

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

Also Present: M. Gaskell, Chief Administrative Officer
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
J. Taylor, Senior Manager, Zoning & Regulation
C. Harris, Town Clerk
K. Douglas, Legislative Specialist (Recording Secretary)

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

Moved By Councillor Newman
Seconded By Councillor Lee

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. Closed Session

2.1 Update – Toronto-Guild Investments Limited v. Town of Whitby – Local Planning Appeal Tribunal (LPAT) Appeal

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 Advice Subject to Solicitor Client Privilege – Interim Control By-laws

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 Shahid

That Council rise from the closed portion of the meeting.

Carried

3.2 Reporting Out

During the closed portion of the meeting, Council discussed matters related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality and received advice that is subject to solicitor-client privilege.

4. Items for Consideration

4.1 Memorandum from John Taylor, Senior Manager, Zoning and Regulation, dated January 29, 2021 regarding an Update on Requests for Exemptions to Town of Whitby Interim Control By-laws # 7699-20 and # 7700-20

A discussion ensued between Members of Council regarding the appropriateness of the recommended cost recovery fee of \$500 for processing an application seeking an exemption to the Interim Control By-laws (ICBL).

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

- the estimated cost of processing ICBL exemption applications that will be incurred by the Town and imposed on taxpayers;

- whether it is feasible for the Town to waive the cost recovery fee of \$500;
- the estimated time it will take staff to process ICBL exemption requests;
- the number of exemption requests that are anticipated to be received while the ICBLs remain in place; and,
- clarification on whether the cost recovery fee is a fee-for-service.

Moved By Councillor Roy

Seconded By Councillor Mulcahy

That the Interim Control By-laws be amended such that they shall not apply to those properties presented in the memorandum dated January 29, 2021 from John Taylor, Senior Manager, Zoning and Regulation.

Carried later in the meeting [See following motion]

Moved By Councillor Roy

Seconded By Councillor Mulcahy

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

2. That the fee be waived to submit an application to request that the Interim Control By-laws shall not apply to a property.

Carried

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

Resolution # 31-21

Moved By Councillor Roy

Seconded By Councillor Mulcahy

1. That the Interim Control By-laws be amended such that they shall not apply to those properties presented in the memorandum dated January 29, 2021 from John Taylor, Senior Manager, Zoning and Regulation.
2. That the fee be waived to submit an application to request that the Interim Control By-laws shall not apply to a property.

Carried

5. Confirmatory By-law

5.1 Confirmatory By-law

Resolution # 32-21

Moved By Councillor Leahy
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 February 1, 2021 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

6. Adjournment

6.1 Motion to Adjourn

Moved By Councillor Mulcahy
Seconded By Councillor Newman

That the meeting adjourn.

Carried

The meeting adjourned at 6:59 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor