



Committee of the Whole Meeting Agenda

Monday, April 7, 2025, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit whitby.ca/CouncilCalendar for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 8.1 of Procedure By-law # 8081-24, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at clerk@whitby.ca by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a **Delegation Request Form** online to the Office of the Town Clerk 8 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4300 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
 2. **Call of the Roll: The Clerk**
 3. **Declarations of Conflict of Interest**
 4. **Consent Agenda**
 5. **Planning and Development**
 - 5.1 Presentations
 - 5.2 Delegations
 - 5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDP 16-25, Planning and Development (Planning Services) Department Report
Re: Heritage Permit Application - Request for Demolition of two accessory structures and construction of a new one storey accessory structure at 25 Way Street, Designated under Part V of the Ontario Heritage Act, File Number: HP-03-25

Recommendation:

That Council approve the Heritage Permit requesting demolition of two accessory structures and construction of a new one storey accessory structure at 25 Way Street (HP-03-25), as supported by the Heritage Whitby Advisory Committee, and in accordance with Section 42 of the Ontario Heritage Act.

- 5.4.2 PDP 17-25, Planning and Development (Planning Services Department)
Re: Temporary Use Zoning By-law Extension Application, Durham Islamic Centre, 4618 Country Lane, File Number: DEV-28-24 (Z-13-24)

Recommendation:

1. That Council approve a Zoning By-law Amendment to extend the Temporary Use (Z-13-24) of a place of worship on the subject land for a period of three (3) years; and,
2. That the amending by-law be brought forward for Council's consideration.

- 5.4.3 PDP 18-25, Planning and Development (Planning Services) Department Report
Re: Temporary Use Zoning By-law Amendment Application, RAI Architect Inc. c/o Charles McVety, 300 Water Street, File Number: DEV-01-25 (Z-01-25)

Recommendation:

1. That Council approve an amendment to Zoning By-law 2585 for a temporary use (Z-01-25) as outlined in Planning Report PDP 18-25; and,
2. That the amending By-law be brought forward for Council's consideration.

- 5.4.4 PDP 19-25, Planning and Development (Planning Services) Department Report
Re: Zoning By-law Amendment Application, Paul Demczak c/o 2490987 Ontario Inc., 1399 Dundas Street East, File Number: DEV-03-25, Z-02-25

Recommendation:

1. That Council approve an amendment to Zoning By-law 1784 for a temporary use (File No. Z-02-25), as outlined in Report PDP 19-25; and,
2. That an amending by-law be brought forward for Council's consideration.

5.4.5 PDP 20-25, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, Baldwin Street Holdings Inc. (Ollie Switch Corporation), 91, 95. and 99 Baldwin Street, File Numbers: DEV-24-24 (OPA-2024-W/08, Z-11-24)

Recommendation:

1. That Council approve Official Plan Amendment Number 144 to the Whitby Official Plan (File: OPA-2024-W/08), as shown on Attachment #8 to Report PDP 20-25, and that a By-law to adopt Official Plan Amendment Number 144 be brought forward for consideration by Council;
2. That Council approve an amendment to Zoning By-law No. 1784 (Z-11-24), subject to the comments included in Report PDP 20-25 and,
3. That a By-law to amend Zoning By-law #1784 be brought forward for consideration by Council at a future date.

5.4.6 PDP 21-25, Planning and Development (Planning Services) Department and Financial Services Department Joint Report

Re: Municipally Owned Lands at the Southwest Corner of Winchester Road West and Baldwin Street South

Recommendation:

1. That Council endorse the gateway/entrance feature concept as proposed by Fieldgate Developments and illustrated on Attachment #4;
2. That the land at the south-west corner of Baldwin Street and Winchester Road, legally described as Part of the North Half Lot 25, Concession 5 and Part of the Road Allowance between Lots 24 and 25, Concession 5, being Part 1, Plan 40R-31677 (P-1410-0164, P-1771-0110, P-5120-0354) being part of PIN 26573-0002 (LT), in the Town of Whitby, Regional Municipality of Durham as shown in Attachment 1, be declared surplus;
3. That the requirement, in Town Policy F-190, for the Town to provide public notice of its intention to declare the Property surplus and report back to Council on any written objections received be waived; and,
4. That Staff provide a future report for Council's consideration and approval of an Agreement of Purchase and Sale between the Town and Fieldgate Developments (or related company) following receipt of a land appraisal and conclusion of agreement negotiations.

5.5 New and Unfinished Business - Planning and Development

6. General Government

6.1 Presentations

6.2 Delegations

6.3 Correspondence

6.4 Staff Reports

6.4.1 CMS 05-25, Community Services Department Report

Re: Proposed Amendments to the Public Parks and Park Buildings By-law

Recommendation:

1. That Report CMS 05-25 be received;
2. That the proposed amendments to the Town's Public Parks and Park Buildings By-law #7419-18, as appended as Attachment 1, be brought forward to Council for consideration; and,
3. That NUB GG-0001, pertaining to Fishing in Town Parks, will be removed from the New and Unfinished Business List.

6.4.2 FS 13-25, Financial Services Department Report

Re: 2025 Property Tax Levy

Recommendation:

1. That the 2025 property tax rates for the General Municipal Town Levies, shown in Attachment A of Report FS 13-25, be approved;
2. That the 2025 special tax levy and tax rates for the properties located within the Downtown Whitby Business Improvement Area (BIA), shown in Attachment B of Report FS 13-25, be approved;
3. That the final property tax bill due dates for all property tax classes be June 24, 2025 and September 24, 2025;
4. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates and notify Council at the earliest opportunity; and,
5. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2025 in accordance with the approved budgets and regulations, be brought forward to a future Council meeting.

6.5 New and Unfinished Business - General Government

7. Adjournment

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Heritage Permit Application – Request for Demolition of two accessory structures and construction of a new one storey accessory structure at 25 Way Street, Designated under Part V of the Ontario Heritage Act: HP-03-25

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 16-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

John Taylor, Director of Planning
Services, ext. 2908

Dave Johnson, Planner II – Heritage, ext.
3166

1. Recommendation:

1. That Council approve the Heritage Permit requesting demolition of two accessory structures and construction of a new one storey accessory structure at 25 Way Street (HP-03-25), as supported by the Heritage Whitby Advisory Committee, and in accordance with Section 42 of the Ontario Heritage Act.

2. Highlights:

- VSJ Architects on-behalf of the owner has submitted a Heritage Permit Application (HP-03-25) to request the demolition of two existing barn shed accessory structures and the construction of a new one storey accessory structure at 25 Way Street, which is located within the Brooklin Heritage Conservation District, designated under Part V of the Ontario Heritage Act .
- A Cultural Heritage Impact Assessment (CHIA) was submitted along with the Heritage Permit application. The CHIA recommends that the demolition of the

accessory structures be permitted and concludes that the construction of the new accessory building will not negatively impact the character of the Brooklin Heritage Conservation District.

- The Heritage Whitby Advisory Committee (HWAC) reviewed the application at the HWAC meeting on March 11, 2025, and passed a motion to support the application.

3. Background:

3.1 Site and Area Description

The subject land, municipally known as 25 Way Street, is located at the north part of the Brooklin Heritage Conservation District (HCD) between Carnwith Drive West and Baldwin Street and is approximately 2.61 ha in size (refer to Attachment #1).

Low Density residential uses are located to the east, and natural heritage system and natural hazard lands are located to the west, south and north (refer to Attachment #2).

The subject land is designated under Part V of the Ontario Heritage Act and is located within the Brooklin HCD (refer to Attachment #3).

3.2 Heritage Permit Application

A Heritage Permit Application has been submitted to request the demolition of two barn accessory structures and permit the construction of a one storey accessory structure.

Requests for Demolition of a structure require a decision of Council under the Ontario Heritage Act.

3.3 Documents Submitted in Support

The following documents were submitted in support of the application:

- A Cultural Heritage Impact Assessment, prepared by VSJ Architects (refer to Attachment #4) dated February 2025; and,
- Architectural Drawings, prepared by SIH Design.

4. Discussion:

4.1 Zoning Bylaw

The subject land is zoned Development (D) in Zoning By-law 1784 (refer to Attachment #4). Residential uses permitted include a single detached dwelling subject to compliance with associated provisions in the Zoning Bylaw.

In 2019, a Minor Variance was approved to permit an increase in the total combined lot coverage for accessory structures from 60.0 square metres to 201.0 square metres. The proposed new accessory structure meets the provisions of the approved minor variance.

4.2 Brooklin HCD

The subject land is designated under Part V of the Ontario Heritage Act and is located within the Brooklin (HCD). The goal of the Brooklin HCD Plan is to conserve and enhance the District's heritage character while encouraging compatible new development. The Brooklin HCD Plan classifies the subject property as having "Good" heritage value.

The Brooklin HCD Plan provides policies for consideration of requests for demolition and new construction, including the requirement for a CHIA and/or other supporting documentation.

4.3 Heritage Permit Application and Review Process

VSJ Architect on behalf of the owner has submitted a Heritage Permit Application (HP-03-25) as required by Section 42 of the Ontario Heritage Act, for properties designated under Part V of the Act, to request the demolition of the existing accessory structures to be replaced by a one storey accessory structure.

As part of the review process, the applicant is required to determine the structure's historical significance through a Cultural Heritage Impact Assessment.

Under Section 42 of the Ontario Heritage Act, a decision to permit the demolition of a structure on a property designated under Part V of the Act must be made by Council.

Further, where a Council has established a municipal heritage committee, the Municipality is required to consult with the municipal heritage committee before making a decision. The subject Heritage Permit Application was considered by the Heritage Whitby Advisory Committee (HWAC) at its meeting on March 11, 2025.

4.4 Evaluation of Proposed Demolition

4.4.1 Cultural Heritage Impact Assessment

Accessory Structure A & B:

The applicant's CHIA (refer to Attachment #4) provides an evaluation of the proposed demolition of two accessory structures (accessory building A & B) in accordance with the Brooklin HCD Plan policies for demolition.

According to the CHIA, accessory Building A, was constructed with material and methods that are consistent with those of the mid-twentieth century. The CHIA notes that the built form is not a good example of a gambrel design, the craftsmanship is typical for the era, and it is a utilitarian structure.

The CHIA evaluates Accessory Structure A as having no heritage value and that it is “in the twilight of its serviceable life” and thus can be demolished.

Accessory Building B, the CHIA notes, was similarly constructed with materials and methods consistent with those of the mid-twentieth century. The building design is a typical example of a shed. The CHIA also notes that similar to Building A, the craftsmanship is typical of the mid-twentieth century and is also a utilitarian structure.

The CHIA evaluates Accessory Structure B as having no heritage value and that it is a candidate for demolition.

New Accessory Structure:

The new accessory structure is a one storey shed design with an overall dimension of 78.98 square metres. The structure will be oriented to an outdoor sports activity space as a place to observe the outdoor activities and allow for indoor activities. The building is proposed to be of wood frame construction with cedar shingle siding and roof. The structure will feature large sliding glass doors and large sliding barn doors for protection when not in use.

The CHIA evaluation of the new structure was evaluated against all 27 requirements for new construction found in Section 6.3 of the Brooklin HCD. The CHIA has found that the new accessory structure complies with all applicable policies for new construction (refer to Attachment #4).

4.5 Consultation with Heritage Whitby Advisory Committee (HWAC)

The applicant attended the March 11, 2025, meeting of the Heritage Whitby Advisory Committee, with the heritage consultant giving a presentation.

At the meeting, HWAC passed the following motion (refer to Attachment #6):

“That the Heritage Whitby Advisory Committee supports the Heritage Permit Application (HP-03-25), Demolition Request of the Outbuildings for 25 Way Street, and construction of the new accessory building”.

4.6 Conclusion

The owner’s Heritage Consultant (VSJ Architects) has concluded that based on the assessment of the project against the Brooklin Heritage Conservation District Plan the demolition of accessory buildings A & B can proceed as they do not

exhibit heritage value. The CHIA further concludes that the construction of a new accessory building, the design of which is sympathetic to the existing heritage resource can proceed and will also not have any negative impact on the Heritage character of the Brooklin Heritage Conservation District.

5. Financial Considerations:

Not Applicable

6. Communication and Public Engagement:

Not Applicable

7. Input from Departments/Sources:

Not Applicable

8. Strategic Priorities:

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

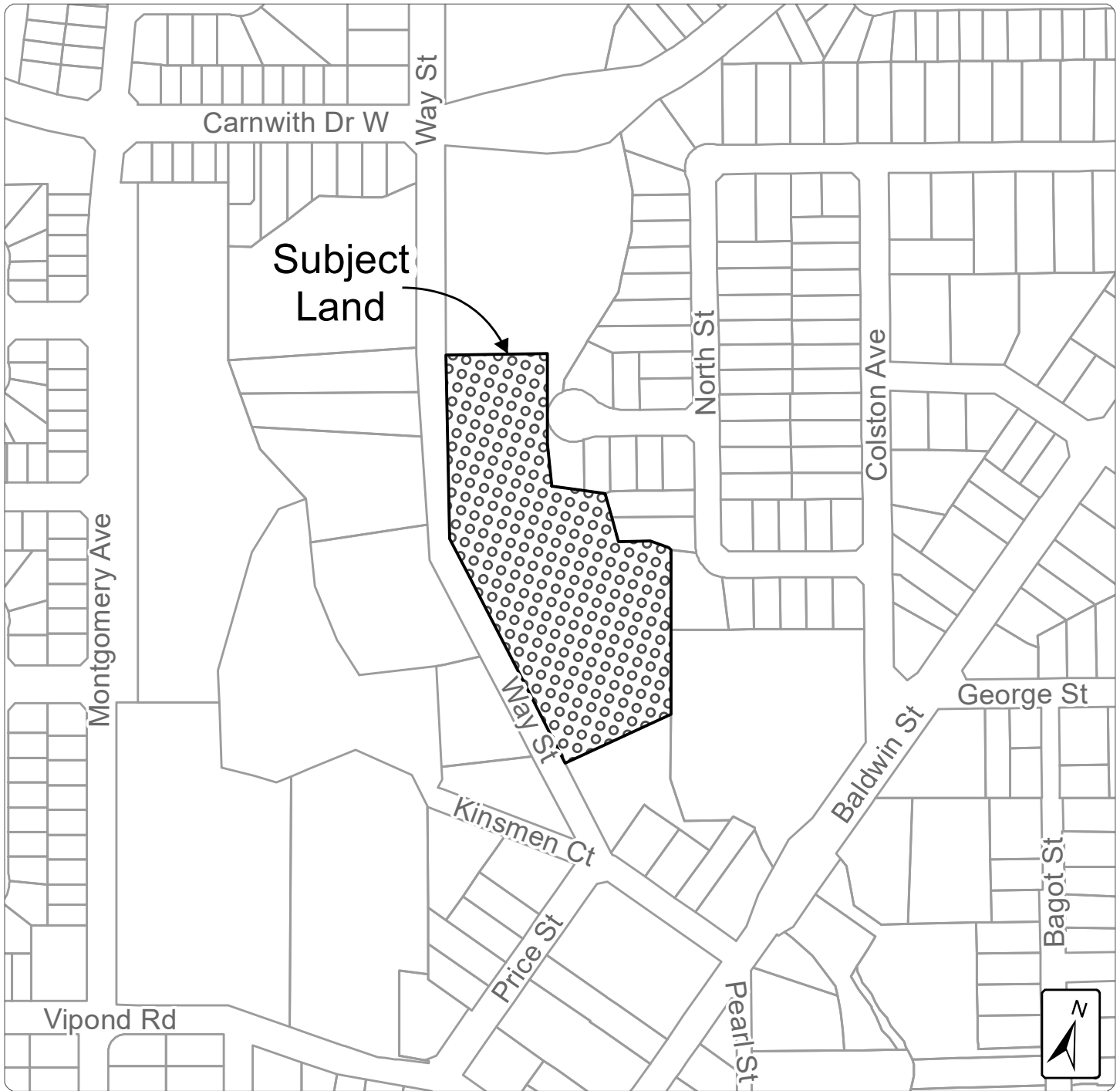
The Heritage Permit review process has provided the opportunity for input on the proposed application, which aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.


9. Attachments:

- Attachment #1 Location Sketch – 25 Way Street
- Attachment #2 Aerial Context map
- Attachment #3 Heritage Conservation District Context
- Attachment #4 Cultural Heritage Impact Assessment, prepared by VSJ Architects
- Attachment #5 Excerpt from Zoning By-Law 1784
- Attachment #6 Excerpt of Minutes of March 11, 2025, HWAC meeting

Attachment #1 Location Sketch

PDP 16-25



 **Town of Whitby Planning and Development Department**

Address:
25 Way Street

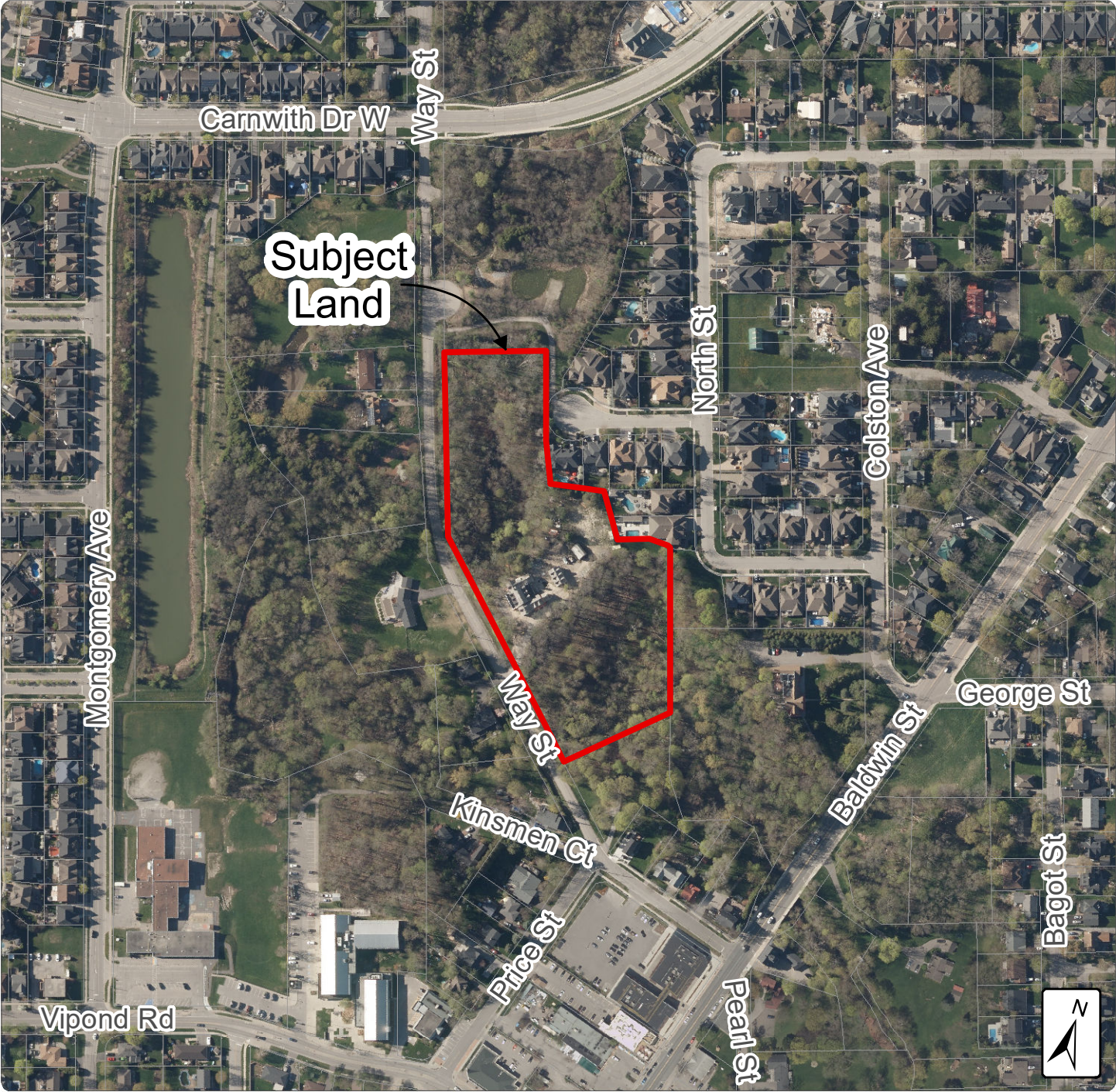
Date:
April 2025


External Data Sources:
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Attachment #2
Aerial Context Map



 **Town of Whitby Planning and Development Department**

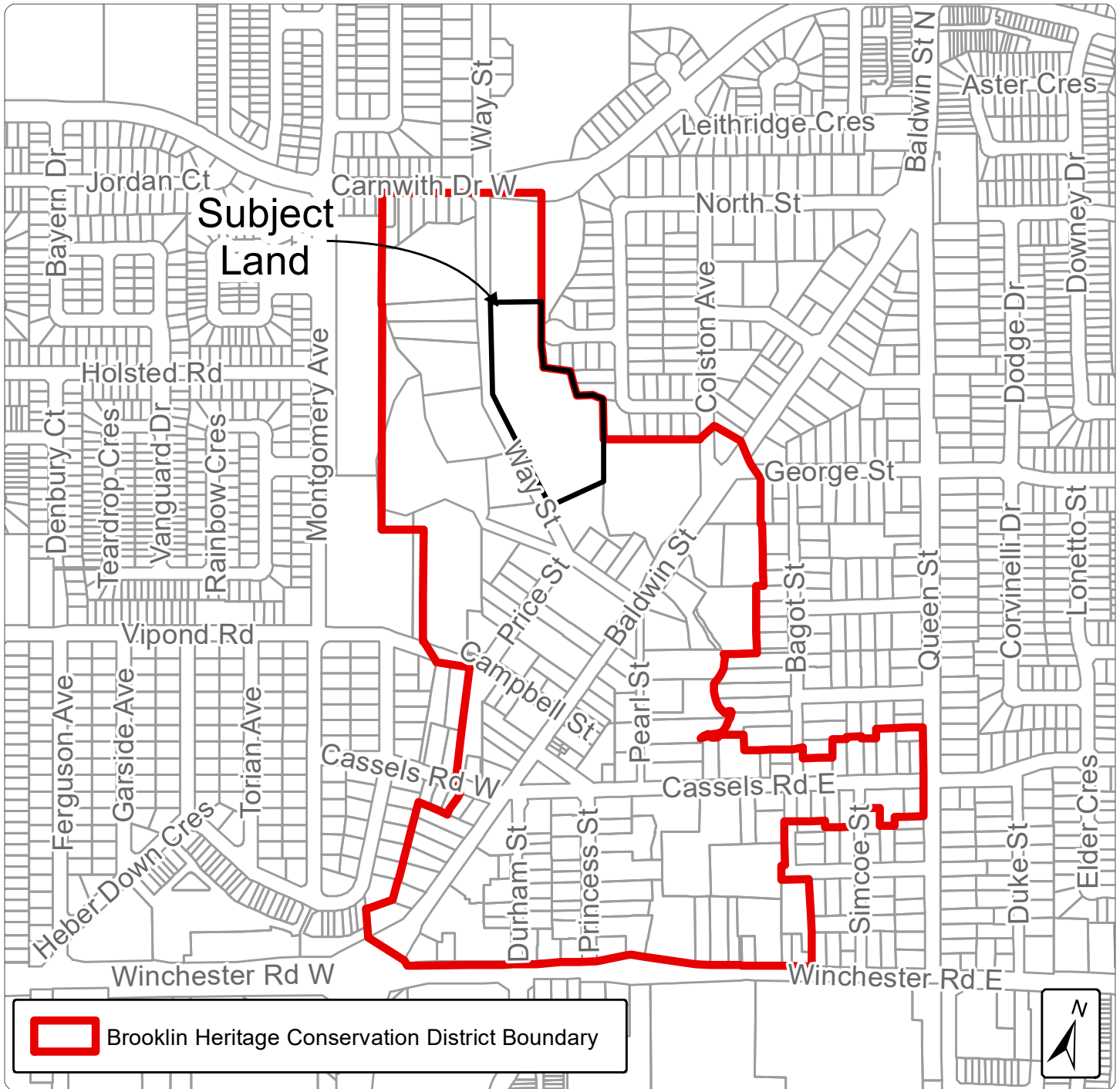
Address:
25 Way Street

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April 2025

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Heritage Conservation District Context



 **Town of Whitby Planning and Development Department**

Address: 25 Way Street	Date: April 2025
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External Data Sources:
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Cultural Heritage Impact Assessment Conformity to HCD Plan

**25 Way Street,
Whitby (Brooklin), Ontario**



Prepared for:

Taurus Construction

Prepared By:

Vincent J. Santamaura, Architect Inc., CAHP

12 February 2025

Project No. 2025-02



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Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

1.0 Executive Summary

The owner and resident at 25 Way Street, Whitby (Brooklin) (Part 1 of R-Plan 40R-22994, part of Lot 24, Concession 6, Town of Whitby, Regional Municipality of Durham) is undergoing a substantial renovation to their home and property. The project has been granted a heritage permit for the home, and now requires a heritage permit for alterations to the property which proposes the demolition of 2 existing out buildings and the construction of a new one in their place.

The property is located within the Brooklin Heritage Conservation District (BHCD). As such it is subject to the Policies and Guidelines outlined in the BHCD Plan for demolition and construction of new buildings. A Cultural Heritage Impact Assessment (CHIA) is required to be performed to ascertain conformity of the proposed site design to the BHCD plan and propose any mitigation as required.

Taurus Construction on behalf of the property owners has retained Vincent J. Santamaura, Architect Inc. to prepare the CHIA to the Town of Whitby's Terms of Reference for CHIA's.

Vincent J. Santamaura, Architect Inc. has completed its assessment under the Town of Whitby's Term of Reference for CHIA's and with respect to the proposed demolition of 2 existing out buildings and the construction on a new one at 25 Way Street, Whitby (Brooklin) recommends the following:

It is the recommendation of this report that the revised design proposal at 25 Way Street:

- 1) permits the demolition of Accessory Buildings A & B;**
- 2) allows the construction of a new Accessory Building;**
- 3) implements design guidelines contained in the Brooklin Heritage Conservation District Plan;**
- 4) is in conformance with the Brooklin Heritage Conservation District Plan,**
- 5) will have no negative impact on the Heritage character of the Brooklin Heritage Conservation District, and**
- 6) that the demolition of the 2 out buildings and construction of a new out building be supported.**

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

2.0 Introduction

2.1 Guiding Principles

The owner and resident at 25 Way Street, Whitby (Brooklin) (Part 1 of R-Plan 40R-22994, part of Lot 24, Concession 6, Town of Whitby, Regional Municipality of Durham) is undergoing a substantial renovation to their home and property. The project has been granted a heritage permit for the home, and now requires a heritage permit for alterations to the property which proposes the demolition of 2 existing out buildings and the construction of a new one in their place.

The property is located within the Brooklin Heritage Conservation District (BHCD). As such it is subject to the Policies and Guidelines outlined in the BHCD Plan for demolition and construction of new buildings. A Cultural Heritage Impact Assessment (CHIA) is required to be performed to ascertain conformity of the proposed site design to the BHCD plan and propose any mitigation as required.

Taurus Construction on behalf of the property owners. has retained Vincent J. Santamaura, Architect Inc. to prepare the scoped CHIA to the Town of Whitby's Terms of Reference for CHIA's.

2.2 Associated Documents

This Cultural Heritage Impact Assessment (CHIA) has been prepared with regard to the following governing documents:

- Provincial Policy Statement
- The Ontario Heritage Act
- The Durham Region Official Plan 2024 Consolidation
- The Town of Whitby Official Plan 2024 Consolidation
- Town of Whitby Zoning By-law 1784
- The Ontario Building Code 2024
- Guide to Heritage Impact Assessments and Conservation, Town of Whitby, 2013

3.0 Present Owner Contact Information:

2538970 Ontario Inc.
c/o Lesley Lebel
25 Way Street,
Whitby (Brooklin), Ontario L1M 1B7

Cultural Heritage Impact Assessment – Conformity to HCD Plan

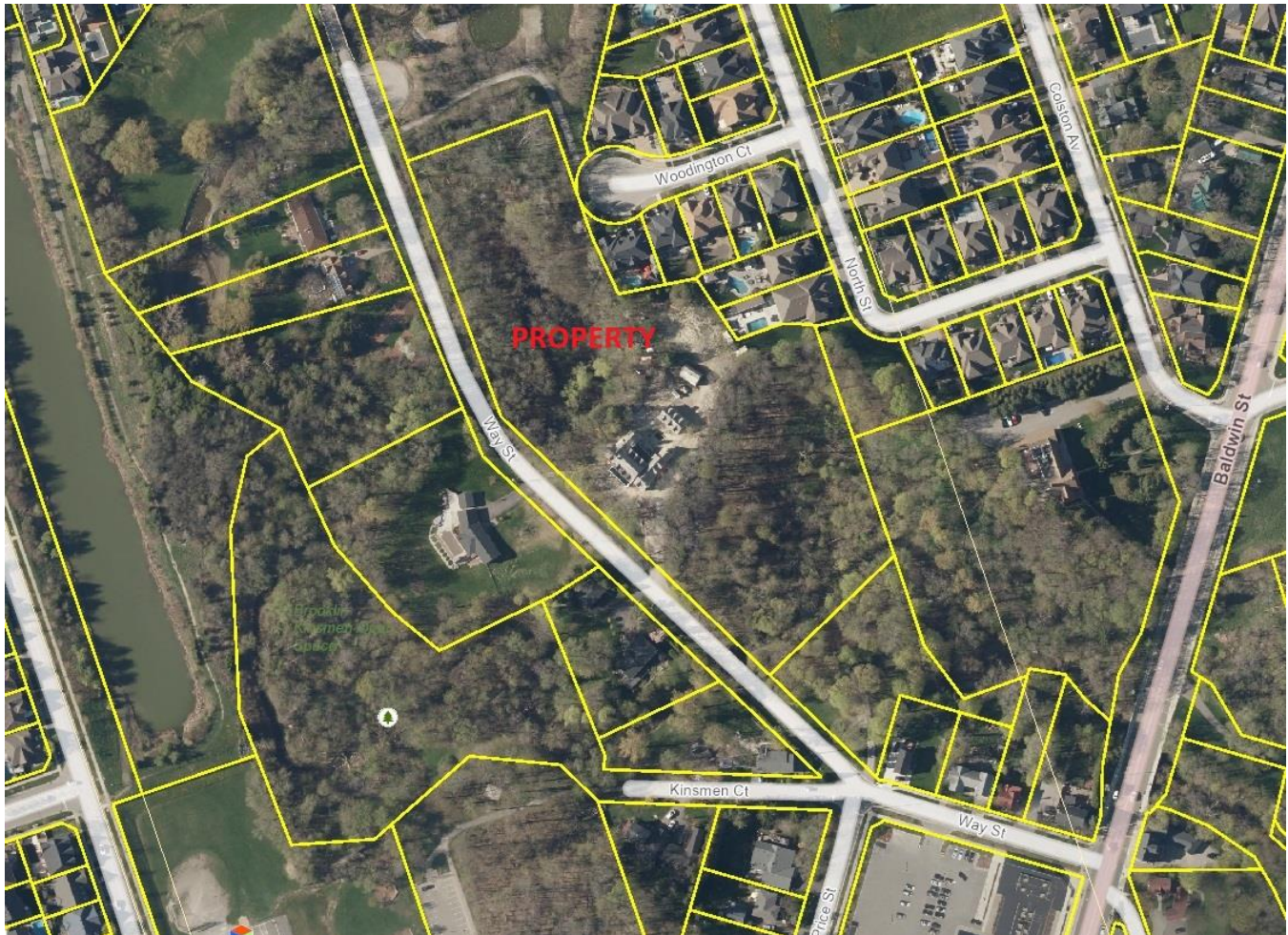
25 Way Street, Whitby (Brooklin), Ontario

4.0 Site Documentation

4.1 Site Location

The property is located on the east side of Way Street north of Price Street. The parcel of land is approximately 2.6162 HA (6.46 ac). The parcel shape is irregular with a frontage along Way Street of approximately 150m and a depth of 66m

The site sits on the periphery of the traditional “Main Street” of the Town of Brooklin, and separated from the commercial area by Lynde Creek and a bridge. The property is a large estate with a high table land portion on which sits the renovated home plus new and existing out buildings. The property falls from the table land south to Lynde Creek which bisects the property, and falls to the north to a lower field.



4.1.A – Aerial Photograph - Context

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario



4.1.B – Aerial Photograph



4.1.C – Aerial Photograph – Enlargement

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

4.4 Existing Buildings & Structures

The buildings on the property consists of a one and a half storey home undergoing renovation, an under construction one and a half storey accessory building (garage), and existing one and a half storey accessory building (former garage), and an existing one storey accessory building (former chicken coop). The home and new accessory building have a heritage permit issued for the work.



4.4.A - Approach from north



4.4.B - Approach from south



4.4.C - Access from Way Street

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

4.4.1 Existing Home

The existing one and a half storey home is undergoing renovations with additions under Heritage permit. It was built in 1951.



4.4.1.A – Existing Home – Front (West) Elevation



4.4.1.B – Existing Home – Front Elevation view from southwest

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario



4.4.1.C - Existing Home – Rear (East) Elevation



4.4.1.D - Existing Home – Rear (East) Elevation

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario

4.4.2. New Accessory Building

A new one and a half storey Accessory Building to be used as a 3 car garage with storage space above is under construction.



4.4.2.A – New Accessory Building – South Elevation



4.4.2.B – New Accessory Building – East Elevation

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario



4.4.2.C – New Accessory Building – North Elevation

4.4.3 – Existing Accessory Building A

The one and half storey Accessory Building was used as a garage with storage space above. It is of a milled wood frame construction with vertical board and batten wood siding cladding. The floor is a cast in place concrete slab on grade. The roof is a gambrel shaped constructed of wood trusses with purlins and ribbed metal roofing. It appears to have been constructed in the 1960's.



4.4.3.A – Existing Accessory Building A – South Elevation

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario



4.4.3.B – Existing Accessory Building A – East Elevation



4.4.3.C - Existing Accessory Building A – North Elevation

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario



4.4.3.D - Existing Accessory Building A – West Elevation



4.4.3.E – Existing Accessory Building A – Interior Ground floor and Loft

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario

4.4.4 Existing Accessory Building B

The second Accessory Building on the property is a small shed which appears to have housed chickens. It is a milled, wood frame building with a raised wood floor, painted horizontal wood siding and asphalt shingles. Given the manufacture and condition of the wood framing, it appears the shed was built in the 1960's.



4.4.4.A – Existing Accessory Building B – South Elevation



4.4.4.B – Existing Accessory Building B – North Elevation

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario



4.4.4.C – Existing Accessory Building B – North Elevation



4.4.4.D – Existing Accessory Building B – West Elevation



4.4.3.E – Existing Accessory Building B – Detail/Interior

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

4.5 Neighbourhood Character

This area of Brooklin is in the periphery of the original part of the old town. Given its natural features around the meandering Lynde Creek, it grew with an estate lot character beginning in the 1950's. The property is disconnected from the centre part of Town.



4.5.A – Way Street - south



4.5.B – Way Street



4.5.C – Way Street

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

4.6 Current Applicable Designations:

4.6.1 The Legislation and Authorities Having Jurisdiction below may override heritage concerns and recommendations included this Cultural Heritage Impact Assessment report. The parcel is currently designated as follows:

4.6.1.1 Region of Durham Official Plan

Regional Centres/ Major Open Space



4.6.1.2 Town of Whitby Official Plan:

Major Open Space



4.6.1.3 Town of Whitby Official Plan – Brooklin Secondary Plan; Natural Heritage System Hazard Lands



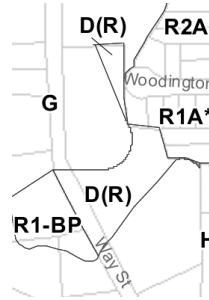
4.6.1.4 Town of Whitby Zoning By-Law 1784

DR – Development Residential

G – Greenbelt

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario



4.6.1.5 Town of Whitby Heritage Register:

25 Way Street: Designated under Part V – Conservation District

4.6.2 Applicable Policies and Guidelines

4.6.2.1 Ontario Provincial Policy Statement (PPS)

The Planning Act (1990) and the Provincial Policy Statement (PPS) [Ministry of Municipal Affairs and Housing (MMAH), 2020] issued under Section 3 of the Planning Act, provide Ontario-wide policy direction on land use planning. All decisions affecting land use planning “shall be consistent with” the PPS, which identifies that properties and features demonstrating significant architectural, cultural, historical, archaeological, technical or scientific interest are of provincial interest and should be conserved.

The importance of identifying, evaluating and conserving built heritage resources and cultural heritage landscapes is noted in two sections of the PPS 2020:

- Section 2.6.1 – “*Significant built heritage resources and significant heritage landscapes shall be conserved*”; and,
- Section 2.6.3 – “*Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*”

4.6.2.2 The Ontario Heritage Act r.s.o.1990 (OHA)

The OHA gives municipalities and the provincial government powers to preserve the heritage of Ontario, with a primary focus on protecting heritage properties and archaeological sites. The OHA grants authority to municipalities and the province to identify and designate properties of

Cultural Heritage Impact Assessment – Conformity to HCD Plan

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heritage significance, provide standards and guidelines for the preservation of heritage properties and enhance protection of heritage conservation districts, marine heritage sites and archaeological resources.

Properties can be designated individually (Part IV of the OHA) or as part of a larger group of properties, known as a Heritage Conservation District (Part V of the OHA). Designation offers protection for the properties under Sections 33 and 34 of the OHA, prohibiting the owner of a designated property from:

“altering, demolishing or removing a building or structure on the property unless the owner applies to the council of the municipality and receives written consent to proceed with the alteration, demolition or removal.”

4.6.2.3 Region of Durham Official Plan

The Durham Regional Official Plan (2024 - Office Consolidation) provides a series of policies for the conservation of cultural heritage resources. Section 2.3.49 of the document provides a policy for Built and Culture Heritage Resources, which states that *“the Regional Council shall encourage councils of the area municipalities to utilize the Ontario Heritage Act to conserve, protect, and enhance the built and cultural heritage resources of the municipality”*. The plan is clear to be consistent with the policies and direction provided through the PPS and encourages local municipalities to address cultural heritage resources in greater detail within their local official plans.

4.6.2.4 Town of Whitby Official Plan

The Town of Whitby Official Plan (2024) provides cultural heritage conservation policies in Chapter 6. The following policies provide guidance for development proposals that may impact cultural heritage resources:

6.1.1. Goal

6.1.1.1 To identify and conserve Whitby’s cultural heritage resources and archaeological resources for the benefit of existing and future generations, to enhance Whitby’s sense of community and identity, and to contribute to its sustainability and economic viability.

6.1.2 Objectives

6.1.2.1 To identify, conserve, and enhance cultural heritage resources in accordance with the Ontario Heritage Act and to ensure that such

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resources are protected through the development approval process in accordance with applicable legislation, plans, programs, and guidelines.

6.1.2.2 To conserve and enhance the character of Heritage Conservation Districts through the careful consideration of plans for change within and adjacent to the District.

6.1.2.4 To encourage the development of a municipal-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive economic, environmental, and social strategy to recognize that cultural heritage resources contribute to achieving a sustainable, healthy, and prosperous community.

6.1.3 Cultural Heritage Resources

6.1.3.1 The Municipality shall protect and conserve cultural heritage resources in accordance with applicable legislation, policies, and recognized heritage protocols. In this regard, the Municipality:

- d) may establish Heritage Conservation Districts under Part V of the Ontario Heritage Act and adopt Heritage Conservation District Plans for each district;*
- e) may establish policies and/or guidelines and tools to manage cultural heritage resources and recognize the importance of cultural heritage;*
- f) may enter into heritage easement agreements to conserve cultural heritage resources; and*
- g) shall promote local heritage and properties on the Heritage Register through educational programs, exhibits, displays, brochures, and local events.*

6.1.3.2 The Municipality recognizes the cultural heritage attributes of its two downtowns and their surrounding residential areas and will establish and update Heritage Conservation Districts and related plans, where appropriate, to ensure the long-term conservation of the character of these unique areas.

6.1.3.3 Prior to making decisions on cultural heritage matters, Council shall consult with the Municipality's heritage committee, established pursuant to the Ontario Heritage Act, to advise and assist Council on such matters.

6.1.3.4 The Municipality, in consultation with the municipal heritage committee, shall encourage the designation and retention of cultural heritage resources on the original site and that such resources be integrated into new development and redevelopment,

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where appropriate, through the development approval process and other appropriate mechanisms. Retention of façades alone will generally be discouraged.

6.1.3.7 In reviewing proposals for the construction, demolition, relocation, or removal of buildings and structures, or for alterations, additions, renovation, or restoration of existing buildings or structures within a designated Heritage Conservation District, the Municipality shall be guided by the applicable Heritage Conservation District Plan guidelines and policies.

6.1.3.8 The Municipality may require a cultural heritage impact assessment that describes the cultural heritage resource and potential impacts of development and recommends strategies to mitigate negative impacts, where the alteration, development, or redevelopment of property is proposed on, or adjacent to cultural heritage resources that are designated under Part IV or Part V of the Ontario Heritage Act.

6.1.3.10 The Municipality may impose, as a condition of any development approvals, the implementation of appropriate conservation, restoration, or mitigation measures to ensure the conservation of any affected cultural heritage resources.

6.1.3.12 The Municipality may use financial incentives programs to assist in the maintenance and conservation of cultural heritage resources for owners and/or long-term lessees of designated cultural heritage resources in Heritage Conservation Districts or properties with registered heritage easements. Such programs shall include guidelines to determine eligibility for funding and to advise on appropriate conservation techniques.

6.1.3.14 The Municipality shall develop a set of criteria for identifying cultural heritage landscapes and trees of cultural heritage value.

6.2.3 Policies

6.2.3.1 Central Areas

6.2.3.1.1 Central Areas identified on Schedule “A” shall be the primary focal points of activity in the Municipality and support a broad range of land uses. As such, they shall exhibit a high order of urban design with an emphasis on the pedestrian environment and treatment of public spaces.

6.2.3.1.2 The layout and design of Central Areas shall have regard to the relevant policies of Section 6.2.3.5 to 6.2.3.11 with respect to such

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matters as streetscapes, gateways, landmark buildings, urban amenities, public spaces, and cultural heritage as appropriate.

6.2.3.1.3 The design of buildings and sites in Central Areas shall give consideration to the compatible integration and transition of uses with regard for built form, site circulation, connectivity, landscaping, parking, site amenities, accessibility, safety, sustainability, public art, signage, and lighting, as set out in the relevant policies of Section 6.2.3.12 to 6.2.3.22.

6.2.3.1.4 In particular, applications for development and redevelopment within Central Areas should address:

- a) compact urban form;*
- b) buildings which provide a high standard of design, particularly for the street-facing façade(s);*
- c) shared access wherever possible;*
- d) integrated internal vehicular and pedestrian circulation systems and parking areas;*
- e) off-street surface parking, where permitted, and service areas located in the rear or interior side yard of buildings and screened from the street;*
- f) urban squares or outside gathering areas, where appropriate; and*
- g) conservation of cultural heritage resources, where appropriate, particularly in Downtown Whitby and the Brooklin Heritage Conservation District.*

Section 11 of the Town of Whitby Official Plan outlines the area-specific policies for the Downtown Brooklin Major Central Area North. The policies relevant to the subject property are outlined below:

11.0 DOWNTOWN BROOKLIN MAJOR CENTRAL AREA NORTH

11.5.4.3 The historic downtown shall remain the commercial heart of the community accommodating restaurants and small-scale shops, offices and personal services and limited infill residential development.

1.5.4.4 The Brooklin Heritage Conservation District (HCD) overlays much of the historic Downtown component of the Downtown Brooklin Major Central Area. The built form and design policies within the HCD Plan shall be used to evaluate development applications within the HCD along with the Brooklin Urban Design and Sustainable Development Guidelines.

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11.5.4.7 Behind the buildings along Baldwin Street, low rise mixed-use infill development is permitted and encouraged in accordance with the policy directives of the HCD Plan and the Brooklin Urban Design and Sustainable Development Guidelines.

11.5.4.8 Within the historic Downtown, existing low density residential housing forms along Princess Street and Durham Street shall be conserved in accordance with the directives of the HCD Plan.

4.6.2.5 Brooklin Heritage Conservation District Plan

The Brooklin HCD Plan provides guidance on new commercial and residential construction within the boundaries of the HCD. The goal of the Plan is to reinforce the village character through the restoration of existing historic buildings, the regularization of the building setbacks, the improvement of the pedestrian environment, alongside the development of new, compact, sensitive infill buildings.

The Brooklin HCD plan states the new buildings should complement the HCD's older building's orientation, setback, height, massing, bay width, roof line, vertical alignments, projections, landscape, and roof profile and materials. A heritage permit is required for new construction within the Brooklin HCD.

New construction should follow the guidelines provided in Section 6.0 – New Construction (Commercial and Residential), Section 8.0 - Streetscape Guidelines (Commercial and Residential), and Section 9.0 - Guidelines for Landscape of the Brooklin HCD Plan

3.3 Conservation and Development Goals, Objectives and Policies

3.3.1 Overall Goal

- to conserve and enhance the District's heritage character while encouraging compatible new development.*

3.3.2 Objectives

New Development

- to encourage 'heritage friendly development' that is compatible with the arrangement, scale, architectural styles and materials that constitute the District's heritage character*
- to provide a mix of land uses that will support and strengthen the existing commercial, residential and community service uses in the downtown core.*
- to fully plan for the adaptive re-use of existing and the redevelopment of lands within the District, prepare an urban design plan for the District, with terms of reference that ensure*

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harmonization of the urban design plan with the policies and guidelines of the Heritage Conservation District Plan.

3.4.3 New Buildings

New development will be an important addition to Brooklin's heritage character because of the number of vacant or under used properties in the District. As a result, new development should complement and enhance District character.

- new development should be limited to existing vacant sites or to sites currently occupied by non-heritage, unsympathetic buildings.*
- overall development of such lands should be guided by an urban design plan for downtown Brooklin.*

The urban design plan shall follow the policies and guidelines of the Heritage Conservation District Plan.

- all new development in the District should follow the Guidelines in Section 6 of the Heritage Conservation District Plan.*

3.5.2 Trees and Vegetation

- existing mature trees should be maintained and preserved wherever possible. An assessment of tree condition within the District shall be conducted by a certified arborist to determine tree vitality. Any decisions regarding removal of mature trees for reasons of disease, damage or affect on public safety must be made in consultation with a certified arborist.*

6.3 Guidelines for New Construction

When relating new construction to these types of adjacencies, the basic defining characteristics, rather than the detail of the buildings, should be adopted in order to achieve compatibility within the streetscape. The atypical building types (churches, institutions, mill) should not be used as models to establish similarity of height, massing or size, as these landmarks are meant to stand alone in the community. Building on these defining characteristics of the architectural context, the HCD Guidelines for New Construction are as follows:

1. General: Preserve sites of cultural heritage significance, including their buildings, and landscapes identified as Good to Excellent within the HCD. Preserve setback and architectural character. The most prominent historic buildings and distinguished landscapes in Brooklin should be enhanced.

4. Other Streets and Neighborhoods:

Preserve streets/neighbourhoods that exist today, reflecting a diverse, but consistent pattern of development from the 1850s to the 1960s. The architecture of these buildings represents significant periods in the development of Brooklin. Although small in scale, or undistinguished

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in architectural representation, these buildings contrast with the recent development of large suburban style houses on smaller lots; these streets/neighbourhoods and house forms reinforce the character of the distinct village prior to 1990, and are appropriate to the scale of the core and the sensitive landscape of the Lynde Creek.

5. Views and Vistas: Preserve views and vistas and enhance pedestrian access to Lynde Creek, its flood plain and surrounding. Reinforce these connections and encourage the development of public trails that will aid in the appreciation of the natural and built environment within the Heritage District.

7. Traffic: Design buildings that harmonize and exhibit compatible scale, massing, setback, material, roof line, vertical alignments, exterior lighting, signage and landscape.

9. Overall Amenities: Remove, in the long term, structures and uses that are inappropriate to the established characteristics of significance of the District to free them up as new building sites.

11. Open Space and Development: Create new buildings that preserve, protect, and enhance open spaces and public parks, especially Grass Park and Kinsmen Park.

12. Views and Vistas: Preserve views and vistas of significant natural and built features.

13. Orientation: Orientation of new buildings should match the dominant orientation of the street on which they are to be sited.

14. Setbacks - Front and Side: Front and side yard setbacks for new buildings must follow municipal and Provincial requirements, however, the overall goal of the Guidelines is to regularize front setbacks to match or bridge those of adjacent structures, and to match side yard setbacks of adjacent structures.

15. Setbacks - Rear: Rear yard setbacks, back yards and placement of structures in rear yards should match the dominant pattern of the neighbourhood.

16. Height and Massing: Height and massing of new buildings (except for new buildings to be sited next to institutional landmarks such as churches and mills) should conform to municipal and provincial requirements, but should be no greater in height, or different in mass, than the dominant form of building on the block in which it is situated. In the case of direct relation of a new commercial building to its immediate

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neighbours, vertical articulation of roofs, eaves and windows should be related one to the other.

17. Style: New buildings should be built as of, and from, the best practices and design of their own era. It is unwise for a designer to adopt a style, but ignore form, scale, material and building technique. There is no requirement of stylistic emulation as a precept of new construction. More important by far is a similarity of a new building to complement the neighbouring older building's orientation, setback, height, massing, bay width, roof line, vertical alignments, projections, landscape, and roof profile and materials.

18. Compatibility of Facade Design: The design of the commercial or residential façade will be of great significance to the overall project. Use designs that are compatible in:

- design and layout;*
- proportion of void (window) to solid (wall);*
- location of windows and doors;*
- bay width;*
- material;*
- colour; and*
- detail.*

The use of a registered architect or designer with proven sympathies to the Brooklin context, and a knowledge of building within HCDs, is the best method of ensuring that design goals are met.

20. Entries: The position of entries to the new building in relation to the composition of the façade should be similar to that of the adjacent buildings, or the predominant tendency of the block. Recessed entries, projecting entries, columned entries should be reviewed in light of overall block characteristics.

21. Roofs: The roof form of the new building must suit its massing, style and scale. In residential neighbourhoods, the gable facing the street, the gable parallel to the street, the gambrel, the centre gable, the hip and the Regency bell cast roof may be adjacent forms to carry into the new construction; analysis of the commercial building roof types in the Baldwin Street core should minimize height in all buildings over 2 storeys. Certain roof forms are out of character with the streetscapes of Brooklin, including, pyramidal roofs, overly massive roofs, domed and arched roofs. Flat roofs and low pitched roofs should be reviewed for compatibility with their surrounding building forms. Rooftop mechanical units should not be permitted. Roof top patios are not appropriate within the District.

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23. Material and Colour: Similarity of material and colour used in elements of the building exterior will be important to the coherence of the streetscape. The use of historic colours in new buildings is not required, however, locating next to structures that have utilized a particular palette of materials and colours may prompt a building designer to utilize similar and compatible materials and colours.

24. Windows and Doors: The size and placement of windows and doors in new construction may emulate the adjacent buildings or the typical streetscape patterns as a way of establishing visual coherence between old and new elements. Authenticity of mullions in the design of casement and sash windows should be maintained; fixed windows with sliders are not typical of any of the existing patterns of construction, nor are sliding windows, diagonal muntin bars or fixed pane windows in the front facades of buildings designed to appear similar to their historic neighbouring buildings. Window surrounds, sills and heads are important masonry or wood elements on the façade exterior that contribute to the overall appearance, detail and scale of the exterior façade.

25. Dormers: The use of dormers in appropriate settings may be a way of incorporating additional height into a new building without overpowering the buildings' neighbours; if adjacent buildings use dormers in their design, the use of dormers at the same roof elevation is a good bridge between the old and new forms.

26. Utility and Service Equipment: Utility, telecommunications, and service equipment should not be visible from the street frontage.

27. Other Structures: Other structures on the property of the new construction should be placed in a manner that is similar to the pattern established by the adjacent properties, or within the block. Garages and service buildings.

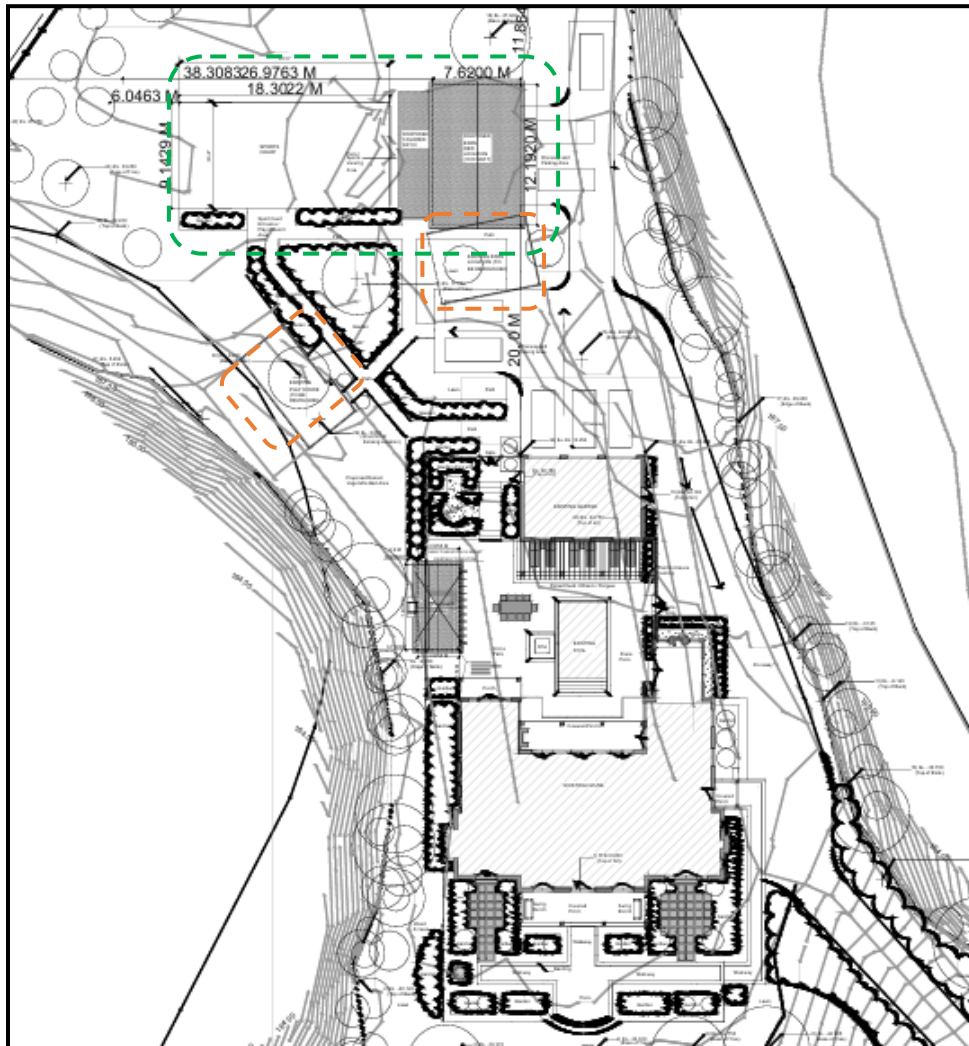
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5.2 Project Revisions

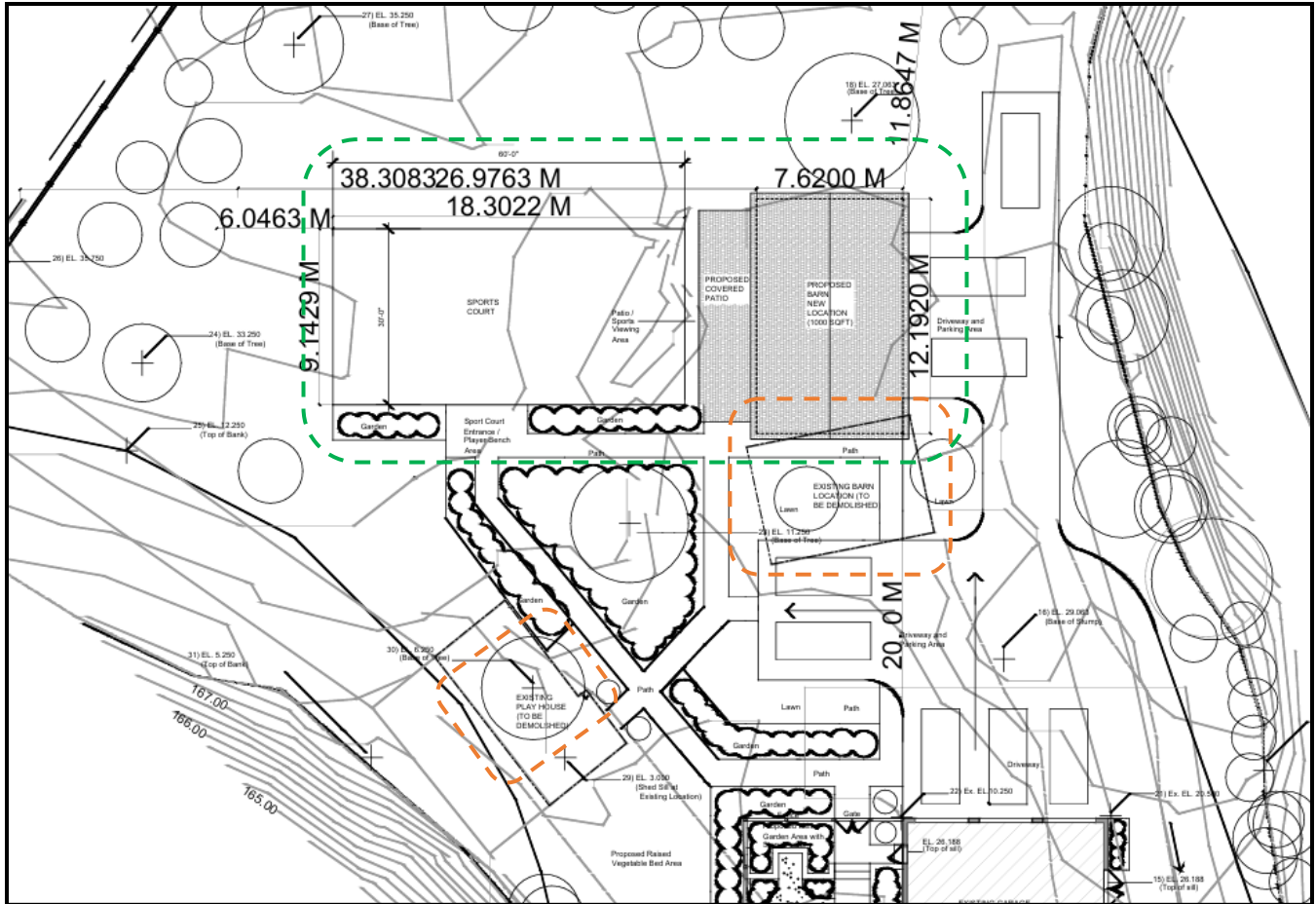
As work progressed, the design program changed and the owner wishes to demolish Accessory Building A and Accessory Building B in order to build a new Accessory Building with an indoor activities’ space and support spaces, to be located beside an outdoor sports’ activity court.

The proposed new accessory Building is a one storey shed with the overall dimensions of 7.20m x 10.97m (25’ x 36’) with a principal space and kitchenette and washroom. The building is oriented to face a proposed sports court to serve as a place to observe outdoor activities and allow for indoor activities. The building is to be of wood frame construction clad in cedar shingles and with a cedar shingle roof. Large sliding glass doors will permit the opening of the building to the weather, and large sliding barn doors will cover the glass doors for protection when not in use. A trellis will provide an outdoor shaded area.



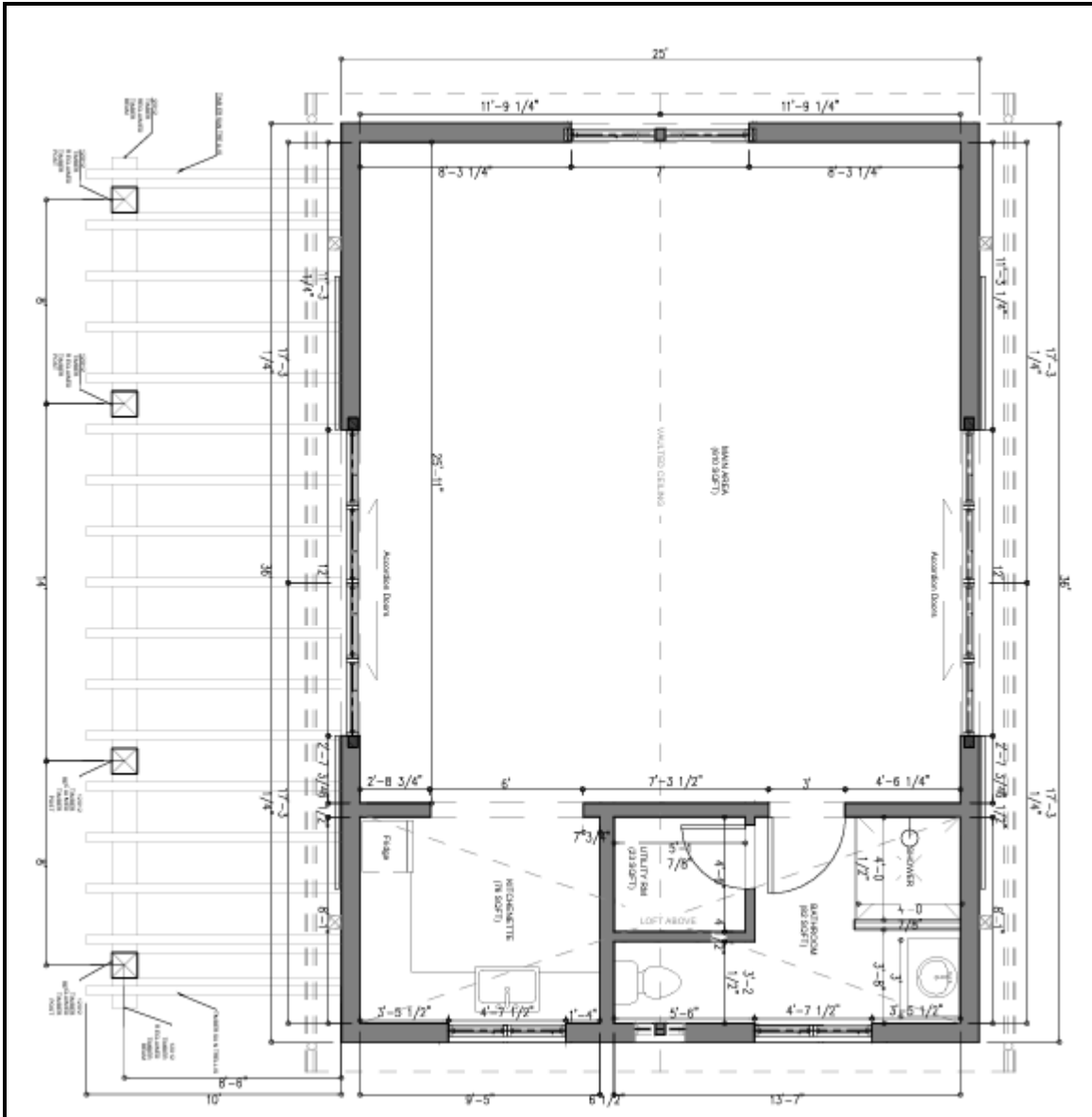
5.2.A – Revised Site Plan

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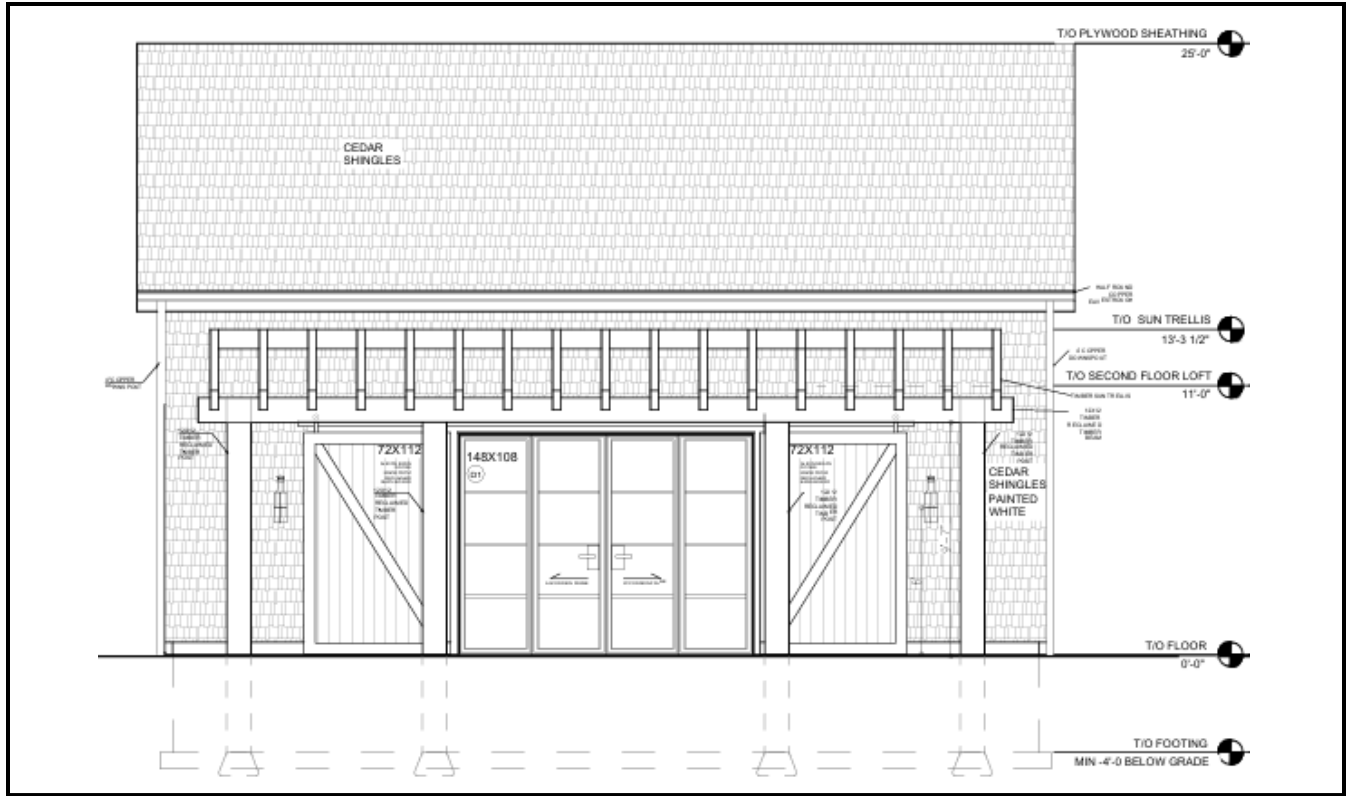
5.2.A – Revised Site Plan – Enlarged

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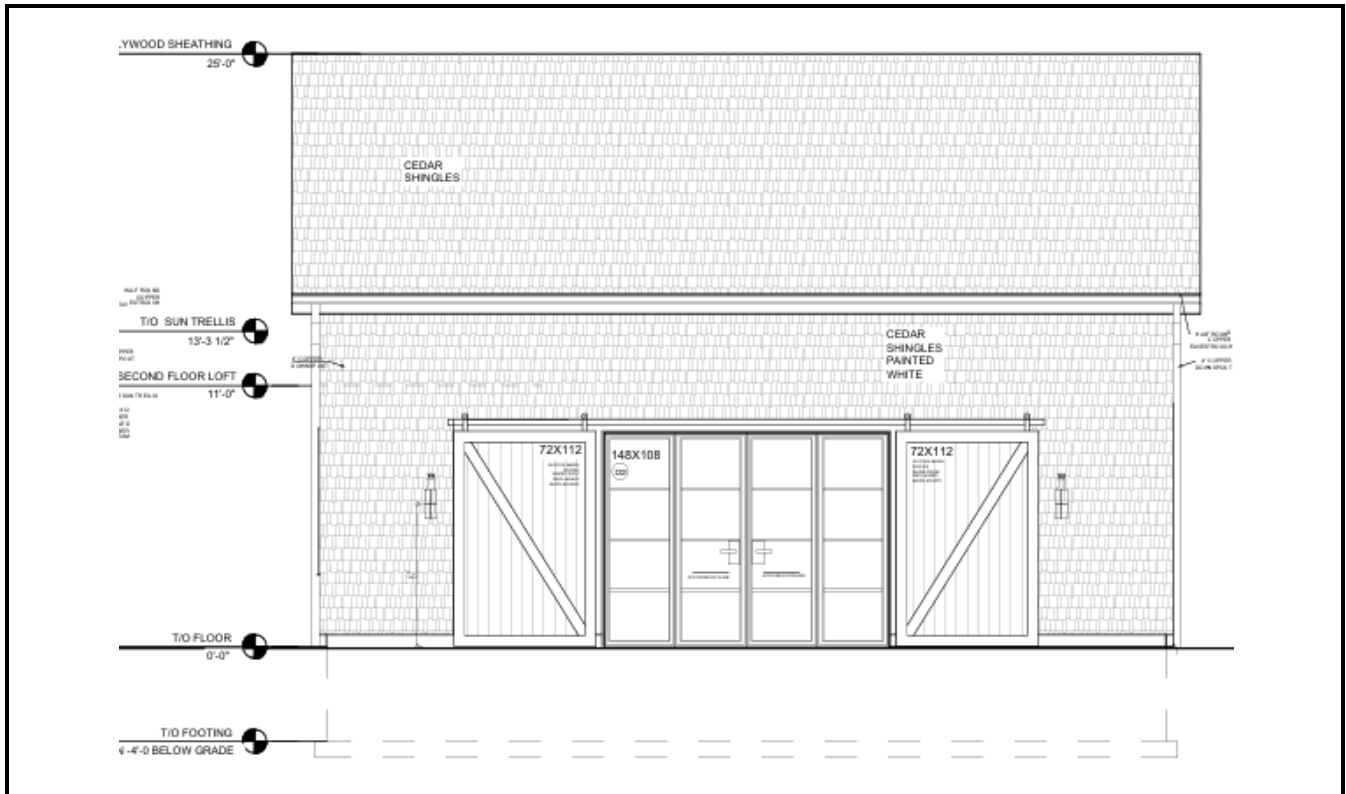


5.2.B – Proposed Ground Floor

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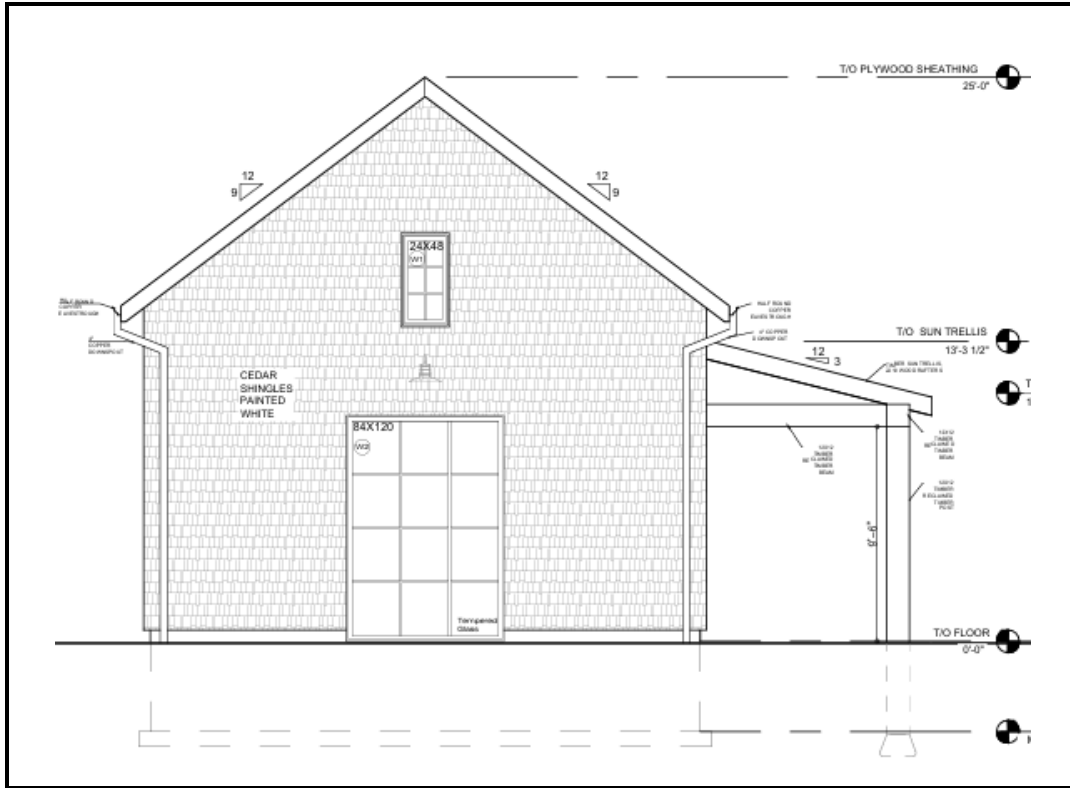


5.2.C – Proposed North Elevation

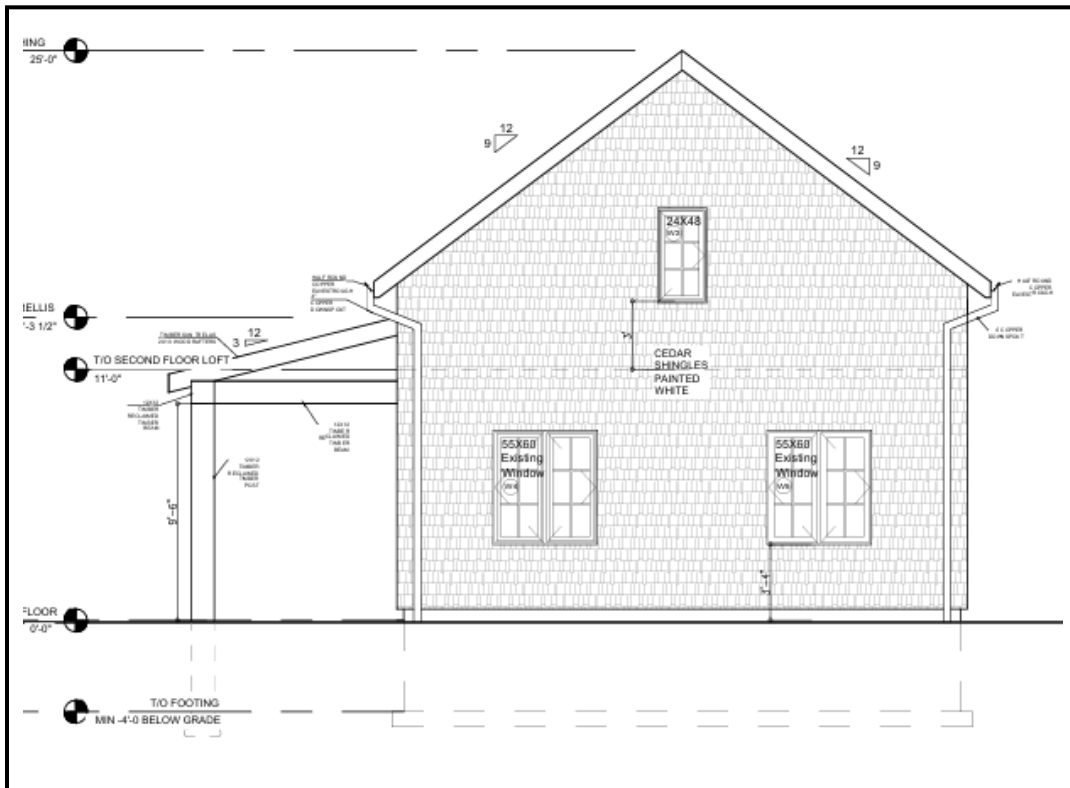


5.2.D – Proposed South Elevation

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5.2.E - Proposed East Elevation



5.2.F - Proposed West Elevation

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6.0 Heritage Impact Assessment

As the work to the home and new garage has been approved, the comments herein will pertain to the demolition of the 2 accessory buildings and construction of the new one.

6.1 Heritage Assessment – Accessory Buildings

6.1.1. Accessory Building A

Building A was constructed with material and methods consistent with those of the mid-20th century. The built form is not a good example of a gambrel design as the upper roof slopes are low in comparison to the basic stylistic model. The craftsmanship is typical for the era. It is a utilitarian structure.

The building has no Heritage value. It is in the twilight of its serviceable life. It can be demolished.

6.2.1 Accessory Building B

Building B was constructed with material and methods consistent with those of the mid-20th century. The built form is typical example of a shed design. The craftsmanship is typical for the era. It is a utilitarian structure.

Given its proximity to the top of the bank of a steep drop, and the rudimentary foundation construction, the building will be in danger of collapsing over the bank.

The building has no Heritage value. It is in the twilight of its serviceable life. It can be demolished

6.2 Compliance with the Brooklin Heritage Conservation District Plan:

The Brooklin Heritage Conservation District Plan lists the property as having Good Heritage value. As such BHCD Plan Guidelines for new Construction (Section 6.0), Streetscape (Section 8.0) apply to the proposal. The review and application of the HCD Guidelines with respect to New Construction yields the following compliance with the Plan.

