



Committee of the Whole Revised Agenda

Monday, May 12, 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 by 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.

In accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, parts of this meeting may be closed to the public.

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 PDE 02-25, Planning and Development (Engineering Services) Department
and Financial Services Department Joint Report
Re: Columbus Road Phase 1 Construction (Country Lane to Ashburn Road)

Recommendation:

1. That a new 2025 capital project, in the amount of \$40,000,000 be approved for Columbus Road Widening Phase 1 (Country Lane to Ashburn Road) funded as follows:
 - a. \$15,052,500 reallocated from Project #40246048 (Ashburn Road to Baldwin Street) as outlined in Staff Report PDE 02-25;
 - b. \$19,918,750 from the Province of Ontario's Housing-Enabling Core Servicing grant;
 - c. \$4,274,437.50 from the Development Charges Reserve Fund for Roads and Related Town-wide Infrastructure; and,
 - d. \$754,312.50 from the Growth Capital Reserve Fund.
2. That Bumstead Integrated Transportation Consulting be awarded a single source contract for municipal-side contract management of the project, in the amount of \$375,000, funded from the new 2025 Capital Project Columbus Road Widening Phase 1 works;
3. That, for the Columbus Road Phase 1 project, the Commissioner of Planning and Development, together with the Commissioner of Financial Services and Treasurer, and the Senior Manager of Procurement be delegated authority to award contracts that normally require Council authorization beforehand;
4. That Staff report on procurements awarded, that normally would require Council approval, at the earliest opportunity following the event;
5. Staff be authorized to enter into funding agreements with the Region of Durham and/or Developers for the cost recovery of water and sewer servicing works; and,
6. That prior to the award of the construction contract, Staff be authorized to create a new capital project for Columbus Road Phase 1 water and sewer works budget to be funded by the Region of Durham and/or the Developers subject to receipt of:
 - a. A signed agreement from the Region of Durham and/or Developers on the cost recovery of water and sewer servicing works; and,
 - b. A purchase order from the Region of Durham and/or a letter of credit/financial securities from the Developers totaling the amount of the award for the water and sewer works.

***5.4.2 PDE 04-25, Planning and Development (Engineering Services) Department and Financial Services Department Joint Report**
Re: Des Newman Boulevard and Rossland Road – Financial Reconciliation

Recommendation:

1. That the final project cost of the Des Newman Boulevard and Rossland Road works completed by the West Whitby Landowners Group (“WWLG”) and Region of Durham, in the amount of \$36,306,982 (as outlined in Table 5 of Report PDE 04-25) be approved;
2. That the budget shortfall in Capital Project # 40256058, in the amount of \$ 2,373,427 (as outlined in Table 5 of Report PDE 04-25), be funded from the Development Charges Roads and Related Town-wide Infrastructure Reserve Fund (“DC Roads RF”);
3. That the Ontario Ministry of Transportation’s (“MTO”) outstanding reimbursement for the MTO portion of Des Newman Boulevard / Coronation Road and Rossland Road works, in the amount of \$8,875,817 (as outlined in Table 4 of Report PDE 04-25), be funded from the DC Roads RF to be offset by any future recoveries from the MTO;
4. That staff be authorized to negotiate, and the Mayor and Clerk be authorized to execute, one or more agreements with the WWLG to close the Development Charges Works Funding and Reimbursement Agreement (“WWLG Agreement”) for the Des Newman Boulevard and Rossland Road works, and to indemnify each other for future claims and costs related to the project, all in a form that is satisfactory to the Commissioner of Financial Services and Treasurer (or designate) and the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate); and,
5. That staff be authorized to negotiate and finalize, and the Mayor and Clerk be authorized to execute, one or more cost sharing agreements with the WWLG and/or Ministry of Transportation (“MTO”) for the Environmental Compensation Works required for the Des Newman Boulevard Project in a form that is satisfactory to the Commissioner of Financial Services and Treasurer (or designate) and the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate).

5.5 New and Unfinished Business - Planning and Development

6. General Government

6.1 Presentations

6.2 Delegations

6.3 Correspondence

- 6.3.1 Correspondence # 2025-235 from the Durham District School Board received on April 29, 2025 regarding Durham District School Board Enrollment Pressures and Funding Challenges

Recommendation:

That Correspondence # 2025-235 from the Durham District School Board received on April 29, 2025 regarding Durham District School Board Enrollment Pressures and Funding Challenges be received for information.

6.4 Staff Reports

- *6.4.1 FS 27-25, Financial Services Department Report
Re: 2026 Budget Schedule and Engagement

Recommendation:

1. That the 2026 to 2028 Multi-year Budget Process, Communication and Public Engagement Plan and Budget Calendar outlined in Staff Report FS 27-25 be approved;
2. That the following reduced timelines for budget amendments, vetoes, and other budget procedural matters for the 2026 to 2028 Multi-year budget be approved:
 - a. The Council Budget Amendment Period be reduced to 10 days (from 30 days) following Council's receipt of the proposed budget from the Mayor;
 - b. The Council Override of the Mayor's Veto Period expire 11 days (from 15 days) after the Mayor's Veto Period;
 - c. The deadline to provide the Clerk with Council motions to amend the budget be set for 4:30 p.m. on November 24, 2025;
 - d. The Town Clerk is authorized to cancel the November 27, 2025 and December 15, 2025 Special Council Meetings on the budget if no Council Budget Amendments are received by the Town Clerk by 4:30 p.m. on November 24, 2025;
 - e. The deadline to provide the Clerk with Council motions to override the Mayor's Veto of any Council-approved budget amendments be set for 4:30 p.m. on December 10, 2025; and,
 - f. The Town Clerk is authorized to cancel the December 15, 2025 Special Council Meeting on the budget if the Town Clerk does not receive any motions to override the Mayor's vetoes, if any, to Council Budget Amendments by 4:30 p.m. December 10, 2025.
3. That Council receives for information the proposed seven 7-day (from 10-day) expiration for the Mayor's Veto Period following the Council Budget Amendment Period.

6.4.2 CAO 09-25, Office of the Chief Administrative Officer Report
Re: Economic Development Trade Mission

Recommendation:

1. That Report CAO 09-25 Economic Development Trade Mission be received as information; and,
2. That the Clerk be directed to forward a copy of Report CAO 09-25 to the Director of Economic Development & Tourism, Region of Durham.

6.4.3 CLK 05-25, Office of the Town Clerk Report
Re: Accountability and Transparency Framework Review

Recommendation:

1. That Report CLK 05-25 providing an update and overview of the Town's accountability and transparency framework be received for information;
2. That the revised Accountability and Transparency Policy G 010 appended as Attachment 1 to Report CLK 05-25 be approved;
3. That the Clerk be directed to bring forward a by-law to amend Procedure By-law #8081-24 in accordance with Section 4.3.2 of Report CLK 05-25;
4. That the revised Closed Meeting Policy G 040 appended as Attachment 2 to Report CLK 05-25 be approved; and,
5. That the Clerk be directed to take the necessary actions to use the Ontario Ombudsman as the default closed meeting investigator in accordance with section 239.1 of the Municipal Act, 2001, including termination of the existing agreement for closed meeting investigator services with the Local Authority Services (LAS).

6.4.4 FES 01-25, Fire and Emergency Services Department Report
Re: Medical Priority Dispatch System (MPDS) Change Over and Tiered Response

Recommendation:

1. That report FES 01-25 be received for information on the pending changeover to the Medical Priority Dispatch System (MPDS); and,
2. As per the Fire Department Establishing and Regulating By-law #7263-17 (Attachment #1), Council approves an amendment to the Town of Whitby's current *Fire Tiered Response Criteria* (Attachment #2), moving the Town of Whitby to Level A, in alignment with the City of Oshawa, the Town of Ajax and the Township of Clarington.

6.5 New and Unfinished Business - General Government

6.5.1 Advocating for Sustainable Federal Funding for PARA Marine Search and Rescue

Recommendation:

Moved by Councillor Mulcahy

Whereas PARA Marine Search and Rescue (PMSAR) is a registered Canadian charity that has been operating with a dedicated team of volunteers since 1967, who have contributed thousands of hours annually to ensure the safety of individuals participating in water activities on Lake

Ontario; and,

Whereas PMSAR annually conducts over 30 search and rescue missions in coordination with Canadian Coast Guard, from Port Credit to Port Hope. Notable rescues include the recovery of kayakers, children on floats, and searches for missing persons off the shores of Lake Ontario. The unit works alongside various other government departments including local police, fire, EMS, and Coast Guard for both Canada and the US; and,

Whereas PMSAR's commitment to safety, teamwork, and community has been recognized through numerous awards and recognitions; and,

Whereas PMSAR and its volunteers play a vital role in keeping the Lake Ontario waterfront and residents in Durham Region safe; and,

Whereas despite its vital work, PMSAR operates with minimal federal support, relying heavily on community funding and volunteer efforts to raise funds for major capital acquisitions; and,

Whereas the lack of direct sustainable and predictable funding from upper-tier governments poses a significant risk to the continuity and effectiveness of PMSAR's long-term operations; and,

Whereas PMSAR is in need of additional funding to procure a new vessel to replace their current vessel which will be at end of life in the mid-2030s; and,

Whereas ongoing annual operating funding from the federal government will lessen the burden for PMSAR as they work towards raising the approximately \$2,000,000 required for a new vessel.

Now therefore, be it resolved:

1. That Whitby Council calls on the Federal Government to commit ongoing and predictable operating funding from the federal government to PARA Marine Search and Rescue to support the organization's long-term operational needs, including vessel and equipment replacement, and for the continued safety and protection of residents on Lake Ontario;
2. That Whitby Council encourages all Durham municipalities and the City of Toronto to bring forward similar motions advocating for ongoing operating support for PARA Marine Search and Rescue; and,
3. That a copy of this motion be sent to Ryan Turnbull, MP for Whitby; Lorne Coe, MPP for Whitby; Public Safety Canada; the Regional Municipality of Durham; all Durham Region lower-tier municipalities; the City of Toronto; and PARA Marine Search and Rescue.

***7. Closed Session**

This portion of the agenda is closed to the public. [Refer to the Closed Agenda - Town Clerk has control and custody.]

Recommendation:

That Council move in-camera in accordance with Procedure By-law # 8081-24, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

- 7.1 FS 01-25, Confidential Financial Services Department, Legal and Enforcement Services Department, and Community Services Department Joint Report
Re: Proposed Long-Term Lease of Front Street West (Rowe House)

8. Rising and Reporting

9. Adjournment

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Columbus Road Phase 1 Construction (Country Lane to Ashburn Road)

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: PDE 02-25

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Financial Services Department

Submitted by:

Roger Saunders, Commissioner,
Planning and Development x4309

Fuwing Wong, Commissioner, of
Financial Services, x4314

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

For additional information, contact:

Peter Angelo, Director, Engineering
Services, x4918

1. Recommendation:

1. That a new 2025 capital project, in the amount of \$40,000,000 be approved for Columbus Road Widening Phase 1 (Country Lane to Ashburn Road) funded as follows:
 - a. \$15,052,500 reallocated from Project #40246048 (Ashburn Road to Baldwin Street) as outlined in Staff Report PDE 02-25;
 - b. \$19,918,750 from the Province of Ontario's Housing-Enabling Core Servicing grant;
 - c. \$4,274,437.50 from the Development Charges Reserve Fund for Roads and Related Town-wide Infrastructure; and,
 - d. \$754,312.50 from the Growth Capital Reserve Fund
2. That Bumstead Integrated Transportation Consulting be awarded a single source contract for municipal-side contract management of the

project, in the amount of \$375,000, funded from the new 2025 Capital Project Columbus Road Widening Phase 1 works;

3. That, for the Columbus Road Phase 1 project, the Commissioner of Planning and Development, together with the Commissioner of Financial Services and Treasurer, and the Senior Manager of Procurement be delegated authority to award contracts that normally require Council authorization beforehand;
4. That Staff report on procurements awarded, that normally would require Council approval, at the earliest opportunity following the event;
5. Staff be authorized to enter into funding agreements with the Region of Durham and/or Developers for the cost recovery of water and sewer servicing works; and,
6. That prior to the award of the construction contract, Staff be authorized to create a new capital project for Columbus Road Phase 1 water and sewer works budget to be funded by the Region of Durham and/or the Developers subject to receipt of:
 - a. A signed agreement from the Region of Durham and/or Developers on the cost recovery of water and sewer servicing works; and,
 - b. A purchase order from the Region of Durham and/or a letter of credit/financial securities from the Developers totaling the amount of the award for the water and sewer works.

2. Highlights:

- The 90% Detailed Design package for the Columbus Road Detailed Design will be delivered May 15, 2025.
- Phase 1 of the project, from Country Lane to Ashburn Road, is the subject of a \$19,918,750 grant from the Province under the Housing-Enabling Core Servicing (HECS) stream of the Municipal Housing Infrastructure Program (MHIP).
- The estimated cost to complete the Phase 1 project, excluding property acquisition is \$40,000,000. Accounting for the grant, this leaves \$20,081,250 (just over 50%) to be funded by the Town.
- Staff propose funding the new Columbus Road Widening Project (from Country Lane to Ashburn Road) from:
 - The \$19,918,750 HECS grant;
 - A reallocation of \$15,052,500 from approved 2024 Capital Project #40246048 Columbus Road (Ashburn Road to Baldwin Street);

- \$4,274,437.50 as an additional draw from the Development Charges Reserve Fund for Roads and Related Town-wide Infrastructure; and,
 - \$754,312.50 as an additional draw from the Growth Capital Reserve Fund
-
- Project Delivery Approach - Traditional Municipal Construction Project:
 - Issue Request for Qualifications in May 2025;
 - Tender Construction Package in August, 2025;
 - Award Construction Tender November, 2025;
 - Initiate construction April 1, 2026; and,
 - Complete Construction March 31, 2028.
 - Stantec Consulting will adjust the delivery timelines and their scope of work for the Detailed Design, to address the specific needs and timing to the Phase 1 design and construction tender package.
 - Bumstead Integrated Transportation Consulting will be retained to provide municipal-side project management throughout the Phase 1 works. This role will ensure that Town of Whitby processes and standards will be applied and will integrate lessons learned through recent studies in West Whitby and Brooklin.

3. Background:

The Town completed the Brooklin Transportation Master Plan (Brooklin TMP) in December 2017. This planning document assessed the long-term transportation system infrastructure and mobility requirements in the Brooklin area of the Town. The conclusions of the Brooklin TMP included a recommended arterial and collector road network, as well as an implementation plan schedule. The Brooklin TMP specifically recommended the widening of Columbus Road between Lake Ridge Road and the Whitby/Oshawa Boundary from 2 to 4 lanes by 2031.

In April 2019, the Brooklin North Landowners Group (BNLG) submitted a Comprehensive Block Plan (CBP) to the Town of Whitby for the development lands in Brooklin, north of Winchester Road. The CBP is a tertiary level of concept development and represents the planning layer between the Secondary Plan and the Draft Plan stage. Council approved the CBP in June 2019 and as such it became the foundation for land use in the context of the Roads EA study. The traffic analysis completed for the CBP confirmed the future importance of Columbus Road to support the Brooklin Secondary Plan development, as a Type B Arterial with 36m right-of-way and a widening from 2 to 4 lanes.

In December 2021, the Town in partnership with BNLG, completed the Brooklin North Major Roads EA. The scope of work for the EA included a review the Brooklin TMP to ensure Phase 1 and 2 of the MEA Class EA planning process were fulfilled and to complete Phases 3 and 4, to prepare alternative design concepts for the preferred

solutions and submit an Environmental Study Report (ESR) of the Municipal Class Environmental Assessment. The ESR identified all required approvals to proceed from preliminary design to Detailed Design and Construction.

In February 2023, the Town in partnership with BNLG, initiated the Columbus Road Detailed Design. A five (5) kilometre segment of Columbus Road (from Country Lane to the West Town Limit with Oshawa) is proposed to be widened to a 36-metre cross section with a 4/5-lane road, active transportation, and a corridor for water, wastewater and electrical services. The Columbus Road Project supports future growth in both Brooklin and the Town as a whole.

In September 2024, the Town submitted an application for a grant under the Housing-Enabling Core Servicing (HECS) stream of the Municipal Housing Infrastructure Program (MHIP), for the construction of the first phase of the project from Country Lane to just east of Ashburn Road (1.7km section). The Province subsequently awarded a grant to the Town in January 2025. The province will contribute a maximum of \$19,918,750 towards the total eligible costs of this project.

4. Discussion:

4.1 Approach to Project Execution

The HESC grant is contingent upon construction of the project being completed by no later than March 31, 2028. While the 100% design is to be completed in Q3 of 2025, in order to meet the HESC prescribed deadline, construction tenders must be completed and awarded by Q4 2025. There are several critical and complex issues that need to be addressed vis-à-vis the implementation and construction of the corridor as follows:

- Electrical service – the Team is liaising with Elexicon and BNLG to confirm the interim and ultimate strategies for relocation and expansion of the service to support future growth, the design of the service, and the timelines. The implementation and accommodation of the final strategies will continue throughout the contract administration and road construction.
- Environmental permitting – While applications for review have been submitted to MECP, DFO, and CLOCA, the ongoing mechanics of implementing mitigation to address compensation requirements will continue throughout the contract administration and road construction.
- Communications with other utility services – The Team is liaising with Bell, Rogers, Enbridge and Durham OneNet to confirm the interim and ultimate strategies for location of expanded service in the corridor. The implementation and accommodation of the final strategies will continue throughout the contract administration and road construction.
- Water and Sanitary servicing – The Team is working with Durham Region and the BNLG to identify and confirm the regional servicing requirements for the future development within the Brooklin North Development Area. It is

recommended to have this infrastructure constructed before or during the road widening and urbanization works. Funding will be secured through alternative agreements with the Region and/or developers.

- Property Acquisition – both private and developer property takings are required to accommodate the future 36-40m Right of way requirements, and future grading limits. Confidential Staff Report LS 05-25 details the private property acquisition requirements. The Developers abutting the Columbus Road Corridor have agreed to convey the required lands at no cost to the Town.

These issues are to be resolved as part of the Columbus Road team's (Town, BNLG, and Stantec) delivery of the construction tender packages.

Concurrent with the work on these issues in Q2 of 2025, the Town will be issuing a Pre-Qualification package(s) for construction contractors to respond to. The Town will screen and select qualified candidates to respond to the Request for Submissions in Q3 of 2025 for the Construction Tender.

Town staff would provide the contract administration and management of the project. The Town will assign a project manager to monitor and guide the technical and administrative processes. It is proposed that Bumstead Integrated Transportation Consulting Ltd be retained to perform this municipal-side contract manager role.

4.2 Advantages Approach to Project Delivery

The following provides a summary of the advantages to the recommended approach for the delivery of the project:

- As a Municipally led project, Agreements and Funding mechanisms already exist with required agencies (Region of Durham) and third party service providers (Elexicon, Bell), allowing for simple and efficient execution of critical path tasks and contract tenders.
- Rationale for sole sourcing and retaining Bumstead Integrated Transportation as municipal side project manager:
 - In accordance with Purchasing Policy F 080 Sole Source justification that the expertise of an individual organization is deemed specifically required by the municipality;
 - Proven track record having provided similar role in the Brooklin North Major Roads EA and the Columbus Road Detailed Design;
 - Familiarity with area infrastructure projects (need, justification, and timing) will minimize start-up time and costs, enhancing the project team's ability to address the time requirements of the project;
 - Strong relationship and familiarity with BNLG and team, resulting in trust and confidence in ability to represent Town interests while moving projects forward; and,

- Bumstead Integrated Transportation has no conflict of interest in relation to any of the BNLG developments and is best positioned to provide the oversight services needed according to the Engineering Services Division.

4.3 Delegated Authority

The Town of Whitby's Procurement Policy, Policy Number F 080, requires Council approval prior to contract award if the procurement exceeds budget or in limited tendering situations (e.g. single/sole source awards) in excess of \$133,800 for goods and services and \$334,400 for construction. To avoid project delays, it is recommended that the Commissioner of Planning and Development, together with the Commissioner of Financial Services and Treasurer, and the Senior Manager of Procurement be delegated authority to award contracts that normally require Council authorization beforehand.

While it is not anticipated at this time that the delegated authority will be required, it is being sought for this project to meet the HECS grant deadline of construction completion by March 31, 2028 as:

- there are only two (2) construction seasons (2026 & 2027) to complete this project;
- certain works can only be completed within specific in-stream work periods so a delay in obtaining clearance from an external agency may mean that the Town misses the in-stream construction window;
- there may be times where work must be approved in a timely manner to avoid delay claims, costs of workers/equipment de-mobilizing and re-mobilizing while authorization is being sought. If this approval normally requires Council authorization before-hand, such approval may be delayed due to:
 - lead times to prepare reports;
 - Council meetings being held approximately once per month;
 - No regularly scheduled Council meetings during the Council summer recess; and
 - Lead times required to organize/call and communicate a Special Council Meeting to deal with the matter

As noted above, the delegated authority is not expected to be exercised based on the current plan and timing of events. However, if the delegated authority was exercised for this project, a report or memo will be provided to Council (after-the-fact) at the earliest opportunity following each event that normally would require Council authorization.

5. Financial Considerations:

The cost estimate for the Columbus Road Widening Phase 1 (from Country Lane to Ashburn Road) project is \$40,000,000 as outlined in Table 1, below:

Table 1:

Estimated Phase 1 Construction Costs		
Consulting Fees	\$775,000	
Roadway Construction	\$20,000,000	
Structure Construction	\$9,900,000	
Construction Contingency (25%)	\$7,475,000	
Utility & Servicing Relocation	\$500,000	
Other Project Costs (Tree clearing, testing, indigenous consultation, permitting, sundry, etc.)	\$498,487	
Non-Recoverable HST	\$689,013	
Project Contingency	\$162,500	
Total Estimated Phase 1 Project Costs		\$40,000,000

It is recommended that the Columbus Road Phase 1 construction project be funded as follows:

\$15,052,500.00	Reallocation of funding for 2024 Capital Project #40246048 Columbus Road Widening (Ashburn Road to Baldwin Street);
\$19,918,750.00	Provincial Housing-Enabling Core Servicing (HECS) grant;
\$4,274,437.50	Additional funding from the Development Charges Reserve Fund for Roads and Related Infrastructure; and,
<u>\$754,312.50</u>	Additional funding from the Growth Capital Reserve Fund
<u>\$40,000,000.00</u>	Proposed Funding

More information on the sources of funding is provided below:

Reallocation of Existing Capital Project for Columbus Road Widening:

The Columbus Road project is included in the Town's 2021 Development Charges Background Study as a Road Widening and Extension project between the years 2024-2031. The Columbus roadway segments identified in the Development Charges study

span approximately (5.5) kilometres between Country Lane to the East Town Limit with Oshawa. The study identified the total project costs to widen and extend the roadway to cost approximately \$78.8 million.

Through the 2024 annual Capital Budget process the Engineering Services Division submitted a budget proposal to for \$15,052,500 for Phase 1 works Project #40246048 (Ashburn Road to Baldwin Street). Council approved the proposed project, which is currently funded as shown in Table 2, below:

Table 2

Project #40246048 Funding	
Development Charges Roads and Related Town-wide Infrastructure Reserve Fund	\$12,641,380
Proceeds for Long Term Debt	\$2,246,392
Sub-Divider Contributions	\$164,728
Total Project Funds Previously Secured	\$15,052,500

Priorities and developer timelines have shifted since the 2024 budget proposal and Engineering staff now recommend that the Columbus Road Widening Phase 1 works should include the (1.7) kilometre roadway segment between Country Lane and Ashburn Road rather than the segment between Ashburn Road and Baldwin Street. The Columbus Road Widening work between Ashburn Road and Baldwin Street re-planned for a future year in the Town's 10-year capital forecast.

HECS Grant

On January 17th, 2025, the Town received notification from the Ministry of Infrastructure that the Widening of Columbus Road Phase 1 (Country Lane to Ashburn Road) had been selected as an approved project under the Housing-Enabling Core Servicing grant stream. The recent approval of this grant initiative has advanced the timing of the Columbus Road improvement work. This stream will contribute 50% towards eligible costs up to a maximum of \$19,918,750 performed under the new Phase 1 project.

The Columbus Road Phase 1 Project work will include improvements to three water crossing structures, the provision of active mode facilities (sidewalks, multi-use path, and emerging technology lane), and applicable utilities (new/expanded drinking water and wastewater works, stormwater management facilities, power line, and communication services). The outcomes of this project will be to enhance roads and bridges, promote growth, and enable housing. Under the terms of the grant, the Town must complete construction of the Columbus Road Phase 1 Project by no later than March 31, 2028.

Additional DC and Growth Reserve Funding

After accounting for the existing capital project and HECs grant, the balance of funding for the proposed \$40 million Columbus Road Phase 1 project, in the amount of \$5,028,750 (= \$40,000,000 - \$15,052,500 existing capital project - \$19,918,750 HECS grant), will be funded \$4,274,437.50 (or 85%) from the Development Charges Reserve Fund for Roads and Related Town-wide Infrastructure and \$754,312.50 (or 15%) from the Town's Growth Capital Reserve Fund (subject to Council approval of this report).

The Development Charges Reserve Fund for Roads and Related Town-Wide Infrastructure is projected to have a 2025 beginning balance of \$29 million and the Growth Reserve Fund is projected to have a 2025 beginning balance of \$44 million.

Water and Sewer Works

The \$40 million budget is for Town's works related to the Columbus Road Widening Phase 1 project and excludes any underground works for water and sewer services which are the responsibility of the Region of Durham and/or the Developers benefiting from these works. To avoid duplication of work, minimize disruption to the community, and streamline the construction of all (above and below ground) infrastructure, the Town's construction tender will include the water and sewer works.

It is recommended that Staff be authorized to:

- enter into funding agreements with the Region of Durham and/or Developers for the cost recovery of water and sewer servicing works; and,
- establish a separate capital project for the water and sewer servicing works and award the construction contract to also include the water and sewer works subject to the Town receiving:
 - A signed agreement from the Region and/or Developers on the cost recovery of water and sewer servicing works; and,
 - A purchase order from the Region of Durham and/or a letter of credit/financial securities from the Developers totaling the amount of the award for the for the water and sewer works.

6. Communication and Public Engagement:

The construction of Columbus Street will be staged to minimize impacts to traffic. Traffic management plans will be developed by the contractor and will be reviewed and approved by the Town. Prior to construction, advance public notice will be posted in the local newspaper and on the Town's website to notify the public about major construction activities and upcoming road/lane closures. During construction, proper signage will be provided to direct drivers through the work zone.

7. Input from Departments/Sources:

Engineering Services staff will continue to collaborate with Planning Services, Financial Services, and Communications and Creative Services to address project needs and issues as they arise.

8. Strategic Priorities:

Report PDE 02-25 is consistent with the findings and recommendations of the approved Brooklin Secondary Plan, Comprehensive Block Plan, and the Brooklin North Major Roads EA.

The advancement of the design and construction of Columbus Road in a timely manner, to support and facilitate approved developments in north Brooklin, aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized and positive customer service, and the Ministry of Infrastructure's plan to Build More Homes, Faster.

9. Attachments:

N/A

Town of Whitby

Staff Report

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Report Title: PDE 04-25 Des Newman Boulevard and Rossland Road – Financial Reconciliation

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: PDE 04-25

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Financial Services Department

Submitted by:

Roger Saunders, Commissioner,
Planning & Development, x4309

Fuwing Wong, Commissioner, Financial
Services & Treasurer, x4314

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

For additional information, contact:

Peter Angelo, Director, Engineering
Services, x4918

1. Recommendation:

1. That the final project cost of the Des Newman Boulevard and Rossland Road works completed by the West Whitby Landowners Group (“WWLG”) and Region of Durham, in the amount of \$36,306,982 (as outlined in Table 5 of Staff Report PDE 04-25) be approved;
2. That the budget shortfall in Capital Project # 40256058, in the amount of \$ 2,373,427 (as outlined in Table 5 of Staff Report PDE 04-25), be funded from the Development Charges Roads and Related Town-wide Infrastructure Reserve Fund (“DC Roads RF”);
3. That the Ontario Ministry of Transportation’s (“MTO”) outstanding reimbursement for the MTO portion of Des Newman Boulevard / Coronation Road and Rossland Road works, in the amount of \$8,875,817 (as outlined in Table 4 to Staff Report PDE 04-25), be funded from the DC Roads RF to be offset by any future recoveries from the MTO;

4. That staff be authorized to negotiate, and the Mayor and Clerk be authorized to execute, one or more agreements with the WWLG to close the Development Charges Works Funding and Reimbursement Agreement (“WWLG Agreement”) for the Des Newman Boulevard and Rossland Road works, and to indemnify each other for future claims and costs related to the project, all in a form that is satisfactory to the Commissioner of Financial Services and Treasurer (or designate) and the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate); and,
5. That staff be authorized to negotiate and finalize, and the Mayor and Clerk be authorized to execute, one or more cost sharing agreements with the WWLG and/or Ministry of Transportation (“MTO”) for the Environmental Compensation Works required for the Des Newman Boulevard Project in a form that is satisfactory to the Commissioner of Financial Services and Treasurer (or designate) and the Commissioner of Legal and Enforcement Services/Town Solicitor (or designate).

2. Highlights:

WWLG Agreement:

- The Town entered into a Development Charges Works Funding and Reimbursement Agreement with WWLG in June 2017.
- The proposed work included the following:
 - Construction of Des Newman Boulevard, from Dundas Street to Taunton Road; and,
 - Construction of the widening of Rossland Road, between McQuay Boulevard and Lake Ridge Road.
- WWLG has now substantially completed the work and are requesting final reimbursement from the Town. Town staff have completed the review and confirmation of the completed works and requested reimbursement amount.
- To date, the Town has issued reimbursement to WWLG in the amount of \$33,652,058. The final reconciled amount to be reimbursed to WWLG is \$36,002,938. A remaining final reimbursement of \$2,350,880 is recommended to be issued to WWLG, upon approval of this report and the proposed budget adjustment.

MTO Agreements:

- The Town entered into an agreement with MTO for the following Projects within the West Whitby Community Secondary Plan:
 - Realignment of Coronation Road (Des Newman Boulevard) (July 2015); and,

- Realignment of Rossland Road (August 2021).
- The realignment of Coronation Road and Rossland Road was required as a result of the extension of Hwy 407 and the construction of Hwy 412, as identified in the Hwy 407 EA.
- The Town of Whitby, in collaboration with the WWLG has now substantially completed the work and have been working with MTO to review and finalize the total project cost and issue the final invoices.
- The Town has up-fronted the MTO portion of works to the WWLG and is seeking to recover a balance of \$8,875,817 from the MTO
- In addition, the Town will negotiate with MTO to fund a future project for environmental compensation work required for the Des Newman Project.

Regional Intersection Improvements:

- The intersection improvements on Des Newman Boulevard and Rossland Road are works required to support the proposed growth within the West Whitby Community Secondary Plan. To date, Durham Region has completed the remaining intersection work at the following locations:
 - Des Newman Boulevard & Dundas Street;
 - Des Newman Boulevard & Taunton Road; and,
 - Rossland Road & Lakeridge Road.
- The work included the traffic signal works required for these Regional Intersections.
- To date, the Town has paid the Region \$281,499 for these works and owes a final invoice in the amount of \$22,546.

Environmental Compensation (Des Newman Boulevard):

- As part of the Des Newman Boulevard Project, an Environmental Compensation Plan was prepared to address the environmental compensation requirements from Central Lake Ontario Conservation Authority (CLOCA) and Fisheries, Oceans Canada (DFO) and the Ministry of Natural Resources and Forestry (MNRF). This compensation plan is to be implemented as part of the Des Newman Construction. The cost of the Environmental Compensation Plan is to be shared between the Town, WWLG and MTO.
- A high level cost estimate has been prepared by WWLG for the environmental compensation works, including the share for each party. The high level cost estimate for the works is in the order of \$8,292,000.
- Town staff are continuing to review and negotiate the environmental compensation plan with MTO and WWLG separately, to determine the share for each party.

3. Background:

WWLG Agreement

As part of the development within the West Whitby Community Secondary Plan, it was identified that the construction of a new north-south arterial road (New Des Newman Boulevard, from Dundas Street to Taunton Road) and the construction of the widening of Rossland Road, between McQuay Boulevard and Lake Ridge Road, are critical infrastructure required for the transportation network to support the proposed development in the area.

The WWLG and the Town entered into a Development Charges Works Funding and Reimbursement Agreement in June 2017. The agreement specified that WWLG will be responsible for the construction of Des Newman Boulevard and the widening of Rossland Road, with reimbursement by the Town through Development Charges collected from the WWLG area.

The construction for Des Newman Boulevard commenced in August 2017 and was substantially completed in October 2019. The section of the road from Dundas Road to Rossland Road was opened to the public in December 2019, and the section from Twin Streams to Taunton Road was opened to the public in November 2020.

The construction of the widening of Rossland Road commenced in July 2018 and was completed in December 2018. Town staff and WWLG are working towards accepting the completed works for Des Newman Boulevard and Rossland Road in accordance with the agreement.

The works for Des Newman Boulevard and Rossland Road were completed by WWLG and the Town is to issue reimbursement to WWLG upon completion of the work. In addition, there are components of the work that are a responsibility of MTO. To avoid indexing (e.g. equivalent of interest charges on balancing owing to the WWLG for completed works), the Town paid/up-fronted most of MTO share and has not been fully repaid by the MTO at this time.

Since the work commenced in 2018, the Town has issued a number of reimbursement payments to WWLG for completed works in accordance with the agreement. In December 2024, Town staff and WWLG representatives finalized the reimbursement amount for the work.

A Capital Budget for the WWLG Outstanding Reconciliation Costs was approved as part of the 2025 Budget request in the amount of \$6,335,723. The estimated amount at that time was to cover the remaining cost of the final reimbursement to WWLG and the anticipated recoveries from the MTO agreements. Subsequent to the final review and reconciliation between the Town and WWLG, the budgeted amount was determined to be insufficient to cover the final cost of the reimbursement. Also, as noted above, the Town has not recovered all funds, from the MTO, related to their share of the overall project.

MTO Agreements

As part of the MTO's Hwy 407 EA / Hwy 412 Projects, it was identified that two (2) of the Town of Whitby Roads (Coronation Road (Des Newman Boulevard) and Rossland Road) were required to be realigned to accommodate the Hwy 407 / Hwy 412 projects.

The works for Hwy 407 and Hwy 412 are now complete as well as the works on Des Newman Boulevard and Rossland Road.

Town staff have been in discussions with MTO staff since the completion of the Des Newman Boulevard and Rossland Road works and are in the process of reviewing and finalizing the costs.

A summary of the MTO cost, amounts paid to date and outstanding invoice amounts are shown in the Discussion section (Table 4) of this report.

Regional Works

As part of the West Whitby Major Roads EA Project, Town and Region staff reviewed the requirements for traffic signals and it was determined that signals were required at the following intersections:

- Des Newman Boulevard & Taunton Road;
- Des Newman Boulevard & Dundas Street; and,
- Rossland Road & Lake Ridge Road.

The traffic signal works at these intersections have been completed and the Region has issued the final invoices of the work to the Town.

In addition to the three (3) intersection locations above, the WWLG have also completed the intersection improvements for four (4) Regional intersections and the costs associated with these works are included in the WWLG reconciliation. The four (4) locations are as follows:

- Rossland Road and Coronation Road;
- Rossland Road and McQuay Boulevard;
- Taunton Road and Coronation Road; and,
- Des Newman Boulevard and Rossland Road.

Environmental Compensation (Des Newman Boulevard)

The Environmental Compensation Plan was prepared by WWLG, in consultation with Town staff. A detailed review and discussions were conducted with CLOCA, DFO and MNR to determine the environmental compensation requirements for the construction of Des Newman Boulevard. The main environment compensation plan included the following works:

- Wetland Creation;
- Woodland Enhancements;
- Invasive Species Management;

- Channel Rehabilitation;
- Tree Planting / Restoration Planting;
- Post Construction Monitoring; and,
- Others.

In addition to the above, all the required approvals to complete the work has been issued by all agencies.

