



September 25, 2023

Mayor Elizabeth Roy
Town of Whitby
575 Rossland Road East
Whitby, ON L1N 2M8

Dear Mayor Roy:

RE: 1635 Dundas, Whitby - Shelter Resolution

**The Regional
Municipality of
Durham**
Office of the Chief
Administrative Officer

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Elaine Baxter-Trahair
B.M. Edu, MBA
Chief Administrative
Officer

Thank you for your correspondence and the efforts of the Town of Whitby to engage with Regional staff to work co-operatively toward a solution which meets all the needs of the community. I have instructed my team to assist me in providing a fulsome response to the proposal from the Town. Care has been taken to respond to all proposals and concerns in the Town's proposal. I agree more discussion is required, I would look forward to an opportunity for the Regional Chair and myself to meet with yourself and the CAO to explain and discuss our approach to meet all the Town's requests to the best of our abilities.

I know that the Town of Whitby appreciates the framework that the Region works within to meet the needs of all members of the community in Whitby. The Region has responsibilities as the Housing and Homelessness System Manager to work with the Town of Whitby on addressing the Housing needs of the residents of Whitby. The Region and the Town of Whitby must act in conformance with the Ontario Human Rights Code. However, the Regional Chair and myself are committed to meet with yourself and the CAO in good faith to discuss and address all concerns and consider all aspects of the proposal.

At this time and subject to more discussion, allow me to advise that the Region:

- is committed to address housing and homelessness in Whitby and to prioritize the needs in the community in Whitby in doing so
- Will be transparent and commit to the best practices which will be in place at the shelter including intake, security, staffing and programming
- Will be transparent and commit to a process for dialogue and engagement on the planning for the additional uses for the remaining space. The Region does have a vision for addressing housing and homelessness in Whitby. The Region does have a vision for addressing housing and homelessness in Whitby. The Region has a comprehensive housing strategy as approved at Council and we are an experienced provider capable of delivering well planned and well executed housing solutions from shelter to transitional housing to community housing. The Region is also interested in the feedback from the community and in providing an opportunity to engage with these plans to meet the needs of the local community.
- Will support and commit to joint action between the Region and the Town of Whitby on specific protocols which will address the crisis of homelessness in Whitby – inclusive of all of the impacts of that crisis for the people who are experiencing homelessness to the community members who are also impacted.

As you know, in the case of the shelter at 1635 Dundas Street East, it is the Region's goal and obligation to provide this shelter in a timely manner without barriers to shelter and housing not experienced with other forms of housing or similar uses. The Region understands and acknowledges the community concerns. We are committed to working with the Town of Whitby as a partner in addressing these concerns. At the same time, the Region must ensure these concerns are expressed and addressed in a manner which does not pose a barrier to housing and to this shelter in particular.

I look forward to the opportunity to work with you to address the concerns of residents and deliver this needed project for the community of the Town of Whitby.

Yours truly,

Original Signed By

Elaine Baxter-Trahair

Chief Administrative Officer

c. Matthew Gaskell, CAO, Town of Whitby

Enclosed

AGREEMENT
TOWN OF WHITBY
AND
REGION OF DURHAM

Purpose

This agreement relates to the use of 1635 Dundas Street East (the Dundas Street Shelter) as a shelter and other future housing uses.

Recitals

Whereas the Region is the Housing and Homelessness System Manager responsible for planning, designing and delivering services to people either directly or through delivery partners with Federal, Provincial and local funding. The system is required to provide adequate Housing for residents of Durham Region, which includes all forms of housing including Warming Centres, Shelters, Supportive Housing, Transitional Housing, Community Housing, Rent Geared to Income Housing and Affordable Housing.

Whereas the Shelter is a right under s. 7 of the Canadian Charter of Rights and Freedoms and the right to the provision of accommodation free from discrimination is provided for under the Ontario Human Rights Code and the Region and the Town, as governments, are obligated to meet these constitutional requirements.

Whereas Homelessness has been recognized as a crisis in Durham Region, including within the Town of Whitby. The Town and the Region intend that if a shelter space exists a person will not be left unsheltered as a result of this agreement.

Whereas the Region and the Town will continue to work co-operatively and in good faith with each other as levels of government and with members of the community including locally elected representatives to ensure engagement and to meet the needs of the community.

Shelter

1. The building, formerly Sunnycrest Long Term Care Home, located at 1635 Dundas Street East in Whitby ("the Dundas Street Shelter") will initially be used as a shelter with 45 shelter spaces available.

2. The Region will use best practices including coordinated access, intake and data collection to support efficient access to the program for people experiencing homelessness. Currently there are people on the by-name list seeking housing in Whitby. Some of these people may currently be unsheltered and would be priority candidates for shelter. In addition, there are people living unsheltered in Whitby who are not on the by-name list. Outreach team will support prioritizing moving people living outdoors in Whitby into the Dundas Street Shelter.
3. The Town and the Region agree that if a shelter space exists a person will not be left unsheltered as a result of this agreement.
4. The Region is committed to providing a comprehensive program for the shelter which meets the needs of the persons requiring these services set out in, in part, in Attachment A.
5. The Region acknowledges that they do not intend to use more than 45 spaces as shelter at the Dundas Street Shelter. At the same time, the Region and the Town acknowledge that as the Housing and Homelessness System Manager and for other reasons including obligations set out above, the Region cannot cap shelter spaces at 45. However, the Region can provide a good faith acknowledgement and commitment that there is no intention use additional spaces except where circumstances require it.
6. In the event more than 45 shelter spaces will be in use at the Dundas Street Shelter program the Region will commit as follows:
 - a. The Region will prepare a report as soon as is practical which identifies
 - i. The circumstance which led to the use of additional spaces
 - ii. An estimated timeframe when the circumstances will end and the use of the additional spaces will end
 - iii. The number of additional spaces needed
 - iv. Additional measures taken including any additional staff or services provided at the site during this period
 - b. This report will be provided to the Town and the Community Liaison Committee
 - c. An annual report compiling all such instances with recommendations for mitigation of these occurrences in the future will be provided to the Health and Social Services Committee and sent to the Town and the Community Liaison Committee.
7. The Region commits to the Town to work towards providing adequate and appropriate low barrier shelter spaces for persons experiencing homelessness in Whitby. While it is acknowledged that people have the right to shelter, both the Town and the Region are committed to reducing and preventing the use of public spaces, such as parks, for shelter where proper shelter spaces are available. Ensuring that adequate shelter spaces are available at 1635 Dundas Stret East is an essential component of the solution for reducing homelessness in Whitby.

