- how property owners who are impacted by the Interim Control By-laws will be notified that their properties are affected, including owners who have applications in progress; and,
- whether the Interim Control By-laws are available to the public.

**Resolution # 261-20**

Moved By Councillor Lee  
Seconded By Councillor Newman

That the Regular Council minutes of November 30, 2020 and the Special Council minutes of December 7, 2020 be adopted.

**Carried**

3. Presentations

3.1 There were no presentations.

4. Delegations

4.1 There were no delegations.

5. Correspondence

**5.1** There was no correspondence.

6. Committee of the Whole Report  
Planning and Development - December 7, 2020

**6.1** Memorandum from R. Saunders, Commissioner of Planning and Development, dated November 17, 2020 regarding a request to amend Fence By-law # 4394-99 at 812-908 Rossland Road East, Star Residence Ltd.

A brief question and answer period ensued between Members of Council and Staff regarding whether the amendment to the Fence By-law # 4394-99 may result in an influx of additional requests that are similar in nature.

**Resolution # 262-20**

Moved By Councillor Mulcahy  
Seconded By Councillor Roy

1. That the memorandum from R. Saunders, Commissioner of Planning and Development, dated November 17, 2020 regarding a request to amend Fence By-law # 4394-99 at 812-908 Rossland Road East, Star Residence Ltd., be received for information; and,
2. Notwithstanding any other provisions of Fence By-law 4394-99 to the contrary, a privacy fence 2.44 metres (8 ft.) high may be permitted in the side yard between 908 Rossland Road East and 11 Brimley Crescent.

**Carried**

**6.2** Planning and Development Department Report, PL 53-20  
Re: Draft Plan of Condominium Application – Zancor Homes (Parkview) Ltd. (Block 182 - Plan 40M-2352), 300 Carnwith Drive, File No. CW-2020-02 [Revised]

**Resolution # 263-20**

Moved By Councillor Mulcahy  
Seconded By Councillor Roy

1. That Council approve the proposed Draft Plan of Condominium (CW-2020-02) subject to the comments included in Planning Report PL 53-20 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**

7. Committee of the Whole Report  
General Government - December 7, 2020

- 7.1 Office of the Chief Administrative Officer Report, CAO 26-20  
Re: 1855 Technology Accelerator 2020 Update

**Resolution # 264-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

1. That Report CAO 26-20 pertaining to an update on the 1855 Technology Accelerator be received as information; and,
2. That the Clerk be directed to forward a copy of Report CAO 26-20 to the Chair of 1855 Board; CEO of 1855; Director of Economic Development, Region of Durham; CEO of the Whitby Chamber of Commerce; Ryan Turnbull, Member of Parliament for Whitby; and Lorne Coe, Member of Provincial Parliament for Whitby.

**Carried**

- 7.2 Public Works Department and Corporate Services Department Joint Report, CS 52-20  
Re: T-98-2020 Supply and Delivery of 4 Horticulture Tractors and 1 Port Whitby Marina Tractor

**Resolution # 265-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

1. That the Town of Whitby accept the low tender bid of Hub International Equipment in the amount of \$260,600.00 (plus applicable taxes) for the supply and delivery of 5 Tractors;
2. That the total estimated project cost of \$266,786.56 be approved;
3. That the Treasurer be authorized to draw on reserve/reserve funds as required to address the budget overage; and,
4. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

**7.3** Corporate Services Department Report, CS 51-20  
Re: 2021 Interim Tax Billing

**Resolution # 266-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

That a by-law be brought forward to allow for the Interim Tax Billing for the 2021 taxation year.

**Carried**

**7.4** Public Works Department Report, PW 9-20  
Re: Active Transportation Plan – Final Draft

A brief question and answer period ensued between Members of Council and Staff regarding the status of the proposed West Whitby District Park and whether the trails within the park would connect to the proposed Active Transportation Plan network.

**Resolution # 267-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

1. That Report PW 9-20 regarding the Active Transportation Plan (ATP) study be received for information;
2. That the Final Draft Active Transportation Plan be made available for public review and comment for a period of at least 60 days;

3. That a copy of the Final Draft Active Transportation Plan report be provided to stakeholders and Town of Whitby divisions for review and comment; and,
4. That Staff report back to Council, following the public consultation period, with the Final Active Transportation Plan for Council's consideration and approval, including considerations for prioritizing property needs to implement the Active Transportation Plan.