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6.1.1 Section 6.3 - New Construction (Commercial and Residential):

6.3	Guideline	Implementation
1	<p>General: Preserve sites of cultural heritage significance, including their buildings, and landscapes identified as Good to Excellent within the HCD. Preserve setback and architectural character. The most prominent historic buildings and distinguished landscapes in Brooklin should be enhanced.</p>	<p>N/A - the lot is vacant without neighbouring structures. (The design complements the existing historical context in its use of Second Empire style with neoclassical elements.)</p>
2	<p>Baldwin: Preserve Baldwin Street in its primarily low-rise commercial (mixed use) main street role, retaining buildings of historic significance and reinforcing pedestrian use.</p>	<p>N/A</p>
3	<p>Cassels: Preserve the role of the major crossing streets (Cassels) to reflect the significant development of residential, institutional (e.g. Churches and Lodges) and business (e.g. Mill) uses. Preserve the significant architecture of the streets, including their setbacks and the relations between clusters of significant structures and views and vistas. Preserve and enhance man-made landscapes and enhance natural landscapes, especially at the crossing of Lynde Creek. Preserve other structures that contribute to the streetscapes, including bridges and outbuildings of significance.</p>	<p>N/A</p>

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4	<p>Other Streets and Neighborhoods: Preserve streets/neighbourhoods that exist today, reflecting a diverse, but consistent pattern of development from the 1850s to the 1960s. The architecture of these buildings represents significant periods in the development of Brooklin. Although small in scale, or undistinguished in architectural representation, these building contrast with the recent development of large suburban style houses on smaller lots; these streets/neighbourhoods and house forms reinforce the character of the distinct village prior to 1990, and are appropriate to the scale of the core and the sensitive landscape of the Lynde Creek.</p>	<p>The proposed building is well away from the public realm and has no impact on the character of the neighbourhood.</p>
5	<p>Views and Vistas: Preserve views and vistas and enhance pedestrian access to Lynde Creek, its flood plain and surrounding. Reinforce these connections and encourage the development of public trails that will aid in the appreciation of the natural and built environment within the Heritage District</p>	<p>The proposed construction has no impact on any public views to Lynde Creek from the street.</p>
6	<p>Focal Points: Design new buildings that encourage pedestrian amenities such as wider sidewalks, lack of obstruction to barrier free entry, shelter at building entries.</p>	<p>N/A</p>

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7	Traffic: Design buildings that harmonize and exhibit compatible scale, massing, setback, material, roof line, vertical alignments, exterior lighting, signage and landscape.	The scale of the building is appropriate internal to the site. There is no visual impact on the streetscape
8	Vehicular and Pedestrian Routes: In commercial areas, encourage the development of mid-block entrances to pedestrian mews and pathways	N/A
9	Overall Amenities: Remove, in the long term, structures and uses that are inappropriate to the established characteristics of significance of the District to free them up as new building sites.	N/A
10	Parking: Reinforce Baldwin Street by allowing compact redevelopment on lots between the identified heritage buildings.	N/A
11	Open Space and Development: Create new buildings that preserve, protect, and enhance open spaces and public parks, especially Grass Park and Kinsmen Park.	The reduction of net building area keeps the property more open.
12	Views and Vistas: Preserve views and vistas of significant natural and built features.	N/A
13	Orientation: Orientation of new buildings should match the dominant orientation of the street on which they are to be sited.	N/A. (Internal to the site, the building orients itself for viewing of activities on the sports' court.)
14	Setbacks - Front and Side: Front and side yard setbacks for new buildings must follow municipal and Provincial requirements, however, the overall goal of the Guidelines is to regularize front setbacks to match or bridge those of adjacent structures, and to match side yard setbacks of	Complies. The building is well setback from the property lines, and the valley lands of Lynde Creek.

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	adjacent structures.	
15	Setbacks - Rear: Rear yard setbacks, back yards and placement of structures in rear yards should match the dominant pattern of the neighbourhood.	Complies. The setback that is adjacent to Lynde Creek generous.
16	Height and Massing: Height and massing of new buildings (except for new buildings to be sited next to institutional landmarks such as churches and mills) should conform to municipal and provincial requirements, but should be no greater in height, or different in mass, than the dominant form of building on the block in which it is situate. In the case of direct relation of a new commercial building to its immediate neighbours, vertical articulation of roofs, eaves and windows should be related one to the other.	The massing remains in scale with the buildings on the site - existing and previous.
17	Style: New buildings should be built as of, and from, the best practices and design of their own era. It is unwise for a designer to adopt a style, but ignore form, scale, material and building technique. There is no requirement of stylistic emulation as a precept of new construction. More important by far is a similarity of a new building to complement the neighbouring older building's orientation, setback, height, massing, bay width, roof line, vertical alignments, projections, landscape, and roof profile and materials.	As an accessory building, it proposes a form in keeping with the other buildings on the property and clad in a natural material.

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	If the surrounding building style is simple, new adjacent construction should be fairly simple; if the adjacent buildings or block have a definitive picturesque quality, more definitive relationship to the landscape, to variation in mass and in roof profile may be suggested by the context. If a neighbouring commercial building is plain, the proportions, height, glazing and massing of the new building should follow these adjacent patterns.	
18	Compatibility of Facade Design: The design of the commercial or residential façade will be of great significance to the overall project. Use designs that are compatible in: • design and layout; • proportion of void (window) to solid (wall); • location of windows and doors; • bay width; • material; • colour; and • detail.	The proposed accessory building's design is in keeping with the design language of the main home.
19	Alignments: Alignments present on the front facades of neighbouring buildings should be reflected in the new adjacent construction to contribute to the cohesive nature of the block. For example, porches and window heads could be aligned, eaves and gutters could be aligned.	N/A. The building is not seen from the public realm.
20	Entries: The position of entries to the new building in relation to the composition of the façade should be similar to that of the adjacent buildings, or the predominant tendency of the block. Recessed entries, projecting entries, columned entries should be reviewed in light of overall block characteristics.	N/A. The building is not seen from the public realm.

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21	<p>Roofs: The roof form of the new building must suit its massing, style and scale. In residential neighbourhoods, the gable facing the street, the gable parallel to the street, the gambrel, the centre gable, the hip and the Regency bell cast roof may be adjacent forms to carry into the new construction; analysis of the commercial building roof types in the Baldwin Street core should minimize height in all buildings over 2 storeys. Certain roof forms are out of character with the streetscapes of Brooklin, including, pyramidal roofs, overly massive roofs, domed and arched roofs. Flat roofs and low pitched roofs should be reviewed for compatibility with their surrounding building forms. Rooftop mechanical units should not be permitted. Roof top patios are not appropriate within the District.</p>	The roof shape is in keeping with the existing Architectural vocabulary.
22	<p>Projections: Bays, porches and projections are used extensively in the neighbourhood residential architecture; setbacks of these elements and the scale of such elements should be in keeping with the patterns established by buildings neighbouring the new construction. Typical porches and verandahs are delicate in scale, and one storey in height; they are constructed of wood, or in early twentieth century houses of wood and masonry. Overly heavy, and overly high porches and metal awnings are not appropriate for the district. Flat roofed porches and carports may be appropriate in areas characterized by Ranch style or Contempo buildings, but inappropriate for consistently Victorian neighborhoods</p>	N/A.
23	<p>Material and Colour: Similarity of material and colour used in elements of the building exterior will be important to the coherence of the streetscape. The use of historic colours in new buildings is not required, however, locating next to structures that have a utilized a particular palette of materials and colours may prompt a building designer to utilize similar and compatible materials and colours.</p>	N/A/. The building is not visible from the public realm but uses natural cladding materials to blend with the nature of the site.

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24	<p>Dormers: The use of dormers in appropriate settings may be a way of incorporating additional height into a new building without overpowering the buildings’ neighbours; if adjacent buildings use dormers in their design, the use of dormers at the same roof elevation is a good bridge between the old and new forms.</p>	N/A.
25	<p>Windows and Doors: The size and placement of windows and doors in new construction may emulate the adjacent buildings or the typical streetscape patterns as a way of establishing visual coherence between old and new elements. Authenticity of mullions in the design of casement and sash windows should be maintained; fixed windows with sliders are not typical of any of the existing patterns of construction, nor are sliding windows, diagonal muntin bars or fixed pane windows in the front facades of buildings designed to appear similar to their historic neighbouring buildings. Window surrounds, sills and heads are important masonry or wood elements on the façade exterior that contribute to the overall appearance, detail and scale of the exterior façade.</p>	N/A. The building will not be visible from the public realm. Windows and doors are in keeping with the main building's Architectural vocabulary.
26	<p>Utility and Service Equipment: Utility, telecommunications, and service equipment should not be visible from the street frontage.</p>	Complies.
27	<p>Other Structures: Other structures on the property of the new construction should be placed in a manner that is similar to the pattern established by the adjacent properties, or within the block. Garages and service buildings</p>	Complies.

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

7.0 Summary Statements

7.1 Conformity to Brooklin Heritage Conservation District Plan

Based on the assessment of the revised site plan using the Brooklin Heritage Conservation District Plan and its guidelines, the project:

- permits the demolition of the two existing accessory buildings A & B, as they have no Heritage value and near the end of their serviceable life;
- permits the construction of a new Accessory Building whose design is in keeping with the existing building;
- is in conformance with the Brooklin Heritage Conservation District plan, and
- will have no negative impact on the Heritage character of the Brooklin Heritage Conservation District.

8.0 Mandatory Recommendations:

8.1 Mandatory Recommendations regarding Conformity of the Revised Project Design at 25 Way Street to the Brooklin Heritage Conservation District Plan:

It is the recommendation of this report that the revised design proposal at 25 Way Street:

- 1) permits the demolition of Accessory Buildings A & B;**
- 2) allows the construction of a new Accessory Building;**
- 3) implements design guidelines contained in the Brooklin Heritage Conservation District Plan;**
- 4) is in conformance with the Brooklin Heritage Conservation District Plan,**
- 5) will have no negative impact on the Heritage character of the Brooklin Heritage Conservation District, and**
- 6) that the Whitby Heritage Advisory Committee recommends to Council the demolition of the 2 out buildings and construction of a new out building be supported.**

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario

9.0 Authorship

Report Prepared By:

Vincent J. Santamaura, Architect Inc.

Date:



12 February 2025

Vincent J. Santamaura, B.Arch., OAA, MRAIC, CAHP, CaGBC
Architect

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

Appendix 1: Methodology

The methodology used to research, analyze and assess the heritage value and interest of the subject property was as follows:

- i) Review of Terms of Reference of Cultural Heritage Impact Assessments prepared by the Municipality;
- ii) Consult with Municipal staff;
- iii) Review of Provincial Legislation and Policy Statements affecting Municipal Growth and Heritage;
- iv) Review of Regional and Municipal Official Plans with respect to Heritage;
- v) Review Brooklin Heritage Conservation District Plan
- vi) Engage in an on-site visit to document and assess the area character
- vii) Review and assess revised Design proposal;
- viii) Prepare report.

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

Appendix 2: Biography of Author:

SELECTED PROFESSIONAL RESUME

Vincent J. Santamaura, B. Arch, MOAA, MRAIC

Overview:

Vincent has evolved his close to 30 years of experience in the Construction Industry from Vincent J. Santamaura, Architect into a founding partner of *SRN Architects Inc.* A creative designer, familiar with a variety of Building systems, and the Building and Approvals process, he applies his knowledge to solving the building needs of his clients.

Trained and registered as an Architect, Vincent graduated from the University of Toronto. He has been active in the Greater Toronto Area – from downtown infill housing to new communities to historic renovations, adaptive re-use to high-rise. Vincent has worked for award winning architectural firms and has run his own practice. He has worked for a large land developer/home builder as Staff Architect and Community Planner where he was responsible for designing new communities, lotting modules and commercial and residential unit forms. Fully versed in the grand picture, Vincent applies his knowledge and experience back into the urban and architectural design fields.

Familiar with a variety of building systems, Vincent is comfortable designing in steel frame, cast-in place concrete or wood or light gauge steel framing. His design solutions balance urban concerns, client needs, and budget demands. Sustainability has always been an interest of Vincent's since his university days having been involved in passive energy design since the first oil crisis, and this has led to an interest in building envelope systems and an exploration of the new techniques. Fundamentally, though, it is the satisfaction of the client's needs that drives the building design solution and the delivery of it on time and on budget.

Vincent derives a large amount of his design inspiration from our Ontario Heritage. He's been the Chair of the Uxbridge LACAC, and has been active in the preservation efforts of the Foster Memorial and the Lucy Maud Montgomery House, both in Leaskdale. He designed the York/Durham Heritage Railway/Go Train Station in Stouffville, and renovations to the Goodwood Town Hall (1875) and the Uxbridge Music Hall (1901). With these works, Vincent has developed strong interpersonal skills interacting with various communities, committees and municipal governments. This sensitivity to the existing built (and social) environment ensures that any design intervention will respect its neighbours.

Keenly aware of the complex issues and interests in building communities, Vincent uses his design skills, his consensus building skills and his experience to arrive at a balanced solution to any design challenge.

EDUCATION:

2001 to present - OAA Professional Development Continuing Education Course Certificates
1986 to 1989 - AutoCAD Certificate courses, Ontario CADD/CAM Centre, Cambridge, Ontario
1985 - Construction Specifications Course, CSC, Toronto
1983- Bachelor of Architecture, University of Toronto

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

Professional Memberships:

- 2012 to 2017 - Member, Alberta Association of Architects
- 2010 to present - Member, Canadian Association of Heritage Professionals - Building Specialist
- 2006 to present - Member, Canada Green Building Council
- 1983 to present - Member, Royal Architectural Institute of Canada
- 1981 to present - Member, Ontario Association of Architects, Registered 1988

Community Memberships:

- 2023 to present - Member, Heritage Whitby/LACAC, Town of Whitby
- 2015 to 2018 - involved in Local Architectural Conservation Advisory Committee to the Town of Whitby
- 2009 to 2012 - Whitby
- 1993 to 1996 - Member/Chairman, Heritage Uxbridge/LACAC, Town of Uxbridge
- involved in Local Architectural Conservation Advisory Committee to the Town of Uxbridge
- 1993 to 2002 - Member, Friends of the Foster Memorial, Town of Uxbridge
- involved in the fund raising, preservation and designation efforts for the Foster Memorial in the Town of Uxbridge
- 1994 to 2002 - Member, York/Durham Heritage Railway Association, Stouffville
- involved the running of the heritage railway between Stouffville and Uxbridge
- 1995 to 1998 - Member, Celebration of the Arts Committee, Town of Uxbridge
- involved in organizing the annual Cultural Celebration in the Town of Uxbridge

Professional Activities and Selected Projects:

Expert Witness – Heritage Matters:

Expert Witness – Architecture/Site Planning/Urban Design: Ontario Municipal Board - Recognized as an Expert in Architecture, Site Planning and Urban Design by the Ontario Municipal Board for Testimony during Heathwood Homes Appeal of the City of Toronto By-Law no. 2017-62.

Expert Witness - Heritage Matters: Ontario Municipal Board
Recognized as an Expert in Heritage Matters by the Ontario Municipal Board for Testimony during Testimony for Vitmont Holding Inc Appeal of the Town of Aurora Non-Decision on Site Plan for 15160 Yonge Street & No. 5 Tyler Street, Aurora

Expert Witness – Heritage Matters: Ontario Municipal Board

Recognized as an Expert in Heritage Matters by the Ontario Municipal Board for Testimony during Testimony for Vitmont Holding Inc Appeal of the Town of Aurora Non-Decision on Site Plan for 15160 Yonge Street & No. 5 Tyler Street, Aurora

Expert Witness – Heritage Matters: Ontario Municipal Board -

Recognized as an Expert in Heritage Matters by the Ontario Municipal Board for Testimony during Ballantry Homes Appeal of the Town of Markham By-Law no. 2006-78

Heritage Impact Statements/Reports:

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario



Heritage Impact Statement/Preservation Plan – 68 Daisy Street, City of Toronto (Etobicoke):
Heritage Architect who analyzed and authored a Heritage Impact Assessment and prepared a Preservation Plan for the Vincent Massey Public School on the impact of a new cluster of townhouses proposed around it in the City of Toronto.



Cultural Heritage Impact Review Assessment/ Preservation Plan - 8161 & 8177 Kipling Avenue, (The Thomas Wright House and the McGillivray-Shore House) City of Vaughan:

Architect/Heritage Architect who analyzed and authored a Cultural Heritage Impact Assessment/ Conservation Plan for the re-location and renovation of two Designated Homes and the impact of a proposed stacked townhouse project in the Woodbridge Heritage Conservation District, in the City of Vaughan.

2017 Vaughan Urban Design Award winner.

Heritage Impact Statement – 4583, 4589 & 4601 Mississauga Road, City of Mississauga:

Analyzed and authored a Heritage Impact Statement for the impact of a new cluster of homes on the Credit River Cultural Landscape (Heritage Registered Inventory) and the Mississauga Road

Scenic Route (Heritage Register Inventory) in the City of Mississauga.



Cultural Heritage Impact Review Assessment/Preservation Plan – The Thomas Watson House

8934 Huntington Road, City of Vaughan:

Architect/Heritage Architect who analyzed and authored a Cultural Heritage Impact Statement and Preservation plan for the renovation of a formerly Designated Home as part of the proposed Arlington Estate Banquet Hall re-development project in the City of Vaughan.

Heritage Impact Statement –10056 & 10068 Keele Street (Le Sedici Viletti) City of Vaughan:

Architect/Heritage Architect who analyzed and authored a Cultural Heritage Impact Assessment for and designed a proposed townhouse project in the Woodbridge Heritage Conservation District, in the City of Vaughan.

Heritage Impact Statement/Preservation Plan - Stiver Tenant House-9721 Kennedy Road, City of Markham

Analyzed and authored a Cultural Heritage Impact Statement for the preservation, re-location, renovation, and addition of a Designated Stiver Tenant Home project in the Town of Markham. (on-going)

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

Restoration:



The Music Hall (1901), Uxbridge:

Architect for the renovation of the cultural centre of the thriving artistic life of Uxbridge since 1901. The facilities of the Historically Designated Music Hall were updated and the stage was restored.

The Horner House (Designated)

9940 Leslie St, Richmond Hill

Architect for the preparation of a conservation plan for this Designated Home moving as a result of development pressures.

Adaptive Re-Use:



11 Woodlawn Avenue, Toronto:

Project Architect for a conversion of a church building into condominium suites. The existing 4,000 sf building shell had another 8,000 sf of building area inserted into its envelope to create six luxury 2-storey units.

Mixed Use Projects:



Old Brooklin-The Mews, Brooklin:

Architect/Heritage Architect for the infill and extension of downtown Brooklin's Heritage District's main street with a mixed-use project using traditional living above retail programming and local heritage architectural styles.

Institutional:



Go Transit Stouffville and York Durham Heritage Railway Terminus, Stouffville:

Architect for the Heritage inspired Go Transit Station Stouffville which also acts as a terminus station for the York Durham Heritage Railway line between Stouffville and Uxbridge.

Cultural Heritage Impact Assessment – Conformity to HCD Plan

25 Way Street, Whitby (Brooklin), Ontario

Commercial:



10 Richmond Street, Maple:
Architect/Heritage Architect for a commercial infill building in Downtown Maple’s Heritage District, approved by the City of Vaughan Heritage Committee, the Maple Streetscape Committee and City of Vaughan Council.

Architectural Control Guidelines:

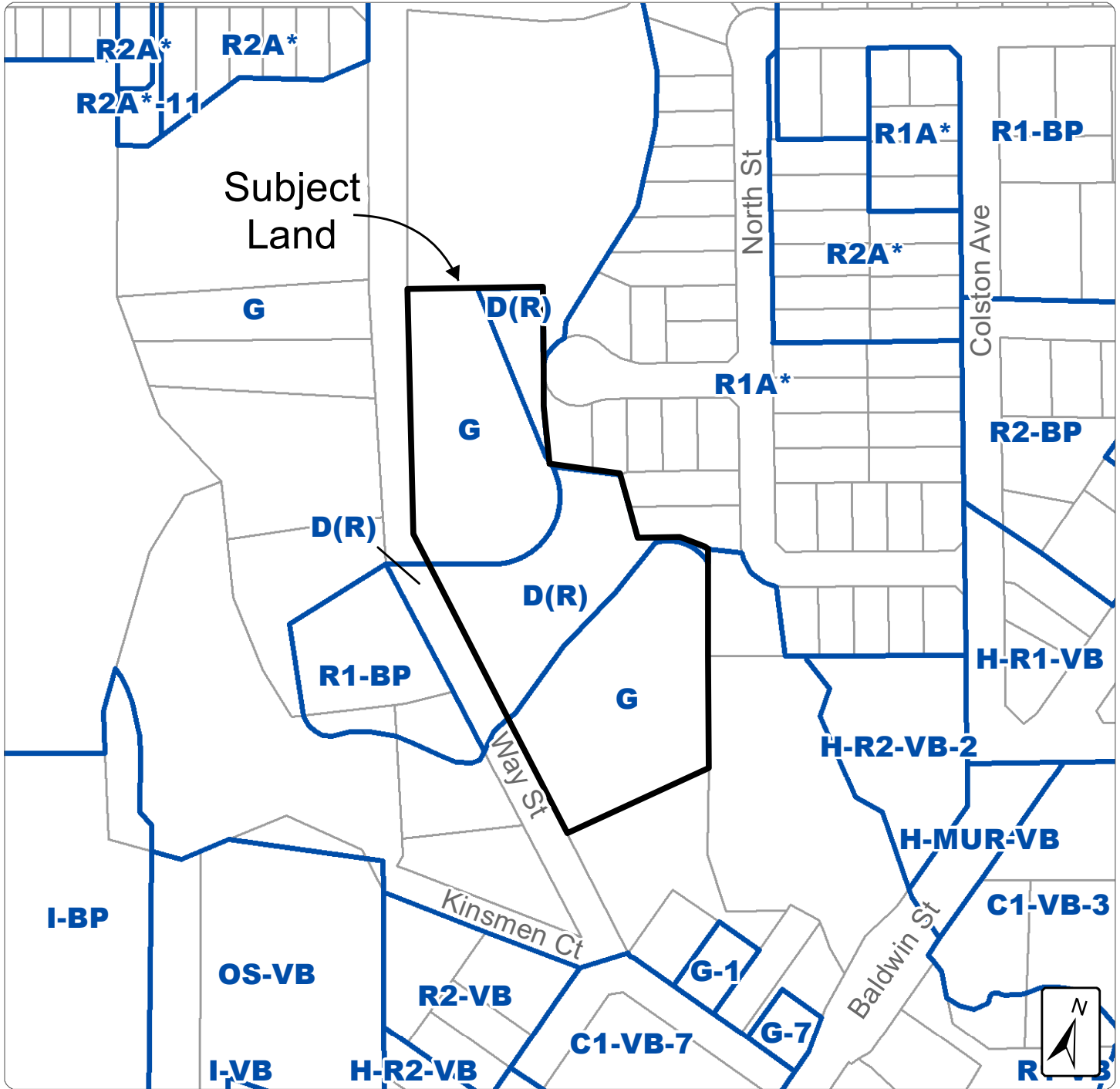
Spring Creek, Waterdown:
Control Architect who created Architectural Control Guidelines which selected all components for the accurate re-creation of Georgian, Edwardian, Queen Anne, Arts & Crafts and Canadiana styles in this heritage inspired residential community.

Kleinburg Estates, Vaughan (Kleinburg):
Control Architect who created Architectural Control Guidelines which selected all components for the accurate re-creation of Georgian, Queen Anne, Second Empire and Victorian styles in this residential community in the Heritage Conservation District of Kleinburg.

Cultural Heritage Impact Assessment – Conformity to HCD Plan
25 Way Street, Whitby (Brooklin), Ontario

End of Report

Attachment #5
Excerpt from Zoning By-Law 1784



 Town of Whitby Planning and Development Department

Address:
25 Way Street

Date:
April 2025

External Data Sources:
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Attachment #6
Excerpt of Minutes of March 11, 2025, HWAC meeting

4.2 Vincent Santamaura, Principal Architect, representing Lesley Lebel, Owner

Re: 25 Way Street, Heritage Permit Application (HP-03-25), Demolition Request of Outbuildings

Having previously declared a conflict of interest, Vincent Santamaura did not take part in the discussion or voting regarding this matter as a Member of the Heritage Whitby Advisory Committee.

Vincent Santamaura provided a presentation regarding 25 Way Street, Heritage Permit Application, Demolition Request of Outbuildings. Highlights of the presentation included:

- details about the property and its location within the Brooklin Heritage Conservation District;
- information on the existing outbuildings, their heritage significance, and the proposal to demolish the two outbuilding structures;
- a comparison of the original site plan and the proposed site plan;
- details about the proposed new accessory building elevations and hard surface area;
- details about the proposed and building materials; and,
- a summary of the Heritage Impact Assessment, indicating that demolishing the outbuildings would not impact on the heritage character of the Brooklin HCD.

A question and answer period ensued regarding:

- whether the proposed building would have a second floor;
- the location of the outbuildings and visibility of the new accessory building from the street;
- whether a demolition permit was required to demolish a chicken coop; and,
- repurposing the chicken coop into a garden shed.

Recommendation:

Moved by Rick McDonnell

That the Heritage Whitby Advisory Committee supports the Heritage Permit Application (HP-03-25), Demolition Request of the Outbuildings for 25 Way Street, and construction of the new accessory building.

Carried

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Temporary Use Zoning By-law Extension Application, Durham Islamic Centre, 4618 Country Lane, File No. DEV-28-24

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 17-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

J. Taylor, Director of Planning Services,
905-444-2908

N. Kohek, Planner II, 905-444-2902

1. Recommendation:

1. That Council approve a Zoning By-law Amendment to extend the Temporary Use (Z-13-24) of a place of worship on the subject land for a period of three (3) years; and,
2. That the amending By-law be brought forward for Council's consideration.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by the Durham Islamic Centre to extend the existing temporary use of a place of worship for an additional three (3) years.

3. Background:

3.1. Site and Area Description

The subject land is located at 4618 Country Lane, north of Taunton Road West (refer to Attachment #1). The subject land is approximately 10.44 hectares (25.79 ac.) in size (refer to Attachment #2).

Surrounding land uses include:

- Rural residential to the north, west and east; and,
- Agricultural and residential to the south.

3.2. Application

The purpose of the proposed Zoning By-law Amendment is to permit the extension of an existing temporary use of a place of worship on the subject property for an additional three years.

The existing building is 325 m² in area. The place of worship is accessed from Country Lane and the existing building and parking area serving the place of worship will remain.

3.3. Documents Submitted in Support

A previously approved Site Plan has been submitted in support of the application (refer to attachment #3).

4. Discussion:

4.1. Whitby Official Plan

The subject land is designated “Major Open Space” on Schedule ‘A’ – Land Use of the Town of Whitby Official Plan (refer to attachment #4). A place of worship is not permitted in the Major Open Space area.

However, Section 10.1.9.1 of the Town’s Official Plan states that, “Council may pass a by-law to permit the temporary use of land, building, or structure for any purpose which is otherwise prohibited by the Zoning by-law, without an amendment to this plan for a period of up to three years.”

Further, Section 10.1.9.3 of the Town’s Official Plan states that, “In considering whether to enact a Temporary Use By-law, Council must be satisfied that:

- a) The site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;

- b) The use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;
- c) The use will not prejudice the future development or redevelopment of the subject land and the surrounding area set out in this Plan; and,
- d) No new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted.”

In considering Section 10.1.9.3 above, it is concluded that:

- The site can continue to adequately accommodate the place of worship, and the existing parking area and landscaping required through the site plan agreement will remain. Public water and sanitary sewer services are not used by the place of worship;
- The continued use of the place of worship will not adversely affect the operation of Country Lane, the surrounding uses, or the natural environment;
- The place of worship will not prejudice development in the surrounding area, which is designated for rural and agricultural uses only; and,
- No expansion is proposed and the place of worship is intended to be used in the existing building, which was previously used as a single detached dwelling.

4.2. Zoning By-law

On June 28, 2022, the Ontario Land Tribunal (OLT) approved a Zoning By-law Amendment (Z-16-19) to permit the temporary use of a place of worship on the subject land. The OLT approved Agricultural – Except 14 Zone (A-14) permits, the temporary use of a place of worship, which is set to expire June 28, 2025 (refer to Attachment #5).

Under Section 39 of the Planning Act, and as outlined in Official Plan Section 10.1.9 above, the Council of a local municipality may authorize the temporary use of land for a purpose that is otherwise prohibited by the by-law for a maximum period of three years. Council may grant extensions to the authorization of a temporary use for a maximum period of three years at a time. It is recommended that Council approve an amendment to extend the temporary use of a place of worship for an additional three year period.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Central Lake Ontario Conservation Authority (CLOCA);
- Engineering Services;
- Region of Durham Community Growth; and,
- Region of Durham Public Health.

Refer to Attachment #6 for additional detailed comments.

8. Strategic Priorities:

This report is in a fully accessible format, and the previous Site Plan Application was reviewed by Accessibility staff, which addresses the Town's strategic priority of accessibility.

The recommendations contained in the staff report will support the Community Strategic Plan pillar 1 of Whitby's Neighbourhoods by investing and strengthening local culture.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Applicant's Existing Site Plan

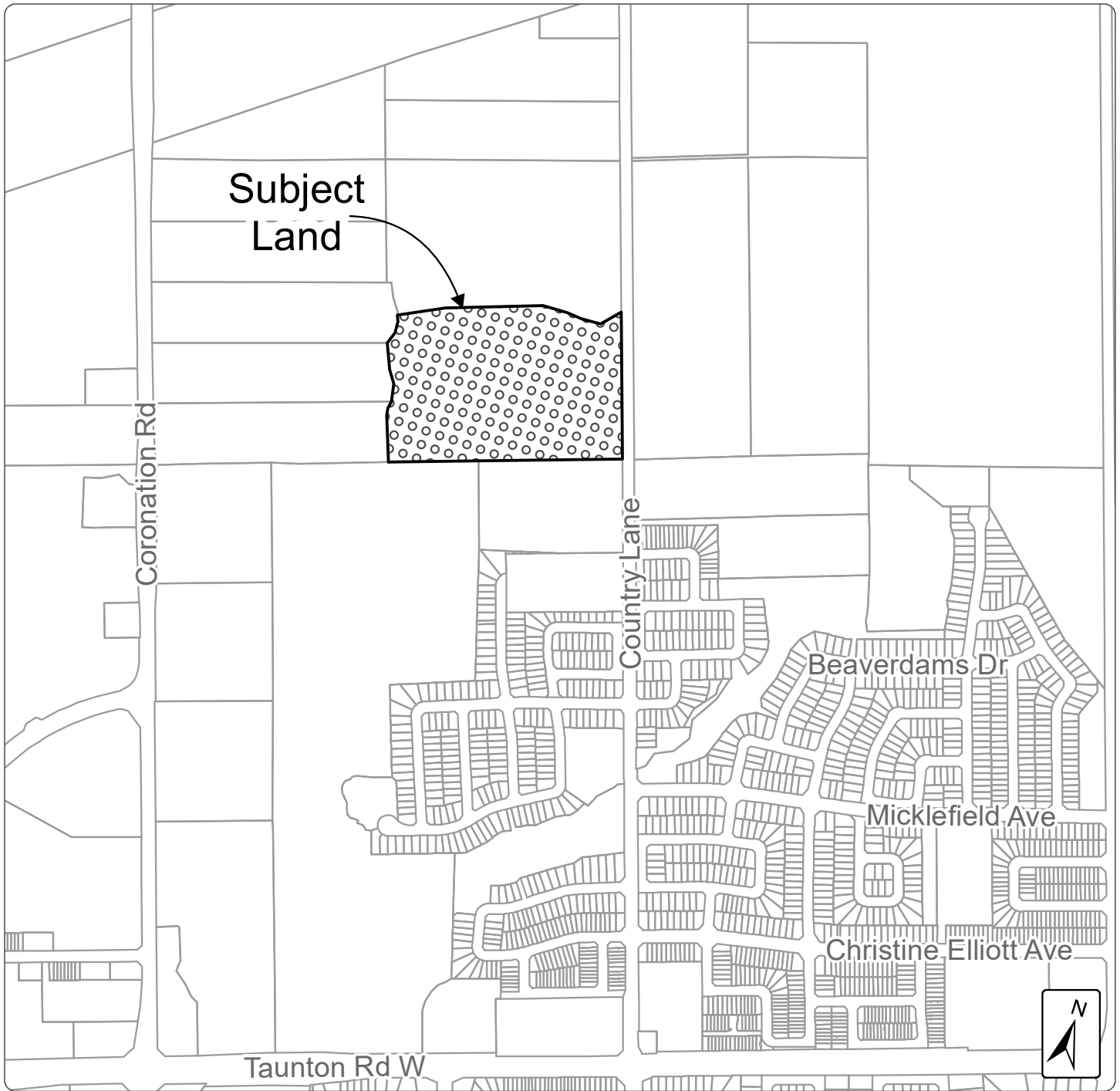
Attachment #4: Excerpt from the Town of Whitby Official Plan Schedule 'A'

Attachment #5: Excerpt from Zoning By-law 1784

Attachment #6: Agency Comments

Attachment #1 Location Sketch

PDP 17-25



Town of Whitby Planning and Development Department

Proponent:
Durham Islamic Centre

File Number:
DEV-28-24 / Z-13-24

Date:
April 2025

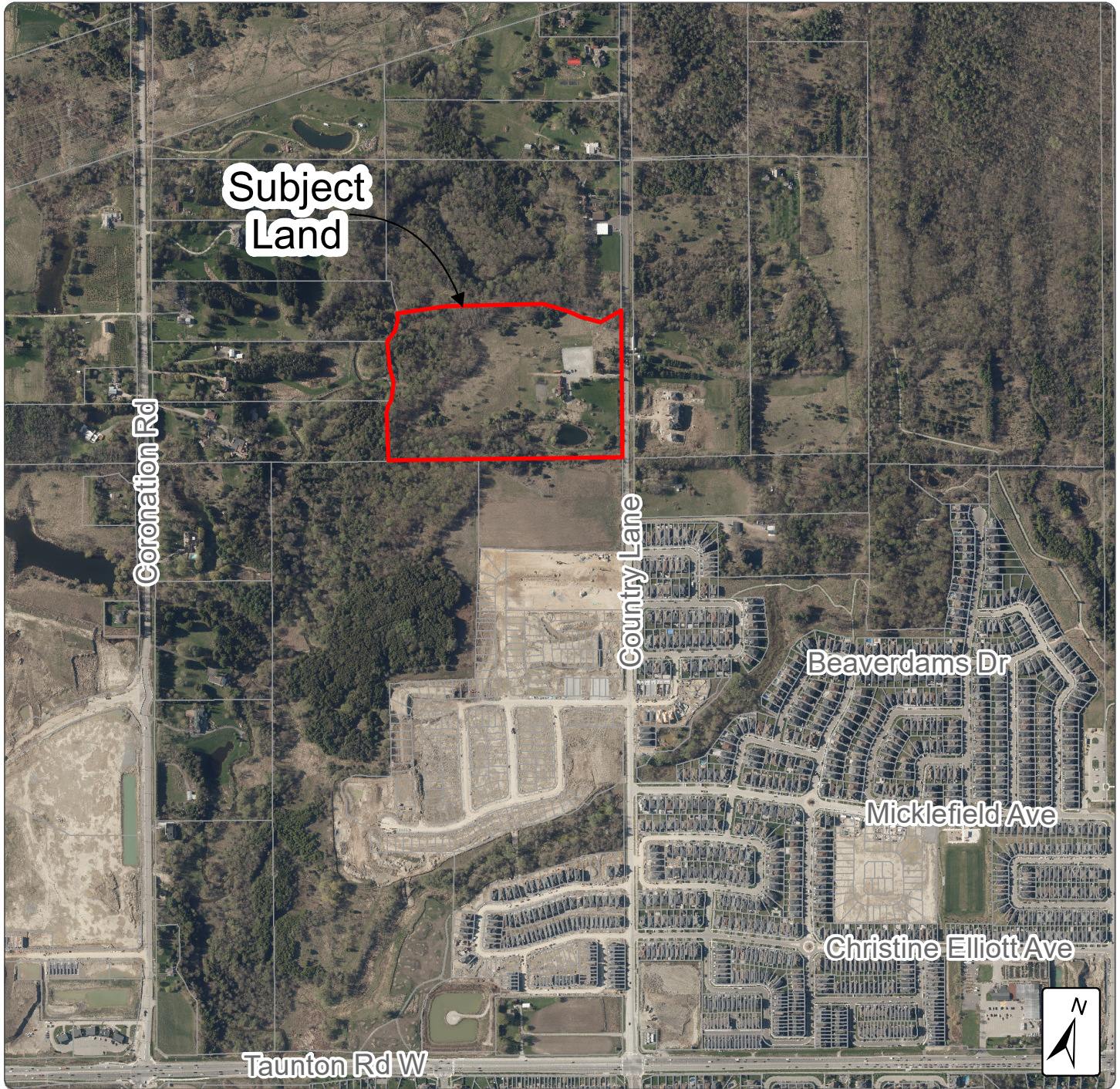
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Attachment #2 Aerial Context Map

PDP 17-25



 **Town of Whitby Planning and Development Department**

Proponent:
Durham Islamic Centre

File Number:
DEV-28-24 / Z-13-24

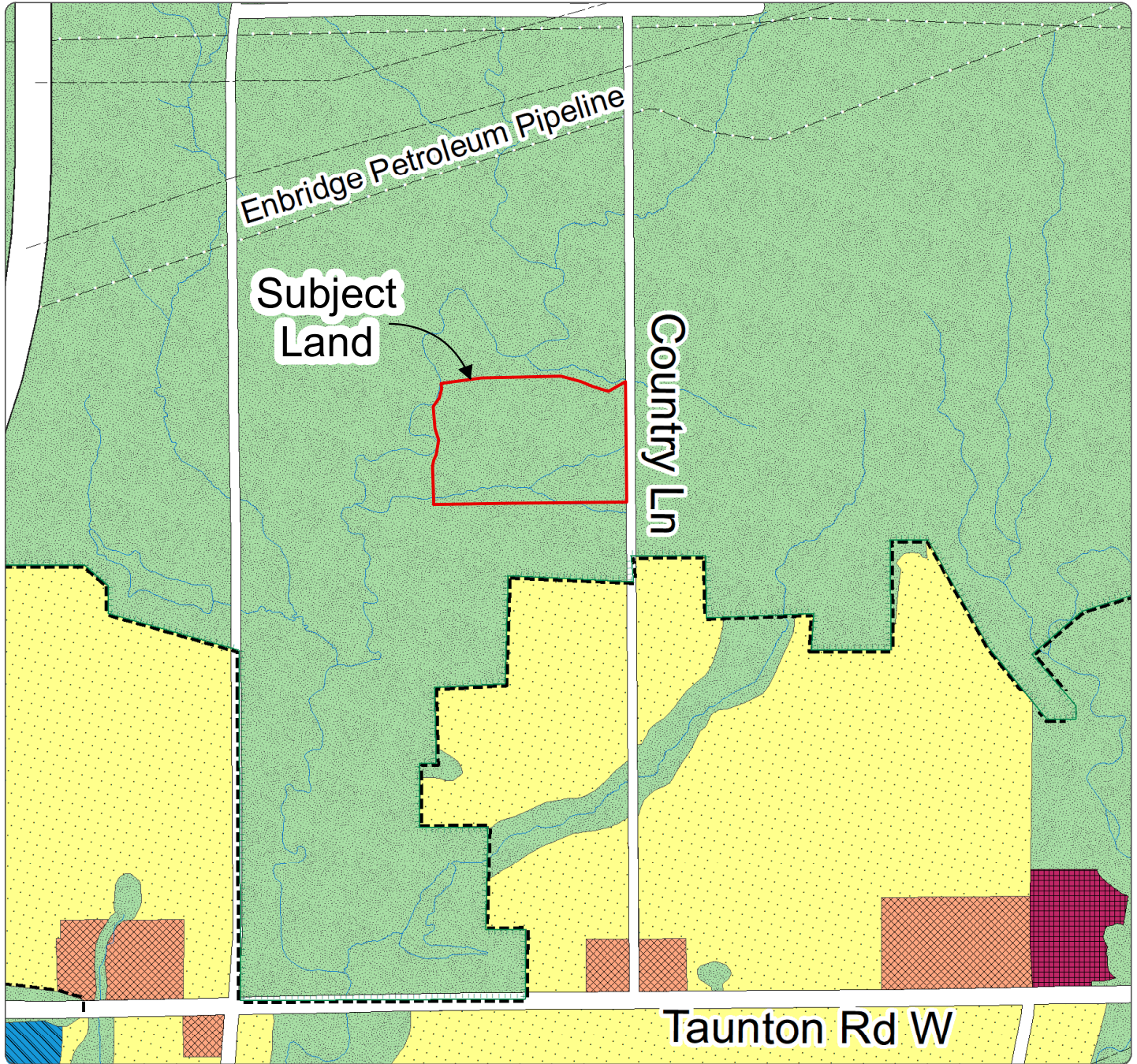
Date:
April 2025

External Data Sources:
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Excerpt from the Town of Whitby Official Plan Schedule 'A'