The proposed work is to be completed by the Town and the schedule for the work will be identified as part of the updated Engineering Capital Program.

4. Discussion:

The total cost of the Des Newman Boulevard and Rossland Road works is \$36,306,982 and is comprised of:

Part A: \$36,002,938 - Works completed by the WWLG

Part B: \$304,045 – Region of Durham Intersection Works

Further, environmental compensation works will be required related to the Des Newman Boulevard works, currently projected to be \$8,292,000, as outlined in **Part C**, below.

Part A: WWLG Agreement

Upon completion of the Des Newman Boulevard and Rossland Road works in 2023, Town staff have been working closely with the WWLG and their representatives to review and validate all the costs associated with the work, in accordance with the Development Charges Works Funding and Reimbursement Agreement. The required documentation and supporting information was provided to the Town, and staff completed the final review, and provided the final recommended amount, in December 2024.

As of December, 2024, the Town Engineering staff and WWLG jointly reconciled and agreed to the following:

Table 1 – Des Newman Boulevard and Rossland Road Costs

\$36,002,938	Cost of the total works completed by the WWLG in accordance with the WWLG Agreement (\$20,355,408 Des Newman + \$15,647,530 Rossland Road);
<u>(\$27,597,833)</u>	Reimbursed to WWLG (as of December 2024)
<u>\$8,405,105</u>	Balance owing to WWLG as of December, 2024

Since December, the Town processed an additional \$6,054,225 payment (in April 2025) so the balance owing to the WWLG at the time of this report is \$2,350,880 (= \$8,405,105 - \$6,054,225). As noted in the Financial Consideration section of this report, Council approval to increase the overall capital project budget is required to pay this outstanding amount.

Part B: Regional Works

As shown in Table 2, below, Durham Region issued invoices for works at the three (3) intersections in 2023 and 2024, totalling \$304,045. Town Engineering staff have completed the review of these invoices and have confirmed that the amounts are valid and have recommended payment.

Table 2 – Des Newman Boulevard and Rossland Road Intersection Costs

Description	Amount (Excluding HST)	Comments
Des Newman Road and Dundas Street Traffic Signals	\$77,171	Invoice 5556
Des Newman and Taunton Road Traffic Signals	\$204,328	Invoice 5557
Rossland Road and Lake Ridge Traffic Signals	\$22,546	Invoice 5296
Total:	\$304,045	Total cost of intersection works

To date, all invoices have been paid with the exception of the Rossland Road and Taunton Road Traffic Signals (totaling \$22,546 on Regional Invoice 5296). As noted in the Financial Consideration section of this report, Council approval to increase the overall capital project budget is required to pay this outstanding invoice.

Part C: Future Environmental Compensation Works

The WWLG provided an updated cost for the proposed environmental compensation work in December 2024. Town Engineering staff has completed the review of the costs and have provided final comments to WWLG.

Table 3 shows the high-level cost estimate and the recommended proportionate share of the works:

Table 3 – Environmental Compensation Works

Description	Estimate* (Excl. HST)	Town Share	MTO Share	WWLG Share
Des Newman Boulevard	\$2,566,000	\$1,049,000	\$1,517,000	\$0
Des Newman Grade Separation	\$5,726,000	\$3,145,000	\$1,736,000	\$845,000
Final Project Cost Sub-total:	\$8,292,000	\$4,194,000	\$3,253,000	\$845,000

**Note: Estimate is high level and may be subject to change*

The works and estimates included in the Environmental Compensation plan are not included in the current agreements with MTO and WWLG.

It is recommended that staff be authorized to finalize the cost sharing agreement, separately, with the WWLG and MTO for the Environmental Compensation Works required for the Des Newman Boulevard Project.

MTO Agreements and Recoveries

With the completion of the works identified in the MTO agreements, Town Engineering staff have determined the MTO share of the total \$36,306,982 of Des Newman Boulevard and Rossland Road works is \$13,099,179 (as shown in Table 4, below).

The Town has upfronted the MTO portion of the works to reimburse the WWLG in a timely manner and avoid interest/indexing costs. The Town has invoiced MTO for the cost of most of the works but to-date:

- MTO has only paid \$4,223,362 to the Town;
- \$5,114,245.73 related to Town invoice 025679 for Rossland Road works, issued to MTO on August 2, 2022, remains outstanding; and,
- \$495,060.73 related to Town invoice 027787 for Rossland Road works, issued to MTO on February 1, 2024, remains outstanding.

Based on the non-payment of invoices, the Town has temporarily suspended issuing new invoices to MTO to recover the balance works. Town Engineering staff have reached out to MTO to request an update on the outstanding amounts and have been advised that the invoices are still under review.

As of the date of drafting this report, MTO owes the Town \$8,875,817 (= \$13,099,179 MTO share - \$4,223,362 paid by MTO to-date) for payments the Town provided to WWLG for the MTO portion of the works:

Table 4 – MTO Portion of Works (excluding Future Environmental Compensation Works)

Description	Amount (Excluding HST)	Comments
MTO portion of Works for Coronation Road (Des Newman Boulevard)	\$7,489,872	A
MTO portion of Works for Rossland Road	\$5,609,307	B
MTO Portion of Works	\$13,099,179	(C = A+B)
Payments received to date	(\$4,223,362)	D
Remaining Amount to be Recovered from MTO	\$8,875,817	E = C - D

While Town Engineering staff continue discussions with MTO to finalize the costs and agree on the amount of the additional work / change orders, it is recommended that the \$8,875,817 be funded from the Town's Development Charges Roads and Related Town-wide Infrastructure Reserve Fund ("DC Roads RF") in the interim. Future collection of all or part of the \$8,875,817 from MTO will be used to replenish the DC Roads RF.

5. Financial Considerations:

As shown in Table 5, below, the Total Budget for the Des Newman Boulevard and Rossland Road works totals \$33,933,556. With the final project cost of \$36,306,983, there is a budget shortfall of \$2,373,427:

Table 5 – Budget Shortfall

Project Breakdown	Amount	
Approved Capital Projects		
WWLG Progress Payments	\$27,597,833	
Project # 40256058 WWLG - Outstanding Reconciliation Costs	\$6,335,723	
Total Approved Capital Project Budget:		\$33,933,556
Costs Incurred to Date		
Reimbursements issued to WWLG (\$27,597,833 paid as of Dec. 2024 + \$6,054,225 paid April 2025)	\$33,652,058	
Region of Durham Traffic Signals	\$281,499	
Remaining Project Commitments		
Final WWLG Reimbursement	\$2,350,880	
Region of Durham Traffic Signal (Rossland Rd. @ Lakeridge Rd.)	\$22,546	
Total Costs Incurred + Remaining Commitments:		\$36,306,983
Budget Surplus/(Shortfall):		(\$2,373,427)

It is recommended that the budget shortfall in Capital Project # 40256058, in the amount of \$2,373,427, be funded from the Development Charges (“DC”) Roads and related Town-Wide Infrastructure Reserve Fund. With the budget increase, the final WWLG reimbursement (in the amount of \$2,350,880) will be provided and the Town will pay the remaining Regional Traffic Signal invoice (in the amount of \$22,546). Further, Town staff will negotiate agreement(s) with the WWLG to close out the project, the WWLG Agreement, and indemnify each other from future claims/costs.

Subject to Council approval of this report, the DC Roads and related Town-Wide Infrastructure Reserve Fund will be reduced by \$11,249,244 for commitments as shown in Table 6 below:

Table 6 – Commitments/Reductions to DC Roads and related Town-Wide Infrastructure Reserve Fund

Description	Amount	
Budget Shortfall (see Table 5)	\$2,373,427	
Town up-fronting of MTO costs (outstanding MTO review/recovery – see Table 4)	\$8,875,817	
Commitment to Reserve Fund		\$11,249,244

The uncommitted balance in all Town Development Charges Reserve Funds was approximately \$37 million in March, 2025. **The uncommitted overall Town DC balance is reduced to approximately \$4.4 million (May 2025)** with the approval of the following: (\$ millions)

- \$11.3 Des Newman Boulevard & Rossland Road (this report, PDE 04-25 see Table 6, above)
- \$4.3 Columbus Road Phase 1 report [PDE 02-25 on the May 12, 2025 Committee of the Whole agenda](#)
- \$17.0 Construction of new Fire Hall (#6) in the May 5, 2025 [Staff Report FS 26-25](#)
- \$32.6 Additional DC Commitments in May, 2025

With the Town's DC Reserve Funds almost fully committed (e.g. approximately \$4.4 million remaining as of May 2025 + DC's collected for the balance of 2025), **it is projected that nearly all of the DC-funded projects planned for 2026 will need to be deferred to a future year.** As part of the 2026 budget exercise, staff will review the feasibility of re-prioritizing previously approved capital projects and the use of DC debt to finance growth-related infrastructure projects. However, as outlined in the Fire Hall report ([Staff Report FS 26-25](#)), it is not recommended that the Town proceed with external debt-financing of Development Charges/Growth-related capital projects at this time as the Town is currently experiencing low development growth/low DC revenue inflows due to the state of the economy and electricity distribution constraints. Accordingly, there is a risk that DC revenue inflows may not be sufficient to cover debt

servicing costs (i.e. principal and interest payments) to a financial institution for a number of years. That is, if the Town borrowed funds externally and DC revenues inflows are insufficient to fully service the debt payments, the Town may be required to use property tax dollars to temporarily supplement the fixed (DC) debt payment obligations to the external financial institutions.

6. Communication and Public Engagement:

All communication and public engagement were completed during the EA and detailed design stage for Des Newman Boulevard and Rosland Road. These engagement meetings were undertaken by WWLG.

7. Input from Departments/Sources:

Engineering Services staff will continue to collaborate with Financial Services to address project needs and issues as they arise.

8. Strategic Priorities:

This report supports Pillar 4 of the Corporate Strategic Plan by ensuring that the Town is fiscally responsible when planning for growth and delivering services that respond to community needs while balancing the impact to taxpayers.

9. Attachments:

N/A

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	09 Jun 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	27 Oct 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	09 Jun 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	09 Jun 2025		

April 2025

To: Durham Region MPPs and Mayors/Council members from Oshawa, Whitby, Pickering, Ajax, Brock, Scugog and Uxbridge

From: Durham District School Board

Briefing Note: Durham District School Board Enrollment Pressures and Funding Challenges

Purpose: To provide Durham Region MPPs and Mayors/Council members with information on DDSB enrollment pressures and funding challenges.

Executive Summary:

The Durham District School Board (DDSB) continues to face rapid enrollment growth, which is expected to continue in the coming years. To manage this growth sustainably, we urgently need the Provincial Government to remove the Educational Development Charge (EDC) cap, and to remove school boards from the Site Plan Approval Process, similar to colleges and universities. These adjustments will allow DDSB to fund new schools without incurring unsustainable debt and will expedite new school construction.

Recommendations:

Provincial

We request your support in asking that the Ministry of Municipal Affairs and Housing remove school boards from the site plan approval process, similar to colleges and universities, to significantly expedite the timeline for new school construction, in order to best meet the demands of the growing Durham Region.

We also request your support in asking the province to remove the EDC cap. The difference between the capped rate and the actual rate required to purchase land for new schools is so significant, that without action, the debt being incurred to purchase land will soon become unserviceable. Additionally, the opportunity will be missed for the growth that is currently occurring to pay for the development of new schools.

Background – Education Development Charges:

[Education Development Charges](#) are a levy imposed on new residential development that is intended to cover the cost of purchasing land to build new schools on, with the theory that growth should pay for growth in needed infrastructure, like schools.

“Temporary” restrictions on EDC rate increases were put in place in October 2018. Having now been in place for more than six years, the magnitude of the growing debt and the impact on school boards has become untenable. By August 31, 2028, the combined EDC deficit across the province is projected to be more than \$1.2 billion. DDSB’s share of that deficit is projected to exceed \$325 million.

DDSB Enrollment Pressures:

DDSB serves the rural townships of Uxbridge, Brock, and Scugog, as well as the cities and towns of Ajax, Whitby, Pickering, and Oshawa. With over 12,000 staff members across 136 schools and learning centers, DDSB supports more than 80,000 school students and numerous continuing and adult education students.

Over the past five years enrollment has risen dramatically, from 70,000 students in 2019 to more than 80,000 in 2024, driven by new residential development and urban renewal projects. Durham Region's population is projected to see continued growth in the coming decades, increasing from 723,000 in 2024 to 1.3 million by 2051 ([Envision Durham Municipal Comprehensive Review](#)), which means DDSB's enrollment growth will continue to outpace current school capacity.

DDSB is legally obligated to accommodate every eligible student in its jurisdiction. When building new schools, the Board relies on EDCs to fund land acquisition, as no other revenue source is available. The EDC cap has restricted collections to \$3,749 per unit —far below the \$12,540 per unit required. This shortfall will result in an EDC deficit of about \$200 million as of year-end (August 31, 2025), expected to rise to over \$600 million in the next 15 years if the cap remains. **This situation is financially untenable**, threatening our ability to meet growth demands.

In addition to funding constraints, DDSB also faces challenges in navigating Site Plan Approval Process. The best solution to expedite new school construction would be to remove school boards from the site plan approval process, similar to the treatment of colleges and universities.

Conclusion – The Need for EDC Cap Removal and Removal from Municipal Site Plan Approval Process:

DDSB's capacity to provide adequate student accommodation is severely compromised by the EDC cap, forcing DDSB to incur unserviceable levels of debt. The cap must be removed to enable DDSB to collect adequate funds to meet the region's educational needs sustainably. **School accommodation is a community priority** and a shared responsibility; we urge you to advocate for this critical change to uphold the principle of "growth paying for growth." The EDC cap represented significant change to the EDC framework that was in place for many years. Importantly, this change was made by Regulation and was never brought to the Legislature. The removal of the cap can, therefore, be done by amending the Regulation back to its pre-2018 terms without the need for any amendments to the legislation.

Additionally, removal from the municipal site plan approval process would allow schools to be built in as timely a fashion as possible.

Your local DDSB Trustees will reach out shortly to discuss further and develop an action plan to support our community's needs in Durham Region.

Thank you,

David Wright
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Town of Whitby Staff Report

whitby.civicweb.net



Report Title: 2026 Budget Schedule and Engagement

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: FS 27-25

Department(s) Responsible:

Financial Services Department

Submitted by:

Fuwing Wong, Commissioner Financial
Services and Treasurer

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

For additional information, contact:

Erika Watson, Sr. Manager of Financial
Planning/Deputy Treasurer,
905.444.2826

1. Recommendation:

1. That the 2026 to 2028 Multi-year Budget Process, Communication and Public Engagement Plan and Budget Calendar outlined in Staff Report FS 27-25 be approved;
2. That the following reduced timelines for budget amendments, vetoes, and other budget procedural matters for the 2026 to 2028 Multi-year budget be approved:
 - a. The Council Budget Amendment Period be reduced to 10 days (from 30 days) following Council's receipt of the proposed budget from the Mayor;
 - b. The Council Override of the Mayor's Veto Period expire 11 days (from 15 days) after the Mayor's Veto Period;
 - c. The deadline to provide the Clerk with Council motions to amend the budget be set for 4:30 p.m. on November 24, 2025;

- d. The Town Clerk is authorized to cancel the November 27, 2025 and December 15, 2025 Special Council Meetings on the budget if no Council Budget Amendments are received by the Town Clerk by 4:30 p.m. on November 24, 2025;
 - e. The deadline to provide the Clerk with Council motions to override the Mayor's Veto of any Council-approved budget amendments be set for 4:30 p.m. on December 10, 2025; and,
 - f. The Town Clerk is authorized to cancel the December 15, 2025 Special Council Meeting on the budget if the Town Clerk does not receive any motions to override the Mayor's vetoes, if any, to Council Budget Amendments by 4:30 p.m. December 10, 2025;
3. That Council receives for information the proposed seven 7-day (from 10-day) expiration for the Mayor's Veto Period following the Council Budget Amendment Period.

2. Highlights:

- The purpose of this report is to provide information on:
 - The budget planning process;
 - The town's initial multi-year budget;
 - Strong Mayor powers relating to the budget;
 - The budget proposed timeline, and;
 - The communication and public engagement plan.

3. Background:

Strong Mayor Powers

On June 16, 2023, the Minister of Municipal Affairs and Housing announced that the Town of Whitby would be one of 26 other municipalities granted "Strong Mayor Powers" ("SMP") under the Municipal Act. These municipalities are in addition to the City of Toronto and The City of Ottawa, which have had SMP since the beginning of the 2022 to 2026 term of Council. The effective date for SMP for Whitby and the other 25 other municipalities was July 1, 2023. Since 2022, the Province has expanded SMP to a total of 216 out of 444 municipalities in Ontario.

For the 216 municipalities with SMP, the Municipal Act requires that the Head of Council (e.g. Mayor) prepare a proposed budget for Council consideration no later than February 1st of each year. The Municipal Act (and Ontario Regulation 530/22) outlines process after the Mayor's proposed budget is introduced, under SMP, which is as follows:

- Council may pass resolutions to amend the budget proposed by the Mayor within 30 days of receipt

- Note, the budget is deemed adopted if no budget amendments are passed by Council within this period;
- The Mayor may veto amendments within 10 days after the Council amendment period of 30 days
 - Note, the budget is deemed adopted if the Mayor does not veto any Council-approved budget amendments;
- Council may override the Mayor's vetoes on resolutions to amend the Mayor's proposed budget no later than 15 days following the period in which the Mayor may make a veto. An override requires a two-thirds vote of Council (e.g. six (6) of the nine (9) members of Whitby Council).
- Following the process outlined above, the budget is considered adopted.

The dates listed above (i.e. 30 and 15 days) may be shortened based on Council resolution for that year. The Mayor's veto period (i.e. 10 days) may be shortened by the Mayor under SMP. The Mayor has agreed to shorten the Mayor's veto period from the statutory 10 days to 7 days as outlined in the Discussion section of this report. The Discussion section of this report also provides staff's recommendation to shorten other 2026 budget timelines in order for the budget to be approved before the end of the year (see more information under the "Proposed Shortened Timelines for Budget Amendments and Vetoes" section, below).