**Carried**

- 7.5** Public Works Department Report, PW 27-20  
Re: Automated Speed Enforcement (ASE) Program

**Resolution # 268-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

1. That Report PW 27-20 regarding Automated Speed Enforcement (ASE) be received for information; and,
2. That Council direct the Clerk to remove MD-5142 from the New and Unfinished Business (NUB) listing.

**Carried**

- 7.6** Public Works Department Report, PW 29-20  
Re: Comments Submitted to Environmental Registry (ERO) #019-2579  
on Proposed Blue Box Regulation

Discussion ensued between Members of Council regarding:

- Whitby Council's support for the proposed transfer of responsibilities for blue box collection from municipalities to the businesses responsible for producing the packaging;
- the related costs of transfer from municipalities to producers in the proposed province-wide common collection system; and,
- the need for a careful transfer plan.

Moved By Councillor Leahy  
Seconded By Councillor Shahid

That Report PW 29-20 be received as information.

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

Moved By Councillor Newman  
Seconded By Councillor Leahy

The main motion be amended by adding the following recitals, and including Items 2 and 3 as follows:

Whereas the Ministry of Environment, Conservation, and Parks posted the proposed draft Blue Box Regulation ERO #019-2579 for comment; and,

Whereas the draft Blue Box Regulation will establish Ontario as a leader in moving the Province forward towards a circular economy; and,

Whereas Producer responsibility policies are fundamental to reducing waste and increasing the recovery of resources in Ontario; and,

Whereas comment on the draft Blue Box Regulation has been provided by the Town of Whitby to Jamelia Alleyne, Senior Policy Analyst, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks in a letter dated November 30, 2020; and,

Whereas comment on the draft Blue Box Regulation has also been provided in a joint submission of the Association of Municipalities of Ontario, the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association to Jamelia Alleyne, Senior Policy Analyst, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks in a letter dated November 30, 2020.

Now therefore be it resolved:

2. That, further to the referenced letters of November 30, 2020, the Mayor and Council of the Town of Whitby wish to express their support in principle for extended producer responsibility for a province wide common collection system of blue box materials and careful transition planning; and,
3. That the Clerk be directed to circulate a copy of this resolution to the Region of Durham, Durham Region municipalities, AMO, MPP Lorne Coe, and the Minister of the Environment, Conservation and Parks.

**Carried**

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

**Resolution # 269-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

Whereas the Ministry of Environment, Conservation, and Parks posted the proposed draft Blue Box Regulation ERO #019-2579 for comment; and,

Whereas the draft Blue Box Regulation will establish Ontario as a leader in moving the Province forward towards a circular economy; and,

Whereas Producer responsibility policies are fundamental to reducing waste and increasing the recovery of resources in Ontario; and,

Whereas comment on the draft Blue Box Regulation has been provided by the Town of Whitby to Jamelia Alleyne, Senior Policy Analyst, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks in a letter dated November 30, 2020; and

Whereas comment on the draft Blue Box Regulation has also been provided in a joint submission of the Association of Municipalities of Ontario, the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association to Jamelia Alleyne, Senior Policy Analyst, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks in a letter dated November 30, 2020;

Now therefore be it resolved:

1. That Report PW 29-20 be received as information; and,
2. That, further to the referenced letters of November 30, 2020, the Mayor and Council of the Town of Whitby wish to express their support in principle for extended producer responsibility for a province wide common collection system of blue box materials and careful transition planning; and,
3. That the Clerk be directed to circulate a copy of this resolution to the Region of Durham, Durham Region municipalities, AMO, MPP Lorne Coe, and the Minister of the Environment, Conservation and Parks.

**Carried**



- 7.7** Office of the Town Clerk Report, CLK 09-20  
Re: Records Classification and Retention Bylaw and the Information Governance Policy

**Resolution # 270-20**

Moved By Councillor Leahy  
Seconded By Councillor Shahid

1. That Report CLK 09-20 of the Office of the Town Clerk be received for information;
2. That the Clerk be directed to bring forward a by-law to repeal By-law # 7350-17 and # 7456-18 and replace it with the Records Classification and Retention By-law substantially in the form appended as Attachment # 1 to Report CLK 09-20;
3. That Council repeal Records & Information Management Policy # CA 030 and replace it with the Information Governance Policy appended as Attachment # 2 to Report CLK 09-20; and,
4. That Council repeal the Transfer of Archival Records Policy # CA 220 and that the Town Clerk be delegated authority to adopt practices for the management of archival records through a subsidiary procedure under the Information Governance Policy.