Legend

	Residential		Lands Subject to Durham Regional Official Plan Policy 14.13.7		D3 (Deferred by Region of Durham)
	Major Commercial		Deferred by the Region of Durham		Local Central Area
	Community Commercial		Resource Extraction Area (See Section 4.12)		Utility
	Special Purpose Commercial		2031 Urban Area Boundary		Community Central Area Boundary
	Mixed Use		Future Urban Development Area Boundary		Greenbelt Protected Countryside Boundary
	Prestige Industrial		Hamlet Boundary		Major Central Area Boundary
	General Industrial		Major Central Area Boundary		Municipal Boundary
	Special Activity Node		Southern Boundary of Oak Ridges Moraine		Urban Central Area Boundary
	Institutional				
	Major Open Space				
	Agricultural				
	Hamlet				
	Estate Residential				
	Special Policy Area				
	Refer to section 11.5.31.6				

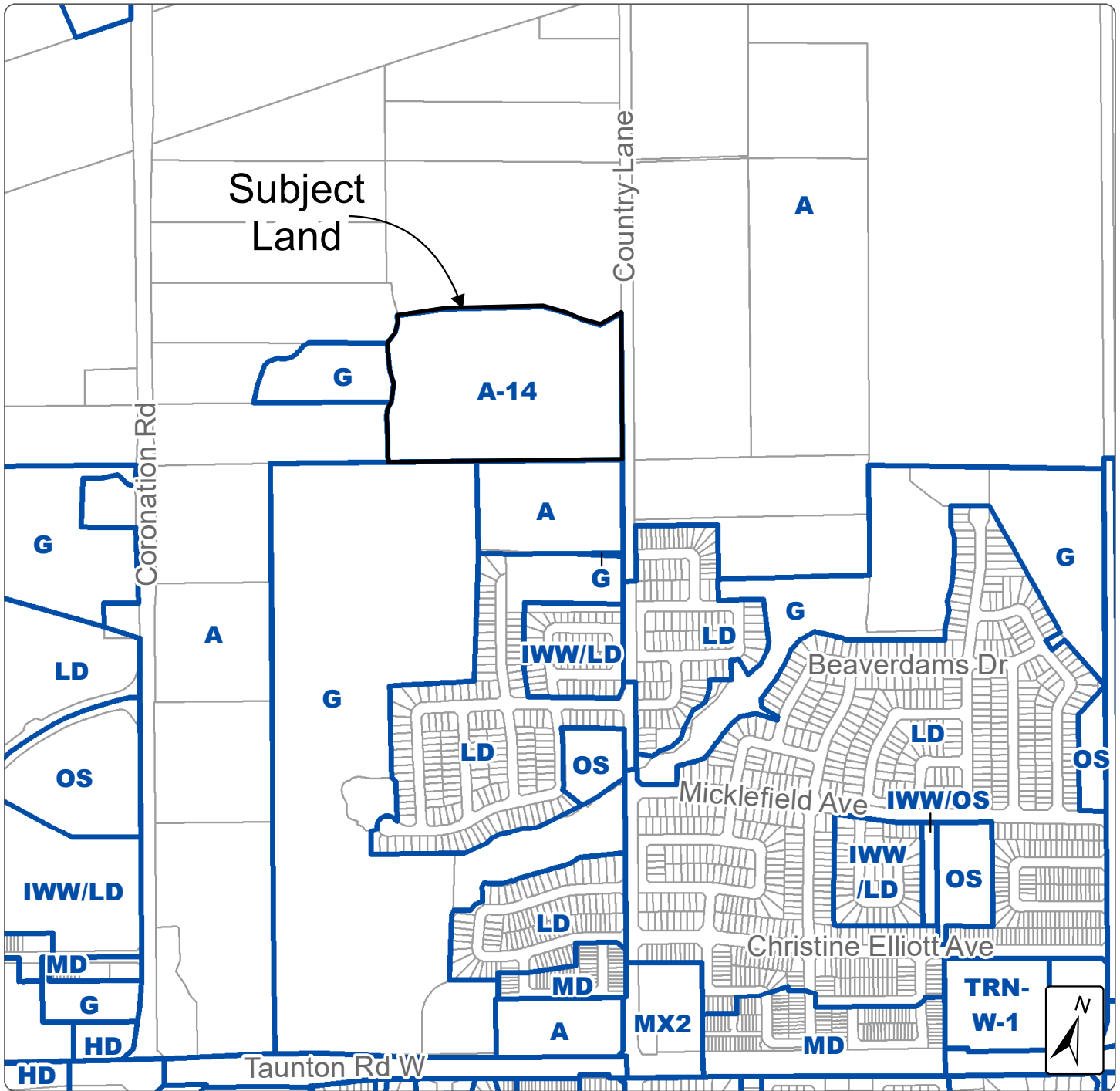
Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby Schedule **A**

Excerpt from Schedule 'A' Land Use

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Attachment #5 Excerpt from Zoning By-Law 1784



Town of Whitby Planning and Development Department		
Proponent: Durham Islamic Centre	File Number: DEV-28-24 / Z-13-24	Date: April 2025
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PDP 17-25

Attachment #6
Agency & Stakeholder Detailed Comments
File DEV-28-24 (Z-13-24)

Central Lake Ontario Conservation Authority (CLOCA)

CLOCA staff have no formal comments on this application.

Engineering Services

Engineering Services has no objection to the extension of the Temporary Use By-law Extension, provided all parking shall be contained to the subject property.

Region of Durham Community Growth

Region of Durham staff have no concern with the proposed extension of the temporary use by-law provided the Town of Whitby determines that there will be no impact to the surrounding area and uses.

Region of Durham Public Health

Region of Durham public health staff have no comment if the proposal is only an extension to the existing temporary use and there are no changes.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Temporary Use Zoning By-law Amendment Application, 300 Water Street. File No. DEV-01-25 (Z-01-25)

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 18-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

J. Taylor, Director of Planning Services,
905-444-2908

J. Takeuchi, Planner I, 905-444-2807

1. Recommendation:

1. That Council approve an amendment to Zoning By-law 2585 for a temporary use (Z-01-25) as outlined in Planning Report PDP 18-25; and,
2. That the amending By-law be brought forward for Council's consideration.

2. Highlights:

- An application for a temporary use Zoning By-law Amendment has been submitted by RAI Architect Inc. c/o Charles McVety for land municipally known as 300 Water Street;
- The proposal is to amend Zoning By-law 2585 to permit a private elementary and secondary school within the existing building located on the subject land.

3. Background:

3.1 Site and Area Description

The subject land is located on the north side of Water Street, west of South Blair Street (refer to Attachment #1). It is municipally known as 300 Water Street and is approximately 4.45 hectares (10.99 acres) in size. The Canada Christian College and School of Graduate Theology Studies is a post secondary institution which operates out of the existing building on the subject property.

Surrounding land uses include:

- a warehouse to the north;
- open space and a municipal parking lot to the east;
- a Water Supply Plant and open space/parkland, including the Waterfront Trail to the south; and,
- vacant (Town owned) and industrial uses to the west (refer to Attachment #2).

3.2 Application and Proposed Development

A Temporary Use Zoning By-law Amendment Application has been submitted by RAI Architect Inc. on behalf of Charles McVety to permit elementary and secondary school uses as additional uses within the existing Canada Christian College and School of Graduate Theological Studies facility.

3.3 Documents Submitted in Support

A Proposed Concept Plan, prepared by RAI Architect Inc., dated December 17th, 2024, was submitted in support of the application (refer to Attachment #3).

4. Discussion:

4.1 Whitby Official Plan

The subject land is designated Prestige Industrial on Schedule A – Land Use of the Town of Whitby Official Plan (refer to Attachment #4).

The use of land in Prestige Industrial areas generally include light industrial uses within enclosed buildings, professional, corporate, and industrial oriented office buildings, major office uses within Business Parks, data processing centres, commercial or technical schools, post-secondary educational facilities, research and development facilities, and incidental sales outlets within industrial buildings, provided such floor space is identified in Zoning By-law and is compatible with adjacent uses (4.7.3.2.2).

The existing post-secondary education facilities conform to the policies of the OP, however, elementary and secondary school uses are not permitted in the Prestige Industrial designation. As outlined within Section 10.1.9.1 of the Town's Official Plan, Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this Plan for a period of up to three years.

Upon the expiry of the time period(s) authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses (10.1.9.6).

Further, Section 10.1.9.3 of the Official Plan states that Council may pass a temporary use by-law subject to Council being satisfied that:

- a) The site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;
- b) The use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;
- c) The use will not prejudice the future development or redevelopment of the subject lands and the surrounding area as set out in this Plan; and,
- d) No new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted.

The proposal to include private elementary and secondary school uses within a building that accommodates similar post-secondary education facilities conforms to the above criteria.

4.2 Zoning By-law

The subject land is currently zoned Select Industrial (M1A) and Preferred Industrial (M1) within Zoning By-law No. 2585 (refer to Attachment #5). The Select Industrial (M1A) and Preferred Industrial (M1) Zones do not permit elementary or secondary school uses. Therefore, a successful Temporary Use Zoning By-law Amendment is required to permit the proposed use for a period of up to three years, in accordance with Section 10.1.9.1 of the Town's Official Plan.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Statutory Public Meeting was held on February 10, 2025, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies an opportunity to comment on the Temporary Use Zoning By-law Amendment application.

The meeting minutes are included in Attachment #6. Three members of the public spoke at the public meeting. The public were in support of the existing private elementary and secondary school as the school provided an environment for their children to thrive academically and socially.

Correspondence was received expressing concerns related to the increased traffic and the shuttle bus which the College operates between it and the Whitby GO Station. In response the applicant has indicated that they have trained and qualified drivers that adhere to the safety and traffic regulations when driving the shuttle bus. Furthermore, the applicant noted that the existing use of a private elementary and secondary school reduces the traffic activity in comparison to the previous office use.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the April 7th, 2025, Committee of the Whole Meeting.

The submissions by the public have been considered in determining the recommendation for approval of the proposed Temporary Zoning By-law Amendment application.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Whitby Financial Services;
- Whitby Fire and Emergency Services;
- Whitby Engineering Services; and,
- Durham Region Planning and Economic Development Department

Refer to Attachment #7 for detailed comments.

8. Strategic Priorities:

The recommendations contained in the staff report will support Strategic Pillar 1 in the Community Strategic Plan to provide increased opportunities to acknowledge and celebrate the diversity of the community.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

9. Attachments:

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Proponent’s Proposed Concept

Attachment #4 – Excerpt from the Town of Whitby Official Plan – Schedule ‘A’

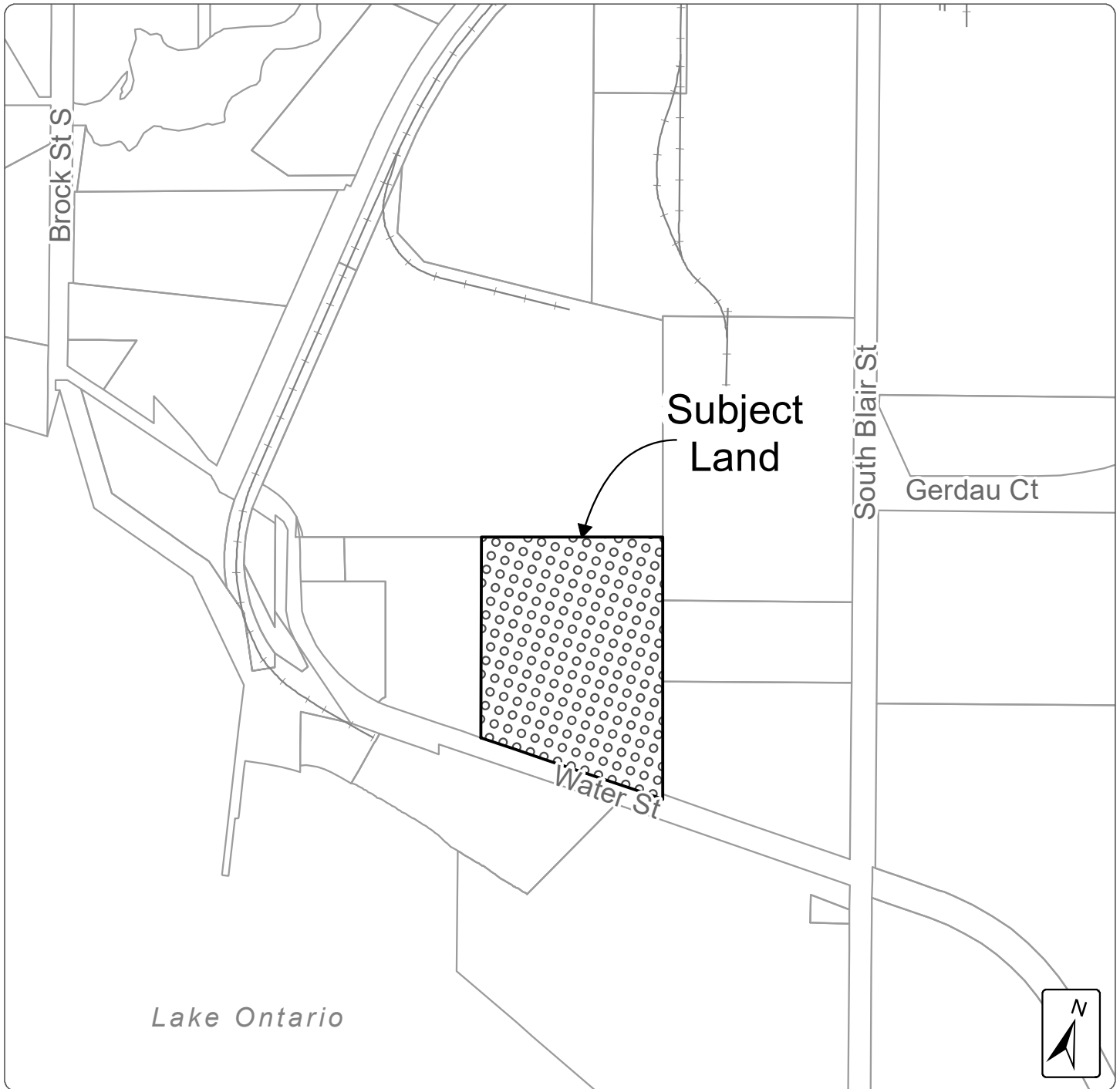
Attachment #5 – Excerpt from Zoning By-law No. 2585

Attachment #6 – February 10, 2025, Public Meeting Minutes

Attachment #7 – Agency and Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 18-25



 **Town of Whitby Planning and Development Department**

Proponent:
RAI Architect Inc. c/o Charles McVety

File Number:
DEV-01-25 / Z-01-25

Date:
April 2025

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 18-25



Whitby Town of Whitby Planning and Development Department

Proponent: RAI Architect Inc. c/o Charles McVety	File Number: DEV-01-25 / Z-01-25	Date: April 2025
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Proponent's Proposed Concept Plan

CANADA CHRISTIAN COLLEGE
INTERIOR ALTERATION
300 WATER STREET, WHITBY, ONTARIO

GENERAL NOTES

- THE CONTRACTOR SHALL CAREFULLY CHECK ALL WORK IN ACCORDANCE WITH THE SPECIFICATIONS OF OWNER/CONTRACTOR AGREEMENT.
- THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE ONTARIO BUILDING CODE CURRENT EDITION.
- THE CONTRACTOR SHALL EXAMINE ALL DOCUMENTS TO ESTABLISH THE FULL SCOPE OF WORK, VISIT THE SITE AND CAREFULLY ESTABLISH ALL CONDITIONS AFFECTING ALL ASPECTS OF THE WORK. INCLUDE ALL COSTS IN THE TENDER PRICES.
- THE CONTRACTOR SHALL NOTIFY THE CONSULTANT OF ANY DISCREPANCIES OR OMISSIONS IN THE DOCUMENTS BEFORE PROCEEDING WITH THE WORK.
- WHEN THE WORK IS TOTALLY COMPLETE, THE CONTRACTOR SHALL LEAVE THE WORK CLEAN AND SUITABLE FOR OCCUPANCY BY THE OWNER/TEENANT.
- CONSTRUCTION SHALL BE CARRIED OUT IN A MANNER TO ENSURE THE MINIMUM DISRUPTION TO OTHER TENANTS.
- PROVIDE SHOP DRAWINGS OF GUARDRAILS, HANDRAILS, STRUCTURAL STEEL, AND OTHER DETAILS AS REQUESTED BY CONSULTANTS AND BUILDING DEPARTMENT.

CONSTRUCTION NOTES

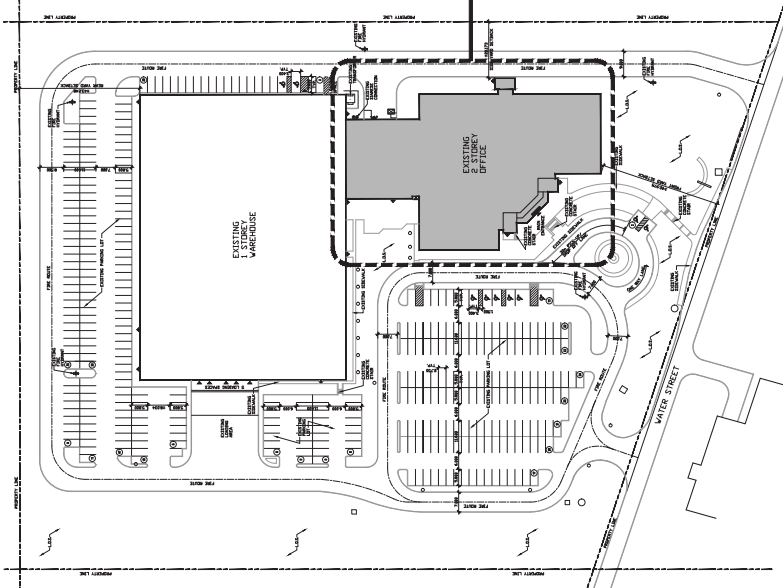
- FOR ALL ALTERATIONS THE FIRE STOP BALCONY PERIODS BE SEPARATIONS TO MAINTAIN THE INTEGRITY OF THE FIRE SEPARATION.
- PROVIDE COMBUSTIBLE AT ALL DOOR FRAMES AND PROVIDE ALL NECESSARY WOOD BLOCKING AT ALL WINDOWS AND DOORS.
- ALL OPENING BOARD SURFACES ARE TO BE TYPED, FLEED, SANDED WITH PAINT FINISH.
- PROVIDE CONTINUOUS SOLID BLOCKING IN STEEL STUDS PRIOR TO INSTALLATION OF WALLS. AT ALL SLAT WALL MOUNTING LOCATIONS, CONFORM WITH LOCAL CODES.
- ALL IN-WOOD AND WOOD BLOCKING USED AT CEILING OR AS PART OF THE ROOF CONSTRUCTION SHALL BE PRESSURE-TREATED.
- JOINTS TO ENSURE A CONTINUOUS SEAL.
- PROVIDE DETENTION DETAIL AT ALL PARTITIONS WHICH CONTINUE TO THE U/S OF STRUCTURE.
- PROVIDE THERMAL INSULATION IN AREAS THAT MOISTURE ARE FOUND THAT WOULD COMPROMISE THE FINISHES OF THE OTHER SYSTEM.

DEMOLITION NOTES

- REMOVE EXISTING BUILDING MATERIALS ON SITE AS REQUIRED TO PREPARE FOR NEW CONSTRUCTION. SEE STRUCTURAL DWGS FOR SIZE, QUANTITY AND PREPARATION WORK.
- CONTRACTOR TO COORDINATE THE DEMOLITION WORK WITH ALL NEIGHBOURS TO MINIMIZE DISRUPTION TO THE ON-GOING BUSINESSES IN THE AREA.
- TERMINATE AND CAP ALL PIPES, WIRING, CONDUIT AND FITTINGS AS REQUIRED. ARRANGE FOR AND/OR DISCONNECT ALL BUILDING SERVICES PRIOR TO REMOVAL OF PIPES OR WIRING.
- EXISTING CONCRETE FLOOR SLAB TO BE FILLED AND GROUND SMOOTH AS BEHIND.

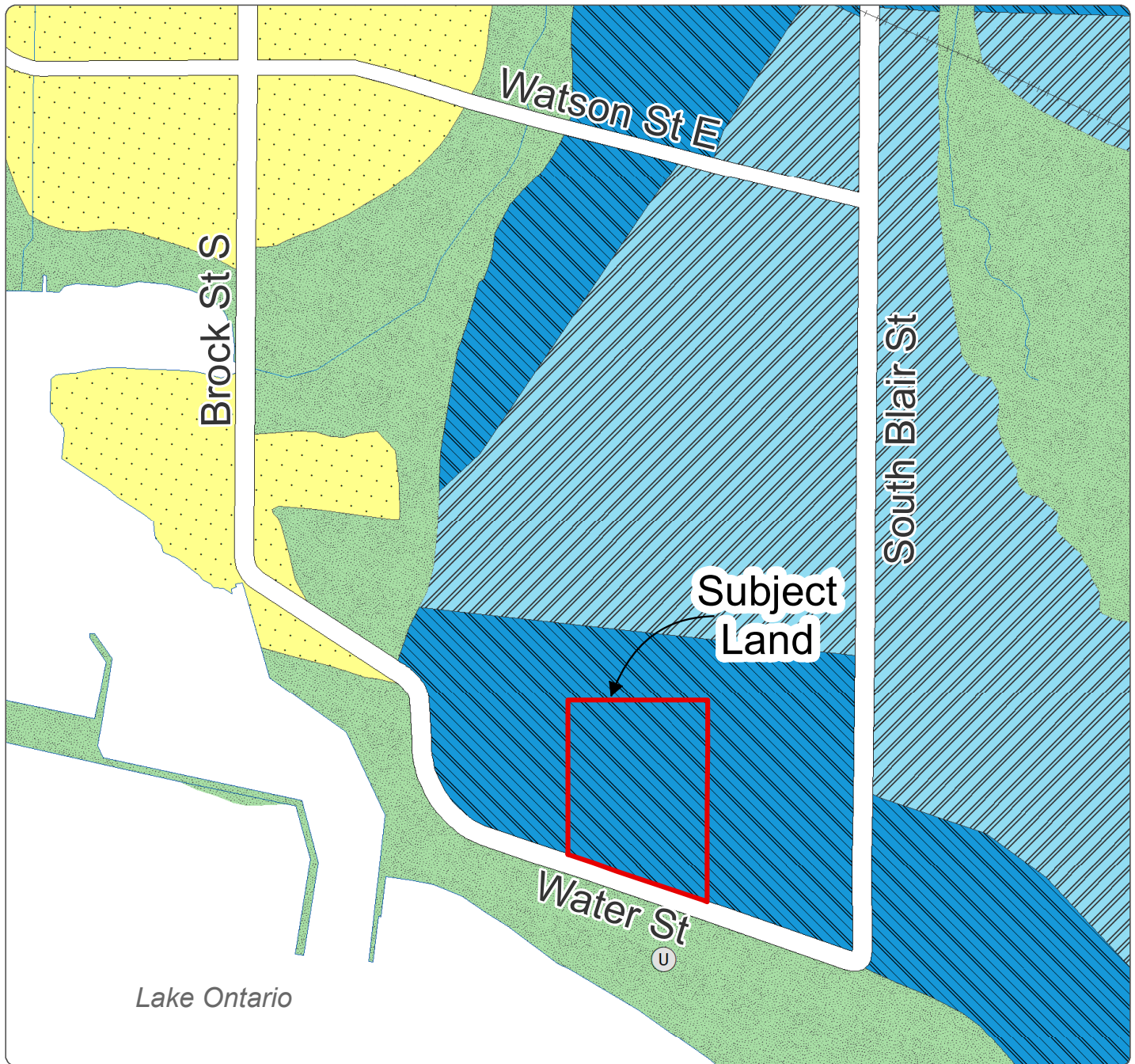
SITE STATISTICS

- NUMBER OF WOOD TRUSS: 1000
- OF PIPES: 100
- OF WIRING: 100
- OF ELECTRICAL: 100
- OF MECHANICAL: 100
- OF PLUMBING: 100
- OF GAS: 100
- OF SANITARY: 100
- OF VENTILATION: 100
- OF EXHAUST: 100
- OF CONDENSATE: 100
- OF RAINWATER: 100
- OF SEWER: 100
- OF WATER: 100
- OF GAS: 100
- OF SANITARY: 100
- OF VENTILATION: 100
- OF EXHAUST: 100
- OF CONDENSATE: 100
- OF RAINWATER: 100
- OF SEWER: 100
- OF WATER: 100



Name of Proponent	RAI ARCHITECT INC.	Address	116 Bldg. Code	11600	11601	11602	11603	11604	11605	11606	11607	11608	11609	11610	11611	11612	11613	11614	11615	11616
Name of Project	Interior Alteration to Part of Ground Floor at 300 Water St. Whitby, Ontario		Project Type	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration	Alteration
Location	300 Water Street, Whitby, Ontario		Project No.	11600	11601	11602	11603	11604	11605	11606	11607	11608	11609	11610	11611	11612	11613	11614	11615	11616
Date	Nov. 29, 2024		Project Name	11600	11601	11602	11603	11604	11605	11606	11607	11608	11609	11610	11611	11612	11613	11614	11615	11616

Excerpt from the Town of Whitby Official Plan Schedule 'A'



Legend

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	Deferred by the Region of Durham	
Community Commercial	Local Central Area	
Special Purpose Commercial	Resource Extraction Area (See Section 4.12)	
Mixed Use	Utility	
Prestige Industrial	2031 Urban Area Boundary	
General Industrial	Community Central Area Boundary	
Special Activity Node	Future Urban Development Area Boundary	
Institutional	Greenbelt Protected Countryside Boundary	
Major Open Space	Hamlet Boundary	
Agricultural	Major Central Area Boundary	
Hamlet	Municipal Boundary	
Estate Residential	Southern Boundary of Oak Ridges Moraine	
Special Policy Area	Urban Central Area Boundary	
Refer to section 11.5.31.6		

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

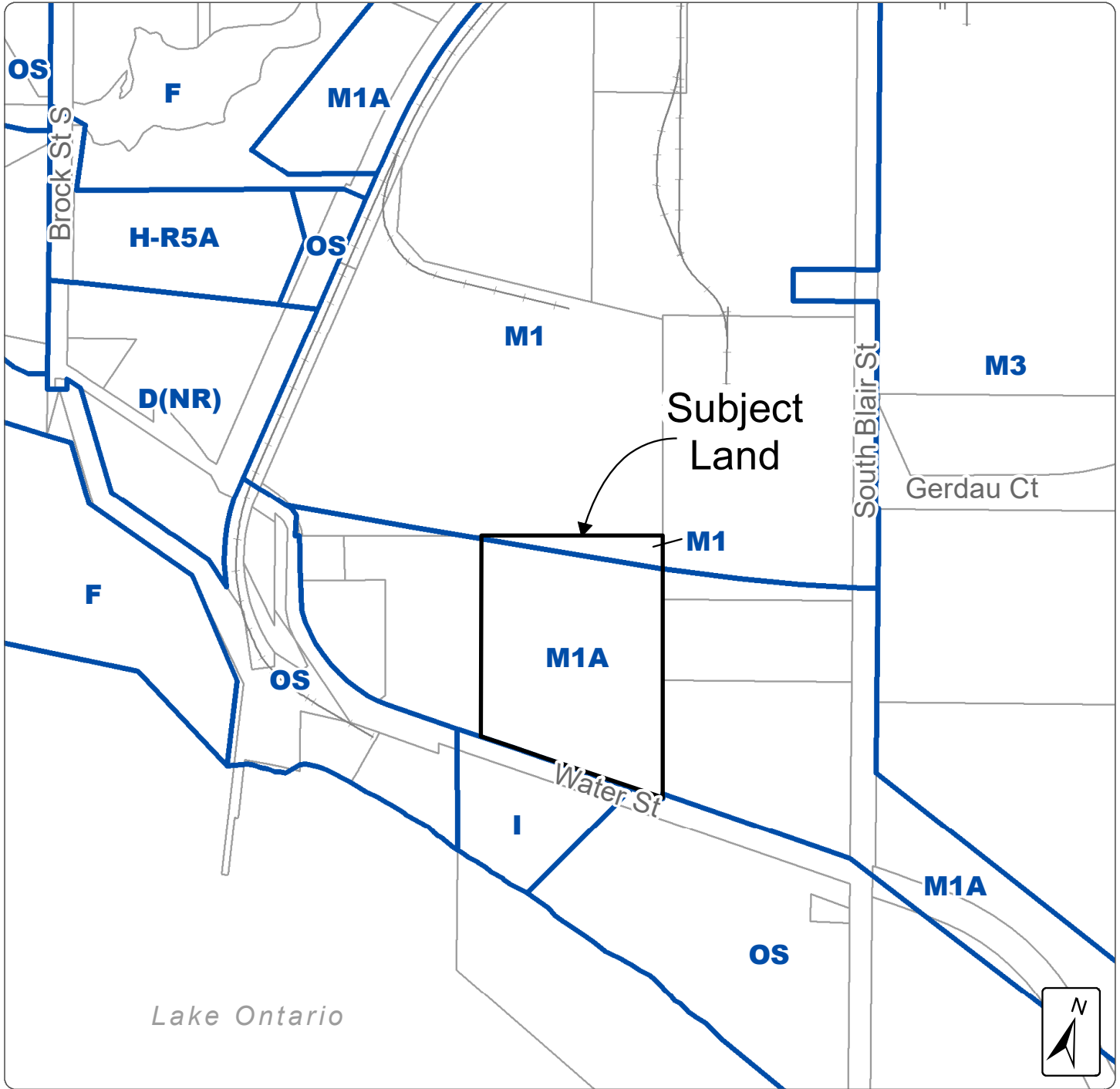
Official Plan - Town of Whitby

Schedule **A**

Excerpt from Schedule 'A' Land Use

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Attachment #5 Excerpt from Zoning By-Law 2585



Town of Whitby Planning and Development Department

Proponent:
RAI Architect Inc. c/o Charles McVety

File Number:
DEV-01-25 / Z-01-25

Date:
April 2025

External Data Sources:
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Attachment #6

Public Meeting Minutes – February 10, 2025

DEV-01-25 (Z-01-25)

February 10th, 2025, Public Meeting

Jeffrey Takeuchi, Planner I, provided a PowerPoint presentation which included an overview of the application.

Morry Edelstein, Principal and Senior Architect, RAI Architect Inc., and Michael Postell, Director of Communications, Canadian Christian College, provided detailed information about the application. Mr. Postell highlighted the community involvement of Canadian Christian College and the measures implemented to ensure the safe operation of their shuttle service from the Whitby GO Station to their location.

The Chair indicated that comments would now be received by members of the public.

Lin Lin, Director, and Sandra Arff, Principal, Cambridge International Academy, provided information about the Cambridge International Academy. Ms. Lin stated that 90 percent of the students were local and 10 percent were international students. She highlighted the students' national excellence achievements and recognition for their academic and recreational activities. Sandra Arff stated that students at Cambridge International Academy positively impact the Whitby community through volunteer and summer school programs.

Lanny Simmonds, Resident, stated that his children attend Cambridge International Academy and that the Academy has created an environment where his children thrive academically. Mr. Simmonds stated that he supports the application.

Oleg Cuhtenco, Hampton Resident, stated that his children are thriving academically and socially since enrolling in Cambridge International Academy. Mr. Cuhtenco stated that he supports the application.

There were no further submissions from the public.

Attachment #7

Internal and External Agency Comments

DEV-01-25 (Z-01-25)

Whitby Engineering Services

The subject property is currently zoned Select Industrial (M1A) & Preferred Industrial (M1) under Zoning By-law 2585. The purpose of the proposed Zoning By-law Amendment application is to change the Zone which does not permit the proposed use.

Engineering Services does not object to the proposed Temporary Zoning By-law Amendment application.

Whitby Fire and Emergency Services

The Whitby Fire and Emergency Services have reviewed the applicants' concept plan and have provided comments below:

1. The new assembly occupancy shall be inspected and comply with the Ontario Fire Code to the satisfaction of WFES.
2. NFPA 13 compliance letter to be provided regarding alterations to the existing sprinkler system on site.
3. Partial Fire Alarm Verification Report to be provided for alterations or additions to the fire alarm system on site.
4. Provide an audibility report related to the fire alarm system in the new classroom areas.
5. ESA approval document to be provided for the replacement of the fire alarm panel.
6. Existing magnetic locking devices to be removed from the new assembly occupancy where they contravene the OBC.
7. Fire Extinguishers to be placed throughout assembly occupancy in accordance with 6.2 of the OFC.

Whitby Financial Services

There are no applicable development charges or parkland dedication required as this application is related to an existing development and no additional GFA is proposed.

Region of Durham Planning and Economic Development

The subject lands are located on the north side of Water Street approximately 210 metres west of South Blair Street. The property currently supports a post secondary institution.

The purpose of the proposed Temporary Use Zoning By-law Amendment application is to amend the Town of Whitby Zoning By-law No. 2585 to temporarily permit an elementary and secondary school use on the subject lands.

Proclamation of Bill 23 for the Region of Durham

Please be advised effective on January 1, 2025, the Region is an Upper-tier municipality without planning responsibilities. As such, the comments pertaining to conformity and consistency with the Region of Durham Official Plan and provincial plans and policies and those comments relating to the Region's delegated provincial plan review responsibilities will fall under the purview of the area municipalities.

Regional Servicing

The subject lands are currently serviced with a 150 mm sanitary sewer connection. The proposed building renovations shall be connected to the existing internal sanitary plumbing.

The subject lands are connected to a 100 mm water service connection and a 250 mm fire line. The proposed building renovations shall be serviced from the existing service connections after the water meter.

The Region will require the applicant to provide a Site Servicing Plan when it becomes available.

The Region has no objection with the proposed temporary use of the subject lands for a private elementary and secondary school.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: DEV-03-25: Zoning By-law Amendment Application, Paul Demczak c/o 2490987 Ontario Inc., 1399 Dundas Street East, File No. Z-02-25

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 19-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

J. Taylor, Director of Planning, 905-444-
2908

M. Wianecki, Planner II, 905-444-2932

1. Recommendation:

1. That Council approve an amendment to Zoning By-law No. 1784 for a temporary use (File No. Z-02-25), as outlined in Planning Report No. PDP 19-25; and,
2. That an amending By-law be brought forward for Council's consideration.

2. Highlights:

- A temporary use Zoning By-law Amendment Application has been submitted by Paul Demczak c/o 2490987 Ontario Inc. for 1399 Dundas Street East.
- The temporary use Zoning By-law Amendment proposes to permit a temporary automotive sales office and associated parking lot on the subject property for a maximum of three years.
- All commenting departments and external agencies have reviewed the proposed development and have indicated their support for or no objection to the proposed development, subject to their comments and conditions being addressed through the future Letter of Undertaking process.

3. Background:

3.1. Site and Area Description

The subject land is located on the south side of Dundas Street East, east of Hopkins Street (refer to Attachment #1). The subject land is municipally known as 1399 Dundas Street East. The subject land is approximately 0.78 hectares (1.93 acres) in size.

The subject land is currently vacant. The land uses to the north, east, and west include retail and commercial uses, while land uses to the south include residential uses (refer to Attachment #2). The subject property was used as an automobile sales establishment until 2021. In 2007, the zoning on the subject property and adjacent properties was amended to recognize existing automotive dealerships, however, once the automotive use ceased to exist, the permissions for automobile sales were removed as of right.

3.2. Application and Proposed Development

A temporary use Zoning By-law Amendment Application has been submitted by Paul Demczak c/o 2490987 Ontario Inc., to permit a temporary automotive sales office and associated parking lot on the subject land for a period of three years (refer to Attachment #3).

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- An Architectural Plans Package, including a proposed site plan, prepared by Micacchi, dated March 2025 – Revision #4 (refer to Attachment #3); and,
- A Planning Rationale Report, prepared by Batory Planning & Management, dated January 2025.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Whitby Official Plan

The subject property is designated Mixed Use on Schedule A – Land Use of the Town of Whitby's Official Plan (refer to Attachment #4).

Areas designated as Mixed Use are encouraged to intensify and consolidate over time into mixed-use nodes in accordance with the comprehensive block plan and urban design policies of Section 6.2 (4.6.3.8). An automobile sales establishment is not permitted.

However, as outlined within Section 10.1.9.1 of the Town's Official Plan, Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this Plan for a period of up to three years. Upon the expiry of the time period(s) authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses.

Further, Section 10.1.9.3 of the Official Plan states that, "in considering whether to enact a Temporary Use By-law, Council must be satisfied that:

- a) the site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;
- b) the use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;
- c) the use will not prejudice the future development or redevelopment of the subject lands and the surrounding area as set out in this Plan; and,
- d) no new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted."

The proposed use of a temporary automotive sales office and associated parking lot conforms to the above criteria.

4.2. Zoning By-law

The subject land is currently zoned Commercial Mixed Use – Exception 10 (CMU*-10) within Zoning By-law No. 1784 (refer to Attachment #5). The Commercial Mixed Use – Exception 10 (CMU*-10) does not permit the proposed use. Therefore, a temporary Zoning By-law Amendment is required to permit the proposed use.