Under SMP, if a mayor does not provide a proposed budget before February 1st of each year, the process outlined above would not apply and the budget would be developed and approved by Council similar to past years (before SMP). This report and accompanying proposed budget schedule provides for a SMP multi-year (2026 to 2028) budget to be adopted by Council before the end of the 2025 year. This allows for staff to focus on the delivery of services and get an early start on capital projects/going out to the market in early 2026.

Planning Framework

Preparing the budget is a collaborative effort involving members of the community, external boards, internal committees, elected officials and Town of Whitby staff from across the corporation. The budget is the outcome of many planning processes that ultimately drive resource allocations.

The Town's budget is guided by external economic factors and studies / master plans already approved by Council, such as the recreation master plan, fire master plan, development charges background study, and Zero Carbon Whitby (sustainability) plan, and the Town of Whitby's [2023 to 2026 Community Strategic Plan](#) ("CSP").

The CSP provides a roadmap for how Town Council and staff will work together to deliver on community priorities over 2023 to 2026. The CSP contains 62 Action grouped under four (4) CSP Pillars:

Pillar 1: Whitby's Neighbourhoods – Safe, Healthy, & Inclusive

Pillar 2: Whitby's Natural & Built Environment – Connected & Resilient

Pillar 3: Whitby's Economy – Innovative & Competitive

Pillar 4: Whitby's Government – Accountable & Responsive

When the CSP was approved in 2023, it was identified that 39 of the 62 Actions would require additional funding (e.g. for capital investments, staff resources, and/or other operating expenditures) in future budgets to implement. Through the budget exercise, many of the new programs/staffing required to implement CSP will appear as Decision Items or items requiring an increase in tax-based funding.

If the funding is not secured, implementation of certain components of the CSP may be deferred. Deferral of actions, if any, will be communicated in the annual reporting for the Community Strategic Plan.

4. Discussion:

The purpose of this report is to provide an update on the 2026 budget schedule and process.

Budget Process

There are six phases to the Town's multi-year budget process:

Phase 1: Prepare

This phase includes the preparation of background information, creation of communication and public engagement plans and tools, research of fiscal issues and the development of forecasts, guidelines, and budget tools.

Phase 2: Engage

Community engagement on the Town's 2026 Budget will launch in early June of this year to provide residents and businesses multiple opportunities to help build and inform the 2026 Budget.

The community will be invited to learn more about the Town's budget planning process and share their budget priorities at connectwhitby.ca/budget. Through the site, the community will be able to access the Town's Participatory Budget tool – a highly visual and interactive tool that supports participatory budgeting by allowing participants to select and rank/prioritize possible capital projects for inclusion in the budget.

Phase 3: Develop

The feedback from this engagement will be shared with staff to inform development of the preliminary 2026 Budget.

Phase 4: Consolidate

This is where staff work together from across the Corporation to consolidate all the budget input, develop education and communication material as well as summarize further public feedback received.

Phase 5: Inform

This phase begins with the release of the Budget Book that outlines budget pressures, workforce plan decisions, and priority projects identified by staff.

Phase 6: Strong Mayor's Budget

The mayor will prepare a proposed budget to Council via a memo which will also be shared with the public.

The calendar also incorporates a Council Education and Training meeting to review the budget material/pressures, the Mayor's proposed budget, and any further public feedback.

A public meeting will be held after the release of the Mayor's proposed budget to provide an overview and an opportunity to engage and receive public input prior to any Council budget amendments.

This phase concludes with the Mayor's/Council's vetoes (if any) on the amendments/ vetoes to the amendments to the budget and the final budget will be deemed approved.

2026 Multi-Year Budget Calendar

The following budget timeline is proposed for the 2026 multi-year budget:

Phase	Milestone	Date
Phase 1 Prepare	2026-2028 Budget Process and Calendar	Staff to begin work on the budget in June 2025.
Phase 2 Engage	Community Engagement re Budget Priorities – launch of connectwhitby.ca/budget	Budget Survey Week of June 6 th to June 27 th , 2025 Participatory Budget Tool Week of July 14 th to August 1 st 2025
	"What We Heard" summarizing results on public engagement related to the budget.	October 2025
Phase 3 Develop	Senior Leadership Team prioritize and develop pressures, workforce plan decisions, and capital project priorities for consideration in the 2026 to 2028 budget	August 2025

Phase	Milestone	Date
Phase 4 Consolidate	Consolidate budget information and develop communication material	August 2025 - October 2025
Phase 5 Inform	Budget Books published including Budget pressures and priorities identified by staff	November 3rd, 2025
Phase 6 Strong Mayor Budget	Mayor prepares proposed 2026-2028 budget (MEMO to Council)	November 17 th , 2025
	Council budget education session	November 17 th , 2025 Special Council Meeting
	Public budget overview and input session	November 18 th , 2025 Public Meeting
	Council budget amendments * Budget Amendments must be submitted to the Town Clerk by 4:30pm November 24 th . If there are no amendments by November 24 th , the Special Council Meetings on November 27 th and December 15 th will be cancelled, and the budget is deemed adopted.	November 27 th , 2025 Special Council Meeting
	The Mayor can veto Council budget amendments (7 days proposed)	November 28 th to December 4 th , 2025
	Council can Override Mayor's veto of Council budget amendments if two-thirds of all Council members vote to override the Mayor's veto (11 days proposed) *Override Motions must be submitted to the Town Clerk by 4:30pm December 10 th . If there are no override motions received before the deadline, then the December 15 th Special Council Meeting will be cancelled.	December 15 th , 2025 Special Council Meeting
	The 2026-2028 budget is deemed approved.	December 15 th , 2025

Proposed Shortened Timelines for Budget Amendments and Vetoes

In order to meet a year-end budget approval timeline, it is recommended that the timelines outlined in the Municipal Act be shortened as follows:

	Municipal Act timeline	Proposed timeline
Council may pass amendments to proposed Strong Mayor's Budget ("Council Budget Amendment Period")	Within 30 days following receipt of proposed budget from the Mayor	Within 10 days following receipt of proposed budget from the Mayor
Mayor's Veto of Budget Amendments passed by Council* ("Mayor's Veto Period")	Within 10 days following expiry of the Council Budget Amendment Period	Within 7 days following the expiry of the Council Budget Amendment Period
Council's Override of the Mayor's Veto (required 2/3 of Council for a Council Veto to pass)	Within 15 days following the expiry Mayor's Veto Period	Within 11 days following the expiry of the Mayor's Veto Period

Multi-Year Budgeting

Legislative Authority for Multi-year Budgets

Section 291 of the Municipal Act, 2001, states that "a municipality may prepare and adopt a budget covering a period of two to five years in the first year to which the budget applies or in the year immediately preceding the first year to which the budget applies." In the situation where the first year of a multi-year budget follows an election, the budget may only be adopted in the year to which it applies.

Section 291(4) requires Council to review, make changes as needed, and readopt the budget each year. This may occur in the year before the year in which the budget is effective; this would allow the annual updates to occur in the fall prior to the start of the fiscal year. If a year for which the budget is being reviewed or changed is a year immediately following a year in which there is a regular election, Section 29(5) requires that the budget can only be readopted in the year for which it applies.

Scope of 2026-2028 Multi-Year Budget

The scope of the Town of Whitby's 2026-2028 multi-year budget includes both operating and capital, extends to all departments and boards and applies to both tax supported as well as user fee supported budgets. The annual update for the second

year will be brought forth through the SMP's during the remaining Council term. The first year of a new Council term will reconfirm the third year of this multi-year budget.

5. Financial Considerations:

There are no budget decisions on programs, investments or service levels being sought through this report.

6. Communication and Public Engagement:

The Town's multi-channel budget engagement and education campaign kicks off in June. Goals for the campaign are to create a more open and transparent budget process through information sharing and education, grow resident/taxpayer awareness of the value for money they receive for their tax dollars, and continue to build trust amongst residents that fiscal responsibility is in the forefront for the Town.

The communication and community engagement plan outlined below builds on the multi-channel budget engagement and education campaign including the launch of the:

- Budget Survey (Week of June 6th to June 27th)— a survey hosted on Connect Whitby with questions to gauge community budget investment priorities; and
- Participatory Budget Tool (June 14th to August 1st) – a highly visual and interactive tool that supports participatory budgeting by allowing participants to select and rank/prioritize possible capital projects for inclusion in the budget; and
- Connect Whitby budget page – educating the public on how the budget works, key budget dates and opportunities for engagement.

Community Engagement Timeline:

Phase One (June to August): How Budget Works and Why it Matters; What to Expect; How to Get Involved; Value for Service

- June 6th – update Connect Whitby budget page and **open** the Town's Budget Survey.
- July 14th – update Connect Whitby budget page and **open** the Town's Participatory budget tool.
- August 1st – **close** Budget engagement tools and gather Interim report on What We Heard from Community Engagement Tool.

Phase Two (October): What We Heard; How to Get Involved in Next Phase of Engagement on Proposed Budget

- October - Public notice of key budget dates and What We Heard highlights on Connect Whitby and leave a comment.

Phase Three (November to December 2024): Budget 2026-2028

- Connect Whitby updates (ongoing)
- Budget Book
- Mayor's Proposed Budget (memo)
- Budget Public Meeting
- Council meetings on any amendments to the budget proposed by the Mayor

7. Input from Departments/Sources:

It is recognized that the preparation of the budget requires significant resources from each department. Establishing the process, information requirements and due dates early on allows all departments to incorporate them into their work plans and resource schedules.

8. Strategic Priorities:

The establishment of the 2026-2028 Budget Process, Calendar, Community Budget engagement to-date, and preliminary budget work aligns with Pillar 4: "Whitby's Government – Accountable and Responsive" of the Community Strategic Plan, in particular:

- Action Item 4.3.4 Implement opportunities for Council to engage the community.
- Action Item 4.4.1 Deliver services that respond to community needs while balancing the impact on taxpayers; and
- Action Item 4.4.4 Update long-range financial plans to ensure essential Town services are provided in a sustainable and affordable way.

9. Attachments:

n/a

Town of Whitby Staff Report

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Report Title: Economic Development Trade Mission

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: CAO 09-25

Department(s) Responsible:

Office of the Chief Administrative Officer

Submitted by:

Sarah Klein, Deputy CAO

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Karol Murillo Corrigan, Senior Manager,
Economic Development, x4312

1. Recommendation:

1. That Report CAO 09-25 Economic Development Trade Mission be received as information; and,
2. That the Clerk be directed to forward a copy of Report CAO 09-25 to the Director of Economic Development & Tourism, Region of Durham.

2. Highlights:

- The purpose of this report is to highlight the recent Economic Development Trade Mission led by the Region's Economic Development and Tourism Division (Invest Durham), in collaboration with the Durham Economic Development Partnership (DEDP) and regional innovation community partners at the Hannover Messe 2025 tradeshow which took place from March 31 to April 4, 2025 in Hannover, Germany.
- The Hannover Messe is the world's largest annual tradeshow for industrial technology. In 2025, Canada was the featured partner country at the tradeshow. Over the past year, Invest Durham planned and prepared a comprehensive itinerary for the delegation, including two representatives from the Town of Whitby, the Mayor and Senior Manager of Economic Development.

- Delegates, including Town of Whitby representatives, participated in meetings with global companies focused on digital technologies, industrial transformation, and clean technologies, interested in investing in North America and willing to consider Durham Region as a location for potential investment. With the ongoing U.S. Tariffs having a widespread impact across Canada, the development of international relationships provides an excellent opportunity for Whitby businesses to explore trade diversification in the European Union.
- The Invest Durham booth and delegation were successful, resulting in many business development, research and development, and academic opportunities. Hundreds of attendees visited the booth, building international awareness of the Town of Whitby and Durham Region's value proposition. Several notable visitors included the Chancellor of Germany, Canadian special envoy to the EU, Canadian Ambassador to the EU, Minister of Economic Development, and the CEO of Invest in Canada.

3. Background:

As the Regional Economic Development lead for Durham Region, Invest Durham is responsible for generating and sourcing leads for potential new investments into Durham Region, including investment attraction missions and in-market lead generation. Invest Durham staff partners with the DEDP, including economic development leads from all Durham municipalities, post-secondary institutions, and innovation community partners. Trade mission events provide the DEDP with the opportunity to meet directly with companies interested in learning about expansion into Canada.

With Canada as the featured partner country at the 2025 Hannover Messe, the world's largest annual tradeshow for industrial technology, participation in the tradeshow was a unique and unparalleled opportunity to demonstrate Durham's investment readiness to potential international markets.

Hannover Messe 2025 was the flagship event for Invest Durham to showcase the region's value proposition for investment. In addition, participating in this tradeshow achieved a broader goal of meeting and building relationships with senior investment attraction agencies such as Invest Ontario, Invest in Canada, the Federal Ministry of Innovation, Science, and Economic Development (ISED), the Canadian Foreign Trade Commissioner Service (FTCS), and the Ontario Ministry of Economic Development, Job Creation and Trade (MEDJCT).

This trade mission aligns with the 2023-2026 DEDP Action Plan, Durham Region's 5-year Economic Development and Tourism Strategy, and the Town of Whitby's 2022-2026 Economic Development Strategy.

Durham Region approved the Invest Durham Exhibit at the Hannover Messe 2025 tradeshow in collaboration with the Durham Economic Development Partnership

(DEDP) to showcase the Region to key business audiences for investment attraction. Delegation partners included the following:

- Invest Durham Staff: Staff tasked with lead generation and business engagement.
- Regional Economic Development Teams: Representatives from local area municipalities (DEDP).
- Collaborative Partners: Representatives from local post-secondary institutions and innovative community partners.
- Political representatives: Regional Chair and CAO (Durham Region), Mayors of Pickering, Ajax, and Whitby.

Beginning in fall 2024, Invest Durham staff began meeting with members of the DEDP, post-secondary partners and other delegation members to prepare for the tradeshow. Invest Durham engaged a lead generation firm to build a campaign to establish pre-qualifying meetings with global companies looking to expand and/or invest in Durham Region. Invest Durham coordinated closely with ISED, NGEN, and MEDJCT to ensure that regional efforts were coordinated with broader Canadian efforts and objectives of the tradeshow.

In light of the U.S. administration's tariff-led policy changes and ongoing global uncertainty, the Hannover Messe tradeshow offered a strategic opportunity for the Town of Whitby and Durham Region to advance discussions with European-based firms seeking new suppliers and business relationships in North America.

4. Discussion:

The primary objective for Durham Region for the Hannover Messe tradeshow was lead generation for investment attraction and building brand awareness for the purpose of investment attraction. The secondary objective was to support Canadian efforts to promote global expansion and international trade and strengthen relationships with senior government investment attraction agencies.

The target outcomes from Durham Region's participation at Hannover Messe 2025 were as follows:

Target Outcome	Metric
Number of new connections with individuals	500
Number of qualified new leads for prospective investment in Durham Region	50
Number of resulting requests by prospective investors for site selection support within 3 months	5
Number of relationships advanced with staff from senior investment attraction agencies in Ontario and Canada	20
Percentage of Durham and partner participants surveyed who felt the booth was very effective or effective at representing Durham Region as a whole	90% or higher

Percentage of Durham and partner participants surveyed who felt exhibiting at Hannover Messe 2025 was very valuable or valuable to their organization's goals	80% or higher
Number of domestic or international Federal or Provincial/State Ministers who visit the booth to learn about Durham Region	5
Paid and organic digital impressions for the dedicated promotional campaign	350,000
Deeper engagements (click-throughs) to website content	4,000
Mentions in major media	5

Invest Durham will present a report to Regional Council in September 2025, highlighting and summarizing the tradeshow's outcomes, addressing each targeted outcome.

The following highlights some early wins and outcomes:

- The Automotive Parts Manufacturers' Association (APMA) announced Project Arrow 2.0, the next phase of Canada's first, original, full-build, zero-emission concept vehicle. It will be created at Ontario Tech University and tested at the ACE Climatic Aerodynamic Wind Tunnel, bringing together more suppliers and producing a series of vehicles in Canada.
- Participated in a seminar and networking session hosted by the City of Nuremberg and the Chamber of Commerce. The event featured expert speakers who shared key industry insights, provided opportunities to connect with top executives from Germany and Canada, and fostered the development of valuable international partnerships.
- Mode40, with support from Durham College AI/HUB, officially launched its Manufacturing Source of Truth, a platform designed to meet the complex needs of today's manufacturing environments.
- Participated in tariff discussions with the Business Council of Canada.
- Comprehensive meetings with the Minister of Economic Development, Invest in Canada's CEO, and Invest Ontario, where Whitby projects and land discussions were held.
- Booth visits from the Chancellor of Germany, the Canadian special envoy to the EU, and the Canadian Ambassador to the EU received international media coverage.
- Participated in one-to-one meetings with German manufacturing companies seeking expansion opportunities.
- Detailed discussions with Oshawa and Hamilton Port Authorities focused on port access for local businesses to export activity.
- Participated in several meetings with international investment offices to discuss trade diversification efforts in priority sectors for Durham Region.

Over the five-day event, the Invest Durham booth attracted hundreds of visitors, resulting in numerous valuable new connections. Further details and outcomes will be shared in the Region's final report, expected in September 2025.

The Senior Manager, Economic Development, is actively working on leads and following up with German and European companies that have expressed interest in business development and investment opportunities in the Town of Whitby.

5. Financial Considerations:

The Region of Durham's Planning and Economic Development Committee approved one-time funding to support the Region's participation in the Hannover Messe tradeshow, including covering the flight and accommodation costs for one representative from each respective municipality. As a result, the cost to the Town of Whitby to participate in the 2025 Hannover Messe tradeshow was \$4,274.35. These funds will come from the 2025 Economic Development Operating budget.

6. Communication and Public Engagement:

Invest Durham launched a comprehensive marketing campaign in early March 2025. Invest Durham staff provided materials, including messaging and customized partner graphics, to all DEDP members to promote the Hannover Messe 2025 tradeshow. The Town of Whitby staff also reached out to Whitby companies interested in exporting to the European market.

7. Input from Departments/Sources:

The Finance Department and Invest Durham reviewed this report.

8. Strategic Priorities:

This initiative is consistent with the Town's Community Strategic Plan, specifically Pillar 3: Whitby's Economy. It addresses the following:

Objective 3:1: Accelerate progress, create jobs, and drive local economic growth

Action 3.1.1: Continue to implement the Economic Development Strategy that focuses on the following sectors: information and communications technology, professional and technical services, advanced manufacturing, and downtowns and lifestyle.