**Carried**

**8. Notice of Motion**

**8.1 Metrolinx Durham-Scarborough BRT Project Design Proposal**

Discussion ensued between Members of Council regarding:

- the high level of interest from the community regarding this project despite the ongoing COVID-19 pandemic;
- opportunities to consider alternative access to businesses in Downtown Whitby should vehicle traffic be restricted on Dundas Street;
- the need for constructive dialogue between Whitby Council, the community, and Metrolinx;
- Public Information Centres held by Metrolinx to present and seek feedback from the community on the preliminary design and results of the technical studies;
- whether or not Durham Region Transit supports taking a position on the preferred design presented by Metrolinx at this point in time;

- the timeline for completing the proposed project and whether a decision by Council is premature considering that construction work will not occur for several years;
- the need for Metrolinx to offer a preferred alternative in addition to the pedestrian mall already presented; and,
- Metrolinx's primary objective of ensuring the buses run on schedule.

Moved By Councillor Roy

Seconded By Councillor Drumm

Whereas the Council of the Town of Whitby supports the Durham-Scarborough Bus Rapid Transit project in principle and understands that the project will be moving forward; and,

Whereas the Durham-Scarborough Bus Rapid Transit project is important to the Town and the Region, however Council wants to ensure that the project is implemented in such a way to balance the needs of transit users, Whitby businesses, and Whitby residents; and,

Whereas the Metrolinx proposal received by Whitby Council on November 2, 2020 has raised community and business concern and raises anticipated resultant impact on businesses, heritage resources and adjacent historic neighborhoods; and,

Whereas the road allowance of Dundas Street through Downtown Whitby is the narrowest of all the municipalities throughout the BRT Highway corridor thereby resulting in potentially the most significant physical, operational, and economic and socio-cultural impacts associated with the BRT. It is critical to provide a solution that compliments the corridor both now and, in the future, and is reflective of a historic downtown and mitigates any impacts to adjacent neighborhoods.

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests Metrolinx to consider the options presented in Report PW 35-19 as adopted by Whitby Council December 16th, 2019, Resolution #358-19;
2. That the Council of the Town of Whitby requests the opportunity of deferring the Whitby downtown portion between Byron Street and Perry Street of the Environment Assessment to provide additional time to develop and consult on design alternatives that address;

- a. The movement of vehicular traffic and transit through Downtown Whitby between Byron Street and Perry Street;
  - b. Options for pedestrian improvements and safety features including transit access;
  - c. Options for replacement of any lost parking from Dundas Street be considered in conjunction with the Whitby Parking Master Plan; and,
  - d. Options for support to businesses during the construction phase and routing options during displacement of traffic.
3. That the Council of the Town of Whitby continues to oppose the proposal to widen portions of Dundas Street to six (6) traffic lanes, as stated previously in Resolution # 358-19 adopted at the December 16, 2019 Council Meeting; and,
  4. That a copy of this motion be forwarded to Metrolinx.

**The disposition of the above motion was determined by the motion to table below.**

**Resolution # 271-20**

Moved By Councillor Mulcahy  
Seconded By Councillor Shahid

That the motion be tabled.

**Carried**

**8.2 Investigation of Sunnycrest Nursing Home**

Discussion ensued between Members of Council regarding:

- the impact of COVID-19 on residents and staff of Sunnycrest Nursing Home including the number of deaths and infection rate;
- the lack and improper use of PPE at Sunnycrest Nursing Home;
- the ability to prevent the spread of COVID-19 within nursing homes by following public health measures; and,
- the effective assistance provided by Lakeridge Health.

**Resolution # 272-20**

Moved By Councillor Yamada  
Seconded By Mayor Mitchell

Whereas COVID-19 continues to have disastrous affects in long-term care homes, retirement homes and congregate facilities in Whitby, Durham and the rest of Ontario; and,

Whereas according to Durham Region Public Health as of December 14, 2020, 117 out of 118 residents at Sunnycrest Nursing Home had tested positive for COVID-19, 25 had died and 61 staff members who reside in Durham Region had also tested positive; and,

Whereas a media report states that an internal inspection report, completed on November 29, 2020, by the Ministry of Long-Term Care states that there was no designated COVID-19 screener wearing full PPE located at the front entrance of the building, and there was an improper use of PPE, a lack of hand hygiene, a lack of access to PPE, and food and high-risk medications for residents were up to 2 hours late, and further, that a lack of staff led to inadequate care; and,

Whereas on December 3, 2020, Lakeridge Health assumed temporary management of Sunnycrest Nursing Home through a Voluntary Management Contract approved by the Ministry of Long-Term Care; and,