4.3. Conclusion

Considering the nature of the proposed temporary use, it is concluded that the site can adequately accommodate a temporary automotive sales office and associated parking lot. Therefore, it is recommended that Council approve an amendment to Zoning By-law No. 1784 to permit a temporary automotive sales office and associated parking lot on the subject land.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed application subject to their comments and conditions, as outlined in Section 7.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Statutory Public Meeting was held on February 10th, 2025, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #6. There were no public comments or submissions made at the Public Meeting.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the April 7th, 2025, Committee of the Whole Meeting.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Whitby Financial Services;
- Whitby Fire and Emergency Services; and,
- Elexicon Energy

Refer to Attachment #7 for Agency and Stakeholder Detailed Comments.

Internal Departments

Whitby Planning Services

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process. Refer to Attachment #7 for detailed comments.

Whitby Engineering Services

No objections on the proposed temporary Zoning By-law Amendment Application, subject to addressing revisions through the Letter of Undertaking process. The Letter of Undertaking will address Engineering Services' requirements associated with the development proposal. Refer to Attachment #7 for detailed comments.

Whitby Landscaping

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process. The Letter of Undertaking will address Landscaping requirements associated with the development proposal. Refer to Attachment #7 for detailed comments.

Whitby Building Division

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process as well as any necessary Building Permit Application process. Refer to Attachment #7 for detailed comments.

Whitby Urban Design

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process. Refer to Attachment #7 for detailed comments.

External Agencies

Region of Durham – Community Growth and Economic Development Department, Works Department, Rapid Transit Office

No objections on the proposed temporary Zoning By-law Amendment Application. Refer to Attachment #7 for detailed comments.

8. Strategic Priorities:

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with Pillar 3 of the Community Strategic Plan to create jobs and drive local economic growth.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Site Plan

Attachment #4: Excerpt from the Town of Whitby Official Plan – Schedule A

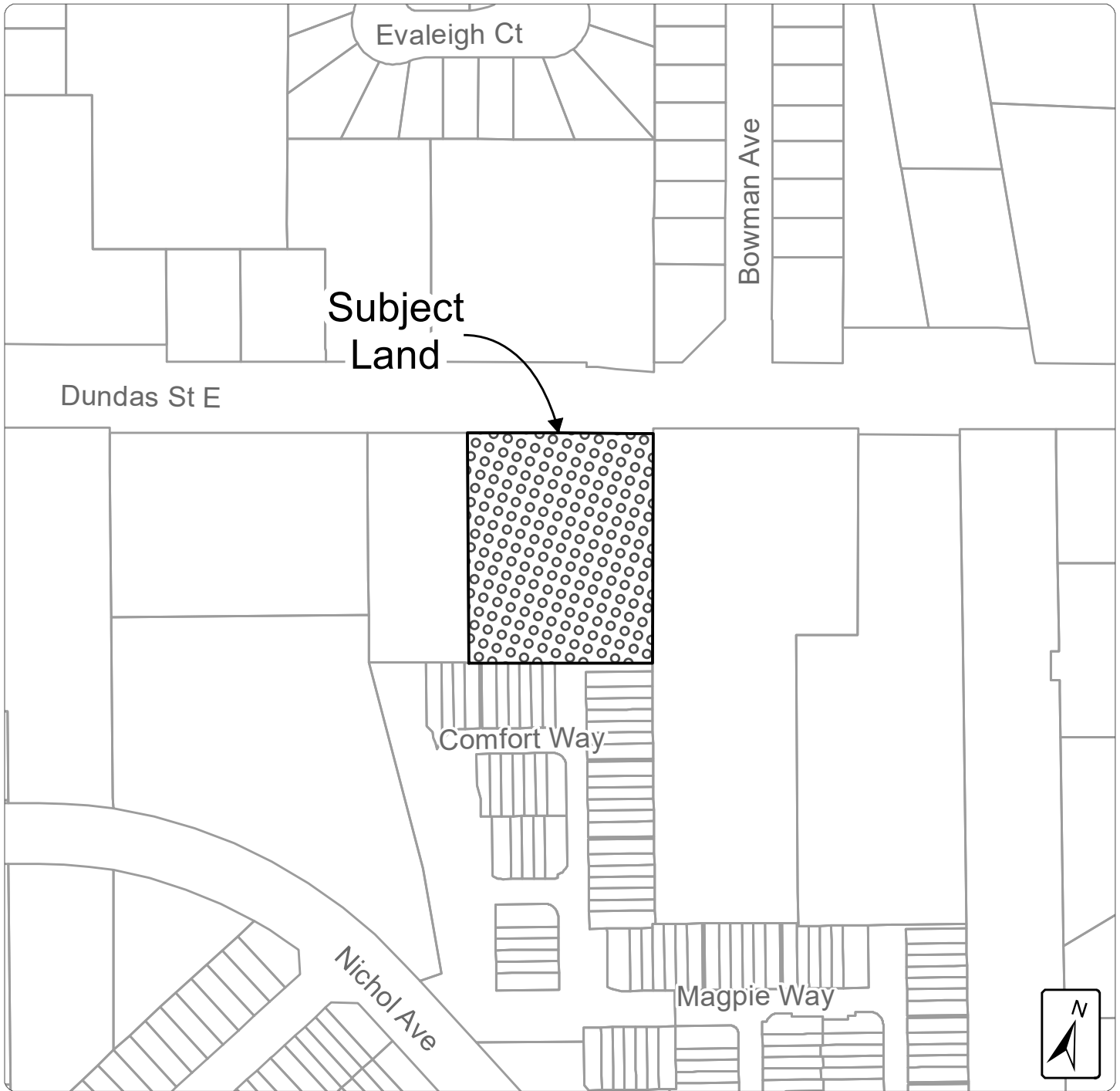
Attachment #5: Excerpt from Zoning By-law No. 1784

Attachment #6: Public Meeting Minutes

Attachment #7: Agency and Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 19-25



 **Town of Whitby Planning and Development Department**

Proponent:
Paul Demczak c/o 2490987 Ontario Inc.

File Number:
DEV-03-25 (Z-02-25)

Date:
April 2025

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 19-25



Town of Whitby Planning and Development Department

Proponent:
Paul Demczak c/o 2490987 Ontario Inc.

File Number:
DEV-03-25 (Z-02-25)

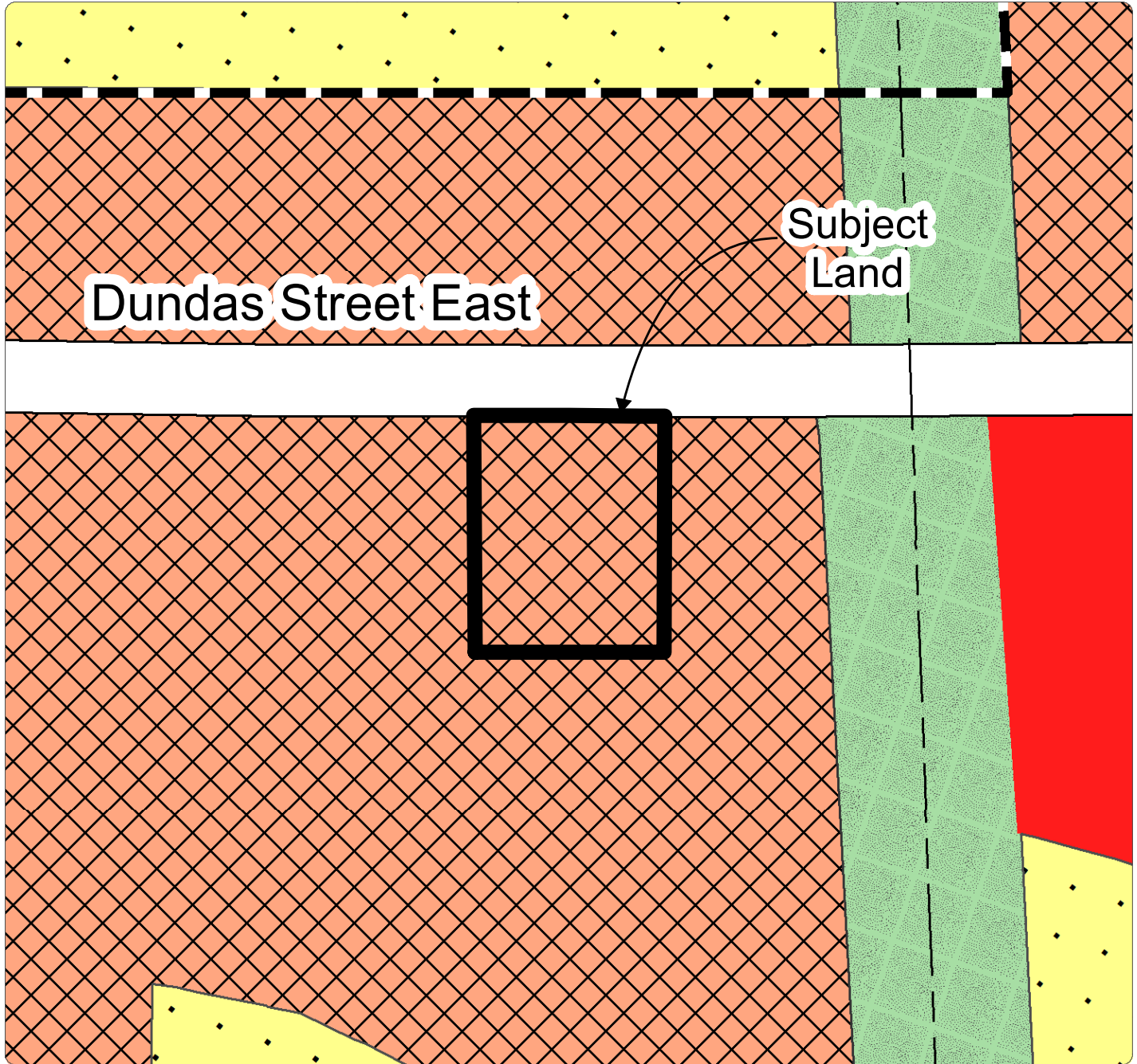
Date:
April 2025

External Data Sources:
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Excerpt from the Town of Whitby Official Plan Schedule 'A'



Legend

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	D Deferred by the Region of Durham	
Community Commercial	Local Central Area	
Special Purpose Commercial	Resource Extraction Area (See Section 4.12)	
Mixed Use	Utility	
Prestige Industrial	2031 Urban Area Boundary	
General Industrial	Community Central Area Boundary	
Special Activity Node	Future Urban Development Area Boundary	
Institutional	Greenbelt Protected Countryside Boundary	
Major Open Space	Hamlet Boundary	
Agricultural	Major Central Area Boundary	
Hamlet	Municipal Boundary	
Estate Residential	Southern Boundary of Oak Ridges Moraine	
Special Policy Area Refer to section 11.5.31.6	Urban Central Area Boundary	

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby

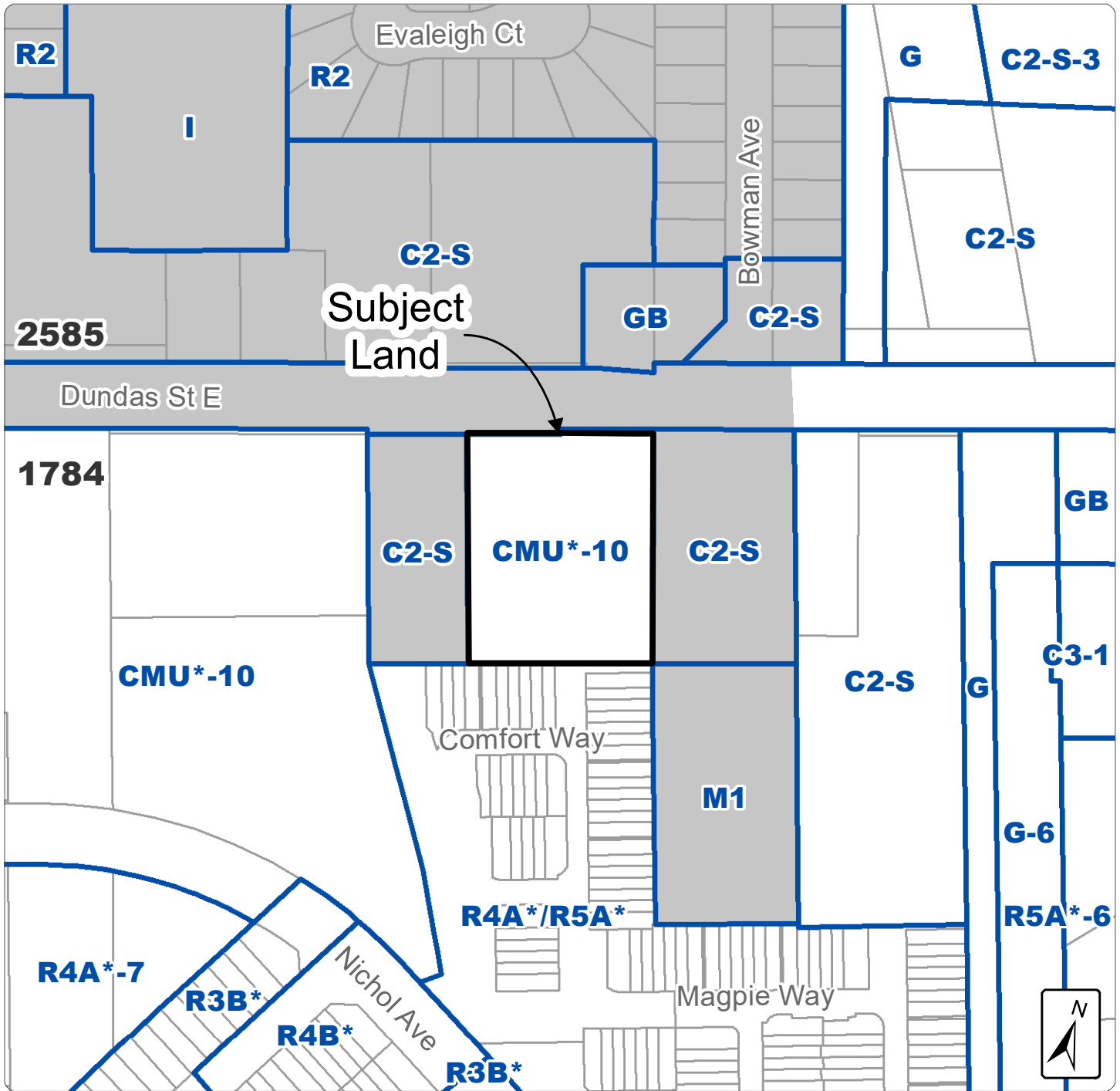
Excerpt from Schedule 'A' Land Use

Schedule **A**

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Attachment #5
Excerpt from Zoning By-Law 1784

PDP 19-25



 **Town of Whitby Planning and Development Department**

Proponent:
Paul Demczak c/o 2490987 Ontario Inc.

File Number:
DEV-03-25 (Z-02-25)

Date:
April 2025

External Data Sources:
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Attachment #6
Public Meeting Minutes

DEV-03-25 (Z-02-25)

PDP 10-25, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, Paul Demczak c/o 2490987 Ontario Inc., 1399 Dundas Street East, File Number: DEV-03-25 (Z-02-25)

Matthew Wianecki, Planner II, Development Control, provided a PowerPoint presentation which included an overview of the application.

Paul Demczak, representing 2490987 Ontario Inc., provided a PowerPoint presentation which included a detailed overview of the application.

The Chair indicated that comments would now be received by members of the public.

There were no submissions from the public.

Attachment #7

Agency and Stakeholder Detailed Comments

DEV-03-25 (Z-02-25)

Whitby Engineering Services

The subject land is currently zoned CMU*-10, under Zoning By-law 1784. The purpose of the proposed Zoning By-law Amendment application is to change the Zone category to permit the temporary use of an automotive sales establishment.

Engineering Services does not object to the proposed Zoning By-law Amendment application.

The Letter of Undertaking will address Engineering Services' requirements associated with the development proposal.

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services does not object to the proposed Zoning By-law Amendment application. No comments.

Whitby Landscaping

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process. The Letter of Undertaking will address Landscaping requirements associated with the development proposal.

Whitby Planning Services

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process.

The Planning and Development Department understands that the current development proposal entails temporary structures and a temporary use for a period of no longer than 3 years. Please note that over time, the subject land will be encouraged to intensify and consolidate over time into mixed-use nodes in accordance with the comprehensive block plan and urban design policies of Section 6.2 (4.6.3.8).

As outlined within Section 10.1.9.1, Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this Plan for a period of up to three years. Upon the expiry of the time period(s) authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses (10.1.9.6).

Whitby Building Division

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process as well as any necessary Building Permit Application process.

Whitby Financial Services

No objections. Applicable cash-in-lieu and development charges are deferred to the time which future development of the site is proposed (i.e., when a Site Plan Approval Application is submitted).

Whitby Urban Design

No objections on the proposed temporary Zoning By-law Amendment Application, subject to completing the Letter of Undertaking process.

Region of Durham

No objections on the proposed temporary Zoning By-law Amendment Application.

The subject lands are located on the south side of Dundas Street approximately 225 metres west of Glen Hill Drive South. The property is 0.78 hectares and is currently vacant. The site had previously been used for an automobile dealership.

The purpose of the proposed Temporary Use Zoning By-law Amendment application is to amend the Town of Whitby Zoning By-law No. 1784 to permit a temporary automotive sales office and an associated parking lot.

Proclamation of Bill 23 for the Region of Durham

Please be advised that effective January 1, 2025, the Region became an upper-tier municipality without planning responsibilities. As such, the comments pertaining to conformity and consistency with the Region of Durham Official Plan, provincial plans and policies, and those comments relating to the Region's delegated provincial plan review responsibilities for new applications now fall under the purview of the area municipalities.

Regional Servicing

If new servicing connections are required, an existing 300 mm watermain and 225 mm sanitary sewer on Dundas Street are available to service the property. There is an existing 150 mm watermain on Dundas Street but we do not prefer connecting to this watermain. Any unused service connections are to be plugged at the mainline at the applicant's expense. A water meter will be required as per the Region's standard.

Rapid Transit Office

If the subject lands are to be redeveloped in the future, the Region's Rapid Transit Office will require the following:

- The Durham Scarborough Transit Project Assessment Process (TPAP) has identified a minimum required road widening of 4.60m across the frontage of the proposed development. We request the Town of Whitby to obtain this required road widening which is to provide future Bus Rapid Transit lanes and a sidewalk.
- Grading at the proposed entrance should also take into consideration the future Dundas Street East road grades. Slope across the proposed multi-use path should be 2.0%.
- The elevation at the proposed property line should be 0.10m above the centreline of the road.

Elexicon Energy

No objections on the proposed temporary Zoning By-law Amendment Application.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Official Plan Amendment & Zoning By-law Amendment Applications – Baldwin Street Holdings Inc. (Ollie Switch Corporation), 91, 95 & 99 Baldwin Street, File No.: DEV-24-24 (OPA-2024-W/08& Z-11-24

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 20-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

John Taylor, Director of Planning
Services – 905-444-2908

Danielle Coore, Planner I, Policy &
Heritage Planning, x. 1946

1. Recommendation:

1. That Council approve Official Plan Amendment Number 144 to the Whitby Official Plan (File: OPA-2024-W/08), as shown on Attachment #8 to Report PDP 20-25, and that a By-law to adopt Official Plan Amendment Number 144 be brought forward for consideration by Council;
2. That Council approve an amendment to Zoning By-law No. 1784 (Z-11-24), subject to the comments included in Report PDP 20-25 and,
3. That a By-law to amend Zoning By-law #1784 be brought forward for consideration by Council at a future date.

2. Highlights:

- Applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted by Weston Consulting, on behalf of Baldwin Street Holdings Inc. (Ollie Switch Corporation) for lands municipally known as 91, 95 & 99 Baldwin Street.
- The proposed development consists of two, 4-storey apartment buildings containing a total of 216 residential dwelling units, together with 473 square metres of non-residential floor space.
- The Official Plan Amendment application seeks to increase the maximum permitted residential density from 85 units per net hectare to 233 units per net hectare, and the Zoning By-law Amendment application seeks to change the zoning to an appropriate zone category to permit a proposed mixed-use development.
- If approved, a related Site Plan application will proceed through the Commissioner of Planning and Development at a future date. Development and site alteration will not be permitted until such time that Site Plan Approval is granted.

3. Background:

3.1 Site Area and Description

The subject land is located at the south-east corner of Baldwin Street and George Street, and is municipally known as 91, 95 & 99 Baldwin Street (refer to Attachment #1). The subject land is currently vacant and is approximately 1.1 hectares (2.8 acres) in size.

Surrounding land uses include residential uses (single detached dwellings) to the north and east, an institutional use to the west (Renascent Centre); and a portion of Lynde Creek and existing residential uses (single detached dwellings) to the south (refer to Attachment #2).

3.2 Previous Applications

In 2017, a Zoning By-law Amendment application (File: Z-17-15) was approved, and a Site Plan application (File: SP-17-15) was submitted for review, but did not progress to the approval stage. The proposal in 2017 included one 3-storey, 96-unit mixed use building fronting onto Baldwin Street with commercial uses at grade.

3.3 Current Applications and Proposed Development

The proponent has submitted a revised concept plan that proposes a mixed-use development consisting of two 4-storey apartment buildings, containing 216

dwelling units together with 473 square metres of non-residential floor space at grade (refer to Attachments #3 and #4).

An Official Plan Amendment Application (OPA-2024-W/08) has been submitted by the proponent to increase the maximum permitted net residential density from 85 units per net hectare to 233 units per net hectare.

A Zoning By-law Amendment application (Z-11-24) has also been submitted by the proponent to amend the existing site-specific zoning from Commercial Type 1 – Village of Brooklin Zone – Exception 3 (C1-VB-3) and Greenbelt (G) to appropriate zone categories. Based on the proponent's submitted site plan, relief from the Zoning By-law will be required to permit a minor increase in building height from 3-storeys to 4-storeys, as well as permit reductions to the front yard depth, interior side yard setbacks, separation distance between interior buildings, parking requirements, lot area, and private amenity space.

In addition to the Official Plan and Zoning By-law Amendments, the proponent will also be required to submit a Site Plan application for review and approval prior to undertaking any site alteration or development on the subject land. The proponent has advised staff that an application for Site Plan Approval will be submitted at a future date.

3.4 Documents Submitted in Support

A number of documents and studies have been submitted in support of the Official Plan Amendment and Zoning By-law Amendment applications, and have been reviewed by the Town and relevant external agencies, including the following:

- A Planning Justification Report, prepared by Weston Consulting, dated May, 2023;
- An Arborist Report & Tree Inventory, and Tree Preservation Plan, prepared by Baker, Turner Inc. Landscape Architecture/Site Design, dated May & June, 2024;
- An Architectural Package prepared by Ollie Switch Developments dated June 11, 2024;
- Cross Section Details prepared by Husson Engineering & Management, dated May,10, 2024;
- A Cultural Heritage Impact Assessment Conformity to HCD Plan (Addendum No.1) prepared by Vincent J. Santamaura, Architect Inc., dated May,15, 2024;
- A Draft Proposed Official Plan Amendment, prepared by Weston Consulting;

- A Draft Proposed Zoning By-law Amendment, prepared by Weston Consulting;
- An Environmental Impact Study, prepared by Beacon Environmental Ltd., dated May, 15, 2023;
- A Preliminary Environmental Noise Report, prepared by Jade Acoustics, dated May 23, 2023;
- An Erosion and Sediment Control Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Servicing Plan, Functional Servicing and Stormwater Management Report prepared by Husson Engineering and Management, dated May, 2024;
- A Geotechnical Investigation Report, prepared by Cambium Inc., dated May, 14, 2024;
- A Grading Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Hydrogeological Assessment, prepared by Cambium Inc., dated May, 15, 2024;
- A Phase 1 Environmental Site Assessment, prepared by Soil Engineers Ltd., dated July 13, 2024;
- A Servicing Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Site Plan (concept plan), prepared by Weston Consulting, dated June 11, 2024;
- A Stage 1 Archeological Assessment, prepared by Archaeological & Cultural Heritage Services, dated June, 2015; and,
- A Transportation Study, prepared by Paradigm Transportation Solutions, dated May 2023 and March 2024.

4. Discussion:

4.1 Provincial Planning Policies

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It replaces the previous Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Policies of the PPS permit and facilitate the development of a full range housing options. The PPS indicates that settlement areas are to be the focus of growth and development, encourages residential intensification and the redevelopment of

underutilized sites, requires municipalities to promote densities which efficiently use land, resources, infrastructure and public service facilities, and supports active transportation.

4.2 Envision Durham

The subject land is designated “Community Areas” and “Major Open Space” within Envision Durham. Envision Durham also identifies the lands as being located along a “Regional Corridor”, and within proximity to a “High Frequency Transit Network” (Baldwin Street).

Community Areas are intended to offer a complete living environment for Whitby’s residents, and are to be comprised of housing, and commercial uses such as, retail shopping and personal service uses, offices, institutional uses, community uses, and public service facilities. Transit-supportive densities are also encouraged along Regional Corridors such as Baldwin Street. Furthermore, for the portion of land designated as a Major Open Space Area, these areas are to predominantly be used for environmental protection and conservation uses. The proposed development conforms to the policies of the Envision Durham Official Plan.

4.3 Town of Whitby Official Plan

The subject land is designated Mixed Use and Natural Hazard on Schedule A – Land Use of the Whitby Official Plan (refer to Attachment #5).

The subject land is designated Mixed-Use 2-HCD, with a portion designated Natural Hazards on Schedule ‘K’ - Brooklin Community Secondary Plan (refer to Attachment #6). The subject land is also located within the Major Central Area of the Brooklin Community Secondary Plan (refer to Attachment #7).

The intent of the Mixed-Use land use designation is to encourage a mix of residential and commercial development and redevelopment, while ensuring an intensive, transit-supportive and efficient use of land (Policy 4.6.1.1).

Lands designated Mixed-Use 2-HCD shall permit integrated mixed-use developments and redevelopments that include community and/or institutional uses, while recognizing the unique heritage character of the Brooklin Heritage Conservation District Plan area. Within Mixed-Use areas, lands shall contain two or more uses, integrated within the same building or on the subject land. The maximum permitted building height within the Mixed-Use HCD designation is 4-storeys and the maximum permitted residential density is 85 units per net hectare. An Official Plan Amendment is required to increase the maximum permitted residential density from 85 units per net hectare to 233 units per net hectare.

With regards to Natural Hazards (Policy 5.3.10) the extent and exact location of Natural Hazards are to be determined through an Environmental Impact Study

and set out in any implementing Zoning By-laws in consultation with the Conservation Authority.

It is recommended that draft proposed Official Plan Amendment #144 (refer to Attachment # 8) be approved, as: it would help achieve the Town's pledge of 18,000 additional units; it provides increased housing through intensification within a Central Area where it is intended to occur; it is compatible with planned and existing uses; it is suitable for the proposed use; and, the height and massing of the building is permitted by the policies of the existing Official Plan. It is also recognised that recent Council adopted amendments to the OP for Strategic Growth Areas and the Protected Major Transit Station Area have removed requirements for density, relying instead upon height and massing to assess community impact. That same approach will be considered going forward for other areas of the Town and has been applied for this application.

Brooklin Heritage Conservation District (HCD) Plan Area

The subject land is designated under Part V of the Ontario Heritage Act as it is located within the Brooklin Heritage Conservation District (HCD) Plan area.

The proposed Official Plan Amendment and Zoning By-law Amendment applications were provided to the Heritage Whitby Advisory Committee (HWAC) for consideration and comment at its meeting on January 14, 2025. The Heritage Whitby Advisory Committee expressed no objection to the proposed development.

A Heritage Permit application, together with an updated Cultural Heritage Impact Assessment will be provided for HWAC review and consideration as part of the proponent's future Site Plan Application.

4.4 Zoning By-law

The subject land is zoned Commercial Type 1 – Village of Brooklin Zone – Exception 3 (C1-VB-3) and Greenbelt (G) within Zoning By-law 1784 (refer to Attachment #9).

The C1-VB-3 zone permits a building(s) not exceeding 3-storeys, which includes a mix of commercial and residential uses in the form of apartment dwellings in conjunction with one or more commercial uses as permitted within the C1-VB-3 zone category. This site-specific zoning by-law was intended to implement a previously approved plan for the subject land in 2017.

An amendment to the Zoning By-Law is required to permit the proposed 4-storey mixed-use development. More specifically, site-specific changes to the zoning provisions are required to reduce the front yard depth, interior side yard setbacks, separation distance between interior buildings, parking requirements, lot area, and private amenity space.

It is recommended that the proposed Zoning By-law Amendment be approved, and that the amending Zoning By-law be brought forward for Council's consideration at a future date.

4.5 Future Application

Should the Official Plan and Zoning By-law Amendments be approved, a Site Plan Application will be required, and will be reviewed and processed by the Commissioner of Planning and Development prior to any site alteration and development.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

A Statutory Public Meeting was held on December 9, 2024, in accordance with Town of Whitby Official Plan and the *Planning Act*. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the applications. There were 5 individuals who provided correspondence prior to/at the public meeting. An excerpt of the meeting minutes is included in Attachment #10.

All individuals who registered as an Interested Party at the Statutory Public Meeting and any individual who provided written correspondence to the Town have been provided notice of the April 7th, 2025, Committee of the Whole Meeting.

Comments raised by interested parties during the public meeting included:

- Concerns surrounding the possibility of increased traffic and difficulties entering and exiting the proposed development from Baldwin St.;
- Proximity of the proposed development to Lynde Creek as well as stormwater runoff mitigation;
- Stormwater management during the construction process, including how surrounding properties and the Lynde Creek will be protected from runoff; and
- How the proponent will address bore holes that were drilled on an adjacent property to subject land.

Written public correspondence was also received and included various concerns regarding:

- Building height and setbacks;
- Density (total number of units);

- The fit of the proposed building design with the surrounding neighbourhood character;
- Construction management practices, and the potential for impacts on abutting properties, related to emergency site access, impacts on abutting structures during excavation and air quality;
- Increased traffic and the appropriateness of site access points;
- Stormwater run-off; and,
- Assurance of water and sewage infrastructure capacity to support the proposed development.

The oral and written submissions from the public have been considered in the review and assessment of the applications. The concerns raised above were considered by the applicant's consultants and by commenting departments and agencies as follows:

- The Traffic Impact Study (TIS) dated May 2023 determined the development of the subject site is forecasted to have minor impact on the traffic operations at the adjacent intersection. The studied intersections (Baldwin St. & Colson Ave./George St., Baldwin St. & Way St./Pearl St., Baldwin St. & Winchester Rd.) are forecasted to operate at similar levels of service. The TIS also concluded that the proposed access connection with Baldwin Street can be accommodated. Furthermore, the Ministry of Transportation (MTO) indicated that they are supportive of the proposed development in principle and further review will take place at the Site Plan stage.
- The Functional Servicing and Stormwater Management Report found pre-development drainage catchments will be generally maintained with the all-site drainage directed to Lynde Creek. The Environmental Impact Study (EIS) concluded that the regulatory floodplain associated with the watercourse that extends onto the subject property as well as natural features and hazards have been protected and are located entirely outside the limit of development. Mitigation measures have been recommended to avoid and minimize potential impacts and ensure the protection and integrity of the natural heritage system. The Central Lake Ontario Conservation Authority (CLOCA) is satisfied that any environmental features will not be negatively impacted by this development provided the EIS's recommended mitigation and enhancement measures are followed.
- Regarding construction activities and safety concerns, a construction management plan (CMP) will be required as part of the future site plan application. The CMP will be approved by the Engineering Services, and the proponent will be required to adhere to the approved plan throughout the construction process.

- Regarding comments related to the density, height and neighbourhood character surrounding the proposed development, the Cultural Heritage Impact Assessment (CHIA) concluded that the proposed development is generally in conformity with the Brooklin Heritage Conservation District plan and will have no negative impact on the heritage character of the Brooklin Heritage Conservation District.
- With respect to noise impacts, the noise report concluded that the sound levels will be within the appropriate environmental noise criteria with the appropriate mitigation measures implemented including appropriate architectural elements for exterior walls, windows, doors and roof construction.
- Lastly, with regards to boreholes that were identified on abutting lands, this is a private property matter, which was relayed to the proponent so that they could contact the affected abutting landowner directly.

7. Input from Departments/Sources:

The applicable agencies and departments were circulated the applications and copies of the associated supporting materials for their review and comment.

The following external departments and agencies have reviewed the relevant documents and have no comments/no objections to the proposed Official Plan and Zoning By-law Amendments:

- Durham Catholic District School Board;
- Durham French Catholic School Board;
- Durham French Public District School Board; and,
- TransCanada Pipeline.

Internal Departments:

Whitby Engineering Services

Comments provided by Whitby Engineering Services indicate no objection to the proposed Official Plan Amendment and Zoning By-law Amendment Applications. Detailed comments are provided which can be addressed at the Site Plan application stage.

Refer to Attachment #11 for additional detailed comments.

Whitby Financial Services

Comments provided by Financial Services staff outline the Town's standard requirements for the payment of development charges and cash-in-lieu of parkland.

Refer to Attachment #11 for additional detailed comments.

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services (WFES) provided comments outlining requirements for fire route access, water supply, piping and connections, fire hydrants, and the parking garage. These details will be further evaluated through subsequent Site Plan Application.

External Agencies:

Central Lake Ontario Conservation Authority (CLOCA)

CLOCA staff have no objection to the applications subject to conditions related to features and appropriate buffers within the hazard land area, being zoned (G) Greenbelt or an appropriate zone category; that a future site plan application be circulated for their review; and that the required permits and fees be obtained prior to any site alteration and/or development. CLOCA staff determined that the Environmental Engineering, Geotechnical Report and Hydrogeological assessment related to slope stability and hydrogeology and stormwater management were acceptable.

Durham District School Board

Durham District School Board commented that the students generated from the development will attend existing neighbourhood schools and have no objection to the proposed application.

Durham Region Public Works

Durham Region has no objections to the proposed Official Plan and Zoning By-Law Amendments. Durham Region provided comments regarding servicing, wastewater, water distribution and waste management which can be addressed through a future Site Plan Application.

Enbridge

Enbridge Gas does not object to the proposed applications.

Ministry of Transportation (MTO)

The MTO are supportive of the proposed development. Further review will occur as part of the future Site Plan Application.

8. Strategic Priorities:

The development review process has provided an opportunity for public and agency input. The realization of higher density mixed use development on the subject land will contribute to meeting the priorities of the Community Strategic Plan, specifically:

- Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by contributing to the diversity of the Town's housing options; and,
- Action Item 3.1.2 Under Pillar 3: Whitby's Economy by providing for additional commercial/retail space and broadening the commercial tax base.

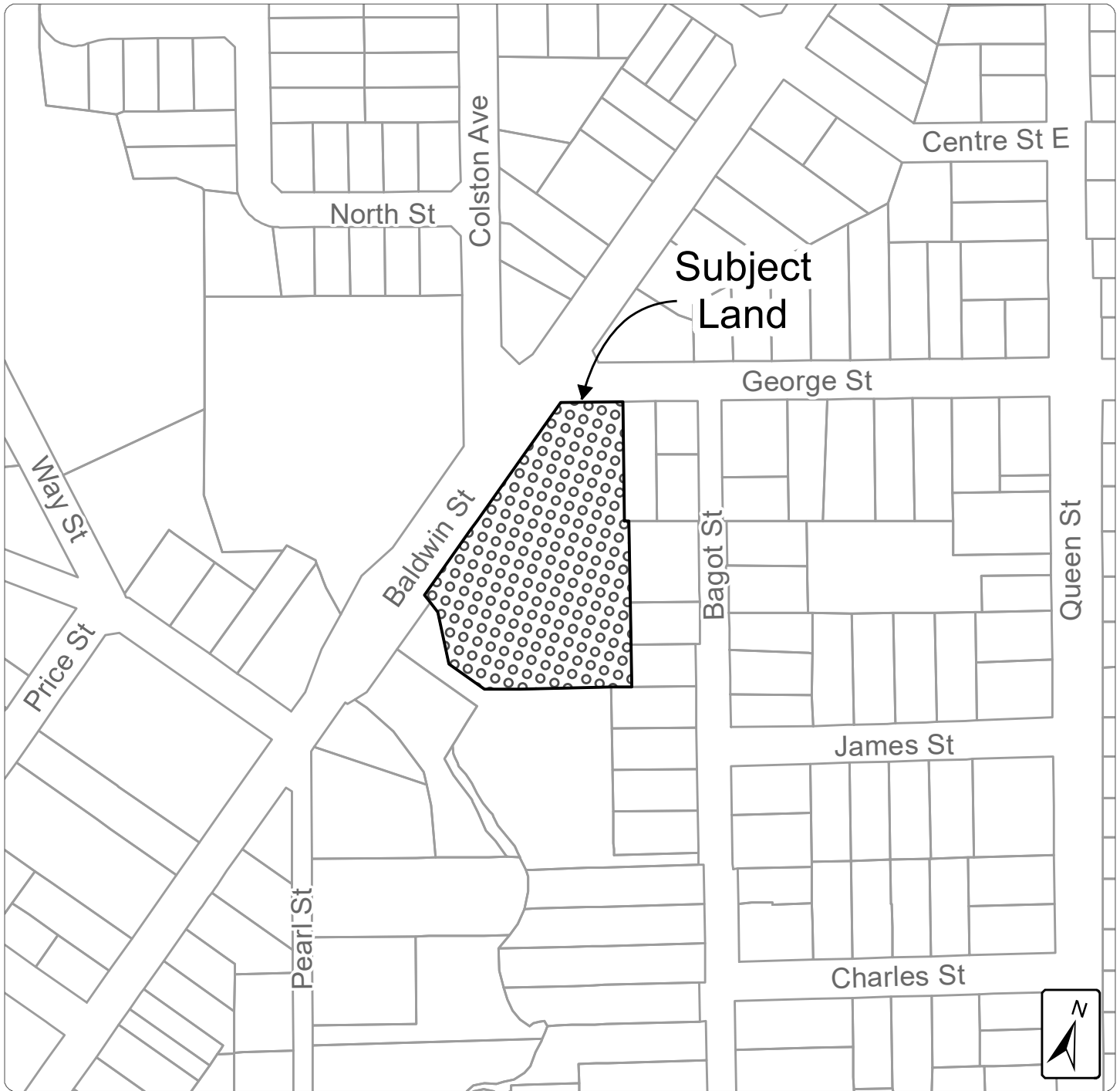
The report is also in a fully accessible format, which addresses the Town's strategic priority of accessibility.