Additional Housing Uses

8. The Region intends to fully utilize the remainder of the site for housing and related purposes. The Region does not intend to allocate more than 45 shelter spaces at the site. These additional uses under consideration include: employment services, housing services, health services, mental health services, treatment including treatment for drug and alcohol addiction, counselling and family services, and legal services.
9. The Region will commit to a process of community engagement and engagement with the Town of Whitby with respect to these additional uses. That process will conclude with a report to Regional Council.
10. The Region will complete the process of engagement and the report to Regional Council before making additional use of the remainder of the building. An outline of the process of engagement is at Attachment C.

Housing and Homelessness Support

11. The Region commits to work with all local tiers on a protocol designed to connect persons living unsheltered, particularly persons living unsheltered outside in public spaces with formal shelter and supportive and other housing services. This protocol will involve cooperation between the local and regional levels and include multi-disciplinary approaches involving community safety, social services, housing and health services.
12. The Region will commit to provide staffing and other resources necessary to support the formation of a Mayors Task Force on Homelessness and Drug Addiction. The Region will implement such recommendations of the Mayors Task Force as are approved and directed by Regional Council.

Attachment A - Description of Site Features, Policy and Services

1. The Region plans, designs and delivers services to people either directly or through delivery partners utilizing an intake policy based on best practice to satisfy the following criteria – safety, service needs of shelter residents. A copy of the intake policy for the shelter will be made available to the liaison committee. Individual decisions made under the intake policy are subject to protection under MFIPPA.
2. The Region will provide full funding and staffing for security and maintenance of the building.
3. On-site security presence 24/7 for a minimum of one year. Security will also be available offsite 24/7 through the Regional security service available to all Regional facilities. Onsite an in person response to security incidents will be provided in accordance with the Region's security standards applicable to all Regional facilities, with an on—site facilities personnel, as well as at least one back up, as required when the facilities personnel is unavailable.
4. The Region will evaluate the level of onsite security required on an as needed basis, based on the Building needs and the type and frequency of incidents, and in any event on at least an annual basis. On—Site security will be adjusted according to needs and risks, and included as a component of regular operational reviews. Annual reports and any changes will be reported to the Community Liaison Committee.
5. Region will provide a 24/7 phone number and email for the first year of operations to be administered by the Region's security staff and the building manager. This phone number and email will be for security monitoring and incident investigation, and will be open to the public who have questions, concerns or complaints relating to the Project.
6. The Region will install on site appropriate surveillance systems as deemed appropriate by security professionals. The surveillance systems will include CCTV cameras in appropriate interior common areas of the building and on the exterior of the building and site in accordance with Regional standards. The CCTV coverage will conform with Human Right code and the security systems will be updated with Cameras as appropriate.

7. The Region will provide on site illumination to the existing building and property where required. Exterior lighting will comply with Building Code requirements as well as Crime Prevention Through Environmental Design (“CPTED”) recommendations and subject to meeting the CPTED recommendations, will strive to achieve minimal light excursions from the site through the use of shielding and other design considerations.
8. The Region will install appropriate property features to enhance privacy and meet the needs of both local residents and shelter residents. That includes a fence up to a maximum of 10 feet in height on portions of the property where this is appropriate based on existing and planned landscaping.
9. The Region will provide on-site services as well as service navigation to other services available off-site for shelter occupants. A list of those services includes but is not limited to: employment services, housing services, health services, mental health services, treatment including treatment for drug and alcohol addiction, counselling, family services, and legal services.

Attachment B – Reporting and Liaison During Operations

1. The Region shall establish with the Town a Community Liaison Committee. The Region will provide adequate support for the operation of this Committee Liaison Committee. The Region will provide the Terms of Reference for the Community Liaison Committee with a commitment to review and revise the Terms of Reference as appropriate in the future. The Community Liaison Committee will include representation from the Town, the Region and residents of the community.
2. The mandate of the Community Liaison Committee is to share and disseminate information, identify issues and concerns that impact area residents, develop ongoing communications protocols between the community and the Region as shelter operator and identify risk and risk mitigation strategies.
3. All meeting minutes of the Community Liaison Committee will be provided to the Town's CAO. Reports as set out elsewhere will be provided to the Community Liaison Committee for their discussion and feedback.
4. The Region shall meet with the Town CAO and Mayor monthly for regular updates, if required. If invited to do so, the Region, made up of the Chair, CAO, Commissioner of Social Services and other Regional staff as appropriate, will attend Town Council in an open forum upon invitation and up to twice a year within the first year of operations.

Attachment C – Community Engagement Plan

The Region has plans for this item which we are prepared to provide and discuss in full with the Town of Whitby. The Region has previously engaged in consultation on similar projects but would like to provide the Town the opportunity to provide input on that plan. A proposal can be provided to the Town for discussion.