Whereas the Town of Whitby Council and our residents offer our deepest condolences to the residents that have passed and their families, and send our best wishes for a speedy recovery to the residents and staff infected with COVID-19;

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests that the Provincial Government, through the ongoing Long-Term Care COVID-19 Commission, conduct an investigation into the failures of Sunnycrest Nursing Home, including the circumstances that led to the outbreak and deaths of residents, with opportunities for families to participate in the investigation, at an appropriate time; and,
2. That this motion be forwarded to the Premier of Ontario, the Ministers of Health and Long-Term Care, the leader of the Opposition for the Province of Ontario, Durham Region MPPs, the Long-Term Care COVID-19 Commission Members, and the Regional Municipality of Durham.

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

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
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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

### 8.3 Election of Regional Councillors by Ward

Discussion ensued between Members of Council regarding:

- the amount and sources of election contributions that candidates are permitted to raise during an election;
- the significant source of election contributions coming from or provided by the development industry;
- how the election of Regional Councillors by Ward may improve team work among elected Councillors and the affordability of running for Whitby Council;
- the shortfalls of the current at-large election process, such as voters being influenced by campaign signs and canvassing;
- the benefits of ward specific representation for Regional Councillors, including that members of the public will better understand who to contact for Regional issues;
- the cost imposed on the Town of Whitby and taxpayers to implement the proposed changes;
- the potential complexity in serving residents and achieving resolutions when there are blended responsibilities in circumstances where the Regional Councillors and Ward Councillors hold different perspectives;
- how other municipalities have benefited from electing Regional Councillors by Ward; and,
- whether the proposed change in method of election could be posed as a referendum question to electors.

#### **Resolution # 273-20**

Moved By Councillor Mulcahy  
Seconded By Councillor Roy

That the Clerk be directed to bring forward a by-law at the next Regular Council meeting to change the election of Regional Councillors from at-large to by ward, so that one Regional Councillor would be elected from each of the Town's 4 wards.

**Lost 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	
	4	5	0

9. New and Unfinished Business

**9.1** Corporate Services Department Report, CS 53-20  
Re: 2021 Budget Target Report

Note: This report was withdrawn.

Moved By Councillor Roy  
Seconded By Councillor Leahy

That Council suspend the rules of procedure to allow the introduction of a motion regarding Soccer and Recreational Programs Delivered in Air Supported Structures (Domes).

**Carried on a Two-Thirds Vote**

**9.2** Soccer and Recreational Programs Delivered in Air Supported Structures (Domes)

Discussion ensued between Members of Council regarding:

- how the soccer domes were modified to meet COVID-19 physical distancing requirements to allow for safe utilization of the space;

- the health and safety practices in place such as staggered usage times, COVID-19 screening, and the use of PPE;
- whether a 10 person limit is reasonable given the large size of this and other similar recreational facilities; and,
- the letters of support for this motion that were written by residents and stakeholders.

**Resolution # 274-20**

Moved By Mayor Mitchell  
Seconded By Councillor Roy

Whereas the Durham Region entered the Red Zone on November 23, 2020; and,

Whereas Red Zone O. Reg. 263/20 permits up to 10 people to participate in an indoor recreational facility class provided that a 2 metre physical distance can be maintained at all times; and,

Whereas Whitby Football Club (WFC), formerly Whitby Iroquois Soccer Club, has over 7,000 members and is the second largest soccer club in Ontario; and,

Whereas WFC operates two soccer domes - one with two full size fields and one with three full size fields; and,

Whereas WFC has responded to COVID-19 health concerns in multiple ways from the beginning of the pandemic, including installing continuous plastic dividers to separate the fields, by staggering start times and adding an extra 15 minutes between rentals to avoid congregating, by dedicated entrances and exits and by not allowing parents into the facility, in order to reduce numbers; and,

Whereas, as a result of these measures and practices, WFC has safely made soccer available for its members with 10 players per field since November 23, 2020; and,

Whereas other users of the WFC who have safely delivered programs in the domes during the COVID-19 pandemic include Whitby Minor Baseball, Durham Ultimate Frisbee, Whitby Cricket, Lady Blue Knights Lacrosse, Durham Rebels Volleyball, Rugby Ontario, Toronto Arrows Rugby Team (Professional), Team Canada Women's Softball, NSA Baseball, Edge Lacrosse, the Oshawa 65's, and the Durham District School Board (DDSB); and,