Action 3.2.1. Expand Whitby's commercial and industrial tax base.

9. Attachments:

None.

Town of Whitby Staff Report

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Report Title: Accountability and Transparency Framework Review

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: CLK 05-25

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

C. Harris, Town Clerk

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Narraway, Sr. Manager, Legislative Services/Deputy Clerk

K. Douglas, Supervisor, Legislative Services

1. Recommendation:

1. That Report CLK 05-25 providing an update and overview of the Town's accountability and transparency framework be received for information;
2. That the revised Accountability and Transparency Policy G 010 appended as Attachment 1 to Report CLK 05-25 be approved;
3. That the Clerk be directed to bring forward a by-law to amend Procedure By-law #8081-24 in accordance with Section 4.3.2 of Report CLK 05-25;
4. That the revised Closed Meeting Policy G 040 appended as Attachment 2 to Report CLK 05-25 be approved; and,
5. That the Clerk be directed to take the necessary actions to use the Ontario Ombudsman as the default closed meeting investigator in accordance with section 239.1 of the Municipal Act, 2001, including termination of the existing agreement for closed meeting investigator services with the Local Authority Services (LAS).

2. Highlights:

- The Town maintains an Accountability and Transparency Policy in accordance with the Municipal Act which details how the Town demonstrates its commitment to being open, accountable, and transparent in all areas of responsibility.
- While individual by-laws, policies, and the appointment of statutory officers to provide oversight are reviewed regularly as required and contribute to the Town's accountability and transparency framework, it is a best practice to undertake an overall review of the framework each Council term.
- This report confirms that the Town of Whitby continues to meet and, in many ways, exceed statutory obligations surrounding accountability and transparency.

3. Background:

Ensuring accountability and transparency is one of Council's roles under section 224 of the Municipal Act, 2001, and is a priority in maintaining public trust. Council is, of course, accountable to the public as elected officials. It is also important that the Town maintains procedures and policies that are clearly set out and accessible to provide stakeholders with transparency regarding the Town's decision making and service delivery.

The legislated accountability and transparency framework in Ontario includes rules for the municipality and rules for Members of Council and local boards. Key requirements include:

- establishing a code of conduct for members of council and certain local boards;
- appointing and ensuring access to an Integrity Commissioner;
- adhering to the open meeting requirements in the Municipal Act, 2001 and providing for the appointment of a closed meeting investigator or having the Ontario Ombudsman as the default closed meeting investigator;
- the opportunity to appoint a local Ombudsman or have the Ontario Ombudsman act as the investigator of any decision or recommendation made, or any act done or omitted, in the course of the administration of the municipality;
- the Municipal Conflict of Interest Act and the disclosure requirements when a Member of Council or member of certain local boards has a pecuniary interest;
- requirements around access to information, confidentiality, and privacy, as provided for in the Municipal Freedom of Information and Protection of Privacy Act;
- the preparation and adoption of the annual budget and consolidated financial statements prepared by management and audited by external auditors in accordance with generally accepted accounting principles established by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada (CPA Canada) organization;

- the adoption of a Procedure By-law as required under Section 238 of the Municipal Act, 2001 to establish the rules under which Council and standing committees operate; and,
- the adoption and maintenance of statutory policies as required by Section 270 of the Municipal Act, 2001 in addition to providing comprehensive policies and procedures pertaining to finance, governance, municipal service levels, accessibility, corporate administration, facility management, human resources, and technology in accordance with the Standards for Town Policies and Procedures Policy G 180.

4. Discussion:

The state of the existing accountability and transparency framework is highlighted below and recommendations have been made where updates or reviews of certain aspects of the framework are required to ensure consistency, relevancy, and adherence with best practices.

4.1 Accountability and Transparency Policy

In accordance with the requirements of Section 270 of the Municipal Act, the Town adopted its [Accountability and Transparency Policy G 010](#) in 2010 with the Policy receiving a comprehensive update in 2017. In accordance with the Municipal Act, this Policy identifies the manner in which the municipality will ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.

Staff have proposed several updates to the Policy which are shown in track changes in Attachment 1 appended to this report. The updates proposed are aimed at achieving:

- corrections and updates to legislative and organization terminology;
- accurate cross references to other aspects of the Town's accountability and transparency framework;
- recognition that the Town's policy and procedure manual is constantly changing and evolving, and the need to more generally reference how the Policy Manual supports the accountability and transparency framework; and,
- delegated authority to ensure the Policy maintains its relevancy between Council reviews by directing the Town Clerk to make necessary reference updates to legislation and Town procedures, by-laws, and the appointment of statutory oversight officers.

Should Council adopt the recommended change to use the Ontario Ombudsman for closed meeting investigator services as discussed in Section 4.7 of this Report, the Accountability and Transparency Policy will be updated by the Clerk to reflect that decision.

4.2 Policy and Procedure Manual

The Town maintains a comprehensive [Policy Manual](#) that includes all statutorily required policies in addition to other policies and procedures that the organization has identified as beneficial. There are a total of 127 policies and 28 procedures posted

through the online Policy Manual. The Organizational Effectiveness Department also maintains and provides access to Staff for another 41 policies that are internally focused on matters pertaining to human resources and the use of technology. The Policy Manual includes the following policies the Town is required to adopt and maintain pursuant to Section 270 of the Municipal Act:

- Its sale and other disposition of land. (F 190)
- Its hiring of employees. (HR 100-030)
- The relationship between members of council and the officers and employees of the municipality. (G 080)
- Its procurement of goods and services. (F 080)
- The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given. (G 150)
- The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. (G 010)
- The delegation of Council's powers and duties to support efficient management of the corporation. (G 020)
- How the municipality will protect and enhance the tree canopy and natural vegetation in the municipality. (MS 380)
- Pregnancy leaves and parental leaves of members of council. (G 090)

In 2024, through consideration of [Staff Report CLK 05-24](#), Council approved comprehensive updates to the [Standards for Policies and Procedures Policy G 180](#) which governs the approval, maintenance, and categorization of policies and procedures. Through this review the categorization of policies was revised and approvals were streamlined. Council continues to consider and approve policies related to Finance, Governance and Municipal Service Levels whereas the CAO has been granted delegated authority to approve policies related to Accessibility, Corporate Administration, Facility Management and Operational Services, Human Resources, and Technology as these policies are related to how services are administered and how the Town will ensure it meets its legislated obligations.

4.3 Procedure By-law

A comprehensive review of the Procedure By-law occurred in May 2024 through [Staff Report CLK 04-24](#). The goal of the review was to improve meeting efficiency, enhance public participation, and clarify existing rules and practices. The review included an environmental scan of comparator municipalities and consultation with Members of Council to identify opportunities for procedural improvements. The review resulted in Council adopting Procedure By-law # 8081-24 that included substantive revisions to requirements around notices of motion, meeting adjournment, the registration and hearing of delegates, along with several minor administrative revisions.

Staff have observed that the revisions to the Procedure By-law are working well and have not received any feedback to the contrary from Members of Council. In April 2025, Council was requested to identify for the Clerk any matters they feel require attention in

the Town's Procedure By-law so that consideration regarding could be provided as part of this report.

4.3.1 – Recorded Votes at Committee of the Whole

In response to Staff's request for feedback on the Procedure By-law, a Member of Council inquired about the opportunity for recorded votes at Committee of the Whole meetings. A recommendation is not provided in this report regarding this request; however, the following is provided for Council's consideration should Council choose to authorize this change to the By-law:

- Council has chosen to first hear matters at Committee of the Whole prior to ratification at Council for the purpose of allowing adequate opportunity over the course of two meetings to discuss and debate the matter, in addition to having the Council meeting serve as an opportunity for sober second thought before final approval;
- Part of the intention of not having recorded votes at Committee is to avoid Members feeling bound by Committee votes when making final decisions at Council, and to alleviate any concerns about their voting records not appearing consistent if they were to change their vote between Committee and Council;
- Notwithstanding the above, there are motions at Committee for which a Member may wish to have their vote recorded as the matter would not later be voted on at Council. Examples include motions at Committee to defer or refer an item or a procedural vote such as a request to waive the rules of procedure; and,
- All lakeshore municipalities in Durham and the Region of Durham allow recorded votes at standing committee meetings, with Whitby being an outlier in this respect.

4.3.2 – Proposed Updates to the Procedure By-law

Staff are proposing that Council adopt the following to amendments to the Procedure By-law to bring the By-law into conformity with the following recent decisions of Council:

- Include the playing of the National Anthem as part of the opening protocols for Regular Council meetings; and,
- Preclude delegates for Integrity Commissioner reports in accordance with the Integrity Commissioner's advice and based on similar provisions in the procedure by-laws of other municipalities.

Council had requested playing the National Anthem at the start of Regular Council meeting following recent threats to Canada's sovereignty and the trade war with Canada started by the President of the United States.

In a letter from the Integrity Commissioner (Principles Integrity) that was sent to the Town on March 13, 2025 and subsequently distributed to Council, the following was noted with respect to hearing from delegates on a recommendation report from the Integrity Commissioner:

“When sitting in an adjudicative capacity – a disciplinary one in this instance – Council has the responsibility to consider the matter before it in an unbiased manner, with Councillors maintaining an open mind as they deliberate. The Integrity Commissioner’s findings and recommendations (but not the investigation itself, which is required to be confidential) will form the basis for Council’s consideration of the matter. The remarks of the respondent(s), and of other Councillors, will form part of Council’s deliberations about how the findings in the report support the recommended sanction.

It is the Integrity Commissioner’s responsibility to conduct an investigation when one is warranted as a result of a complaint about a Councillor’s behaviour – and that investigation is to be conducted with secrecy, excepting the information the Integrity Commissioner chooses, at their discretion, to include in the report.

The opinions of delegates after a report has been concluded does not form part of the ‘evidence’ that can or should be considered by Council, for Council must take care to make its decision on the report fairly, in an unbiased, non-political manner, and with an open mind.

We would therefore support a decision by Council to waive its procedures to conduct the matter without hearing from delegates who may have registered to speak at the meeting.”

Staff have reviewed the procedure by-laws of the lakeshore municipalities in Durham and found that Pickering and Clarington’s by-laws both contain provisions precluding delegates when considering Integrity Commissioner reports regarding a member of council.

4.4 Code of Conduct

As required by the Municipal Act, Council has adopted two codes of conduct – the [Council Code of Conduct](#) and the [Boards and Advisory Committees Code of Conduct](#). These codes of conduct are a public declaration of principles of good conduct and ethics reasonably expected from members in the performance of their duties and responsibilities as elected representatives and appointees.

The Council Code of Conduct was adopted in 2017 and last amended in 2019. Updating the code was identified following the appointment of Principles Integrity to serve as the Town’s Integrity Commissioner for the Term of Council commencing on November 15, 2022. The municipal clerks in Durham Region held meetings with Principles Integrity to review potential changes and the opportunity to harmonize the Region and lower tier codes. Since the start of the Council term, there have also been suggestions that the Province would be reviewing and making legislative changes to municipal codes of conduct. Then, in August 2024, Municipal Affairs Minister Paul Calandra noted at the AMO conference that municipalities could “expect to have a code that is harmonized, that is uniform across 444 municipalities that will withstand any court test that comes before it, and that will ultimately protect you and your staffs and give us what we need”. Prior to that announcement by the Minister, the Region was preparing to bring forward a revised code of conduct to Regional Council but subsequently put the plan on hold. In December 2024 the Province introduced the Municipal Accountability Act, 2024 which

would have established a new, standardized municipal code of conduct and integrity commissioner framework. A summary of Bill 241, Municipal Accountability Act, can be found in [Staff Report CLK 03-25](#). When the Provincial election was called on January 28, 2025, parliament was dissolved and the legislative agenda, including the Municipal Accountability Act, 2024, was reset. However, prior to this report's publication, the Province re-introduced the legislation as Bill 9, Municipal Accountability Act, 2025, without notable modification from the previously introduced Bill 241.

Staff are of the opinion that the Council Code of Conduct would benefit from a review, including incorporating recommendations made by Principles Integrity and harmonization between the Region of Durham and lower tier municipalities. However, it is proposed that such a review be held in abeyance until Bill 9 is considered. If Bill 9 is adopted in its current form, then Staff will update Council on next steps, including the opportunity to provide input on a standardized code of conduct. The Province noted the following regarding next steps in its press release for Bill 9:

“Decisions about what is included in the standardized code of conduct will be made after consultations with the municipal sector. It could include rules for ethical behaviour with respect to, for example, harassment and discrimination and training requirements for members of council and certain local boards.

Working with the municipal sector, Ontario plans to develop the necessary regulations to support the new framework to come into effect for the new term of councils in 2026.”

4.5 Integrity Commissioner

Pursuant to Subsection 223.3(1) of the Municipal Act, the Integrity Commissioner is a statutory officer who reports to Council and is responsible for performing in an independent manner the functions assigned by the municipality. Integrity commissioners carry out a range of functions for municipalities and their local boards. They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for Members of Council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance, including with the Municipal Conflict of Interest Act (MCIA). Finally, but not principally, Integrity Commissioners investigate allegations that a person has fallen short of compliance with the MCIA or the municipality's ethical framework.

The process to secure integrity commissioner services for this Term of Council followed the Region of Durham's Consultant and Professional Services Contracting Procedure. Invitations to enter into a consulting and professional services contract with the Region and local municipalities were sent to six individuals/firms. Three proposals were received and evaluated by the Region. Respondents also participated in presentation and interview sessions which were evaluated by the Region and the clerks from Oshawa, Pickering and Whitby. The successful submission was made by Principles Integrity, which the Town appointed as its Integrity Commissioner by enacting By-law # 7916-22 after considering [Staff Report CLK 04-22](#).

The clerks in Durham Region have started discussions about recruiting an Integrity Commissioner for the next Council term beginning on November 15, 2026. The Region of Durham has agreed to lead this process, as it did during the previous recruitment. Additional information will be provided by Staff as we work collaboratively with our counterparts on this task.

4.6 Ombudsman

The Ontario Ombudsman is by default the ombudsman for the Town of Whitby as the Town does not currently have its own local ombudsman. Following consideration of [Staff Report CLK 01-23](#) in January 2023, Council endorsed the Staff recommendation to not renew its contract with ADR Chambers for ombudsman services which had expired on November 14, 2022 and had been in place since December 2016. In making this recommendation, Staff relied on the positive feedback and experience of other municipalities, including the Region of Durham, that had reverted to the Ontario Ombudsman. Staff also spoke with the Ombudsman's Office and determined that they had both the expertise and service capacity to provide ombudsman services for Whitby stakeholders, and would do so at no cost to the Town.

In accordance with the Municipal Act, if Council appoints a local municipal ombudsman, then the Ontario Ombudsman may only conduct an investigation if:

- The municipal ombudsman refuses to investigate a matter or has conducted and concluded an investigation into the matter; or,
- The time for bringing a complaint to the municipal ombudsman has expired.

Even if the Town were to have a local ombudsman, the Ontario Ombudsman maintains the authority and discretion to investigate municipalities on a complaint basis or on the Ombudsman's own initiative. However, it is the Ontario Ombudsman's practice to investigate complaints only after the local complaint processes are exhausted, including any investigations made by a municipal Ombudsman. The Town has in place a process to review public complaints as per the [Public Complaint Policy G 160](#) and regularly works with the Ombudsman to ensure complaints have undergone an internal review prior to intake by the Ombudsman's Office.

Although the Ontario Ombudsman may investigate municipalities, they cannot compel them to take action. The Ontario Ombudsman may make recommendations to Council and the municipality as part of their report and it is then up to the municipality whether and how to address any recommendations made.

The Ontario Ombudsman received 20 cases (complaints and inquiries) about the Town of Whitby between April 1, 2023 and March 31, 2024. While the Ombudsman does not provide specific details about these cases for reasons of complainant confidentiality, they have provided the following general information about the nature of the cases:

General subject area	Number of cases
Accountability officers	2
By-law enforcement	4
Council/Committees	4

Employment/Labour relations	2
Infrastructure	3
Insurance/claims	1
Parking	1
Taxes/Fees	1
Water/Sewer services	1
Other	1

The Ombudsman has noted that the above cases have all been closed. In cases where an issue should have been raised with another body outside of the municipality, complainants are provided with information by the Ombudsman about where to turn next.

4.7 Closed Meeting Investigator

Municipalities have been required to hold open meetings throughout Ontario's history, something many jurisdictions call the "sunshine law". The objectives of open meeting rules have been articulated by the Supreme Court of Canada in its decision in the 2007 case, *London (City) v. RSJ Holdings Inc.* The judges noted "the public's demand for more accountable municipal government" and stated that open meetings are essential to "robust democratic legitimacy" of local administrations. Prior to 2008, members of the public had little recourse to question meetings that were closed to the public until a complaints system was established that year. Since then, all municipalities could either appoint their own investigator or have the Ontario Ombudsman as their default investigator in accordance with Section 239.1 of the Municipal Act.

The Municipal Act identifies that the investigator has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with Section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. Since the appointment of Local Authority Services (LAS) as the investigator in 2008, the Town of Whitby has been subject to three closed meeting complaints and investigations, one in each of 2012, 2013, and 2024.

Council appointed LAS, an arm of the Association of Municipalities of Ontario (AMO), as the Town's closed meeting investigator provider through By-law # 6040-08 at the Regular Council Meeting on March 17, 2008. In 2019 LAS reviewed their delegated third party service provider for closed meeting investigator services through a request for proposal. Following their evaluation of RFPs received, LAS awarded closed meeting investigator services to Aird & Berlis LLP, commencing for the 2020 calendar year. To provide this service, LAS charges an annual program administration fee of \$250 and Aird & Berlis LLP charges an hourly fee ranging from \$495 to \$875, depending on the investigator assigned, to review, investigate, and report on closed meeting complaints.

Where a municipality has not appointed its own investigator in accordance with Section 239.2 of the Municipal Act, the Ontario Ombudsman acts as the default closed meeting

investigator. Since 2008 the Ontario Ombudsman has undertaken hundreds of investigations and reports in response to closed meeting complaints. The Ombudsman has noted on their website that “in some cases, we validate the actions of municipal officials, while in others we provide constructive feedback on how to optimize compliance with the rules”.

Further to [Resolution # 7-25](#) passed by Council on February 3, 2025, Council directed that Staff review the pros and cons, financial or otherwise, of retaining the existing closed meeting investigator contracted through LAS versus using the Ontario Ombudsman. Staff have identified the following considerations associated with this request.

Retaining Aird & Berlis LLP through the LAS agreement:

- Aird & Berlis LLP retains a number of lawyers with expertise in municipal matters and is a recognized leader in this field in Ontario.
- As with the October 7, 2024 complaint (2024-01) which resulted in a final report in less than two months, Aird & Berlis LLP is able to provide timely investigation and reporting on complaints. The Ombudsman is generally slower, with their own estimate being 4 to 12 months from complaint to final report, a timeline that has been validated in speaking with staff from other municipalities.
- There is the opportunity to seek legal advice on closed meeting requirements from the same firm that would be investigating the matter, a benefit that Staff have leveraged in the past. However, Staff and Council could still seek legal advice from Aird & Berlis LLP and use their expertise as a closed meeting investigator even if they were not the Town’s investigator.
- Municipalities are strong, accountable orders of government that are capable of managing their own affairs, and thus LAS offers the closed meeting investigator program as an option for municipalities that wish to manage any complaints within their own organization, without the involvement of another level of government. However, in practice, there is little difference in the approach employed by LAS versus the Ombudsman and both organizations take into consideration each other’s previously published closed meeting investigations to help identify relevant factors and precedent before issuing a decision.

Reverting to the Ontario Ombudsman as the default closed meeting investigator:

- Complaints are handled by the Ombudsman’s legal services team which has a small group of lawyers with municipal experience who are assigned to complaints on a rotational basis.
- The Ombudsman receives about 80 open meeting inquiries per year and has been performing this service for many years, so the Office has a good institutional depth of knowledge on the subject.
- There is no cost to the municipality associated with using the Ontario Ombudsman. The contracted services through LAS have an hourly rate for investigators ranging from \$495 to \$875, and the 2024 closed meeting

investigation cost the Town \$13,276.37. However, the Town has only had three closed meeting complaints since 2008, so while the cost of an investigation is substantial, it is mitigated by being spread over a longer time horizon.

Staff reviewed the investigators used by Durham area municipalities. Clarington, Oshawa, Ajax, Pickering, and Scugog use the Ontario Ombudsman whereas Brock, Uxbridge, and the Region of Durham use LAS. Of the 444 municipalities in Ontario, 268 use the Ombudsman and 90 use LAS as their closed meeting investigator, with the remaining 86 municipalities having arrangements with alternative providers.

On balance, Staff believe that the two organizations maintain a comparable level of expertise and experience in dealing with closed meeting complaints and investigations. Further, the approach that both bring to evaluating and deciding whether a violation of the open meeting provisions has occurred is considerate and reasonable. In this respect, the Ombudsman's Office has certainly evolved from years past. Under a previously appointed Ombudsman it regularly assumed the worst when it came to the intentions of municipalities. However, in recent years, the Ombudsman has demonstrated through communications and investigative findings an understanding that recognizes municipalities as complex creatures of the province that generally strive to fulfill the principles of being an accountable and transparent form of government even if they sometimes, and mostly through inadvertence, fall short of their legislative obligations.

The main difference between LAS and the Ombudsman comes down to timing and cost. LAS, through Aird & Berlis LLP, has a demonstrated track record of completing investigations within a few months of receiving a complaint, but at a substantial cost. The Ombudsman can take a longer time to complete and report on an investigation, up to a year, albeit the process incurs no direct costs for municipalities. On the whole, and for similar reasons that led the Town to switch from having its own local ombudsman to using the Ontario Ombudsman, Staff recommend that the Town revert to having the Ontario Ombudsman as the default closed meeting investigator.

The termination clause in the Town's agreement with LAS stipulates that the agreement may be terminated by either party on ninety (90) days written notice provided that any investigations commenced prior to the termination date shall be completed pursuant to the agreement.

4.8 Closed Meeting Policy

When drafting revisions to the [Closed Meeting Policy](#), Staff reviewed documentation and incorporated best practices from the [City of Burlington](#) which conducted a Closed Session Policy review in 2022 in consultation with Aird & Berlis LLP. Revisions to the Policy are proposed to ensure the policy aligns with the Municipal Act, mirrors existing processes, recommends new provisions based on best practices, and implements minor housekeeping changes. A track changes version of the policy has not been included with this report due to the number of revisions, however the revised policy is

appended to this report as Attachment 2 and the existing policy may be reviewed using the link included above.

Key highlights of the proposed changes include:

- Revision to the purpose statement to note that the policy additionally serves to ensure compliance with statutory requirements for holding Closed Meetings.
- Additional definitions in Section 1 of the policy including definitions for the terms Confidential Report, Council, Open Session, and Local Board. Further, the definition of Meeting has been expanded to mirror the definition found in Section 238(1) of the Municipal Act.
- Broadening of the responsibilities outlined in Section 2 of the policy to note that Council is ultimately responsible for deciding to move into closed session, whether to convene a Closed Meeting, and the appropriate level of public disclosure following a Closed Meeting, noting that Staff are responsible for providing advice to Council on the application of closed meeting exceptions and the level of confidentiality of municipal interests. Further a clause has been added highlighting the importance for Staff and Council of keeping confidential information secure. Lastly, the Clerk has been authorized to update Appendix 1 to the policy to add and delete Committees and Local Boards and applicability of the Closed Meeting Policy as Committees and Local Boards are approved or disbanded by Council, in accordance with the Council approved Terms of Reference for said Committees or Local Boards.
- Expanded Section 3 of the policy regarding whether a Meeting should be Closed noting that Department Heads should consult with the Clerk, the CAO, and the Town Solicitor when considering the need for a Closed Meeting.
- A new Section 4 of the policy regarding Agendas, Subject Matter Headings, and Report Titles to ensure consistency and transparency, to the extent possible, when Staff are drafting Confidential Reports and assembling meeting agendas.
- Updates to the Motions and Staff Recommendations section of the policy to clarify that written Confidential Reports are preferred over verbal presentations and updates from Staff during Closed Meetings, whenever possible and appropriate based on the subject matter. Further, this section has been revised to remove the previously included example motions as those served primarily as a reference for Staff in the Office of the Town Clerk and do not need to be included in policy.
- Formatting revisions to the Education and Training section of the policy.
- The addition of a new section 8 to the policy regarding how Council may waive privilege and/or confidentiality for matters that are subject to solicitor-client privilege.
- The addition of a new section 9 outlining the responsibilities of the Clerk regarding Closed Session Minutes and maintaining those records in a confidential manner.
- The addition of a new section 10 regarding Closed Meeting Attendance and which Staff members and or invited guests are appropriate at Closed Meetings.
- The addition of a new section 11 regarding Virtual Participation at Closed Meetings to clarify that virtual and hybrid Closed Meetings may occur and that

Members of Council and Staff participating virtually in Closed Meetings shall take reasonable precautions to safeguard the confidentiality of the meeting to prevent unauthorized viewing or listening to meeting proceedings.

- Updates to Appendix 1 to the policy, "Committees and Local Boards to which the Closed Meeting Policy Applies" to update the Council approved listing of Committees and Local Boards and to note the Ashburn and Spencer Community Centre Boards, the Groveside Cemetery Board, and the Community Connection Executive Committee as being exempt from the Policy in accordance with Section 2.5 of the Policy.

5. Financial Considerations:

The Town budgeted \$21,620 in 2025 for costs related to statutory oversight officers. This budget covers costs associated with Members of Council obtaining advice on conflict of interest matters from the Integrity Commissioner, the review of complaints and investigations by the Integrity Commissioner, and any costs associated with closed meeting investigations. The budget does not anticipate that an Integrity Commissioner or closed meeting investigations will occur every year so when such events do occur, they generally result in a budget pressure for that year. That is, the costs for these investigations in addition to regularly incurred expenses typically exceed what is allocated in the budget. These budget pressures are generally offset by other operating budget savings across the Town.

6. Communication and Public Engagement:

Pertinent information about the Town's accountability and transparency framework is maintained on the Town's website and can be found [here](#).

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

Reviewing and regularly updating the Town's accountability and transparency framework ensures legislative compliance and demonstrates that the Town continues to be an accountable and responsive government focused on continuous improvement and community engagement in support of Strategic Pillar 4 in the [Community Strategic Plan](#).

9. Attachments:

Attachment 1 – Accountability and Transparency Policy draft revisions

Attachment 2 – Revised Closed Meeting Policy



Town of Whitby Policy

Policy Title:	Accountability and Transparency
Policy Number:	G 010
Reference:	Municipal Act, Council Resolution #161-10 and #310-17
Date Approved:	May 10, 2010
Date Revised:	June 5, 2017 <u>May 26, 2025</u>
Approval:	Council
Point of Contact:	Town Clerk

Policy Statement

Accountability and Transparency are standards of good government that enhance public trust. They are achieved through the municipality adopting measures which ensure that all activities and services are undertaken through a process that is Accountable and Transparent to its Stakeholders.

Purpose

The purpose of this policy is to comply with section 270 of the Municipal Act, 2001 ~~(the Act)~~ which requires the Town of Whitby to adopt and maintain a policy with respect to the manner in which the municipality will ensure that it is Accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are Transparent to the public.

Scope

The Accountability and Transparency Policy applies generally to the political decision making and to the administrative management of the Town. In addition to this Policy, various pieces of legislation impose their own frameworks of Accountability and Transparency on local governments, and the principles established herein are intended to compliment any legislative requirements.

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1 Definitions

- 1.1 Accountability** means the municipality being responsible to its Stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- 1.2 Stakeholder** means any individual person, organization or entity that has an interest or stake in the Town's business, actions, or inactions.
- 1.3 Transparency** means the municipality actively encouraging and fostering Stakeholder participation and openness in its decision making and service delivery processes.

2 Responsibilities

- 2.1 Council to:**
- Ensure Accountability and Transparency in their actions and decision making.
- 2.2 CAO and Senior LeadershipManagement Team to:**
- Ensure that the actions of the administration and all recommendations and advice by Staff to Council are developed in an Accountable and Transparent manner.
- 2.3 All Staff to:**
- Be aware of and follow the Accountability and Transparency framework as set out in this policy.

3 Guiding Principles

The following principles of Accountability and Transparency shall apply equally to the political decision making and to the administrative management of the Town.

- 3.1** The Council of the Town of Whitby acknowledges that it is responsible to provide good government for its Stakeholders in an Accountable and Transparent manner by:
- Transacting Town business openly and fairly;
 - Encouraging public access and participation to ensure that decision making is responsive to the needs of constituents;
 - Ensuring efficient and effective financial management;
 - Maintaining an open, responsive meeting process that ensures citizens have access to and awareness of the Council/Committee business being discussed;
 - Delivering high quality services to our citizens; and,
 - Promoting the efficient use of public resources.

4 Accountability and Transparency Framework

The following sections highlight areas where the Town has developed policies and practices to ensure its operations are accountable and transparent.

4.1 Conduct and Behaviour

The Town is committed to ensuring reasonable and appropriate conduct and behaviour ~~to be expected~~ from the public accessing municipal facilities or services, ~~and from its~~ employees, Members of Council and ~~its members of~~ local boards and committees. In establishing what constitutes appropriate conduct and behaviour, the Town has adopted the following policies and by-laws:

- a) Council Code of Conduct By-law
- b) Boards and Advisory Committees Code of Conduct By-law
- c) Public Code of Conduct Policy ~~CA 160~~MS 470
- ~~d)~~ Public Complaints Policy CA 190G 160
- ~~d)e)~~ Council Staff Relations Policy G 080
- ~~e)f)~~ Employee Code of Conduct Policy HR 070
- ~~f)~~ Dress Code Procedure HR 070-004

4.2 Independent Oversight

Council has appointed the following independent officers to provide oversight based on the policies noted:

- a) **Municipal Ombudsman** – ~~A municipal ombudsman has been appointed in accordance with By-law # 7212-16 and In accordance with the Ontario Ombudsman Act and the Municipal Act, 2001, the Town may appoint its own Ombudsman or in the absence of exercising this right, default to oversight by the Ontario Ombudsman. Through Council Resolution #21-23, Council approved the utilization of the Ontario Ombudsman's Office for ombudsman oversight. The Office of the Ontario Ombudsman, according to~~ Section 223.13 of the Municipal Act, ~~will to~~ investigate in an independent manner any decision or recommendation made or act done or omitted in the course of the administration of the municipality, its local boards and such municipally-controlled corporations as the municipality may specify and affecting any person or body of persons in his, her or its personal capacity. ~~Prior to a Stakeholder contacting the Ombudsman to request a review of their concerns, the Town encourages them to avail themselves of the comprehensive internal review process for~~

~~complaints in accordance with the Public Complaint Policy G 160. The Ombudsman fulfills their duties in accordance with the following:~~

- ~~• Public Complaint Policy CA 190~~
- ~~• Customer Service Standard Policy CA 210~~
- ~~• Terms of Reference adopted by Council Resolution # 573-16~~
- ~~• Region of Durham RFP 1014-2016~~

b) **Integrity Commissioner** – An integrity commissioner has been appointed in accordance with By-law # ~~7916-227234-17~~ and Section 223.3 of the Municipal Act to perform in an independent manner the functions assigned by the municipality with respect to:

- the application of the code of conduct for Members of Council and the code of conduct for members of local boards; and,
- the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Council and of local boards.

The Integrity Commissioner performs their duties in accordance with the:

- Council Code of Conduct By-law;
- ~~• Boards and Advisory Committees Code of Conduct By-law; and,~~
- ~~• Any applicable agreement or Terms of Reference for integrity commissioner services.~~
- ~~• Employee Code of Conduct Policy HR 070~~
- ~~• Terms of Reference adopted by Council Resolution # 24-16~~
- ~~• Region of Durham RFP 1042A-20~~

~~c) Closed Meeting Investigator~~ – A closed meeting investigator has been appointed in accordance with By-law # 6040-08 and Section 239.2 of the Municipal Act to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with ~~s~~Section 239 or a procedure by-law under ~~s~~Subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. ~~The Closed Meeting Investigator performs their duties in accordance with the:~~

~~d) Closed Meeting Policy G 040
Procedure By-law~~

4.3 Policy Manual~~Financial Matters~~

The Town maintains a comprehensive Policy Manual that includes all policies required by statute, in addition to other policies and procedures that the organization has identified as beneficial. The existence of the Policy Manual

is a critical aspect of ensuring that Council fulfills its role as specified in Section 224 of the Municipal Act:

- to represent the public and to consider the well-being and interests of the municipality;
- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;
- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- to maintain the financial integrity of the municipality; and,
- to carry out the duties of council under the Municipal Act or any other Act.

In accordance with the Standards for Town Policies and Procedures Policy G 180, the Policy Manual supports the role of Council and the municipality's goals and priorities by providing for controllership and financial management, transparency, clarity, fairness, and consistency in decision making related to the administration and operations at the Town of Whitby.

~~The Town will be open, accountable and transparent to its Stakeholders in its financial dealings as required under the Municipal Act. It is a priority for Council and Staff to engage in wise management of the Town's financial resources. The following are examples of policies, procedures and practices that the Town has in place to ensure that financial matters are handled in an accountable and transparent manner:~~

- ~~a) Capital Budget Development (F 150) and Monitoring (F 170) Policies~~
- ~~b) Consolidated Fees and Charges by law (ease of access to the costs associated with services provided by the Town in a single document).~~
- ~~c) Internal and External Auditing~~
- ~~d) Investment Policy F 100~~
- ~~e) Operating Budget Development (F 140) and Monitoring (F 180) Policies~~
- ~~f) Purchasing Policy F 080~~
- ~~g) Corporate Visa Credit Card Expenses Procedure F 080-001~~
- ~~h) Council Expense Policy G 050~~

4.4 Council and Standing Committee Meetings

The Town has taken steps to ensure that it is accountable and transparent to its Stakeholders through implementing processes outlining how, when and under what rules meetings will take place and making access to those meetings convenient to Stakeholders. The following measures have been undertaken or adopted to make meetings publicly accessible:

- a) Annual publication of regular Council and Standing Committee meeting times and dates.
- b) Adoption of a Procedure By-law that clearly states how Council and Committee business shall be transacted at meetings.
- c) Early release of electronic and accessible Council and Standing Committee Agendas and Minutes with the option to receive electronic notification when published for viewing.
- d) The adoption of policies and procedures to support public notice requirements, the creation and management of interested party lists, and to support the role of Council generally.~~Public Notice Policy CA 150~~
- ~~e) Interested Party Lists Procedure CA 150-001 and electronic sign-in stations for interested parties~~
- ~~f)e) Closed Meeting Policy G 040~~
- ~~g)f) Livestream viewing of all Council and Standing Committee meetings held in Council Chambers.~~

This Policy is hereby approved by Council Resolution #310-17 on this 5th day of June, 2017.



Town of Whitby Policy

Policy Title:	Closed Meeting Policy
Policy Number:	G 040
Reference:	Municipal Act, 2001 Procedure By-law # 8081-24 and Council Resolutions # 617-16 and # 277-17
Date Originated:	December 12, 2016
Date Revised:	May 8, 2017
Review Date:	May 26, 2025
Approval:	Council
Point of Contact:	Town Clerk

Policy Statement

The Closed Meeting Policy provides Staff and Members of Council with guidelines and information regarding the statutory requirements and best practices associated with Council and Committee meetings that may be closed to the public.

Purpose

The purpose of this policy is to ensure compliance with the statutory requirements for holding Closed Meetings as well as to enhance the transparency of the Town's decision-making process.

Scope

This policy applies to all meetings of Council and Committee that are closed to the public.

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1 Definitions

- 1.1 Chair** means the presiding officer of any Meeting.
- 1.2 Closed Meeting** means a Meeting, or part of a Meeting, which is closed to the public as permitted by the Municipal Act.
- 1.3 Committee** means any Standing Committee, Advisory Committee, Quasi-Judicial Committee, or other committee, subcommittee or similar entity established by Council.
- 1.4 Confidential Report** means a Staff Report intended to be considered in a Closed Meeting.
- 1.5 Council** means the Council of The Corporation of the Town of Whitby.
- 1.6 Department Head** means an officer or employee of the Town who will generally hold the title of 'Commissioner', appointed by the Chief Administrative Officer or Council, as required, to oversee a department, or a person appointed or designated to act in place of the Commissioner when the Commissioner is absent or refuses to act.
- 1.7 Local Board** means any board established and exercising any power and a substantial amount of authority over their own operations under any Act with respect to the affairs or purposes of the Town, or the Town and one or more other municipalities.
- 1.8 Meeting** shall have the same meaning as Section 238(1) of the Municipal Act, which defines "meeting" as any regular, special or other meeting of a council, of a local board or of a committee of either of them, where (a) a quorum of members is present, and (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board, or committee.
- 1.9 Member** means a Member of Council, a Committee, or a Local Board, as the context requires, and includes the Mayor.
- 1.10 Motion** means a proposal moved by a Member and seconded by another Member, for the consideration of Council, or a proposal moved by a Member for the consideration of a Committee or Local Board.
- 1.11 Municipal Act** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended or replaced from time to time.
- 1.12 Open Meeting** means a Meeting, or part of a Meeting, which is open to the public.
- 1.13 Procedure By-law** means a by-law passed by the Council of the Town of Whitby, as required by the Municipal Act, for governing the calling, place, and proceedings of Meetings.

2 Responsibilities

- 2.1** Council, Committees, and Local Boards shall adhere to this policy when contemplating holding a Closed Meeting.
- 2.2** Council as a whole is responsible for making decisions that affect the Town, the electorate, and those having business with the Town. While Council will consider the recommendations of Town staff in making its decisions, Council bears ultimate responsibility and accountability for those decisions. This includes decisions in relation to Closed Meetings, such as whether it is appropriate to convene a Closed Meeting, which exception should be relied upon, and the appropriate level of public disclosure following a Closed Meeting.
- 2.3** Staff may make recommendations to Council, Committees, and Local Boards regarding the conduct of Closed Meetings. Staff are responsible for providing professional advice on the application of closed meeting exceptions, the practices and procedures of Council, and whether information should be kept confidential on account of various municipal interests.
- 2.4** It is imperative that Staff and Members recognize the importance of confidential information, and that they take every precaution against the unauthorized disclosure of such confidential information. Closed Meeting documents and records, including Confidential Reports, correspondence from legal counsel, and other confidential information, will be provided to Members through the Town's electronic meeting management software or other suitable channels as determined by the Clerk and relevant Department Head.
- 2.5** Notwithstanding Section 2.1 above, Council may exempt from this policy a Committee or Local Board when Members of Council on that Committee or Local Board comprise less than 50 per cent of the Committee or Local Board's membership, that being when there are more members of the public on a Committee than Members of Council and a quorum of Council is not present (see also section 238 of the Municipal Act).
- 2.6** The Committees and Local Boards noted as exempt in Appendix 1 to this Policy are hereby exempt from this Policy and are not required to comply with the open and closed meeting provisions of the Municipal Act. The Town Clerk shall be authorized to update Appendix 1 to add and delete Committees and Local Boards as they are approved or disbanded by Council and maintain the exempt and non-exempt status of each Committee and Local Board as specified under a Council approved Terms of Reference for said Committee or Local Board or a Council approved policy that generally governs boards and committees.

3 Should a Meeting be Closed?

3.1 The relevant Department Head(s) bringing forward an item for consideration shall be responsible for identifying whether that matter may need to be considered in a Closed Meeting. In making such a determination, the Department Head should consult with the Clerk, the Chief Administrative Officer, and/or the Commissioner of Legal and Enforcement Services/Town Solicitor as appropriate.

3.2 Prior to considering a matter in a Closed Meeting, the following two questions shall be answered:

Question 1 – Can the matter be considered in a Closed Meeting in accordance with the criteria in the Municipal Act?

Question 2 – Is there sufficient reason to consider the matter in a Closed Meeting for business, public safety, legal, risk mitigation or other pertinent factors?

3.3 In considering the above questions, Council and Staff shall have regard for, among other matters, whether full transparency and disclosure in the immediate term would in any way serve to compromise the municipal interests engaged by the matter.

4 Agendas, Subject Matter Headings, and Report Titles

4.1 The public agenda must cite relevant closed meeting exception(s) from the Municipal Act for each topic to be considered in the Closed Meeting.

4.2 Before holding a Closed Meeting, Council must pass a resolution stating the fact that it is holding a Closed Meeting, and the general nature of the matter(s) to be considered at the Closed Meeting.

4.3 Where possible, for reasons of transparency, information on the matter to be considered in a Closed Meeting shall be provided in as much detail as possible on the public agenda, provided such details do not impair the position of the Town or another party. When considering the amount of detail and information to include, the titles and/or subject headings of staff reports available on a public agenda may be referenced.

4.4 For reasons of business, public safety, legal, risk mitigation or other pertinent factors, it may be necessary to generalize the report title or subject matter heading for a Closed Meeting matter. As an example, if Council considered the purchase of privately held property in a Closed Meeting, it could disadvantage the Town financially and otherwise to provide a specific description of the property on the public agenda. In this instance, the public agenda header may be summarized as, "Acquisition or Disposition of Lands".

5 Motions and Staff Recommendations

5.1 A Motion in a Closed Meeting shall only be considered if it is for one of two purposes:

- a) Procedural matters; or,
 - b) Giving direction or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.
- 5.2** Staff recommendations, generally contained within a Staff Report, shall contain a notation indicating whether the recommendation is to be considered in the closed or open portion of the Meeting.
- 5.3** Written Confidential Reports from Town Staff will generally be preferred over verbal presentations or updates. Written reports circulated ahead of a Closed Meeting provide clarity on the subject matter to be discussed and help justify the reasoning for holding a Closed Meeting. However, in some circumstances, a confidential verbal presentation or update may be permissible, or practically necessary given other constraints or in recognition of the sensitivity of the specific matter.
- 5.4** The following guidelines and examples are intended to assist in determining whether a Motion should be considered in the closed or open portion of the meeting.

Public Motions

- There are instances where it may be permissible to discuss certain aspects of a matter in a Closed Meeting; however, a motion to dispose of that matter must be made in the open portion of the meeting.

Example 1: Council enters into a Closed Meeting to consider advice that is subject to solicitor client privilege regarding a pending development application and the likelihood of an Ontario Land Tribunal appeal and outcome of an Ontario Land Tribunal decision. After receiving advice from the solicitor, Council must rise to open session prior to considering a Motion on the development application.

Example 2: Council enters into a Closed Meeting to consider labour relations, including changes to staffing, associated with a change in service standards. Such labour relations matters may be discussed in the Closed Meeting, and then Council must rise to consider a Motion regarding a change to service standards in open session.

Closed Motions

- Directions or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality that are specific in nature and would result in harm to the Town for business, public safety, legal, risk mitigation or other pertinent reasons if the Motion was made public.

Example: "That Payne & Fears LLP be directed to notify Lawn & Order Inc. that unless the outstanding contract payments are received within 30 days, the Town will commence legal action."

- Procedural matters are generally provided for in the Procedure By-law. Examples of procedural matters may include a point of order or motion to extend debate.

Example: "That the rules of procedure be suspended to extend the speaking limit for the Member to longer than five minutes"

5.5 Procedural Motions to enter into Closed Meeting and rise from a Closed Meeting shall always be noted in the public version of the Meeting minutes.

5.6 Consideration of Sale or Disposition of Land in a Closed Meeting

The sale or other disposition of land by the Town is governed by the Acquisition, Sale or other Disposition of Land Policy F 190, established for this purpose in accordance with Section 270 of the Municipal Act. As the sale or other disposition of land is generally subject to the forces of a competitive marketplace, it is often necessary to consider land transactions in a Closed Meeting. Ultimately, the final decision on a land sale or other disposition must be made by Council in an open session.

6 Education and Training

6.1 Ongoing training and education of Members is important to ensure the effective and efficient governance of the Town.

6.2 The Municipal Act Section 239(3.1) permits a Closed Meeting for the purpose of educating or training Members. However, at an education or training Closed Meeting, no member can discuss or otherwise deal with any matter that materially advances the business or decision-making of Council, Committee, or the Local Board.

6.3 As the Municipal Act specifically provides the option to hold training or education in a Closed Meeting, asking whether the education or training can be held in a closed session in accordance with Section 3.2 of this Policy is not required. Council and Staff should rather give consideration as to whether it is beneficial to hold the education and training in a Closed Meeting.

6.4 "Education" and "training" are not defined in the Municipal Act. The dictionary definitions for these two terms are provided below for reference.

Education – "the process of educating, teaching, or training; the process of imparting or acquiring skills"

Training – "to give the discipline and instruction, drill, or practice designed to impart proficiency"

- 6.5** Training for Members on communication skills, governance skills, team building, or leadership skills could be considered appropriate training for a Closed Meeting.
- 6.6** Education for Members that provides general overviews of legislation and Council responsibilities under such legislation, such as Council's role and duties under the Municipal Act or under the Occupational Health and Safety Act, are appropriate education topics for a Closed Meeting.

7 Rising and Reporting

- 7.1** After holding a Closed Meeting, the Chair of the meeting shall report out to the Open Meeting, in a general way, what happened in the Closed Meeting. The Chair can provide a brief summary of why the Closed Meeting occurred (e.g. citing the general nature of the matter discussed) and what happened in the Closed Meeting (e.g. indicating that directions or instructions were given to Staff), without divulging the substance of the Closed Meeting discussions.

- 7.2** Examples of how the Chair may report out in the open session are as follows:

Example 1 – Council received an update from Staff regarding the matter of an Ontario Land Tribunal Appeal pertaining to <subject matter that may include property description and/or planning file number>.

Example 2 – Council considered advice subject to solicitor client privilege regarding an ongoing litigation matter and provided direction to Staff.

Example 3 – Council considered a personnel matter about an identifiable individual when considering appointments to advisory committees and local boards.

8 Waiving Privilege, Confidentiality

- 8.1** Legal advice provided to Council during a Closed Meeting is protected by solicitor-client privilege, which is itself enshrined as a closed meeting exception in clause 239(2)(f) of the Municipal Act.
- 8.2** Solicitor-client privilege is designed to protect the interests of the client in seeking or receiving legal advice but may be waived where prudent to do so. In general, Council should not waive solicitor-client privilege or confidentiality unless advised by the Town Solicitor that doing so would not prejudice the interests of the Town.
- 8.3** Privilege can only be waived through an express resolution of Council, voted on by a majority of Members present at a meeting. Solicitor-client privilege cannot be waived by any single Member of Council, even if purporting to be acting in the public interest. Similarly, the Town, through Council, may also wish to waive the confidentiality of materials and information distributed or discussed at a Closed Meeting.

- 8.4** Any such waiver of privilege or confidentiality shall not include such confidential information which the Town is required by law not to disclose or release. For example, the Municipal Freedom of Information and Protection of Privacy Act generally prohibits the Town from disclosing the personal information of an identifiable individual, information received in confidence from another government, information received in the course of negotiations, etc. The Clerk will review all documents to be disclosed and apply any redactions as may be necessary.
- 8.5** Members should acknowledge that the waiver of privilege or confidentiality in a matter does not automatically authorize the public release or discussion of all information from the Closed Meeting which is not otherwise authorized to be disclosed. For example, if Council authorizes the release of a legal opinion considered at a Closed Meeting, Members are not automatically entitled to publicly release or discuss the substance of Council's deliberations at the Closed Meeting on that item.

9 Closed Session Minutes

The Clerk shall be responsible for recording all resolutions, decisions and proceedings in a Closed Meeting in the form of meeting minutes. The minutes of a Closed Meeting shall be maintained by the Clerk in a confidential manner.

10 Closed Meeting Attendance

- 10.1** Attendance at a Closed Meeting shall generally be limited to those individuals required to ensure the Closed Meeting matters are fully and properly considered. This includes the Members who are not otherwise prohibited from attending the Closed Meeting and applicable staff, including but not limited to the Town Clerk, the Chief Administrative Officer, and the responsible Department Head(s) for the matter under consideration.
- 10.2** Other individuals may be requested to attend a Closed Meeting where their attendance may become necessary in the course of Council business. Where appropriate, other individuals shall only be permitted to attend the portion of the Closed Meeting to which their presence is relevant or necessary.

11 Virtual Participation at Closed Meetings

- 11.1** The Procedure By-law allows for hybrid meetings whereby Members are permitted to attend a Closed Meeting in-person or virtually through electronic means.
- 11.2** Members and staff participating in a Closed Meeting remotely shall be responsible for ensuring they are in a physically and technologically secure location, and for taking precaution against unauthorized viewing or listening to the proceedings of a Closed Meeting.

12 Related Documents

- Procedure By-law Number # 8081-24

13 Appendixes

Appendix 1 – Committees and Local Boards to which the Closed Meeting Policy applies

This Policy is hereby approved by Council Resolution # XXX-25 on this ___ day of ___, 2025.

Appendix 1 Committees and Local Boards to which the Closed Meeting Policy applies	
Committee	Closed Meeting Policy Applicable
Standing Committees	
Audit Committee	Yes
Committee of the Whole	Yes
Advisory Committees	
Accessibility Advisory Committee	Yes
Active Transportation and Safe Roads Advisory Committee	Yes
Heritage Whitby Advisory Committee	Yes
Diversity and Inclusion Advisory Committee	Yes
Sustainability Advisory Committee	Yes
Local Boards	
Ashburn Community Centre Board of Directors	Exempt
Community Connection Executive Committee	Exempt
Downtown Whitby Business Improvement Area (BIA) Board of Management	Yes
Groveside Cemetery Board	Exempt
Spencer Community Centre Board of Directors	Exempt
Whitby Public Library Board	Yes
Quasi-Judicial Committees	
Municipal Licensing and Standards Committee	Exempt
Committee of Adjustment	Yes
Compliance Audit Committee	Yes
Other	
Grants Review Committee	Exempt
Road Watch	Exempt
Whitby Tourism Development Corporation	Exempt
55+ Recreation Advisory Committee	Exempt

Appendix 1 Committees and Local Boards to which the Closed Meeting Policy applies	
Committee	Closed Meeting Policy Applicable
Youth Council	Exempt

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Medical Priority Dispatch System (MPDS) Change Over & Tiered Response

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: FES 01-25

Department(s) Responsible:

Fire and Emergency Services

Submitted by:

Fire Chief Michael Hickey

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Fire Chief Michael Hickey
hickeym@whitby.ca

1. Recommendation:

1. That report FES 01-25 be received for information on the pending changeover to the Medical Priority Dispatch System (MPDS); and,
2. As per the *Fire Department Establishing and Regulating By-law #7263-17* (Attachment #1), Council approves an amendment to the Town of Whitby's current *Fire Tiered Response Criteria* (Attachment #2), moving the Town of Whitby to Level A, in alignment with the City of Oshawa, the Town of Ajax and the Township of Clarington.

2. Highlights:

- Durham Provincial Ambulance Communications Centre informed the Regional Fire Chief's that the Centre is moving to an improved triage system, called Medical Priority Dispatch System (MPDS), effective May 21, 2025.
- MPDS is an internationally recognized patient triage system designed by the International Academy of Emergency Dispatch.

- MPDS is already in use by several Communication Centres across the Province including Toronto (since 1992), Niagara (since 2006) Peel Region/Mississauga (since 2022) and most recently, Halton Region.
- MPDS is a sophisticated dispatch triage tool, with over 1,800 potential determinants to specify the agencies and/or resources required given the emergency event, which in turn avoids over prioritizing calls.
- In alignment with changeover to MPDS triage system, Whitby Fire & Emergency Services (WFES) is proposing to move from Level C to Level A on the *Fire Tiered Response Criteria* (Attachment #2); aligning the Town of Whitby with the City of Oshawa, Town of Ajax and Township of Clarington.

3. Background:

The current dispatching triage system utilized across Durham Region is called the Dispatch Priority Card Index (DPCI II). The DPCI triages calls into four (4) categories (Code 1 through to Code 4), with two (2) categories (Code 3 and Code 4) used for emergency calls. DPCI algorithms currently prioritizes over 60% of all emergency calls as Code 4 (Urgent – life threatening or in immediate danger) which has led to mass over-prioritization and ineffective deployment of resources.

Effective May 21, 2025, the Durham Provincial Ambulance Communications Centre will migrate over to the Medical Priority Dispatch System (MPDS). This system was developed by an Emergency Physician, with oversight given to the Medical Director for final determinations and has been successfully substantiated through many trials over a forty (40) year period.

Specifically, MPDS uses a sophisticated dispatch triage tool which generates more detailed questioning to assign patients into one (1) through six (6) priorities, with five (5) priorities being used for emergency calls. This level of detail and prioritization is currently not available with the existing DPCI system.

MPDS is used by a number of surrounding fire services including the City of Toronto (since 1992), Niagara (since 2006), Peel Region/Mississauga (since 2006) and most recently Halton Region. Opportunities for improvement and learnings from previous launches have been openly shared by other services and will be used in the implementation across the Durham Region.

Whitby Fire & Emergency Services (WFES) contracts dispatching services through Oshawa Fire & Emergency Services and in 2024, responded to over 7,300 calls, with a majority of the calls falling within Ontario Fire Marshall Incident Type of medical/resuscitator. WFES currently operates under *Level C Fire Tiered Response Criteria* (Attachment #2). Specifically, Level C is an immediate tiered response request for respiratory arrest (absence of breathing), cardiac arrest (absence of pulse), unconsciousness, motor vehicle collision with EMS attending, profuse and uncontrolled bleeding and acute chest pain and/or shortness of breath/difficulty breathing. WFES

does not response to Long-Term Care Homes or Medical Facilities unless it is a confirmed cardiac arrest (i.e. CPR in progress).

Presently, only the City of Pickering and the Town of Whiby operate under Level C of the *Fire Tiered Response Criteria* (Attachment #2); with neighbouring fire services such as the City of Oshawa and the Town of Ajax operating under Level A of the *Fire Tiered Response Criteria* (Attachment #2).

In light of the pending MPDS changeover, coupled with consideration for the wellbeing of personnel and longevity of assets, Whitby Fire & Emergency Services wishes to amend the existing response criteria and transition to Level A of the *Fire Tiered Response Criteria* (Attachment #2).