9. Attachments:

- Attachment #1: Location Sketch
- Attachment #2: Aerial Context Map
- Attachment #3: Applicant's Proposed (Conceptual) Site Plan
- Attachment #4: Applicant's Proposed Building Elevations
- Attachment #5: Excerpt from the Town of Whitby Official Plan Schedule 'A' – Land Use
- Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'K' – Brooklin Community Secondary Plan
- Attachment #7: Excerpt from the Town of Whitby Secondary Plan Schedule 'K1' – Downtown Brooklin Major Central Area
- Attachment #8: Draft Proposed Official Plan Amendment #144
- Attachment #9: Excerpt from Zoning By-law #1784
- Attachment #10: Public Meeting Minutes
- Attachment # 11: Detailed Agency and Department comments

Attachment #1 Location Sketch

PDP 20-25



 **Town of Whitby Planning and Development Department**

Proponent:
Baldwin Street Holdings
(c/o Ollie Switch Corporation)

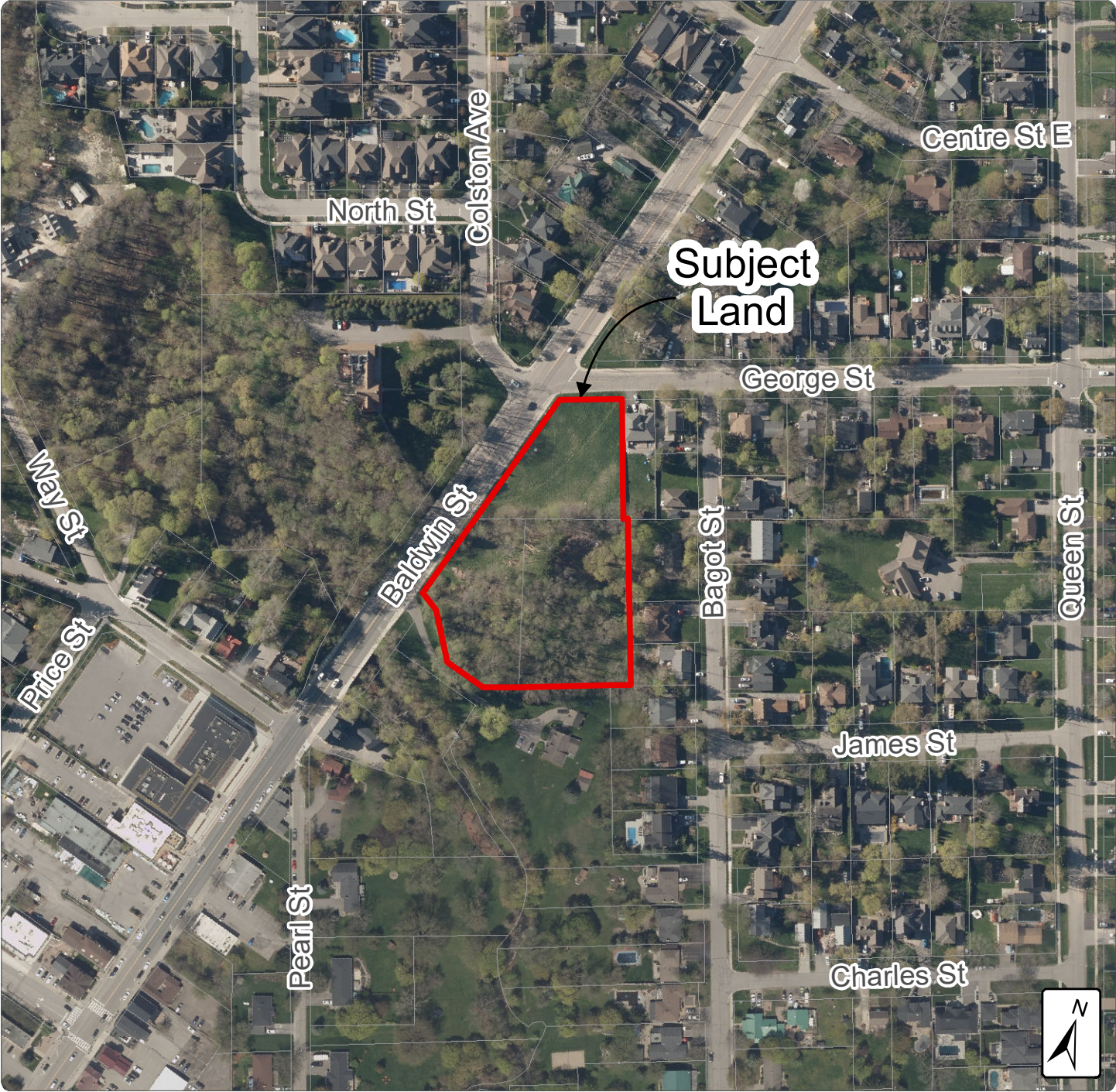
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DEV-24-24
(OPA-2024-W08, Z-11-24)


Date:
April 2025

External Data Sources:
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Attachment #2 Aerial Context Map



 **Town of Whitby Planning and Development Department**

Proponent:
Baldwin Street Holdings
(c/o Ollie Switch Corporation)

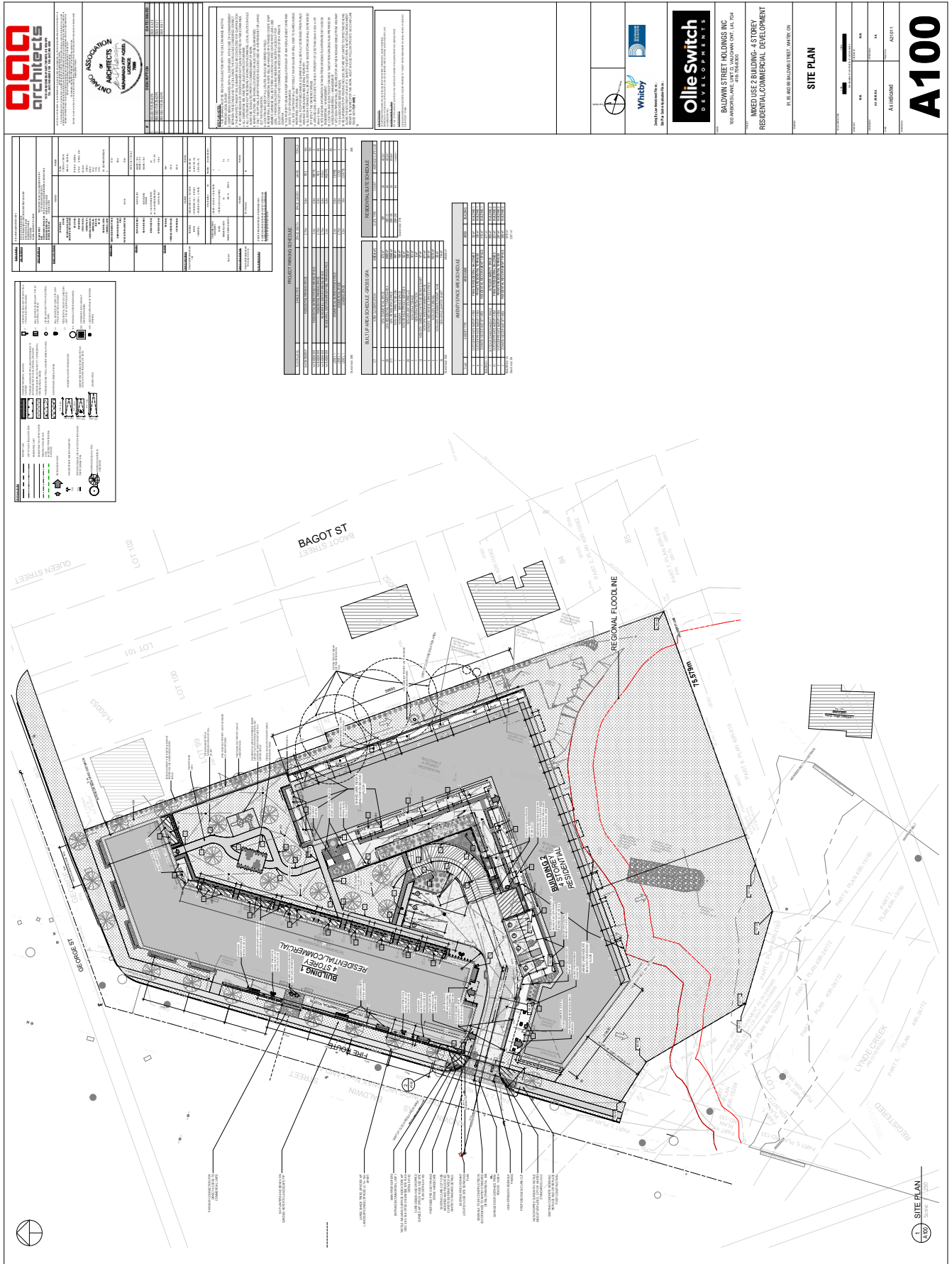
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(OPA-2024-W08, Z-11-24)

Date:
April 2025

External Data Sources:
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Attachment #3 Proponent's Proposed Site Plan



000 architects
THE STUDIO OF WALTER BURNETT

ASSOCIATION OF ARCHITECTS OF ONTARIO

NO.	DESCRIPTION	AREA (SQ. M)	AREA (SQ. FT)
1	LOT 101	10,000	107,640
2	LOT 102	10,000	107,640
3	LOT 103	10,000	107,640
4	LOT 104	10,000	107,640
5	LOT 105	10,000	107,640
6	LOT 106	10,000	107,640
7	LOT 107	10,000	107,640
8	LOT 108	10,000	107,640
9	LOT 109	10,000	107,640
10	LOT 110	10,000	107,640

NO.	DESCRIPTION	AREA (SQ. M)	AREA (SQ. FT)
1	LOT 101	10,000	107,640
2	LOT 102	10,000	107,640
3	LOT 103	10,000	107,640
4	LOT 104	10,000	107,640
5	LOT 105	10,000	107,640
6	LOT 106	10,000	107,640
7	LOT 107	10,000	107,640
8	LOT 108	10,000	107,640
9	LOT 109	10,000	107,640
10	LOT 110	10,000	107,640


Whitty
Sandy Lake Road Unit 10, Sandy Lake, ONT. M0A 1S0
905.882.8888

OllieSwitch
O.S.S. DEVELOPERS
BALDWIN STREET HOLDINGS INC.
905.882.8888
100 BALDWIN STREET, UNIT 101, SCARBOROUGH, ONT. M1H 1S1


NO.	DESCRIPTION	AREA (SQ. M)	AREA (SQ. FT)
1	LOT 101	10,000	107,640
2	LOT 102	10,000	107,640
3	LOT 103	10,000	107,640
4	LOT 104	10,000	107,640
5	LOT 105	10,000	107,640
6	LOT 106	10,000	107,640
7	LOT 107	10,000	107,640
8	LOT 108	10,000	107,640
9	LOT 109	10,000	107,640
10	LOT 110	10,000	107,640

NO.	DESCRIPTION	AREA (SQ. M)	AREA (SQ. FT)
1	LOT 101	10,000	107,640
2	LOT 102	10,000	107,640
3	LOT 103	10,000	107,640
4	LOT 104	10,000	107,640
5	LOT 105	10,000	107,640
6	LOT 106	10,000	107,640
7	LOT 107	10,000	107,640
8	LOT 108	10,000	107,640
9	LOT 109	10,000	107,640
10	LOT 110	10,000	107,640

Proponent's Proposed Building Elevations




999 architects
ARCHITECTS
100 BALDWIN STREET, BALDWIN, MA 01935
TEL: 508.833.9999
WWW.999ARCHITECTS.COM



ASSOCIATION
OF
ARCHITECTS
OF MASSACHUSETTS
MEMBER SINCE 2018


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Whitby
Baldwin Street Apartments
100 BALDWIN STREET, BALDWIN, MA 01935



OllieSwitch
DEVELOPMENTS
BALDWIN STREET HOLDINGS INC
100 BALDWIN STREET, BALDWIN, MA 01935
TEL: 508.833.9999
WWW.OLLIESWITCH.COM

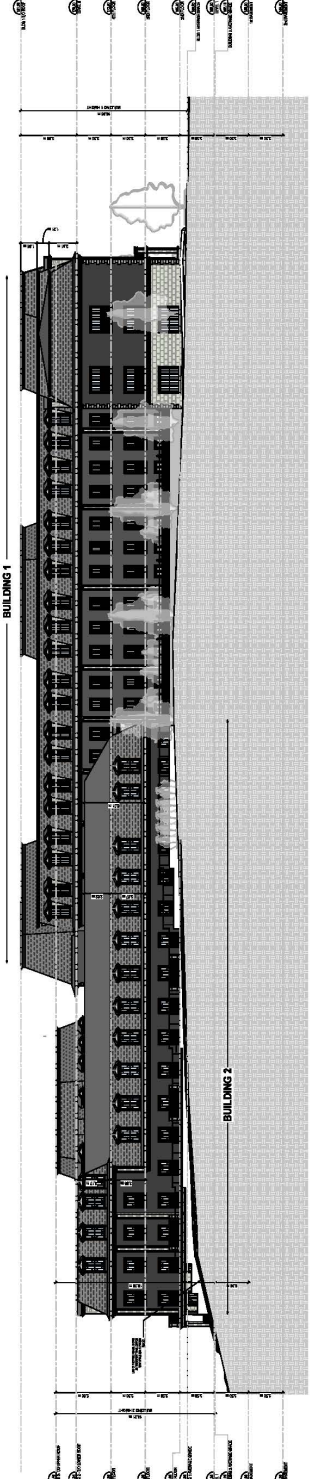
MIXED USE 2 BUILDING - 4 STOREY
RESIDENTIAL COMMERCIAL
DEVELOPMENT

100 BALDWIN STREET, BALDWIN, MA 01935

SITE ELEVATIONS

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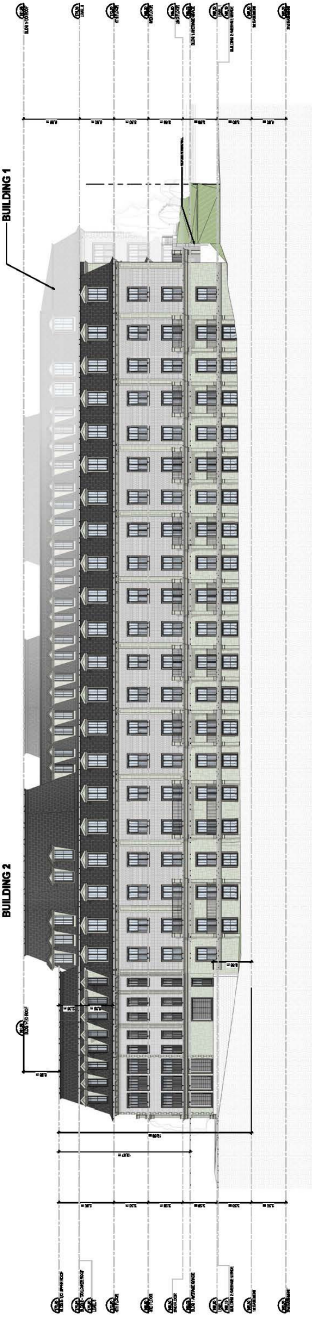
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BUILDING 1

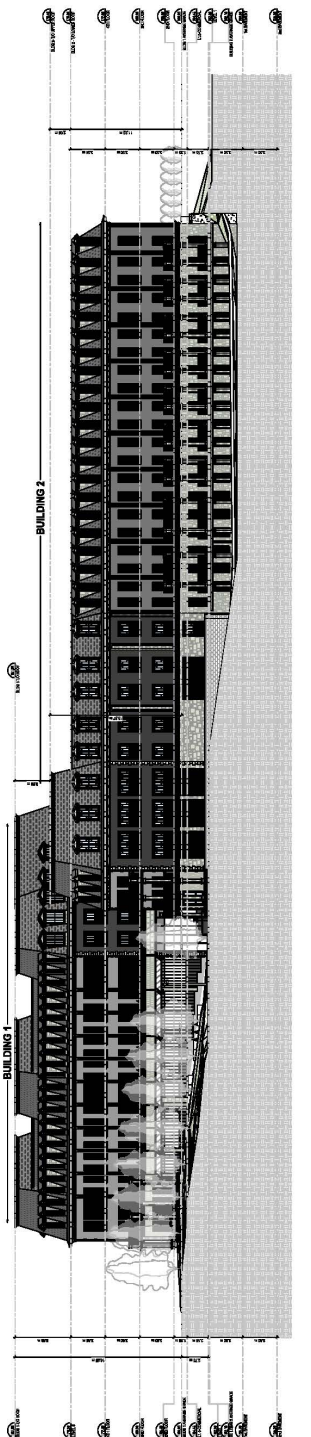
BUILDING 2

2 Elevation 3 - 8
Scale: 1:150



BUILDING 1

4 Elevation 4 - 8
Scale: 1:150

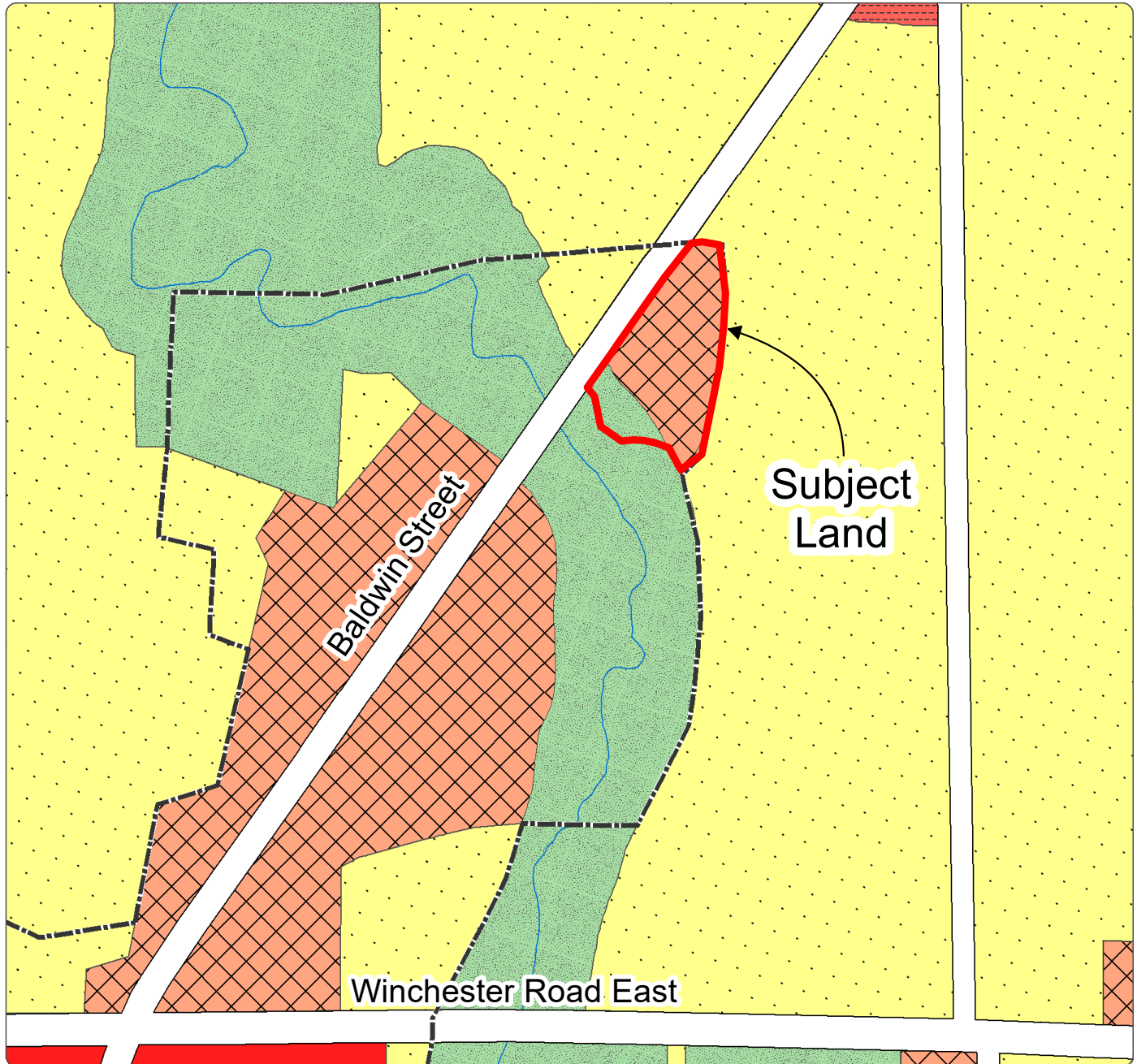


BUILDING 1

BUILDING 2

5 Elevation 5 - 8
Scale: 1:150

Excerpt from the Town of Whitby Official Plan Schedule 'A'



Legend

Residential	Lands Subject to Durham Regional Official Plan Policy 14.13.7	D3 (Deferred by Region of Durham)
Major Commercial	Deferred by the Region of Durham	
Community Commercial	Local Central Area	
Special Purpose Commercial	Resource Extraction Area (See Section 4.12)	
Mixed Use	Utility	
Prestige Industrial	2031 Urban Area Boundary	
General Industrial	Community Central Area Boundary	
Special Activity Node	Future Urban Development Area Boundary	
Institutional	Greenbelt Protected Countryside Boundary	
Major Open Space	Hamlet Boundary	
Agricultural	Major Central Area Boundary	
Hamlet	Municipal Boundary	
Estate Residential	Southern Boundary of Oak Ridges Moraine	
Special Policy Area	Urban Central Area Boundary	
Refer to section 11.5.31.6		

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

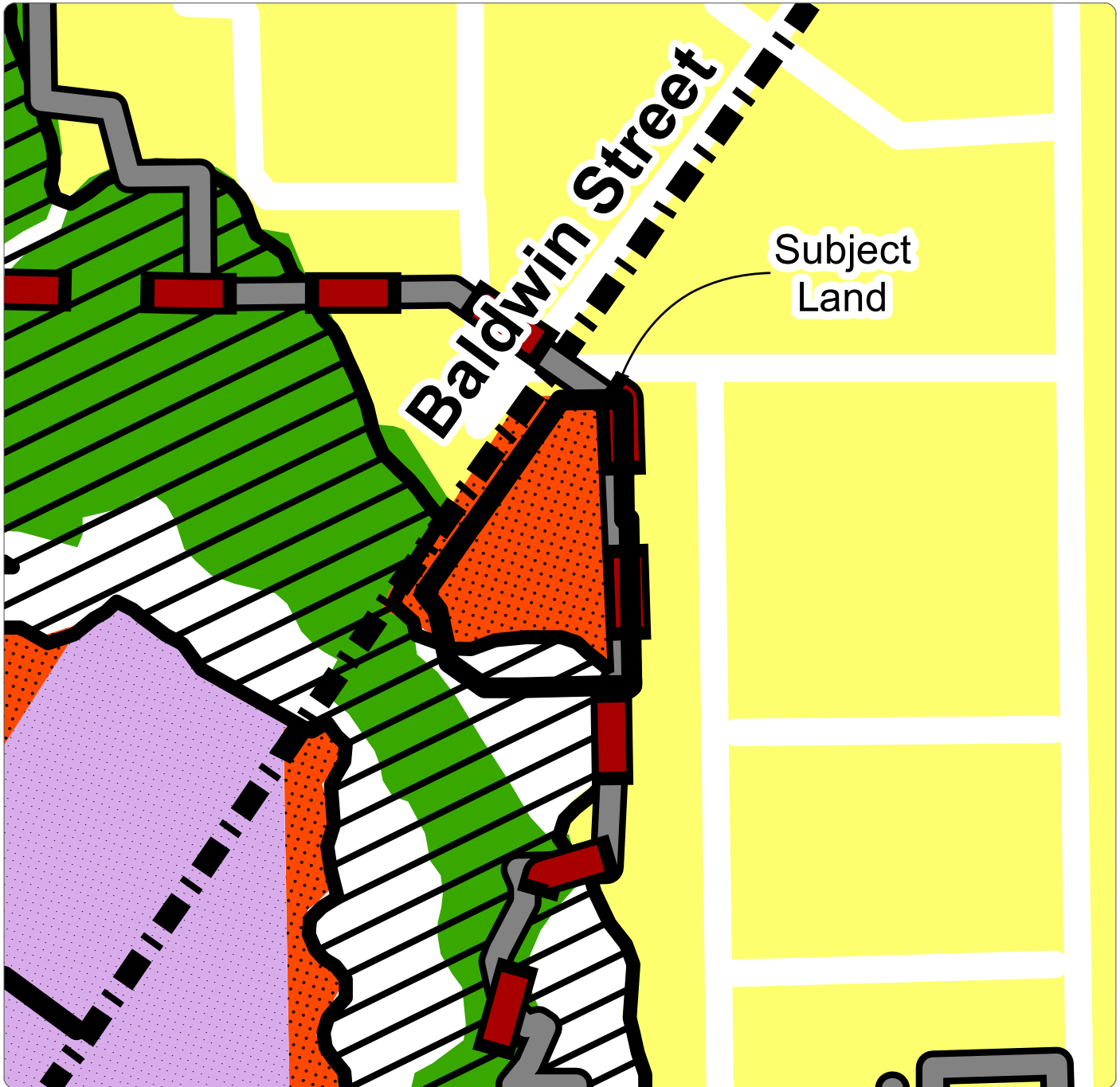
Official Plan - Town of Whitby Schedule **A**

Excerpt from Schedule 'A' Land Use

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Attachment #6

Excerpt from the Town of Whitby Secondary Plan Schedule 'K'



LEGEND

Low Density Residential	Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2	Full Interchange
Medium Density Residential	General Industrial	Natural Hazards	Potential Interchange (Subject to Further Study)
High Density Residential	Major Open Space	Utility	Grade Separation
Local Commercial	District Park	Health Precinct	Potential Grade Separation
Special Purpose Commercial	Local Park	Special Policy Area	Future Transitway Station
Heritage Commercial	Parkette	Community Central Area	Controlled Access Highway (Freeway)
Major Commercial	Town Park	Major Central Area	Type A Arterial
Major Commercial -1	Institutional	Heritage Conservation District Boundary	Type B Arterial
Mixed-Use 1 - Community Central Area	Secondary Schools	Secondary Plan Boundary	Type C Arterial
Mixed-Use 2 - HCD	Elementary Schools	Special Policy Area - Refer to Section 11.5.31.6	Collector Road
Mixed-Use 3	Natural Heritage System		Greenbelt Plan Boundary
Prestige Industrial	Linkage in NHS		
	Deferred by the Region of Durham		

Excerpt from: Schedule

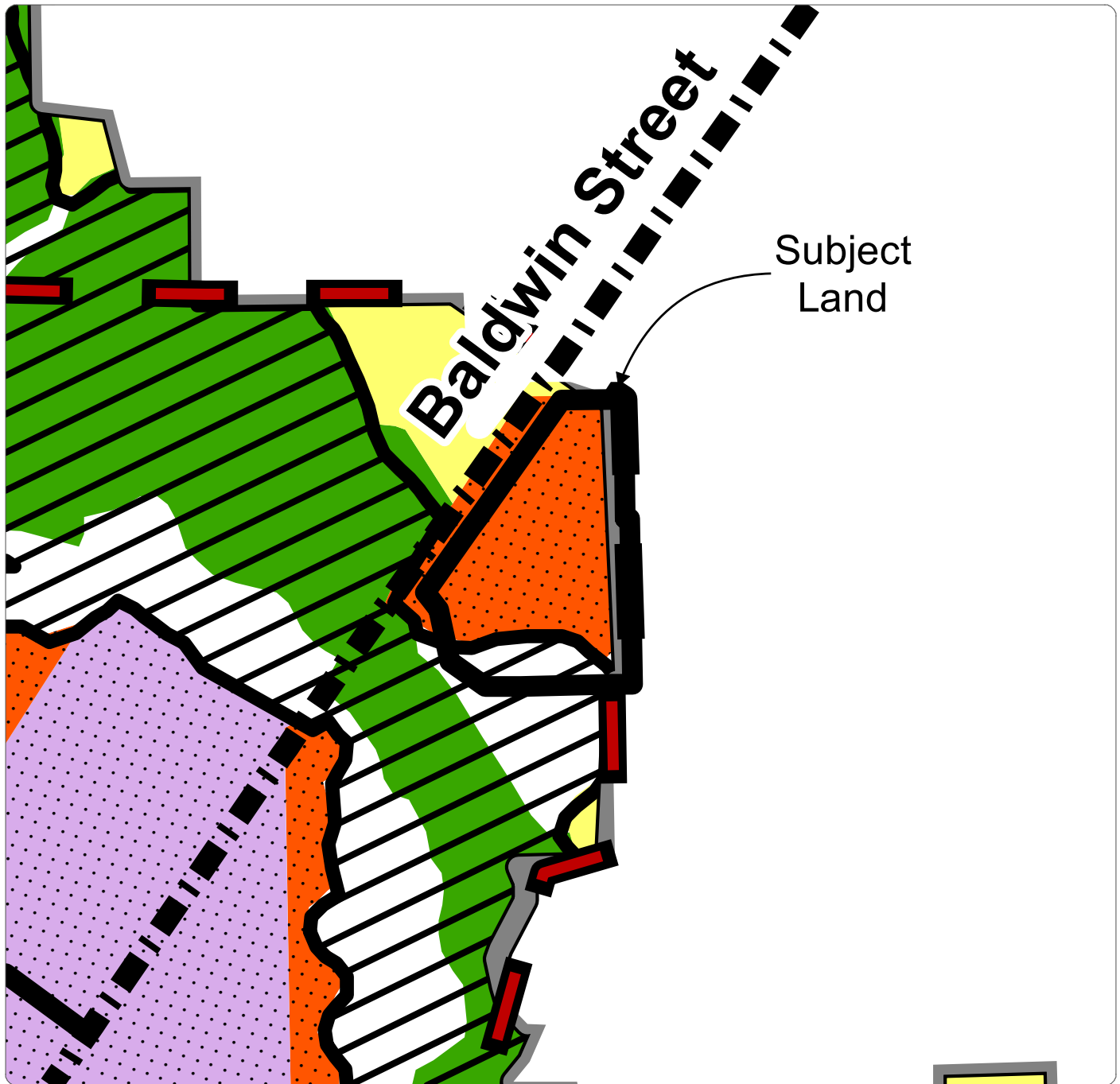
Brooklin Community Secondary Plan

Town of Whitby

K

Attachment #7

Excerpt from the Town of Whitby Secondary Plan Schedule 'K1'



Legend

Low Density Residential	Major Open Space	Pedestrian Promenade with Ground Floor Animation
Medium Density Residential	Natural Heritage System	Controlled Access Highway (Freeway)
High Density Residential	Natural Hazards	Type B Arterial
Heritage Commercial	Parkette	Type C Arterial
Major Commercial	Urban Square	Collector Road
Major Commercial -1	Institutional	Full Interchange
Mixed-Use 2 - HCD	Major Central Area	Grade Separation
Mixed-Use 3	Heritage Conservation District Boundary	Future Transitway Station

Excerpt from: **Schedule K1**
Downtown Brooklin Major Central Area
Brooklin Community Secondary Plan
 Town of Whitby

Attachment #8

Draft Proposed Amendment # 144
to the Town of Whitby Official Plan

- Purpose:** The purpose of this Amendment to the Whitby Official Plan and the Brooklin Community Secondary Plan is to increase the maximum permitted density on the subject lands from 85 units per net hectare to 235 units per net hectare.
- Location:** The lands subject to the Amendment are generally located at south-east corner of Baldwin Street and George Street, municipally known as 91, 95 & 99 Baldwin Street (the “Subject Lands”).
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV- 24-24, OPA-2024-W/08), as submitted by Weston Consulting, on behalf of Baldwin Street Holdings Inc. (Ollie Switch Corporation). The Amendment would permit an increase in the maximum permitted residential density on the subject lands from 85 units per net hectare to 235 units per net hectare, in order to permit the proposed development of a 4-storey mixed-use apartment building, containing a total of 216 rental apartments, with 473 square metres of non-residential floor space.
- The proposed development is consistent with the policies of the Provincial Planning Statement and Envision Durham, in that it would provide increased housing supply and residential densities through intensification of an underutilized lot; takes advantage of existing infrastructure and public services facilities; and provide a pedestrian-oriented compact built form.
- The proposed development meets the overall goals and intent of the Whitby Official Plan and Brooklin Community Secondary Plan, by increasing residential density in the Major Central Area of the Brooklin Community Secondary Plan area, where such residential intensification is planned to occur. The subject lands are serviceable and suitable for the proposed use and would be compatible with the existing and designated uses of surrounding lands.

Development of the subject lands would be subject to the provisions in the implementing Zoning By-law and Site Plan approval.

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

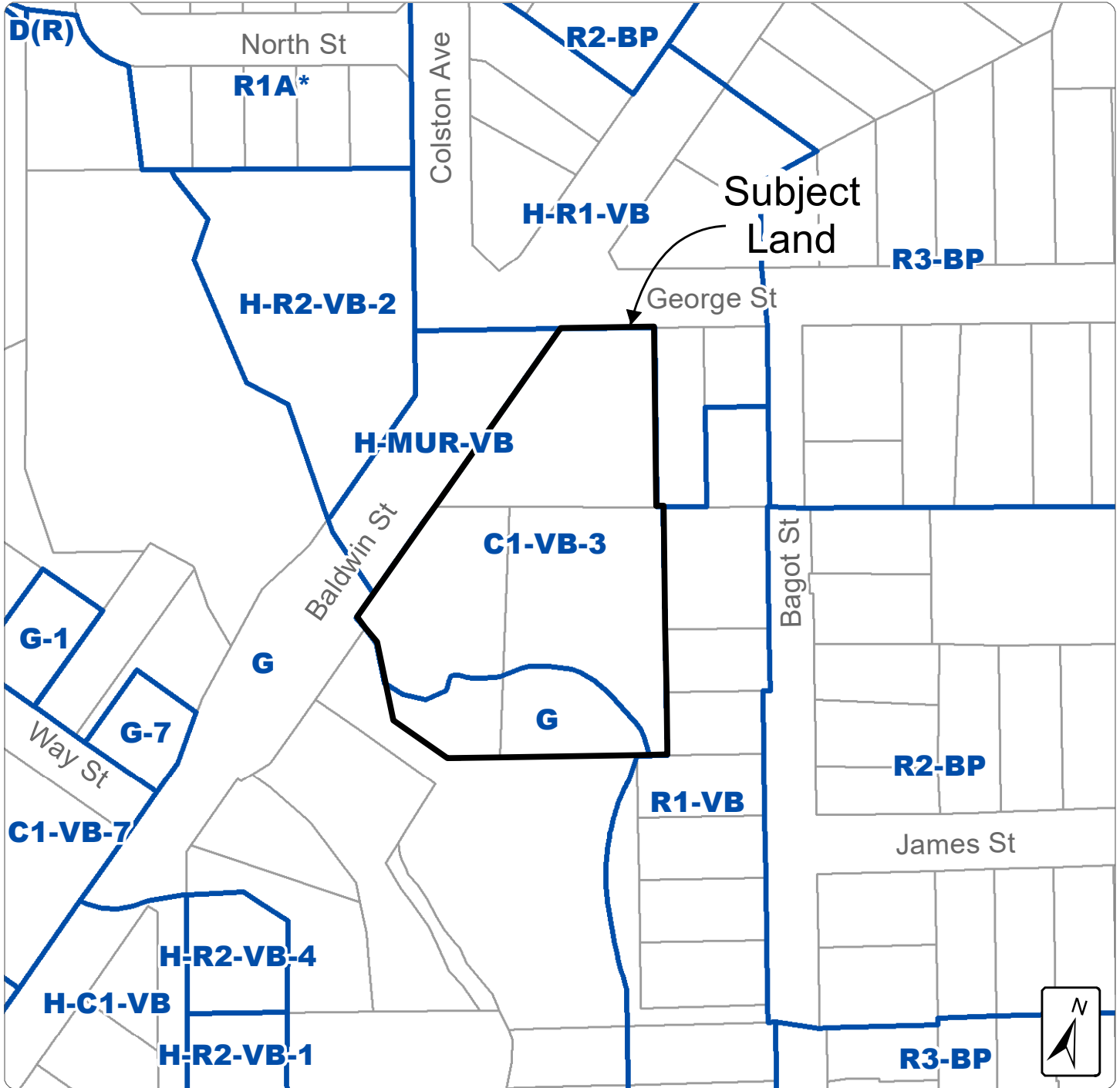
1) By amending the Brooklin Community Secondary Plan, by adding the following new section 11.4.13.8. and renumbering subsequent sections accordingly:

“11.4.13.8 Notwithstanding any other provisions of this Plan to the contrary, for lands municipally known as 91, 95 & 99 Baldwin Street, and identified by Assessment Roll #'s 18-09- 010-038-05100-0000, 18-09 -010-038-05200-0000 and 18-09-010-040-00100-0000, the maximum permitted residential density shall be 235 units per net hectare.”

Implementation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

Interpretation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

Attachment #9
Excerpt from Zoning By-Law 1784





Town of Whitby Planning and Development Department

Proponent:
Baldwin Street Holdings
(c/o Ollie Switch Corporation)

File Number:
DEV-24-24
(OPA-2024-W08, Z-11-24)

Date:
April 2025

External Data Sources:

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Attachment #10

Public Meeting Minutes

2. PDP 59 24, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment Application and Zoning By law Amendment Application, Baldwin Street Holdings Inc. (Ollie Switch Corporation), 91, 95 and 99 Baldwin Street, File Number: DEV 24 24 (OPA 2024 W/08, Z 11 24)

Ed Belsey, Senior Manager, Heritage and Policy Planning, provided a PowerPoint presentation which included an overview of the applications.

Raj Lamichhane, representing Baldwin Street Holdings Inc. (Ollie Switch Corporation), provided a PowerPoint presentation which included a detailed overview of the applications.

The Chair indicated that comments would now be received by members of the public.

Ryan Schuck, Resident, raised concerns regarding increased traffic and difficulties entering and exiting the proposed development from Baldwin Street. Mr. Schuck raised additional concerns regarding the proximity of the subject lands to the floodplain, water runoff from the subject land, and potential displacement of natural water flow. He sought information regarding water management considerations during the construction phase including runoff into Lynde Creek, protecting surrounding properties from runoff, and storm water management design measures that take into consideration the floodplain and water saturated lands. Mr. Schuck requested information about bore holes that were dug on his property and who was responsible for removing the bore holes.

Raj Lamichhane, Adrian Soo and Mark Bristol answered questions.

Raj Lamichhane, Adrian Soo and Mark Bristol answered questions regarding:

- details about the construction management plan and storm water management design measures to address water runoff during and after construction;
- the Traffic Impact Study and the Baldwin Street access point; the Traffic Impact Study and the Baldwin Street access point;
- details about building setbacks from the lot line, and details about building setbacks from the lot line; and,
- further investigations into the bore holes on the delegate's property.

Staff answered questions regarding the process for addressing access to and from the subject lands, storm water management, location to the floodplain, and the construction management plan submitted by the applicant.

There were no further submissions from the public.

Attachment #11

Agency & Stakeholder Detailed Comments

File DEV-24-24 (OPA-2024-W/08, Z-11 -24)

Internal Departments

Engineering Services

Engineering Services – Development Division

Engineering Services has conducted a preliminary review of the circulated materials outlined below for the purpose of Official Plan and Zoning By-law Amendment applications and supporting materials.

Engineering Services does not object to the proposed Official Plan and Zoning By-law Amendment applications.

It is Engineering Services' understanding that a Site Plan application will be required upon approval of the Official Plan and Zoning By-law Amendment applications. Detailed comments will be provided at the Site Plan Application stage, and in particular regarding stormwater management; transportation comments; grading and drainage; construction management; and Site Plan design criteria.

Engineering Services - Transportation

Transportation Services staff have reviewed the relevant supporting materials and provided comments regarding the OPA and Zoning application which have been addressed (see below).

Further detailed comments will be provided through the Site Plan Approval process (e.g. signage; design; accessible parking;).

The supporting materials included the applicant's responses to Transportation Services' comments.

Transportation Services staff provided the remarks below (refer to Table 1) on the response provided to various comments. Additional comments are also provided, based on the new information submitted. Note that the comment numbering following the Transportation Response Letter numbering.

Table 1: Response provided to various comments

#	Comment	Has the Comment been Addressed
1.0	Section 6 Parking Review	
1.1	The proposed site plan is deficient of 77 parking spaces as per the Town of Whitby Zoning By-Law 2585. Provide a clearly defined and detailed parking monitoring plan, as well as information on a scenario if the demand is more than the supply, including what measures the developer would take to address the shortfall.	Addressed.
1.2	The proposed parking rate of 1.20 is acceptable to Transportation Services. However, the consultant should clearly indicate the parking that will be assigned to residents and to visitors.	Addressed.
2.0	Section 7 Transportation Demand Management (TDM) Plan	
2.1	The provision of car-share parking spaces for each building, as identified in the Terms of Reference (TOR)), should be identified on the Site Plan. Confirm how a car-share would operate to support TDM program.	Addressed.
2.2	While the TDM measures documented in the report/Table 7-1 are acceptable, the applicant must provide a firm commitment to implement proposed measures, including confirmation that the applicant will provide and subsidise presto card, and unbundle parking.	Addressed.
2.3	As per the report, a total of 70 bicycle parking spaces are proposed, with 30 short-term spaces and 40 long-term spaces to serve the development. It is noted that only 20 spaces are verified on the south side of building 1 on site plan. Clarify the location of bicycle parking.	Addressed.

#	Comment	Has the Comment been Addressed
3.0	Section 8 Functional Review	
3.1	The underground parking entrance for building 2, as shown on site plan, is very close to Baldwin Street. The consultant should confirm that the throat/storage length for the driveway is sufficient and will not impact Baldwin Street or create any on-site conflicts.	Addressed.
4.0	General Comments	
4.1	The Site Plan drawing, A100, is not legible. Traffic Impact Studies should include a clear copy of the site plan for review and comment.	Addressed.
4.2	Provide a pavement marking and signage plan and show all proposed signage including a stop sign at the proposed driveway at Baldwin Street.	Addressed.

Engineering Services – Development Division

Engineering Services reviewed the relevant supporting materials (Stormwater Management; Functional Servicing) and provided detailed comments which are to be addressed through the Site Plan approval process.

- The stage-storage discharge curve calculations should include further information between elevations 158.8 and 106.07m. Please update the chart to provide further details.
- The Visual Otthymo route reservoir does not use updated stage-storage discharge information. Please update the model accordingly.
- Please provide details of the emergency overflow from the storage facility.
- Please include a note on the servicing drawing that directs all stormwater flows to the proposed Oil/Grit Separator unit, ensuring all drainage is treated for quality control and water balance.

Financial Services – Development Charges

Development Charges

- Development Charges will be owing for the residential and commercial development.
- Under Section 26.2 of the Development Charges Act.

- The base DC rate(s) will be set as of the Site Plan application submission date.
- Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
- The applicant has 18 months from the date of Site Plan application approval to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.
- If this development is a condominium, development charges are payable prior to the issuance of the 1st building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.1(3) of the DC Act allows for development charges to be paid in equal annual installments over five years, upon the earlier of occupancy or issuance of an occupancy permit.
- If this development includes four or more rental housing units, Section 26.2 (1.1) of the DC Act allows for additional development charge reductions based on the number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for the residential and non-residential development.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.
- If CIL has previously been applied, a reduction in the amount owing will be applied.
- If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

Fire and Emergency Services

1. The fire access route shall meet OBC 3.2.5.6 requirements.
2. Fire access route sign locations shall be indicated on the site plan as per TOW Bylaw 4084-97.

3. Water supply shall be provided as per OBC 3.2.5.7.
4. Standpipe System as per OBC 3.2.9.1.
5. Be aware WFES would be open to accepting a proposal for standpipe connections to be installed in the stairwell without hose.
6. Provide distance from existing hydrant to Building 2 FDC. Note: WFES would prefer a private hydrant be installed on the east side of Baldwin St to serve the site.
7. A structural engineer shall provide a letter confirming that the parking garage is capable of supporting the weight of fire apparatus.
8. Below grade parking garage shall be considered an Ordinary Hazard Group 2 occupancy for the purpose of sprinkler design and equipment with a mechanical ventilation system that can be controlled by emergency responders if required during a fire emergency.
9. Below grade parking garage shall include a room(s) designed for the storage of micro-mobility devices with a minimum 1 hour fire resistance rating and mechanical ventilation.

External Agencies

Central Lake Ontario Conservation Authority (CLOCA)

CLOCA staff have reviewed the applications and supporting materials for consistency with the natural hazard policies of the Provincial Planning Statement, as well as for conformity with Ontario Regulation 41/24 of the Conservation Authorities Act. Our review has also included their context within any appropriate watershed management guidelines and documents, and/or related policies within the local and regional Official Plans.

The subject property is located within the Lynde Creek Watershed. Part of the property is regulated through Ontario Regulation 41/24 of the Conservation Authorities Act due to its proximity to the flood and erosion hazards associated with Lynde Creek. A permit from CLOCA will be required prior to any site alteration and/or development within the regulated part of this site.

The following comments are provided based on our review of the technical documents provided with this circulation.

Environmental Engineering – Stormwater Management

CLOCA staff are satisfied that previous engineering comments have been satisfied with the current submission of report and plans.

Environmental Engineering – Geotechnical Report, Hydrogeological Assessment
CLOCA staff find the information from the reports acceptable as it relates to slope stability and hydrogeology.

Environmental Impact Study

CLOCA technical staff have reviewed the Environmental Impact Study and are satisfied that any CLOCA regulated features will not be negatively impacted by this development provided the recommended mitigation and enhancement measures are followed as outlined within the EIS. CLOCA technical staff have no further comments currently regarding the Environmental Impact Study.

Official Plan and Zoning By-law Amendment Schedule

CLOCA staff have no objection to the proposed Official Plan Amendment. CLOCA staff also have no objection to the proposed Zoning By-law Amendment subject to the following conditions:

1. All hazard lands and features regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* and their appropriate buffers be zoned (G) Greenbelt as per the appropriate in force zoning by-law.

Future Site Plan Application

It is CLOCA's understanding that this development plan will require a site plan application and approval. Please continue to circulate CLOCA on any and all future submissions.

Ontario Regulation 41/24 *Conservation Authorities Act*

As noted above, the subject property is partially regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* due to its proximity to the flood and erosion hazards associated with Lynde Creek.

A permit from CLOCA will be required prior to any site alteration and/or development within the regulated part of this site. Once final planning act approvals have been obtained, a permit for this project should be applied for directly to CLOCA Head Office.

Conseil Scolaire Viamonde French Public District School Board

The CS Viamonde has no comment on this application.

Durham District School Board

Staff has reviewed the information on the above noted plan and has the following comments:

1. Approximately 43 elementary pupils and 43 secondary pupils could be generated by the above noted application.
2. Students generated from this development will attend existing neighbourhood schools.

Under the mandate of the Durham District School Board, at this time, staff has no objection.

Enbridge Gas Inc.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Ministry of Transportation (MTO)

Land Development Review Portal- Detailed Review

The MTO is supportive in principle and further review will take place at the SPA level. The site was previously reviewed with the developers and agreed on various setback reductions and access approval.

Please ensure the setback and access plan remains the same as what was approved and sent to the MTO February 15 of 2024.

See below for typical Site Plan Application comments/requirements:

- The subject site is within MTO's Permit Control Area and as such, MTO Site Plan Approval and an MTO Permits will be required prior to any construction activities.
- The current ROW as well as a MTO setback should be clearly labeled on all drawings that will be provided for the ministry's review and comments.
- Requirements for fencing include (but are not limited to) erecting fencing along the MTO right-of-way at 0.3m into the MTO ROW. And MTO Encroachment permit is required for this work, and it should follow OPSD 972.130 (Chain Link Fence with Top-Wire).
- As part of the review and approval process the applicant will be required to submit copies of a detailed Site Plan, Master SWMR, Site Servicing and Grading Plans prepared by a Licensed Professional Engineer.
- Please have the proponent confirm the reports have been carried out by RAQS approved contractors/consultants. All works within the Provincial right-of-way shall be carried out by RAQS qualified contractors.

Please note that the ministry requires all drainage submissions to be also provided electronically. Regarding acceptable electronic transfer of files to MTO, the following applies:

- Format - PDF
- Currently electronic files can be sent in:
 - Using an FTP (File Transfer Protocol) website.

- Using E-mail, if the file is small enough, it can be e-mailed (Zipped documents are acceptable).
- MTO requires a Brief/Letter from the Traffic consultant to describe the general criteria of the anticipated traffic.
- Please be aware that MTO has the right to request a more detailed (Master) Traffic Impact Study should the brief/letter be deemed insufficient upon review.
- Any noise mitigation is the responsibility of the land-owner which includes the design and implementation. The Ministry will not be held liable for noise attenuation next to the highway which also includes its maintenance and upkeep.
- The proponent is required to submit a copy of the Photometric Lighting Plan (in metric LUX units) for MTO review and approval. The plan must illustrate proposed lighting and any light spillage on the Highway 7/12 & associated service roads ROW.
- All plans and reports must be stamped and signed and circulated to the MTO through municipal site plan application process for a formal review and comments.
- The Applicant should be advised that they cannot apply for the MTO Permit until the Site Plan has been approved by MTO and the Municipality.
- MTO Sign Permits will be required for any new signage visible from Highway 7/12 & associated service roads.
- Applicant must apply online through the link below once clearance letter is issued: <https://www.hcms.mto.gov.on.ca/>
- Please note, all plans and reports must be stamped and signed.

Oshawa Airport

The subject site is outside of the area regulated by Transport Canada's zoning for the Oshawa Airport.

Region of Durham- Planning and Economic Development Department

The Region has now completed its review of the above-noted applications and offers the following comments with regards to conformity with the new Regional Official Plan (Envision Durham), the new Provincial Planning Statement, the Region's delegated Provincial Plan Review responsibilities, Regional servicing, and waste management.

Conformity with the new Regional Official Plan (Envision Durham)

The Ministry of Municipal Affairs and Housing approved the new Regional Official Plan (ROP) on September 3, 2024. The subject lands are located in the Baldwin/Winchester (Brooklin) Regional Centre designation on Map 1 – Regional Structures in the Regional Official Plan (ROP). Regional Centres are identified as a Strategic Growth Area in the

ROP. Strategic Growth Areas represent optimal locations for prioritizing intensification and higher density mixed-use developments. Strategic Growth Areas should be developed as focal points for more intensive forms of development and as locations to achieve transit-supportive densities within the Region's Urban System.

The ROP indicates that developments proposed within the Regional Centres designation should be achieve a minimum transit supportive density target of 100-150 people and jobs per gross hectare.

The southwesterly portion of the property 91 Baldwin Street contains the Regional Natural Heritage System, as shown on Map 2 – Regional Natural Heritage System in the ROP. Regional natural heritage must be protected and conserved. Development and site alteration that negatively impact the regional heritage systems is not supported by the Region.

Policy 7.4.5 of the ROP requires that an Environmental Impact Study be prepared to support any development located in Regional Natural Heritage System. Beacon Environmental Ltd. has prepared an Environmental Impact Study (EIS) dated May 15, 2023 for the proposed development. Appropriate setback distances from the Lynde Creek tributary have been incorporated into the proposed development. The Central Lake Ontario Conservation Authority has provided comments dated November 4, 2024 in support of the proposed application and are discussed further below in this letter.

The proposed development consisting of commercial and residential uses supports mixed-use developments and complete communities and contributes to the supply and mix of housing options to meet the diverse housing needs of the community. The proposed development provides a density of approximately 191 uph and achieves the ROP's planned density target for Regional Centres. The proposed higher densities are transit-supportive and promotes residential intensification along the Baldwin Street Regional Corridor and establishing the Baldwin/ Winchester Regional Centre as focal point for intensive uses. The proposed applications conform with the ROP.

Provincial Planning Statement

The new Provincial Planning Statement (PPS) came into effect on October 20, 2024 and replaces the Provincial Planning Statement, 2020 and the Growth Plan, 2019. We have reviewed the proposed applications for consistency with the PPS. The PPS states that planning authorities are encouraged to identify and focus growth and development in strategic growth areas. The PPS supports a range and mix of housing options, intensification, and more mixed-use development in strategic growth areas. The PPS also states that planning authorities should permit developments and intensification in strategic growth areas to support the achievement of complete communities and compact built form. The proposed high-density mixed-use development supports mix of housing options and the mix of commercial and residential development assists with achieving complete communities and the intensification of the Baldwin/Winchester Regional Centre designation. The proposed development is consistent with the PPS.

Delegated Provincial Plan Review Responsibilities

We have reviewed the applications for delegated Provincial Plan Review responsibilities.

Noise Impacts

Jade Acoustics has conducted a Preliminary Environmental Noise Report, dated May 23, 2023, for the proposed development. The Preliminary Noise Report identifies road traffic noise from Baldwin Street as the primary noise source impacting the proposed development. Appropriate noise warning clauses including mandatory central air conditioning are recommended for all the units within this development. The recommended noise mitigative measures of the Preliminary Environmental Noise Report must be included in the related Town of Whitby's Site Plan/Development Agreement to the satisfaction of the Region.

Soil and Groundwater Assessment

A Phase One Environmental Site Assessment, (Phase One ESA) was prepared for the subject lands by Soil Engineers Inc., dated July 13, 2022. The Phase One ESA reported that the site had been historically used for residential purposes and there is a low risk of environmental concerns. No further environmental investigation is required for the property.

The Phase One ESA Report is generally acceptable to the Region. Soil Engineers Inc. has provided a satisfactory Reliance Letter and Certificate of Insurance for the Phase One ESA dated May 3, 2023. Site contamination concerns have been addressed at the subject lands to the satisfaction of the Region.

Archaeological Assessment

A Stage 1 Archaeological Assessment, (AA) dated March 16, 2015 and a Stage 2 AA, dated August 13, 2015 had been prepared for the subject lands by Archaeological Services Inc. The consultant indicated that the Ministry of Heritage, Sport, Tourism and Culture Industries has issued clearance letters for the Stage 1-2 AA Reports on August 24, 2015 and September 3, 2015. We request that a copy of the Ministry's clearance letters be provided for our record.

Environmental Impact Study

The southwesterly portion of the subject lands form part of the Regional Natural Heritage System associated with a tributary of Lynde Creek. Beacon Environmental has prepared an EIS for the proposed development, dated May 15, 2024. The Central Lake Ontario Region Conservation Authority (CLOCA) has provided supporting comments dated November 4, 2024 for the development. CLOCA has indicated it is satisfied with the proposed recommended mitigative and enhancement measures and that the proposed development will not negatively impact the regulated features subject to appropriate rezoning of the buffer areas. CLOCA will continue to review and provide comments for the development through the related future Site Plan application.

Regional Servicing

The subject lands are located within the Zone 3 Water Pressure District of the water supply system for Whitby (Brooklin). The estimated static water pressure for this property is approximately between 554 kPa (80 psi) to 594 kPa (86 psi). Where the static pressure exceeds 550 kPa, private pressure reducing valve shall be installed to limit the maximum static pressure to not more than 550 kPa. Please identify the need of the pressure reducing valve by including a “PRV” symbol on the Servicing Plan.

Our records show the existing 3 vacant properties are currently installed with water service and sanitary sewer connections off Baldwin Street North. All the existing water and sanitary sewer connections that are not utilized will be disconnected at the mainline at the applicant's expense.

A water meter room as per Region of Durham standards is required.

No foundation drains (foundation weepers) or roof leaders are permitted to connect into the sanitary sewer system, as per the Regional Sewer Use By-Law.

Functional Servicing and Stormwater Management Report and Servicing Drawing (SW2)

The Region has reviewed the Functional Servicing and Stormwater Management Report, (FSSR) prepared by Husson dated May 2024, and the Servicing Drawing (SW2) that were submitted in support of the proposed development. Our comments on the FSSR and the Servicing Drawing are outlined in Attachment 1 to this letter.

We will require revisions to be completed to FSSR and the Servicing Drawing to address our comments. Our concerns can be resolved at the time of the review of the related future Site Plan application.

Waste Management

The Town of Whitby provides curbside residential waste collection services to Whitby residents excluding recycling. As of July 1st, 2024, the Durham Region's recycling program is managed by Circular Materials, the administrator of the common collection system and national not-for-profit organization that is committed to building an efficient and effective recycling system in Ontario. Visit Circular Materials at <https://www.circularmaterials.ca> for more information.

Further comments

As previously noted, the Region will require revisions to be completed to the proposed Servicing Plan, the Servicing Drawing (SW2), and the Functional Servicing and Stormwater Management Report to address our servicing comments. Attachment 1 to this letter outlines the Region's FSSR and Servicing Drawing comments. The Region's servicing requirements could be satisfied at the time of the review of the related future Site Plan application.

The proposed amendment does not have significant Provincial or Regional implications. Please advise the Commissioner of Planning and Economic Development of your Council's decision. If Council adopts an Amendment, a record must be submitted to this Department within 15 days of the date of adoption. The record must include the following:

- Two (2) copies of the adopted Amendment;
- A copy of the adopting by-law; and
- A copy of the staff report and any relevant materials.

Functional Servicing and Stormwater Management Report

The Region has reviewed the Functional Servicing and Stormwater Management Report (FSSR) prepared by Husson dated May 2024, and offers the following comments for the FSSR:

4.0 Wastewater:

- The proposed sanitary servicing design from Baldwin Street is acceptable.
- The projected sewage flow of 8.48 L/s for approximately 504 people based on 217 residential units is acceptable. Please provide a separate sanitary sewer design sheet for our review and record.

5.0 Water Distribution:

- The proposed water servicing design is acceptable.

Servicing Drawing (SW2)

The Region has reviewed the Servicing Drawing (SW2), and offers the following comments for the drawing:

- Show the lengths of the proposed domestic water and fireline from the mainline to the property line.
- Cut-in method to be used for the proposed 200mm fireline connect to the existing 200 mm DI watermain.
- Recommend using ductile iron pipes for the proposed domestic water and fireline.
- Label the material of the existing watermain (ductile iron).

- Identify all the existing water connections and label them to be disconnected at the mainline with brass plugs.
- Provide cross section to show the crossings between the sanitary sewer connection and the existing storm sewers on Baldwin Street.
- Provide cross section to show the crossings between the proposed water connections and the existing sanitary sewer and storm sewer on Baldwin Street.

Region of Durham- Public Works

The Region of Durham Works Department has reviewed the applications and offers the following comments.

Regional Municipal Servicing

The subject property is located within the Zone 3 Water Pressure District of the water supply system for Whitby (Brooklin). The estimated static water pressure for this subject property is approximately between 554 kPa (80 psi) to 594 kPa (86 psi). Where the static pressure exceeds 550 kPa, private pressure reducing valve shall be installed to limit the maximum static pressure to not more than 550 kPa. Please identify the need of the pressure reducing valve by Including a “PRV” symbol on the servicing plan. Our records show the existing 3 vacant properties are currently installed with water service and sanitary sewer connections off Baldwin Street North. All the existing water and sanitary sewer connections that are not utilized will be disconnected at the mainline at the applicant’s expense. A water meter room as per Region of Durham standards is required. No foundation drains (foundation weepers) or roof leaders are permitted to connect into the sanitary sewer system, as per the Regional Sewer Use By-Law.

Functional Servicing and Stormwater Management Report (May 2024):

4.0 Wastewater:

- The proposed sanitary servicing design from Baldwin Street is acceptable.
- The projected sewage flow of 8.48 L/s for approximately 504 people based on 217 residential units is acceptable. Please provide a separate sanitary sewer design sheet for our review and record.

5.0 Water Distribution:

- The proposed water servicing design is acceptable.

Servicing Drawing (SW2):

The Region has reviewed the Servicing Drawing (SW2). Our comments on the drawing are as follows:

- Show the lengths of the proposed domestic water and fireline from the mainline to the property line.

- Cut-in method to be used for the proposed 200mm fireline connect to the existing 200 mm DI watermain.
- Recommend using ductile iron pipes for the proposed domestic water and fireline.
- Label the material of the existing watermain (ductile iron).
- Identify all the existing water connections and label them to be disconnected at the mainline with brass plugs.
- Provide cross section to show the crossings between the sanitary sewer connection and the existing storm sewers on Baldwin Street.
- Provide cross section to show the crossings between the proposed water connections and the existing sanitary sewer and storm sewer on Baldwin Street.

Waste Management

The Town of Whitby provides curbside residential waste collection services to Whitby residents (excluding recycling).

As of July 1st, 2024, the Durham Region's recycling program is managed by Circular Materials, the administrator of the common collection system and national not-for-profit organization that is committed to building an efficient and effective recycling system in Ontario. Visit [Circular Materials](#) for more information.

Summary

The Region has no objections with further processing of the Official Plan and Zoning By-Law Amendments applications. The above comments can be addressed through a future Site Plan Application.

TransCanada Pipeline

On behalf of TransCanada Pipelines Limited (TCPL), we do not have any comments to provide on the noted application.

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Municipally owned lands at the Southwest corner of Winchester Road West and Baldwin Street South

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 21-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Financial Services Department

Submitted by:

R. Saunders, Commissioner of Planning
and Development

F. Wong, Commissioner Financial
Services, and Treasurer

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

J. Taylor, Director of Planning Services,
905-444-2908

B. Anderson, Principal Planner,
905-444-2585

1. Recommendation:

1. That Council endorse the gateway/entrance feature concept as proposed by Fieldgate Developments and illustrated on Attachment #4;
2. That the land at the south-west corner of Baldwin Street and Winchester Road, legally described as Part of the North Half Lot 25, Concession 5 and Part of the Road Allowance between Lots 24 and 25, Concession 5, being Part 1, Plan 40R-31677 (P-1410-0164, P-1771-0110, P-5120-0354) being part of PIN 26573-0002 (LT), in the Town of Whitby, Regional Municipality of Durham as shown in Attachment 1, be declared surplus;
3. That the requirement, in Town Policy F-190, for the Town to provide public notice of its intention to declare the Property surplus and report back to Council on any written objections received be waived;
4. That Staff provide a future report for Council's consideration and approval of an Agreement of Purchase and Sale between the Town and Fieldgate Developments (or related company) following receipt of a land appraisal and conclusion of agreement negotiations.

2. Highlights:

- The Town has acquired lands located at the Southwest corner of Baldwin Street South and Winchester Road West from the Ontario Ministry of Transportation.
- A concept plan has been prepared by Fieldgate Developments which demonstrates how a publicly accessible gateway/entrance feature can be provided as part of the proposed retail plaza expansion on adjacent vacant lands under their ownership.
- Under this proposal, the gateway/entrance feature would be established on privately owned lands. The final design, construction and ongoing maintenance of the gateway/entrance features would be the responsibility of Fieldgate. A mechanism to secure public access to this area and its features will be part of future negotiations with Fieldgate Developments.
- Subject to Council's approval of the gateway/entrance feature concept and declaring the lands to be surplus, next steps would include:
 - Obtaining an updated appraisal;
 - Negotiation of an Agreement of Purchase and Sale between the Town and Fieldgate Developments on the purchase price, future obligations (such as on-going maintenance), and other terms; and,
 - A future report to Council regarding the proposed land disposition to Fieldgate Developments (or a related company) including details of the Agreement of Purchase and Sale.
- A successful Zoning By-law Amendment and Site Plan Application would be required to permit the proposed development.

3. Background:

3.1 Background and Discussion

The subject land is located at the Southwest corner of Winchester Road West and Baldwin Street South and consists of an approximately 0.74 hectare (1.82 acres) triangular shaped parcel (refer to Attachment #1).

The Baldwin Street and Winchester Road intersection is located at the southern edge of Downtown Brooklin. South of Winchester, the area is characterized by a cluster of commercial uses such as grocery stores, restaurants, as well as other personal service and retail uses that serve the broader Brooklin community. North of Winchester are residential neighbourhoods along with mixed use development that transition to the north into historic Downtown Brooklin.

In recent years, Town staff have made inquiries and held discussions with Ontario Ministry of Transportation (MTO) staff about acquiring the subject land. The purpose of the Town acquiring the land is to create an entrance/gateway feature and to compliment and mirror the existing entrance/gateway feature at the Southeast corner, located between the Piper Arms and Scotia Bank. While the MTO agreed to transfer the lands to the Town, discussions with Park staff concluded that as a result of other priorities, the Town did not have available funding or resources to purchase and construct/maintain new park features on the property. At the same time, Fieldgate Developments indicated an interest in a portion of the subject lands to extend its proposed commercial/retail development into the area. Fieldgate was prepared to purchase the lands from the Town and construct and maintain an entrance/gateway feature at the corner in exchange for the ability to extend its commercial uses into the subject land from the west. As a result, the subject land was acquired by the Town in 2024 from the MTO.

3.2 Entrance / Gateway Concept

Fieldgate has completed the first phase of their commercial development (the Longo's plaza) and intends to develop the remaining vacant lands (See Attachment #2) to the north and east for a mix of commercial and residential uses.

Through the discussions as noted above, it was determined that it would be advantageous for Fieldgate to construct the entrance/gateway feature in tandem with the development of their lands. Further, the entrance/gateway could be owned and maintained by Fieldgate (or subsequent owners) in perpetuity, while providing public access and enjoyment of the space.

Fieldgate has prepared a concept plan which illustrates the gateway/entrance in the context of the proposed development of their lands (See Attachment #3).

The gateway/entrance concept consists of a central plaza and walkway connection to the Baldwin/Winchester intersection (refer to Attachment #4). The central plaza is flanked by sodded and artificial lawn surfaces, and incorporates a variety of plantings, seating, signage (gateway feature), and a reserved location for an art installation. Moving south along Baldwin, buffer planting and walkway connections will tie into existing landscape features that were constructed as part of the Fieldgate Phase 1. A pollinator garden and the retention of a portion of the existing trees is provided between proposed Buildings E and F.

There is a row of mature trees, generally spruce trees, on the subject land. The concept plan proposes portions of the existing tree cover be retained. These trees are located to the northwest of Building G and to the south of Building F and are labelled as "selected existing trees to be retained" on Attachment #4.

3.3 Future Planning Approvals Required

Planning Approvals will be required in order to facilitate the proposed entrance/gateway and surrounding commercial development. Fieldgate will be required to submit a Zoning By-law Amendment Application in order to rezone the

subject land to an appropriate zone category. Further, a Site Plan Application will be required to approve the location and configuration of buildings, parking, exterior building design, and final landscape features, among other matters.

The Town will only accept Planning Applications that apply to the subject land once the process to deem the lands surplus and transfer them into Fieldgate’s ownership has been initiated.

4. Financial Considerations:

Town Policy F 190 regarding the Acquisition, Sale or Other Disposition of Land Policy, requires public notice following the Town’s declaration of lands to be surplus and reporting back to Council on any written objections received. However, given that the land was originally acquired (by the Town) from MTO June 2024 for the purpose of an entrance feature, it is recommended that the public notice provision of Town Policy F 190 be waived.

The Town’s acquisition of the subject land was based on the entirety of the land being used for a gateway/entrance feature. Accordingly, the purchase price and original appraisal prepared by the MTO reflected an open space valuation of the land. Under the Town’s agreement with MTO, if Town subsequently sells the property, any additional funds the Town receives for the land (above what the Town originally paid to MTO) must be provided to MTO.

The development concept prepared by Fieldgate includes commercial development (Buildings G and F along with associated parking and patio space) within the subject land. Given that portions of the subject land would be utilized for development purposes, and not entirely as open space, an updated appraisal will be required to assess the fair market value of the land, inclusive of the proposed commercial uses (assuming future planning approvals). Table 1, below, outlines the proposed use of the space based on the concept proposed in this report:

Table 1: Proposed Use of Subject Land (refer to Attachment #4)

Subject Land Use	Total Estimated Area
Gateway/Entrance Feature and Related Areas	0.26 ha (0.64 acres)
Commercial Use (Parking, Buildings, Patios, etc.)	0.48 ha (1.19 acres)

The updated appraisal will establish the fair market value for the Agreement of Purchase and Sale negotiations. The Agreement will also include terms related to the on-going maintenance of the subject property.

5. Communication and Public Engagement:

N/A

6. Input from Departments/Sources:

This report incorporates comments from the Legal and Enforcement Services Department.

7. Strategic Priorities:

A future entrance/gateway feature on the subject land will provide connectivity between existing and proposed commercial uses and the broader community and Historic Downtown Brooklin. Enhanced placemaking and accessibility in this area will attract businesses and encourage commercial/retail activity. Accordingly, this report supports Strategic Pillar 3: Whitby's Economy and Objective 3.2 – Attract and Retain Businesses and Industry of the Town's Community Strategic Plan.

8. Attachments:

Attachment #1: Location Sketch

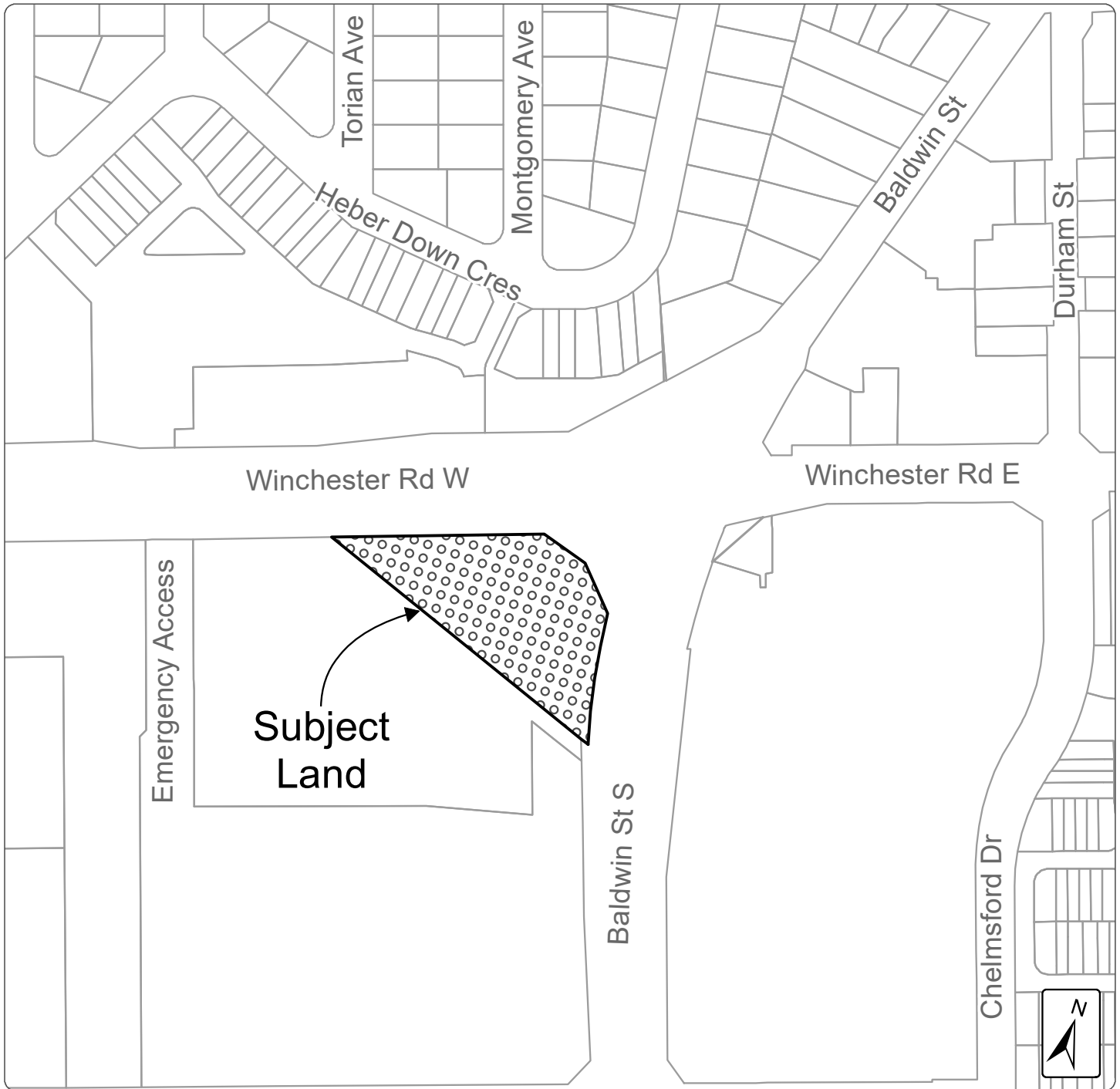
Attachment #2: Aerial Context Map


Attachment #3: Entrance / Gateway Concept Plan including Proposed Surrounding Development

Attachment #4: Entrance / Gateway Concept – Enlarged with Site Areas Identified

Attachment #1 Location Sketch

PDP 21-25



 **Town of Whitby Planning and Development Department**

Proponent: Town of Whitby	File Number: Town owned lands at Baldwin and Winchester	Date: April 2025
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External Data Sources:
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Attachment #2 Aerial Context Map



 **Town of Whitby Planning and Development Department**

Proponent: Town of Whitby	File Number: Town owned lands at Baldwin and Winchester	Date: April 2025
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Entrance / Gateway Concept Plan including Proposed Surrounding Development

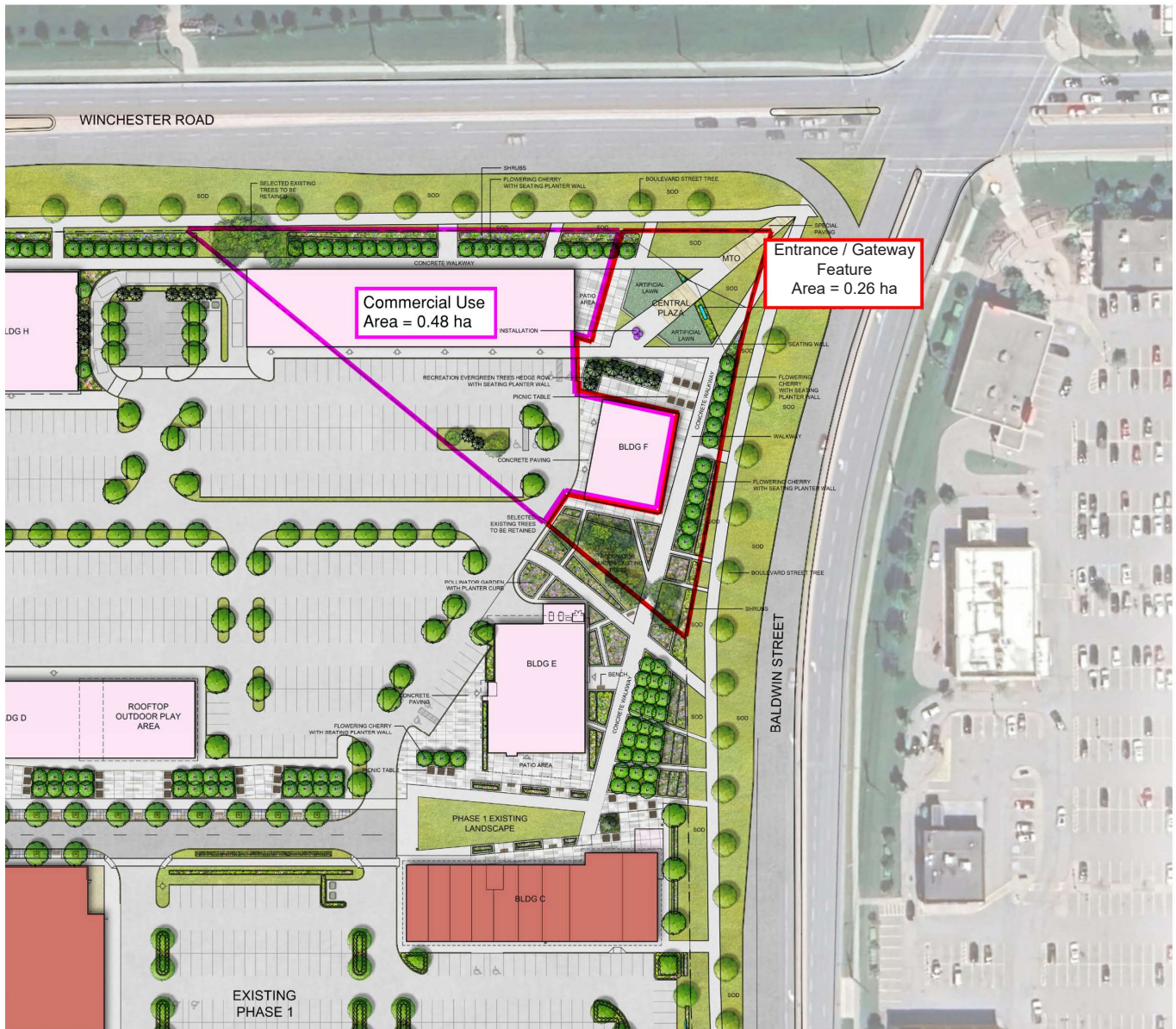
BROOKLIN COMMERCIAL AND MIXED-USE (PHASE 2 & MTO) LANDSCAPE CONCEPT PLAN



mbtw wai
1

FEBRUARY 2025

Entrance / Gateway Concept – Enlarged with Site Areas Identified



New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	09 Jun 2025	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement. Policy and Guidelines are underway with anticipated completion in spring 2025.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	24 Nov 2025	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	TBD		The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re: Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12 Dec 2022	04 Dec 2023	14 Apr 2025	Report back following completion of DAAP in 2024.
P&D-0019	PDE 05-24, Planning and Development (Engineering Services) Department Report Re: Update Traffic By-law - No Parking on Hunter Street	This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.	24 Jun 2024	28 Oct 2024	02 Jun 2025	Further delay until planning pre-consultation resolved.
P&D-0021	Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results	2. That Staff be directed to report to Council with information about the cost and other implications associated with removing the speed humps, reducing the number of speed humps, and maintaining the speed humps in their current configuration.	09 Oct 2024	24 Feb 2025	12 May 2025	An update regarding the Whitburn Street Speed Hump Engagement Results were provided on the September 6, 2024 CII and the September 23, 2024 Committee of the Whole agenda
P&D-0022	PDE 01-25, Planning and Development (Engineering Services) Department Report Re: Garden Street Parking Consideration	That Report PDE 01-25 be referred to Staff to further examine proposed layby and off-street parking options on Garden Street to identify alternative options that may be more cost effective.	24 Mar 2025			

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Proposed Amendments to the Public Parks and Park Building By-law

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: CMS 05-25

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

Mattson Meere, Supervisor, Parks
Planning, 905.444.1829

Sean Malby, Sr Manager, Parks, Parks
Planning & Development, 905.444.1830

1. Recommendation:

1. That Report CMS 05-25 be received;
2. That the proposed amendments to the Town's Public Parks and Park Buildings By-law #7419-18, as appended as Attachment 1, be brought forward to Council for consideration; and,
3. That NUB GG-0001, pertaining to Fishing in Town Parks, will be removed from the New and Unfinished Business List.

2. Highlights:

- The Parks By-law requires minor amendments to clarify some of the existing provisions and to include additional conditions to address gaps based on feedback that was received from various departments, a review of the 2024 Parks and Recreation Master Plan and a public survey on fishing.
- The key amendments include:
 - Clarifying the wording related to the use of barbecues and large gatherings;

- Adding provisions related to fishing, encroachment of park property, as well as posting and enforcing conditions on park signs; and
- Adding provisions for the newly adopted Administrative Penalty System.

3. Background:

The existing Parks and Park Buildings By-law (the “Parks By-law”) was adopted in 2018. Since coming into effect, fishing along the waterfront was identified as one activity that is not regulated in the Parks By-law. Through Council Resolution MD-4431, staff were directed to undertake a review of fishing regulations and bring forward any recommended changes to the Parks By-Law. The review of fishing regulations is discussed further in Part 4 of this report.

The review of fishing regulations also provided an opportunity for staff from Parks Planning and Development, Legal and Enforcement Services, Parks Operations, Recreation, Transportation and Risk Management to review other sections of the By-Law to identify any potential gaps, clarifications and additions that may be needed. Several key topics were identified through this review, including:

- Clarifying the permissions required for the use of barbecues and organized gatherings of twenty persons or more in all parks;
- Adding general provisions prohibiting dangerous activities;
- Ensuring that signs posted with rules and conditions applicable to a specific park are enforceable;
- Clarifying regulations regarding encroachments into parks and the installation of gates to access park property;
- Adding provisions around enforcement and attaching a schedule of penalties; and
- Adding a use at your own risk provision.

4. Discussion:

The current Parks By-law requires a number of minor amendments to improve the clarity and application of the regulations. The key amendments have been informed through discussions with internal staff from various departments, a public survey on fishing and a review of similar regulations utilized by other municipalities. Proposed revisions and clarifications to the by-law, aside from the fishing provisions, were deemed minor in terms of community impact; therefore, additional targeted community consultation was not considered necessary. The discussion below outlines the key recommendations and rationale by topic.

Fishing

Staff consulted the public through an online survey and completed a jurisdictional scan to help inform potential rules and regulations related to fishing along Whitby’s waterfront

and in other parks. The Fishing in Whitby survey was posted on Connect Whiby in the Fall of 2021. There were 205 respondents to the survey. The survey respondents consisted of approximately 58% who fish and the remaining 42% who do not. Approximately 94% of responses were supportive of continuing to permit fishing within parks and along the waterfront, expressing the many benefits of fishing, including the fact that it is an affordable and family-friendly activity that encourages time outdoors. The primary concerns related to fishing, identified by the survey, included the potential of leaving behind garbage and safety conflicts with other park users.

A review of Parks By-laws from neighbouring municipalities, including Ajax, Barrie, Clarington, Oshawa, Pickering and Vaughan, found that a common approach to regulating where fishing occurs, is to generally permit it in municipal parks unless signage is posted to prohibit based on site specific considerations. Staff are recommending this approach be added to Whitby's Parks By-law so that fishing can continue to be enjoyed by residents and visitors but give the Town discretion to prohibit fishing in areas that are considered unsafe or inappropriate, such as busy pedestrian areas. In addition, staff will continue to monitor the waterfront to identify and mitigate potential conflicts.

At this time, there are no locations identified for the banning of fishing. Fishing activities would also be subject to the Federal Fisheries Act and Provincial legislation. Accordingly, staff have included language that fishing in Town parks are still required to comply with all applicable regulatory legislation.

Barbecues

The Town's current Parks By-law specifies that a permit is required for the use of barbecues within Kiwanis Heydenshore Park, Cullen Central Park or at Special Events. The barbecue provisions were introduced as part of CMS 29-18, in order to mitigate the issues caused by charcoal barbecue use and over-crowding of Heydenshore Park. The barbecue regulation and permitting system managed by the Town has worked well in these locations, but the current Parks By-law does not clearly specify whether a permit is required for barbecuing in other parks.

The ambiguity regarding the use of barbecues in other parks has potential to lead to safety and other challenges. Currently, there are no clear regulations in the By-law that allow the Town to enforce the safe and appropriate use of barbecues in parks beyond Heydenshore and Cullen. This could lead to potential fire hazards when users improperly dispose of spent charcoal. Additionally, the use of barbecues in unverified locations could lead to damage of park amenities and conflicts with other park users.

The intent of the current barbecue provision is to provide the Town with oversight regarding where barbecuing is appropriate and to provide specific conditions through the permitting system to ensure any barbecuing activity is undertaken in a safe manner. Therefore, staff recommend that this general approach continue to apply, but that the barbecue provision in the Parks By-law be clarified to specify that permits for the use of barbecues apply to all parks. This aligns with the policies of the neighboring

municipalities of Ajax and Oshawa, both of which require permission to operate a barbecue in any park.

Encroachments and Property Line Fences

Encroachments into Town parks and open spaces unlawfully occur in various forms. They may involve the permanent construction of structures or landscaping on Town property, cutting or maintenance of vegetation, dumping, temporary construction access or the installation of gates in property line fences to access the Town's parks or open spaces.

The encroachment of permanent structures, landscaping and dumping are prohibited under the Town of Whitby Town Lands Encroachment By-law #7389-18. However, there are instances where the installation of gates or temporary construction access through a park is necessary and appropriate. It is important for the Town to have discretion and review individual circumstances to ensure safe access can be provided and that Town property is restored as required. The Town currently has a park encroachment permitting process in place, as well as a process by which residents apply to have gates installed in rear yards bordering a Town park.

It is recommended to amend the Parks By-law to provide greater detail regarding the types of encroachment activities that may be considered, subject to an encroachment permit, in park and open spaces.

Nuisance and Dangerous Activities

Through the review of the Parks By-law, there were instances of potentially dangerous activities flagged to staff, such as kite fighting occurring in adjacent municipalities and in Heber Downs Conservation Area. Kite fighting poses several hazards and safety risks due to the sharp materials that are attached to the string and the likelihood that kites are cut and left on the ground, creating a risk to park users and animals. There were no specific provisions in the By-law that would prohibit this type of activity in Whitby's parks should it become an issue in the future. Therefore, it is recommended to introduce two general provision to prohibit dangerous or disruptive activities.

E-Scooter and E-Bike By-law and Motor Vehicles Definition

The Draft E-scooter and E-bike By-law, scheduled to be brought forward in Q2 or Q3 2025, separates e-scooters and e-bikes from the motor vehicle definition into their own definition, permitting them to be on trails and paths within the Town's Parks and Open Spaces while prohibiting other micromobility devices, such as e-skateboards, e-hoverboards, e-unicycles and Segways, from these areas. Staff recommend revising the definition of motor vehicle to be consistent with and reference the Town's E-bike and E-scooter By-law.

Posting of Signs and Abiding by Posted Conditions

There are instances in the Town of Whitby where site specific conditions apply to an individual facility or park. For example, the seasonal opening dates of racquet sport courts are typically posted at these facilities to ensure safety of users. These conditions are too specific and detailed for inclusion in the Parks By-law and it would be cumbersome to update the By-law for each new instance or change to a site or facility specific condition in the future. Therefore, to ensure the conditions posted on signs are enforceable and that Town has flexibility to post and amend conditions in the future, it is recommended to add provisions to the By-Law that authorize the posting of signs and abiding of posted conditions.

Administrative Penalty System

On March 29, 2024, the Town adopted the Administrative Penalty System (APS) to enforce by-law violations within the Town with fines set out in Schedule "A" (Attachment 1) for infractions within the Town's parks and open spaces. The use of an APS by the Town will allow for the streamlining of infraction issuance, enabling infractions to be issued more quickly and even after the time of the offence occurs. Accordingly, the Parks By-law is recommended to be revised to include references to the APS.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

The fishing provisions have been informed by the Fishing in Whitby survey results from Connect Whitby. The feedback from the fishing survey and proposed approach to adding fishing regulations to the Parks By-law have been communicated to subscribers of the Fishing in Whitby, Connect Whitby webpage. The remaining revisions and clarifications in this by-law update are considered minor, and staff do not recommend additional targeted community engagement.

7. Input from Departments/Sources:

Various internal departments have been involved in the process of preparing amendments to the Parks By-law, including Parks Planning and Development, Legal and Enforcement, Parks Operations, Recreation, Transportation and Risk Management.

8. Strategic Priorities:

The recommendations of this report advance the Town's Strategic Pillars and Actions identified in the Community Strategic Plan, including supporting Whitby's Neighbourhoods and Whitby's Natural & Built Environment. In particular, the proposed amendments to the Parks By-law support objective 1.1: Improve community safety, health and well-being, and objective 4.3: Deliver exceptional customer service and community engagement.

9. Attachments:

Attachment 1 – Amendment to Parks and Park Buildings By-law 7419-18

Attachment 2 – Summary Table of Amendments to Parks By-law



Town of Whitby By-law # xxxx-25

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

Being a By-law to amend Public Parks and Park Buildings By-law #7419-18, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered Staff Report CMS 05-25 regarding the proposed amendments to Public Parks and Park Buildings By-law #7419-18 as amended at the Committee of the Whole meeting on April 7, 2025; and

Whereas Council deems it necessary to amend the Public Parks and Park Buildings By-law to amend Section 1, 2, 3, 5, 6, 7, 8 and 9 in accordance with the recommendations contained in Staff Report CMS 05-25.

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

1. Definitions

- 1.1. That new Subsection 1.5. be added as follows and that subsections 1.5, 1.6, 1.7 and 1.8 be re-numbered:

“fish or fishing” means fishing for, catching or attempting to catch fish by any method;

- 1.2. That Subsection 1.8. “motor vehicles” be repealed and replaced as follows:

““motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Town’s E-bike and E-scooter By-Law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include an e-bike or an e-scooter, within the meaning of the Highway Traffic Act and the Town’s E-bike and E-scooter By-Law, or a wheelchair or similar assistive device used by an individual due to requiring a mobility assistance;

- 1.3. That Subsection 1.9. “motorized recreational vehicles” be removed.

- 1.4. That Subsection 2.2.2. be repealed and replaced as follows:

“skateboard, bicycle roller skate, in-line skate or scooter in a park in a manner which obstructs, inconveniences or endangers other users of the park”

- 1.5. That the following be inserted as Subsection 2.2.14.:

“engage in any riotous, violent, threatening, or conduct or activity, create a nuisance, or in any way interfere with the peaceful enjoyment of a park or of a park building by other persons;”

- 1.6. That the following be added as Subsection 2.2.15. be added as follows:

“cast, throw, or in any way propel any object in such a manner as may or does

endanger or cause injury or damage to any person or property;”

1.7. That the following be added as Subsection 2.2.16.:

“Fish where signage is posted to prohibit it, and fish if not in compliance with all applicable regulatory authorities;”

1.8. That Subsection 2.4.4. be repealed and replaced as follows:

“use of barbeques;”

1.9. That Subsection 2.4.5. be repealed and replaced as follows:

“holding a picnic, organized gathering or event for twenty persons;”

1.10. That Subsection 2.4.7. be removed and the remainder of the Subsection be re-numbered.

1.11. That Subsection 2.4.10. be repealed and replaced as follows:

“ride, drive, stop or park a motor vehicle in a park except in a designated parking lot and in a designated parking space, it being understood that the maximum permissible parking period shall be four hours when so posted;”

1.12. That the following be inserted as Section 5:

“5. Posting of Signs

5.1 The Commissioner is authorized to post signs of permission. Regulation, restriction, warning or prohibition with respect to uses of, or activities in, any park, in accordance with the provisions of such sign as the Commissioner deems appropriate.”

1.13. That the following be inserted as Section 6 be added as follows:

“6. Encroachments and Property Line Fences

6.1. No person shall encroach upon or take possession of any park by any means whatsoever, including, without limitation, the construction, installation or maintenance of any fence, gate, landscaping, building, structure or equipment in or upon the park unless authorized pursuant to this By-law or the Town of Whitby Town Lands Encroachment By-law #7389-18, as amended from time to time. For the purposes of this By-law, the dumping or storage of any materials, or planting, grooming, landscaping or cultivating of park property constitutes an encroachment prohibited by this section.”

1.14. That the following is inserted as Section 7:

“7. Failure to Abide by Posted Conditions

7.1. It shall constitute an offence for any person, while in any park, to fail to abide by

posted conditions or authorized signs placed under the authority of this By-law in or upon a park, which state conditions for use or conduct within the park.

7.2. Where there is a conflict between this By-law and a posted condition or authorized sign placed under the authority of this By-law, the provisions contained in the posted condition or sign placed under the authority of this By-law shall prevail.

- 1.15. That the following is inserted as Section 8 and the remaining sections be renumbered 9, 10, 11 & 12:

“8. Use at Own Risk

8.1 *snow covered surfaces* in any park for any activity or purpose shall be entirely at their own risk. Such uses include all passive or active recreational activities, including, without limitation, use of any natural or artificial ice surface, snow covered surfaces, slopes/hills, swimming and use of playground equipment. It is the responsibility of the parent or guardian of any minor to ensure that the minor is adequately supervised at all times while on or in any park.”

- 1.16. That new Subsection 9.6. be added as follows:

“Every person who contravenes or fails to comply with a provision if this By-Law is guilty of an offence and is liable to the penalty as set out in Schedule “A” to this By-Law. “

- 1.17. That new Subsection 9.7. be added as follows:

“Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town’s Administrative Penalty By-law for an offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule “A” to this By-law. If a person receives an additional Penalty Notice for the same offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule “A” to this By-law. If the person receives a subsequent Penalty Notice for the same offence within ninety (90) calendar days or less of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule “A” to this By-law. If the person receives any subsequent Penalty Notices for the same offence within one hundred and eighty (180) calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule “A” to this By-law.

- 1.18 That the following be inserted into the Building and Parks By-law as Schedule “A”



Schedule “A” Administrative Penalties

Town of Whitby By-law # XXXX-25

Item	Description	By-law Section	Tier 1 (one)	Tier 2 (two)	Tier 3 (three)
1.	Enter into or remain in park after 10:00 p.m. between April 1 to September 30	2.1.1.	\$205.00	\$350.00	\$450.00
2.	Enter into or remain in park containing a lit sports field/court after 11:30 p.m. between April 1 to September 30	2.1.1.	\$205.00	\$350.00	\$450.00
3.	Enter into or remain in park after 8:00 p.m. between October 1 to March 31	2.1.2.	\$205.00	\$350.00	\$450.00
4.	Enter into or remain in park containing a lit sports field/court after 10:00 p.m. between October 1 to March 31	2.1.2.	\$205.00	\$350.00	\$450.00
5.	Enter into or remain in closed park building	2.1.3.	\$205.00	\$350.00	\$450.00
6.	Skateboard, bicycle, roller skate, in-line skate or scooter in a park in a manner which obstructs, inconveniences or endangers other users of the park	2.2.2.	\$205.00	\$350.00	\$450.00
7.	Obstruct roadway/path/parking area in park	2.2.3.	\$205.00	\$350.00	\$450.00
8.	Swim/bathe/wade in other than designated area in park	2.2.5.	\$205.00	\$350.00	\$450.00
9.	Be nude in a park/park building except where permitted	2.2.7.	\$205.00	\$350.00	\$450.00
10.	Conduct obnoxious/boisterous/objectionable behaviour or use of indecent/abusive language in park/park building	2.2.9.	\$205.00	\$350.00	\$450.00
11.	Hunt/kill any animal/bird in a park	2.2.11.	\$350.00	\$450.00	\$600.00
12.	Disturb any animal/fish/bird	2.2.11.	\$205.00	\$350.00	\$450.00
13.	Remove any nest/egg in a park	2.2.11.	\$205.00	\$350.00	\$450.00
14.	Knowingly/unknowingly allow animal/pet into park unleashed	2.2.12.	\$205.00	\$350.00	\$450.00

By-law Name: Parks By-law

By-law # Insert Number

15.	Permit dog/cat to enter playground area	2.2.13.	\$205.00	\$350.00	\$450.00
16.	Engage in any riotous/violent/threatening/or conduct or activity, create a nuisance/in any way interfere with the peaceful enjoyment of a park	2.2.14.	\$205.00	\$350.00	\$450.00
17.	Cast/throw/or in any way propel any object in such a manner as may or does endanger or cause injury or damage	2.2.15.	\$205.00	\$350.00	\$450.00
18.	Fish where signage is posted to prohibit it	2.2.16.	\$205.00	\$350.00	\$450.00
19.	Damage/deface/remove vegetation or structure in park	2.3.1.	\$205.00	\$350.00	\$450.00
20.	Litter in park/park building	2.3.2.	\$205.00	\$350.00	\$450.00
21.	Pollute stream/river/lake/pond/swimming pool/wading pool/spray pad in park/park building	2.3.3.	\$205.00	\$350.00	\$450.00
22.	Distribute/display/affix any advertisement/notice/bill/paper in park/park building	2.3.4.	\$205.00	\$350.00	\$450.00
23.	Clean/polish/repair motor vehicle in a park	2.3.5.	\$205.00	\$350.00	\$450.00
24.	Use apparatus/mechanism or device for amplification of human voice/music/sound without permit	2.4.1.	\$205.00	\$350.00	\$450.00
25.	Solicit for any purpose in a park/park building without permit	2.4.2.	\$205.00	\$350.00	\$450.00
26.	Offer goods for sale, lease, rent or barter in a park/park building without permit	2.4.2.	\$205.00	\$350.00	\$450.00
27.	Lighting/building/maintaining/stoking an open fire/bonfire without permit	2.4.3.	\$205.00	\$350.00	\$450.00
28.	Use of barbeque without permit	2.4.4.	\$350.00	\$450.00	\$600.00
29.	Hold a picnic/organized gathering/event of twenty or more persons without permit	2.4.5.	\$350.00	\$450.00	\$600.00
30.	Set off fireworks without permit	2.4.6.	\$205.00	\$350.00	\$450.00
31.	Possess/consume liquor in a park without a permit	2.4.7.	\$205.00	\$350.00	\$450.00
32.	Use/ride/train/race a horse or similar large animal without a permit	2.4.8.	\$205.00	\$350.00	\$450.00

33.	Ride/drive motor vehicle/motor recreational vehicle in a non-designated area without a permit	2.4.9.	\$205.00	\$350.00	\$450.00
34.	Flying/operating engine powered airplane/unmanned aerial vehicle in a park without permit	2.4.10.	\$205.00	\$350.00	\$450.00
35.	Operation of amusement ride/hot air balloon/game of chance in a park/building without a permit	2.4.11.	\$205.00	\$350.00	\$450.00
36.	Encroach or take possession of any park without a permit	6.1.	\$350.00	\$450.00	\$600.00
37.	Construct/install/ or maintain of any fence/gate/building/ structure/equipment in/upon the park without a permit	6.1.	\$350.00	\$450.00	\$600.00
38.	Dump/store of any materials on Town property	6.1.	\$350.00	\$450.00	\$600.00
39.	Install/Maintain planting/grooming/landscape or cultivate park property	6.1.	\$350.00	\$450.00	\$600.00
40.	Fail to desist from the activity constituting/contributing to such contravention.	9.2.1	\$350.00	\$450.00	\$600.00
41.	Fail to remove from the park any animal/thing owned by/in the control of such person which the officer believes is/was involved in such contravention.	9.2.2	\$350.00	\$450.00	\$600.00
42.	Fail to leave the park	9.2.3	\$350.00	\$450.00	\$600.00

2. Effective Date

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

By-law read and passed this Select date day of Insert Month, Year.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Attachment 2 – Summary Table of the Proposed Amendments to the Parks By-law

Current By-law	Proposed Amendment
No definition	1.5. fish or fishing” means fishing for, catching or attempting to catch fish by any method;
1.8. “motor vehicle” means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H.8 as may be amended from time to time;	1.9. “motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Town’s E-bike and E-scooter By-Law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include an e-bike or an e-scooter, within the meaning of the Highway Traffic Act and the Town’s E-bike and E-scooter By-Law, or a wheelchair or similar assistive device used by an individual due to requiring a mobility assistance;
1.9. “motorized recreational vehicle” includes a snowmobile, go-cart, trail bike, mini bike, e-bikes, all-terrain vehicle, or similar vehicle, propelled or driven by an internal engine, but excludes wheelchair or similar assistive device used by an individual due to requiring a mobility assistance;	Delete
2.2.2. skate, roller skate, in-line skate or use a skate board in areas in a park that may cause an element of danger to those people not involved in the same game or activity in the park;	2.2.2. skateboard, bicycle roller skate, in-line skate or use a skate board scooter in areas in a park in a manner which obstructs, inconveniences or endangers other users of the park;
No provision	2.2.10. engage in any riotous, violent, threatening, or conduct or activity, create a nuisance, or in any way interfere with the peaceful enjoyment of a park or of a park building by other persons;
No provision	2.2.11. cast, throw, or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property;
No provision	2.2.16. Fish where signage is posted to prohibit it, and fish if not in compliance with all applicable regulatory authorities;
2.4.4. use of barbeques within Kiwanis Heydenshore Park, Cullen Central Park or Special Event;	2.4.4. use of barbeques;
2.4.5. holding a picnic, organized gathering or event for twenty persons or more within Waterfront Parks and Cullen Central Park;	2.4.5. holding a picnic, organized gathering or event for twenty persons;
2.4.7. encroaching onto park lands or make exclusive use of any portion of a park;	Delete and replace with new section 5 (see below)
2.4.10. ride, drive, stop or park a motor vehicle or motorized recreational vehicle in a park except in a designated parking lot and	2.4.10. ride, drive, stop or park a motor vehicle or motorized recreational vehicle in a park except in a designated parking lot and in a

Current By-law	Proposed Amendment
in a designated parking space, it being understood that the maximum permissible parking period shall be four hours when so posted;	designated parking space, it being understood that the maximum permissible parking period shall be four hours when so posted;
No provision	<p>5. Posting of Signs</p> <p>5.1. The Commissioner is authorized to post signs of permission, regulation, restriction, warning or prohibition with respect to uses of, or activities in, any park, in accordance with the provisions of such sign as the Commissioner deems appropriate.</p>
No provision	<p>6. Encroachments and Property Line Fences</p> <p>6.1. No person shall encroach upon or take possession of any park by any means whatsoever, including, without limitation, the construction, installation or maintenance of any fence, gate, landscaping, building, structure or equipment in or upon the park unless authorized pursuant to this By-law or the Town of Whitby Town Lands Encroachment By-law #7389-18, as amended from time to time. For the purposes of this By-law, the dumping or storage of any materials, or planting, grooming, landscaping or cultivating of park property constitutes an encroachment prohibited by this section.</p>
No provision	<p>7. Failure to Abide by Posted Conditions</p> <p>7.1. It shall constitute an offence for any person, while in any park, to fail to abide by posted conditions or authorized signs placed under the authority of this By-law in or upon a park, which state conditions for use or conduct within the park.</p> <p>7.2. Where there is a conflict between this By-law and a posted condition or authorized sign placed under the authority of this By-law, the provisions contained in the posted condition or sign placed under the authority of this By-law shall prevail.</p>
No provision	<p>8. Use at Own Risk</p> <p>8.1. The use by or presence of any person in any park for any activity or purpose shall be entirely at their own risk. Such uses include all passive or active recreational activities, including, without limitation, use of any natural or artificial ice surface, snow covered surfaces, slopes/hills, swimming and use of playground equipment. It is the responsibility of the parent or guardian of any minor to ensure that the</p>

Current By-law	Proposed Amendment
	minor is adequately supervised at all times while on or in any park.
No provision	9.6. Every person who contravenes or fails to comply with a provision if this By-Law is guilty of an offence and is liable to the penalty as set out in Schedule "A" to this By-Law.
No provision	9.7. Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town's Administrative Penalty By-law for an offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If a person receives an additional Penalty Notice for the same offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives a subsequent Penalty Notice for the same offence within ninety (90) calendar days or less of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives any subsequent Penalty Notices for the same offence within one hundred and eighty (180) calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law.
No Schedule A	Schedule A added

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: 2025 Property Tax Levy

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: FS 13-25

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Treasurer and
Commissioner of Financial Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Crystal Doucette, Senior Manager of
Revenue and Taxation

1. Recommendation:

1. That the 2025 property tax rates for the General Municipal Town Levies, shown in Attachment A of Report FS 13-25, be approved;
2. That the 2025 special tax levy and tax rates for the properties located within the Downtown Whitby Business Improvement Area (BIA), shown in Attachment B of Report FS 13-25, be approved;
3. That the final property tax bill due dates for all property tax classes be June 24, 2025 and September 24, 2025;
4. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates and notify Council at the earliest opportunity; and,
5. That a by-law for the General Municipal Town Levies and a separate by-law for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2025 in accordance with the approved budgets and regulations, be brought forward to a future Council meeting.

2. Highlights:

- The Town of Whitby levies property taxes to fund programs and services included in the annual budgets approved by Council. After the budget is approved, tax rates are established to calculate property taxes required to fund the budget.
- These tax rates are calculated based on the Current Value Assessments (“**CVA**”) as determined by the Municipal Property Assessment Corporation (“**MPAC**”) and the tax ratios set by the Region of Durham.
- The Town also levies a Special Tax Levy from properties within the Downtown Whitby Business Improvement Area (“**BIA**”) to fund programs and services provided by the Downtown Whitby BIA Board of Management (“**BIA Board**”).

3. Background:

Municipal Levy:

The Town of Whitby adopted its 2025 Current and Capital Budgets at a meeting held on November 28, 2024.

The Region of Durham adopted its 2025 Current and Capital Budgets on December 18, 2024. By-law 2025-003 Regional levy rates of taxation for Regional General purposes, By-law 2025-004 Regional levy rates of taxation for Durham Regional Police Services Board purposes, By-law 2025-005 Regional levy rates of taxation for Durham Region Transit Commission purposes and By-law 2025-006 Regional levy rates of taxation for Solid Waste Management purposes were approved on January 29, 2025. As the Town also collects property taxes on behalf of the Region of Durham, final 2025 property tax bills (issued by the Town) will be subject to these approved Regional by-laws, and property tax ratios set by the Region of Durham under By-law 2025-002.

The final Education tax rates for all classes are established by regulation by the Province of Ontario.

Section 312(2) of the Municipal Act, S.O. 2001 c 25, as amended provides that for purposes of raising the general local municipal levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality ratable for local municipal purposes.

Special Tax Levy for the Downtown Whitby Business Improvement Area (BIA):

By-law 7268-17 established a Downtown Whitby BIA in accordance with Subsection 204 of the Municipal Act.

Section 208 (1) of the Municipal Act, provides that the municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management.

The amount to be raised for the Downtown Whitby BIA will be a special tax levy, which is payable by property owners within the defined Downtown Whitby Business Improvement Area that are in one of the prescribed business property classes, in addition to the Town's general tax levy.

The Whitby Downtown BIA's 2025 budget is also on the Town of Whitby's April 7, 2025 Committee agenda (see Staff Report FS 12-25) and is subject to Council approval. The proposed Special Tax Levy rates outlined in Attachment B attached to this report is in addition to the Town, Region, and Education property taxes. Funds collected from the Special Tax levy will be transferred to the BIA Board for the provision of enhanced services and events in the Downtown Whitby Business Improvement Area.

4. Discussion:

The property tax rates for the Town of Whitby general municipal levy have been calculated to support the town's approved 2025 budget (see Attachment A). Further, tax rates for a Special Tax Levy, in support of the Downtown Whitby BIA 2025 budget are included in Attachment B.

The tax rates for the Region of Durham general purposes, Region of Durham, Transit Commission, Region of Durham Solid Waste purposes and Durham Police Services Board purposes were approved by Regional Council January 29, 2025.

The tax rate for Education purposes have been regulated by the Province.

The final tax rates for 2025 are based on the reassessment values completed by MPAC in 2016. A province-wide reassessment was scheduled to be completed, by MPAC, in 2020 to update the 2016 values. However, the Province of Ontario delayed the province-wide reassessment due to the COVID-19 pandemic. Province-wide reassessments are currently still on hold while the Province reviews the accuracy and fairness of the property reassessment system/methodology. Accordingly, 2025 property taxes will be calculated with the same assessment base as the years 2020 - 2024.

Due Dates:

The Final Tax Billing for all tax classes will be issued with tax instalment due dates of June 24, 2025 and September 24, 2025.

The Municipal Act requires tax bills to be sent a minimum of 21 days prior to the due date. Accordingly, any delays in the billing process may require a change in the payment due dates for all properties. It is recommended that the Treasurer be

authorized to adjust the due dates, should this be required. This adjustment would be known prior to the issuance of the final 2025 tax bills. Adjustments will be communicated to Council at the earliest opportunity.

As in prior years, the Special Tax Levy for the Downtown Whitby BIA will also be issued (only to properties within the Downtown Whitby Business Improvement Area and in one of the prescribed business property tax classes) as part of the final billing with the same due dates as all other business property tax classes.

5. Financial Considerations:

The property tax levy for Town purposes, as outlined in the approved 2025 budget, total \$134,764,597. Tax rates based on this levy, current value assessments for the various tax classes (as shown in Attachment A) will be included in a future by-law for Council adoption.

The Special Tax Levy for Downtown Whitby Business Improvement Area purposes is included in Attachment B to this report and will also be included in a future by-law for Council adoption.

Similar to the 2020 - 2024 taxation years, the average residential property CVA in Whitby is \$503,000. The Town's portion of property taxes on the average residential tax bill in 2025 is \$2,273, or \$453 per \$100,000 of residential CVA.

The Special Tax Levy for the Downtown Whitby Business Improvement Area is \$183 per \$100,000 of commercial CVA for the impacted properties.

6. Communication and Public Engagement:

In addition to mailing tax bills, the Town will advertise the tax instalment due dates on the Town's page in the Brooklin Town Crier prior to each due date. Town staff will also utilize the website and social media to assist with this communication.

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

N/A

Attachments:

Attachment A - 2025 General Municipal Town Tax Rates

Attachment B – 2025 Downtown Whitby BIA Special Tax Levy Rates

SCHEDULE "A"
2025 Final Tax Levy

<u>Tax Class</u>		<u>Taxable Assessment</u>	<u>Municipal Tax Levy</u>	<u>Municipal Tax Rate</u>
Residential Full Rate	RT	24,124,651,554	109,184,312.11	0.00452584
Residential Full Rate (PIL)	RF		-	0.00452584
Residential Farmland Awaiting Development (75%)	R1		-	0.00000000
Residential Full Prov Tenant (PIL)	RP	1,664,500	7,533.26	0.00452584
Residential Full Rate (PIL)	RG	21,197,800	95,937.85	0.00452584
Multi-Residential Full Rate	MT	580,481,800	4,903,608.73	0.00844748
New Multi-Residential	NT	84,359,000	419,974.88	0.00497842
Commercial Full Rate	CT	1,549,585,642	10,169,106.46	0.00656247
Commercial Excess Land	CU	17,993,734	118,083.31	0.00656247
Commercial Vacant Land	CX	67,386,500	442,221.76	0.00656247
Commercial General Rate (PIL)	CG	143,633,300	942,588.96	0.00656247
Commercial General Vacant Land (PIL)	CZ	6,859,000	45,011.97	0.00656247
Commercial Full Rate (PIL)	CF	45,817,900	300,678.51	0.00656247
Commercial Vacant Land	CY	0	-	0.00656247
Commercial Tax Shared (PIL)	CH	6,244,000	40,976.05	0.00656247
Commercial Vacant Land Shared (PIL)	CJ	0	-	0.00656247
Commercial Prov Tenant (PIL)	CP	144,700	949.59	0.00656247
Commercial Full Excess Land Prov Tenant (PIL)	CQ	355,100	2,330.33	0.00656247
Commercial General Excess Land (PIL)	CW	2,161,900	14,187.40	0.00656247
Parking Lot	GT	7,531,700	49,426.54	0.00656247
Shopping Centre Full Rate	ST	618,809,891	4,060,920.21	0.00656247
Shopping Centre Excess Land	SU	300,100	1,969.40	0.00656247
Office Full Rate	DT	31,612,598	207,456.67	0.00656247
Office General	DG	376,400	2,470.11	0.00656247
Office General Excess Land (PIL)	DW	187,900	1,233.09	0.00656247
Industrial Full Rate	IT	148,312,663	1,358,254.41	0.00915805
Industrial Excess Land	IU	3,109,195	28,474.16	0.00915805
Industrial Vacant Land	IX	84,305,900	772,077.44	0.00915805
Industrial Taxable Vacant Land Shared (PIL)	IJ	90,000	824.22	0.00915805
Industrial Taxable Shared (PIL)	IH	5,432,000	49,746.51	0.00915805
Industrial General Vacant land (PIL)	IZ	3,540,500	32,424.07	0.00915805
Industrial General (PIL)	IW	0	-	0.00915805
Pipelines	PT	43,098,000	239,800.20	0.00556407
Large Industrial Excess Land	LU	1,847,000	16,914.91	0.00915805
Large Industrial Full Rate	LT	127,804,942	1,170,443.73	0.00915805
New Construction Industrial vacant land	JU	0	-	0.00915805
Farmlands	FT	87,500,300	79,202.47	0.00090517
Farmlands Full Prov Tenant (PIL)	FP	1,216,500	1,101.14	0.00090517
Managed Forest	TT	3,850,500	4,356.69	0.00113146
Total Taxable Assessment		27,821,462,519	\$ 134,764,597.13	
Exempt	EN	1,186,698,880		
Total Returned Assessment		29,008,161,399		

Attachment "B"
2025 Special Tax Levy for Downtown Whitby Business Improvement Area

Tax Class	Assessment	Special (BIA) Tax Rate	Special (BIA) Tax Levy
CT - Commercial Full Rate	109,195,900	0.00182823	199,635.17
CU - Commercial Excess Land	-	0.00182823	-
CX - Commercial Vacant Land	1,511,000	0.00182823	2,762.46
DT - Office Full Rate	4,201,100	0.00182823	7,680.58
E - Exempt	21,678,300	0	-
CF - Commercial Full Rate (PIL)	5,093,500	0	-
GT - Parking Lots	2,835,000	0.00182823	5,183.03
IT - Industrial Full Rate	1,132,900	0.00255133	2,890.40
JT - New Industrial Full Rate	-	0.00255133	-
MT - Multi-Res - Full Rate	21,513,200	0	-
RT - Residential Full Rate	58,104,600	0	-
ST - Shopping Full Rate	1,284,500	0.00182823	2,348.36
XT - New Commercial Full Rate	-	0.00182823	-
	\$ 226,550,000		\$ 220,500.00

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	14 Apr 2025	Fishing to be addressed in Parks Bylaw Update
GG-0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21-Jun-21	13 Jun 2022	March 3 2025	A memo provided to Council via the March 14, 2025 CII
GG-0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	01 Dec 2025	
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20 Mar 2023	25 Mar 2024	09 Jun 2025	Following the recommendations of the Parks and Recreation Master Plan.
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20 Mar 2023	04 Dec 2023	15 Sep 2025	This recommendation is to create a plan that will help guide a Tree Protection By-law
GG-0026-0	CMS 09-23, Community Services Department Report Re: James Rowe House - Food and Beverage RFP	2. That staff enter negotiations with the respondents to the RFP and report back to Council with the results of those negotiations for approval by Council..	27 Nov 2023	03 Jun 2024	03 Mar 2025	A report will be brought to Council at an upcoming meeting.

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0031	Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders	That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of requiring Durham Region to consult with Town of Whitby Planning & Development Staff, CAO, and Council prior to a proposal of expropriation requests on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities, (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.	18 Dec 2023	TBD		
GG-0035	CMS 04-24, Community Services Department Report Re: Commemorative Tree and Bench Policy Update	4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.	29 Apr 2024	02 Dec 2024	12 May 2025	
GG-0036	Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West	That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.	09 Oct 2024	02 Dec 2024	14 Apr 2025	

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Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0037	FS 38-24, Financial Services Department Report Re: Declaration of Surplus - Town-owned lands at Cochrane Street and Highway 407	That FS 38-24, Financial Services Department Report re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407 be tabled.	28 Oct 2024			This item was tabled at the October 28, 2024 Committee of the Whole meeting.
GG-0038	Temporarily Delegating Authority to Approve Fence By-law Exemption Requests	2. That this delegated authority remain in place until such time as Staff can report back to Council to address questions on allowable exemptions, fees, and the process for considering Fence By-law exemption requests further to the referral at the December 2, 2024 Committee of the Whole meeting.	16 Dec 2024	03 Mar 2025	09 Jun 2025	
GG-0039	Gateway Maintenance Program	That Staff be directed to report back on the opportunity for a grant program for homeowners to offset their costs of removing gateway and masonry features and columns located on private property prior to the introduction of the 2026 Strong Mayor Budget	16 Dec 2024	03 Mar 2025		
GG-0040	Terminate Contract with Local Authority Services to Save Taxpayers Money	That consideration of the motion regarding terminating the contract with LAS be referred to Staff to report to Council by the end of Q2 2025 regarding the Town's current accountability and transparency framework and the pros and cons, financial or otherwise of retaining the existing LAS contract or utilizing the Ombudsman for closed meeting investigations.	03 Feb 2025	09 Jun 2025		

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Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0041	Rental Renovation By-law and Renoviction Licence Program	1. That Staff be directed to investigate the feasibility, benefits, and cost of adopting a rental unit renovation by-law that would require landlords who issue an eviction notice (N-13) to a tenant to demolish, repair or renovate a unit to apply to the Town within a defined timeframe for a renovation licence prior to starting any work; and, 2. That Staff be directed to investigate the feasibility, benefits, and cost of a by-law and permitting program regarding the demolition or conversion to non-residential rental units of six (6) or more residential rental units pursuant to Section 99.1 of the Municipal Act, 2001.	03 Feb 2025			
GG-0042	Combatting Antisemitism and Hate Motivated Criminal Acts	That Town Council direct the Chief Administrative Officer to report on the possibility of establishing a protocol or policy to notify various human rights organizations when all hate motivated criminal acts are identified by Town staff and consult with DRPS. The intent of the protocol or policy is to assist them in the collection of empirical evidence related to hate crimes.	03 Feb 2025			

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Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0043	LS 04-25, Legal and Enforcement Services Department Report Re: Business Licensing Proposed Amendments - Lodging House and New Proposed Boarding House Provisions	That Report LS 04-25 be referred to Staff to further examine the proposed lodging house and boarding house regulations with a view to including provisions to limit the number of lodging and boarding houses in close proximity to each other.	24 Mar 2025			