Whereas the provincial regulations have inequities and exemptions that unfairly discriminate against WFC in the delivery of its soccer programs and against other soccer organizations trying to deliver soccer programs in their domes; and,

Whereas the DDSB currently use the fields in the WFC domes for physical education classes in excess of 10 participants per field; and,

Whereas professional teams are exempt from the requirements of Regulation 263/20; and,

Whereas it is generally understood that the pandemic is having a negative impact upon the physical and mental health of children, teens and adults of all ages which can be mitigated in part by recreational activities like soccer; and,

Whereas Olympic athletes, including the Canadian National Softball Team and Canadian sprinters and hurdlers are permitted to use the same soccer fields for training at numbers in excess of the gathering limits applied to soccer; and,

Whereas it is in the best interests of the public that the COVID-19 regulations result in outcomes that are reasonable in application and equitable in outcome; and,

Whereas the Red Zone restriction provides no appeal mechanism to redress unreasonable and inequitable outcomes resulting from the strict wording of the regulations; and,

Whereas Durham Public Health officials advise they have no residual discretion to redress unreasonable and inequitable outcomes resulting from the strict wording of the regulations; and,

Whereas only allowing 10 players per dome is causing extreme economic hardship to WFC that threatens its ability to continue to operate;

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests the Province of Ontario to amend Red Zone O. Reg. 263/20 to allow sports and recreation programs delivered on full size fields in domes to have 10 players per field; and,



2. That the Clerk be directed to circulate this resolution to the Premier of Ontario, the Minister of Health, Lorne Coe, M.P.P., and to the Region of Durham's Medical Officer of Health.

**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

Moved By Councillor Mulcahy

Seconded By Councillor Lee

That Council suspend the rules of procedure to allow the introduction of a motion regarding the Long-Term Care COVID-19 Independent Commission - Request to Report Findings.

**Carried on a Two-Thirds Vote**

**9.3 Long-Term Care COVID-19 Independent Commission – Request to Report Findings**

Discussion ensued between Members of Council regarding:

- the importance of ensuring the health, safety, and best standards of care for long-term care home residents;
- the opportunity to circulate this motion with Durham Region area municipalities, M.P. Ryan Turnbull, and the Prime Minister; and,
- ensuring for-profit long-term care homes are adequately staffed.

**Resolution # 275-20**

Moved By Councillor Mulcahy

Seconded By Councillor Lee

Whereas the Terms of Reference for Ontario's Long-Term Care COVID-19 independent Commission have been set; and,

Whereas part (e) of that Commission states, "in considering the current government initiatives and reforms in the long-term care homes system, any further areas that should be the subject matter of future action by government to help prevent the future spread of disease in long-term care homes"; and,

Whereas long-term care homes can operate either on a not-for-profit (municipal, charitable, non-profit nursing home) or for-profit basis; and,

Whereas the Canadian Medical Association Journal states, "Long-term care (LTC) homes have been the epicenter of the coronavirus disease 2019 (COVID-19) pandemic in Canada to date. Previous research shows that for-profit LTC homes deliver inferior care across a variety of outcome and process measures, raising the question of whether for-profit homes have had worse COVID-19 outcomes than nonprofit homes"; and,

Whereas AdvantAge Ontario, the association of not-for-profit long-term care, housing, and services for seniors, testified before the Long-Term Care COVID-19 Commission on Tuesday, September 29th, and indicated that 74 percent of deaths reported in the sector were from for-profit homes, 21 percent from not-for-profit homes, and 5 percent from municipal homes; however, the not-for-profit and municipal homes represent 46.3 percent of all homes in the province; and,

Whereas, Premier Ford has made the request at a first ministers meeting with Prime Minister Trudeau to call on the federal government to increase its funding share from 22 percent to 35 percent through the Canada Health Transfer.

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests that the Long-Term Care COVID-19 independent Commission report findings comparing publicly funded long-term care facilities (municipal, charitable, non-profit nursing home) to private for-profit long-term care facilities; and,
2. That the Council of the Town of Whitby request the government of Canada to agree to the provincial request for on-going health care funding but additionally any capital funding to the provinces of Canada in support for obtaining the necessary infrastructure to transfer any failing private facilities identified in any independent commission report to publicly funded homes; and,

3. That the Clerk be directed to circulate a copy of this resolution to the Prime Minister, Premier of Ontario, the Minister Long-Term Care, M.P. Ryan Turnbull, Durham Region M.P.P.s, the Regional Municipality of Durham, Durham Region area municipalities, Associate Chief Justice Frank N. Marrocco – Chair of the Long-Term Care COVID-19 Commission, Angela Coke – Long-Term Care COVID-19 Commission, and Dr. Jack Kitts – Long-Term Care COVID-19 Commission.