4. Discussion:

The pending changeover to MPDS will bring several positive impacts to WFES and significantly improve the overall prioritization of calls received for first responders. In recognition of the pending changes to call prioritization across the Durham Region, WFES would like to change from a Level C *Fire Tiered Response* (Attachment #2) to a Level A *Fire Tiered Response* (Attachment #2), which would place the Town of Whitby in alignment with the City of Oshawa, Town of Ajax and the Township of Clarington. This slight response change will greatly assist in aligning with call prioritization and assist in ensuring WFES crews are available to respond to those most in need within the community.

Specifically, the change to a Level A *Fire Tiered Response* (Attachment #2) would add one (1) additional criteria to the existing services, in that WFES will only respond to acute chest pain and/or shortness of breath/difficulty breathing when a paramedic response time is anticipated to be greater than ten (10) minutes. All other criteria currently outlined within the Level C *Fire Tiered Response* (Attachment #2) would remain unchanged. In addition, with this slight adjustment, WFES resources would not be unnecessarily dispatched to certain lower priority calls and as such, these resources would be available for higher priority calls where WFES' skills, training and equipment can be used in a manner that leads to the greatest impact on saving lives throughout the community.

In addition, the changeover over to MPDS provides the Town with an opportune time to incorporate a tiered response change, as Durham EMS is currently working closely with all fire departments to capture and build out each departments response obligations within the new triage system.

Overall, MPDS will bring a number of efficiencies with prioritization dispatching and provide in depth call details which will aid to ensure WFES crews can implement appropriate safety measures and utilize specific tactics when responding to an emergency scene. WFES remains committed to delivering important life saving services in a manner that is safe efficient, agile and deserving of the community. The launch of

MPDS and a slight change to the exiting *Fire Tiered Response Criteria* (Attachment #2) will greatly assist WFES in achieving this commitment.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Not Applicable

7. Input from Departments/Sources:

Since notification of the changeover, the WFES Leadership Team has met with representatives from Durham EMS and the local Central Ambulance Communication Centre (CACC) to ensure WFES' response information is up to date and accurate. Additional resources have also been shared from the Ontario Association of Fire Chiefs and existing users of MPDS, to assist Durham Regional Chiefs with required changeover preparations.

8. Strategic Priorities:

The recommendation contained in this report advances the following Strategic Pillars and Actions identified in the Town's Community Strategic Plan:

- Whitby's Neighbourhoods – Safe, Healthy, & Inclusive
 - Objective 1.1 – Improve community safety, health, and wellbeing

Specifically, by moving to a Level A *Fire Tiered Response* (Attachment #2) like our neighbouring departments in the Town of Ajax and the City of Oshawa, Whitby Fire & Emergency Services crews will be available for higher priority calls where our specialized skills, training and equipment can be used in a manner that leads to the greatest impact on saving lives throughout the community.

9. Attachments:

- Attachment #1 - Fire Department Establishing and Regulating By-law #7263-17
- Attachment #2 - Fire Tiered Response Criteria



Town of Whitby

By-law # 7263-17

Attachment # 1

Fire Department Establishing and Regulating By-law

Being a By-law to Establish and Regulate the Fire Department, and to Repeal By-law #'s. 4202-98, 6078-08 and 6834-14.

Whereas, the Municipal Act, 2001, S.O. 2001, c.25, as amended, ("Municipal Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

And Whereas, the Municipal Act provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

And Whereas, the Fire Protection and Prevention Act, 1997, S.O. 1997, c4, as amended, ("FPPA") requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances;

And Whereas, the FPPA permits a municipality, in discharging these responsibilities, to establish a fire department;

And Whereas, the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality;

And Whereas, the FPPA requires a municipality that establishes a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality;

And Whereas, the FPPA requires a municipality that establishes a Fire Department to appoint a Fire Chief;

And Whereas, the FPPA authorizes a council of a municipality to pass by-laws under the FPPA to regulate fire prevention, to regulate the setting of open-air fires and to designate private roads as fire routes.

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

1. Definitions

In this By-law:

- 1.1. "Approved" means approved by Council;
- 1.2. "Automatic Aid" means any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department is capable of responding more quickly than any fire department situated in the other

- municipality; or a municipality agrees to provide a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality;
- 1.3. “CAO” means the Chief Administrative Officer appointed by Council to act as the Chief Administrative Officer for the Corporation;
 - 1.4. “Chief Fire Official” means the Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the Fire Department appointed by the Municipal Fire Chief under the FPPA or a person appointed by the Fire Marshal under the FPPA;
 - 1.5. “Collective Agreement” means an agreement between the Corporation and the full-time Firefighters’ Association made under the provisions of the FPPA;
 - 1.6. “Community Emergency Management Coordinator” – (“CEMC”). Means a position identified in the Emergency Management and Civil Protection Act, 1990, c. E.9, as amended (“EMCPA”) as being responsible for the development, implementation, review and maintenance of the Emergency Management Plan for the Town of Whitby;
 - 1.7. “Confined Space” means any space that has limited or restricted means for entry or exit (i.e. tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits) and that is not designed for human occupancy;
 - 1.8. “Corporation” means The Corporation of the Town of Whitby;
 - 1.9. “Council” means the Council of the Corporation;
 - 1.10. “Deputy Fire Chief” means the person appointed by Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
 - 1.11. “Commissioner of Corporate Services” means the Commissioner of the Corporate Services Department for the Corporation;
 - 1.12. “Division” means a Division of the Fire Department as provided for in this By-law or determined by the Fire Chief;
 - 1.13. “Emergency Management Committee” means the group of municipal officials that are responsible to ensure that local programs and committees are developed as required to enable the emergency management process in accordance with the requirements of the Emergency Management and Civil Protection Act;
 - 1.14. “Firefighters’ Association” means the labour union representing professional firefighters;

- 1.15. "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA;
- 1.16. "Fire Coordinator" means the person appointed by the Fire Marshal, under the authority of the FPPA to co-ordinate the Regional mutual aid plans, or the person appointed by the Fire Marshal to act in the absence of the Fire Coordinator;
- 1.17. "Fire Department" means the Corporation's Fire Department (also referred to as Fire and Emergency Services);
- 1.18. "Fire Marshal" means a position with specific authorities and responsibilities under the FPAA, including ensuring that fire departments throughout Ontario provide adequate levels of service to their communities, providing support to fire departments, and administering the FPPA. Also identified as the Office of the Fire Marshal;
- 1.19. "FPPA" means the Fire Protection and Prevention Act, 1997, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made there under;
- 1.20. "Fire Protection Agreement" is a contract between municipalities, other agencies, individuals, or a company that clearly defines the responsibilities, terms, conditions, and all other aspects of the fire services purchased, provided and/or required;
- 1.21. "Fire Protection Services" includes fire suppression, fire prevention, fire safety education, administration services, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
- 1.22. "Head of Council" means the person elected at large by voters in The Town of Whitby, identified formally as the Mayor;
- 1.23. "Member" means any defined Firefighter or Officer as per the FPPA and/or any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services;
- 1.24. "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time, or any successor legislation, and any regulation made there under;
- 1.25. "Municipal Control Group" means the Head of Council with designated town staff who co-ordinate and deploy resources to mitigate the impact of a municipal or other large scale emergency incident;

- 1.26. "Mutual Aid" means a program to provide/receive assistance in the case of a major emergency in a municipality, community or area where resources in a municipality, community or area have been depleted, but does not include Automatic Aid;
- 1.27. "Officer" means any member with the rank of Captain or higher;
- 1.28. "Regional" means the Regional Municipality of Durham being the upper tier level of government in a two tier system;
- 1.29. "Rope Rescue" means an environment (open or confined space, high angle or low angle) in which the load is predominately supported by a rope rescue system.
- 1.30. "Specialty Rescue" means rescue response as specified to trench rescue, building collapse, high angle/low angle rope rescue, confined space, ice/water rescue, auto extrication, and hazardous materials response, etc. in accordance with available resources, and/or in accordance with an approved specialty rescue service agreement; and
- 1.31. "Tiered Response Agreement" means a formal written document negotiated between Durham Regional Police Services, Region of Durham Paramedic Services, and Whitby Fire and Emergency Services to establish local protocols for a multi-agency response to a life threatening or public safety incident. The Agreement outlines the capabilities, expectations and limitations of each agency and defines the criteria for participation.

2. Establishment

- 2.1. A department for the Corporation, to be known as the Whitby Fire Department (Fire and Emergency Services), is hereby established and continued under this By-law and the head of this Department shall be known as the Fire Chief.
- 2.2. The goals of the Fire Department shall be those contained within the Departmental Master Fire Plan as presented to Council from time to time.

3. Composition

- 3.1. The Fire Department shall consist of the Fire Chief, Deputy Fire Chiefs, Divisional Chiefs including Platoon Chiefs, Chief Training Officer, and Chief Fire Prevention Officer, Captains, Fire Fighters, Fire Prevention Officers, Training Officers, Administrative personnel, and any other person(s) as may be authorized or considered necessary from time to time by Council or by the CAO on recommendation from the Fire Chief for the Fire Department to perform Fire Protection Services.
- 3.2. There shall be one Fire Chief appointed by By-law.
- 3.3. There shall be two Deputy Fire Chiefs appointed by By-law.

4. Terms and Conditions of Employment

- 4.1. Subject to the FPPA and the Collective Agreement, the remuneration and other terms and conditions of employment or appointment of the Members that comprise the Fire Department shall be determined by Council or by the CAO acting in accordance with policies and programs established or approved by Council.

5. Organization

- 5.1. The Fire Department shall be organized into Divisions such as Administration, Suppression, Training, Fire Prevention and Public Education.
- 5.2. The Fire Chief may re-organize; eliminate Divisions; establish other Divisions; may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation.
- 5.3. The Fire Chief may assign or re-assign such Members to a Division to assist him in the administration and operation of that Division.

6. Core Services

- 6.1. The core services of the Fire Department shall be those contained in Appendix "A".

7. Responsibilities and Authority of Fire Chief

- 7.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO, for proper administration and operation of the Fire Department including the delivery of Fire Protection Services.
- 7.2 The Fire Chief shall report to the CAO and will perform the duties of the CEMC under the authority of the EMCP.
- 7.3 The Fire Chief shall be authorized to make such general orders, policies, procedures, rules and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies and without restricting the generality of the foregoing;
 - a) For the care and protection of all property belonging to the Fire Department;

- b) For arranging for the provision and allotment of strategic staffing and facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- c) For the development and implementation of automatic aid, mutual aid and other fire protection and emergency service agreements within the Corporation's borders and/or within the municipal borders of adjoining municipalities upon the approval of Council;
- d) For determining and establishing the qualifications and criteria for employment or appointment, and the duties of, all members of the Fire Department;
- e) For the conduct and the discipline of members of the Fire Department;
- f) For preparing, and upon approval by Council, implementing and maintaining a departmental fire service plan and program for the Corporation;
- g) For keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department and reporting of same to the Office of the Fire Marshal;
- h) For keeping such other records as may be required by Council, the Corporation and the FPPA;
- i) For preparing and presenting an annual report of the Fire Department to Council; and
- j) For exercising control over the budget approved by Council for the Fire Department.

7.4 The Fire Chief is authorized to perform the duties of Regional Fire Coordinator as required.

8. Supervision – General Duties and Responsibilities

8.1. The Deputy Fire Chief(s) shall be the second ranking officer of the Fire Department and shall be subject to and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or vacancy in the office of Fire Chief.

9. Emergency Responses Outside Limits of the Town of Whitby

9.1. The Fire Department shall not respond to a call with respect to a fire or an emergency incident outside the limits of the Town of Whitby except with respect to a fire or an emergency;

- a) that in the opinion of the Fire Chief threatens property in the Town of Whitby or property situated outside the Town of Whitby that is owned or occupied by the Corporation;
- b) in a municipality with which an agreement has been entered into to provide fire protection services,
- c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore;
- d) at the discretion of the Fire Chief, to a municipality authorized to participate in the Durham Region Mutual Aid plan established by the Regional Fire Coordinator appointed by the Ontario Fire Marshal, emergency fire service plan and program or any other organized plan or program on a reciprocal basis;
- e) on those highways that are under the jurisdiction of the Ministry of Transportation or other agency within the Town of Whitby for which an automatic aid agreement has been entered into.
- f) on property beyond the Town of Whitby's border where the Fire Chief or his or her designate determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified to respond and/or assumes command or establishes alternative measures acceptable to the Fire Chief or designate; or
- g) response due to a request for special assistance as required through a declaration of a provincial or federal emergency and such request has been approved by the Fire Chief, the CAO and the Head of Council.

10. Enforcement and Penalties

- 10.1. Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

11. Short Title

- 11.1. This By-law shall be known as the Fire Department Establishing and Regulating By-law.

12. Repeal of Existing By-law

- 12.1. By-law No. 4202-98, By-law No. 6078-08, and By-law 6834-14 are hereby repealed.

13. Effective Date

- 13.1. This By-law shall come into force and effect on the day it is passed.

By-law read and passed this 2nd day of October, 2017.

Appendices

Appendix A

Fire Department Core Services

Original Approved and Signed.

Don Mitchell, Mayor

Original Approved and Signed.

Christopher Harris, Town Clerk

Appendix “A” to By-law No. 7263-17

Core Services

Fire Suppression and Emergency Response

1. Fire suppression services shall be delivered in both offensive and defensive modes as required and shall include search and rescue operations, forcible entry, ventilation, protection of exposures, and salvage and overhaul as appropriate.
2. Emergency pre-hospital care responses and services shall be provided as per protocol as instituted in accordance with the Tiered Response Services Agreement.
3. Special technical and/or rescue response services provided by Whitby Fire Department shall include performing automobile and/or equipment extrication using hand tools, air bags, and heavy hydraulic tools as required, slope rescue, static water/ice rescue, hazardous materials response (Operations Level), and elevator rescue (not to exceed Operations Level) in accordance with available resources.
4. Other technical and/or specialized rescues response services (including trench rescue, rope rescue (not including slope rescue), building collapse, confined space, swift water, etc.) shall not be provided by the Whitby Fire Department beyond the Awareness level. Notwithstanding, Council may approve a specialized rescue service agreement to allow these services to be provided by an agency or Department at a higher level as necessary.

Training

1. The National Fire Protection Association (NFPA) Standards and other related industry training standards and reference materials shall be used as reference guides for Whitby Fire Department Training Division as approved by the Fire Chief. All training will comply with the Occupational Health and Safety Act, R.S.O. 1190, c. O.1, as amended and applicable provincial legislation.

Fire Prevention

1. Inspections arising from complaint, request, retrofit, or self-initiated; fire investigations; and examination and review of fire protection elements of building permit plans shall be provided in accordance with the FPPA and Departmental policies.

Fire and Life Safety Education

1. Public education programs shall be administered in accordance with the FPPA and Departmental policies.

FIRE TIERED RESPONSE CRITERIA

LEVEL A	LEVEL B	LEVEL C	LEVEL D
<p>Immediate tiered response request for:</p> <ul style="list-style-type: none"> Respiratory Arrest (Absence of Breathing) Cardiac Arrest (Absence of Pulse) Unconsciousness Motor Vehicle Collision with EMS attending Profuse and Uncontrolled Bleeding (not including nose, vaginal, rectal or catheter site bleeds and not at LTC, medical facility and/or other on-site EFR locations). <p>When paramedic response time is anticipated to be greater than ten (10) minutes for the following emergency requests for service:</p> <ul style="list-style-type: none"> Acute Chest Pain and/or Shortness of Breath / Difficulty Breathing (not on calls originating from LTC, medical facility or other on-site EFR location). 	<p>Immediate tiered response request (not on calls originating from LTC, medical facility or other on-site EFR location) for:</p> <ul style="list-style-type: none"> Respiratory Arrest (Absence of Breathing) Cardiac Arrest (Absence of Pulse) Motor Vehicle Collision with EMS attending <ul style="list-style-type: none"> Tiered within 1 minute of paramedic arriving at a LTC, medical facility or EFR site and paramedics requesting FD to assist with an active resuscitation and transport. FD will be tiered within 1 minute of paramedics requesting an emergency / non-emergency patient lift assist <u>and</u> no other paramedic resources are readily available to assist CACC shall provide all necessary call details/information during the initial and follow-up notification(s) to FD to be consistent with information provided to paramedics Upon notification to the CACC an on-duty officer for FD may initiate a 30 minute medical tiered response suspension, after such time, normal tiered response practices resume 	<p>Immediate tiered response request for:</p> <ul style="list-style-type: none"> Respiratory Arrest (Absence of Breathing) Cardiac Arrest (Absence of Pulse) Unconsciousness Motor Vehicle Collision with EMS attending Profuse and Uncontrolled Bleeding Acute Chest Pain and/or Shortness of Breath / Difficulty Breathing <p>Pickering & Whitby do not respond to Long-Term Care Homes or Medical Facilities Unless it's a confirmed Cardiac Arrest i.e. CPR in progress</p>	<p>Immediate tiered response request for:</p> <ul style="list-style-type: none"> Respiratory Arrest (Absence of Breathing) Cardiac Arrest (Absence of Pulse) Unconsciousness Motor Vehicle Collision with EMS attending <p>Tiered within 1 minute of paramedic arriving at a LTC, medical facility or EFR site or higher level of care and requesting FD to assist with an active resuscitation and transport.</p> <ul style="list-style-type: none"> Respiratory Arrest (Absence of Breathing) Cardiac Arrest (Absence of Pulse) <p>FD will be tiered within 1 minute of paramedics requesting an emergency / non-emergency patient lift assist <u>and</u> no other paramedic resources in Brock TP are readily available to assist</p> <p>When paramedic response time is anticipated to be greater than fifteen (15) minutes for ALL PRIORITY 4 CALLS within Brock Township</p>
City of Oshawa Town of Ajax Clarington TP	Scugog TP Uxbridge TP *Great Blue Heron Casino has EFR on site	City of Pickering Town of Whitby	Brock Township

***The municipalities of Clarington, Whitby, Scugog, Uxbridge & Brock TP are dispatched by Oshawa Fire Service**

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
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-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	23 Jun 2025	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
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		
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			

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
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			
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	23 Jun 2025		