**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

Moved By Councillor Mulcahy  
Seconded By Councillor Lee

That Council suspend the rules of procedure to allow the introduction of a motion regarding declaring Santa Claus, Mrs. Claus, and their Elves as Essential Workers.

**Carried on a Two-Thirds Vote**

**9.4 Declare Santa Claus, Mrs. Claus, and their Elves as Essential Workers**

Discussion ensued between Members of Council regarding:

- the importance of giving back to members of the community who are in need;
- community support initiatives undertaken by organizations such as the Salvation Army and local churches; and,
- a grant offered to Carea Community Health Centre through the Mayor's Community Development Fund to be used in part to support the White Oaks community.

**Resolution # 276-20**

Moved By Councillor Mulcahy  
Seconded By Councillor Lee

Whereas Santa Claus, Mrs. Claus, and the elves have maintained voluntary isolation in the North Pole beyond the 14 day quarantine period, while continuously making toys and checking lists; and,

Whereas Santa Claus is excited to deliver joy to children around the world, and has no space to store all of their wrapped presents; and,

Whereas families have purchased cookies, milk, celery, and carrots in anticipation of Santa Claus' arrival with his nine reindeer (including Rudolph);and,

Whereas world renowned immunologist Dr. Anthony Fauci has advised that Santa Claus is exempt from COVID-19 and has innate immunity; and,

Whereas Mrs. Claus and the elves have received the Pfizer-BioNTech vaccine as participants in a trial study; and,

Whereas Santa Claus, Mrs. Claus, and the elves will begin their 14 day quarantine period on December 25, 2020, while sleeping off the milk and cookies and watching the reindeer games.

Now therefore be it resolved:

1. That the Council of the Town of Whitby declare Santa Claus, Mrs. Claus, and the elves as essential workers; and,
2. That Santa Claus and his reindeer be exempt from all travel restrictions and quarantine measures on Christmas Eve so that he may safely complete his annual mission of delivering joy to children; and,
3. That the Clerk be directed to circulate this resolution to Durham Region M.P.P.s, M.P. Ryan Turnbull, and M.P. Erin O'Toole.

**Carried**

10. By-Laws  
That the following by-laws be passed:

- 10.1** By-law # 7702-20, being a by-law to provide for an interim tax levy for the year 2021.

Refer to Report CS 51-20, 2021 Interim Tax Billing

- 10.2** By-law # 7703-20, being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2008-03) as not being subject of Part Lot Control.

- 10.3** By-law # 7704-20, being a by-law to authorize the conveyance of Part of Block A, Plan 595, designated as Part 1 on Plan 40R-30842, being Part of PIN 26537-0100 (LT); and, Part of High Street, Plan H50030, South of TW13994 and North of Walnut Street, designated as Part 2 on Plan 40R-30843, being All of PIN 26537-0125 (LT), Whitby ("the Lands").

Refer to Report CS 49-20, Declare Surplus Part of Block A, Plan 595, & Part of High Street, Plan H50030, North of Walnut Street, Parts 1 and 2, Plan 40R-30843 for the purpose of transfer to the Durham District School Board – EA Fairman Public School

- 10.4** By-law # 7705-20, being a by-law to stop up and close part of the Public Highway known as High Street.

Refer to Report CS 49-20, Declare Surplus Part of Block A, Plan 595, & Part of High Street, Plan H50030, North of Walnut Street, Parts 1 and 2, Plan 40R-30843 for the purpose of transfer to the Durham District School Board – EA Fairman Public School

- 10.5** By-law # 7706-20, being a by-law to designate certain portions of a registered Plan of Subdivision (S-216-92) as not being subject to Part Lot Control.

- 10.6** By-law # 7707-20, being a by-law to establish a classification structure and retention periods for records of The Corporation of the Town of Whitby.

Refer to Report CLK 09-20, Records Classification & Retention Bylaw and the Information Governance Policy

**Resolution # 277-20**

Moved By Councillor Newman

Seconded By Councillor Drumm

That leave be granted to introduce By-laws # 7702-20 to # 7707-20 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 # 278-20**

Moved By Councillor Lee  
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 December 14, 2020 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**

12. Adjournment

12.1 Motion to Adjourn

**Resolution # 279-20**

Moved By Councillor Drumm  
Seconded By Councillor Newman

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:15 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor