



## Special Council Minutes

October 30, 2023, 6:00 p.m.  
Virtual Meeting

Present: Mayor Roy (Virtual Attendance)  
Councillor Bozinovski (Virtual Attendance)  
Councillor Cardwell (Virtual Attendance)  
Councillor Leahy (Virtual Attendance)  
Councillor Lee (Virtual Attendance)  
Councillor Lundquist (Virtual Attendance)  
Councillor Mulcahy (Virtual Attendance)  
Councillor Shahid (Virtual Attendance)  
Councillor Yamada (Virtual Attendance)

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Delegations
  - 4.1 Mike Leufkens, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Mike Leufkens, Resident, expressed his support for deferring consideration of the ICBL and concerns with the 1635 Dundas Street shelter. Mr. Leufkens acknowledged the efforts of Staff and Members of Council in addressing community concerns and advised that he would submit his requested revisions to the draft agreement in writing.

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

- the delegate's significant safety concerns with the draft agreement, including concerns with a potential future safe injection site;
- the process for appointing Community Liaison Committee members and determining the preferred experience or qualifications of members; and,
- a request to modify Section 24(b) of the draft agreement to increase the radius where Whitby agrees to provide additional resources to address the concerns with the shelter.

4.2 April Alexander, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

April Alexander, Resident, requested several revisions to the draft agreement to address safety concerns and improve transparency of crime statistics relating to the 1635 Dundas Street shelter. Members of Council requested that delegates submit their comments to the Town in writing.

4.3 Lindsey Hill, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham

regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Lindsey Hill, Resident, expressed support for a future shelter in Whitby but expressed concerns with needles and debris left in the community by shelter residents. Ms. Hill requested clarification regarding whether Regional Staff will be responsible for cleaning up debris on private property related to the Dundas Street Shelter or unsheltered individuals. Members of Council requested that delegates submit their comments to the Town in writing.

A brief question and answer period ensued between Members of Council and Lindsey Hill regarding the delegate's requested revisions to the draft agreement.

4.4 W.S., Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

W.S., Resident, expressed concerns with the decisions made by Regional Council concerning the 1635 Dundas Street shelter and requested several revisions to the draft agreement. Members of Council requested that delegates submit their comments to the Town in writing.

A question and answer period ensued between Members of Council and W.S. regarding the delegate's primary concerns with the draft agreement.

4.5 Amanda and Jonathan Speers, Residents

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Amanda and Jonathan Speers, Residents, expressed their concerns about the transparency of decisions made by Regional Council regarding

the 1635 Dundas Street shelter and the anticipated impact of the shelter on crime and safety.

A question and answer period ensued between Members of Council and Amanda and Jonathan Speers regarding:

- clarification regarding the impact of the shelter on property taxes;
- crime data relating to existing shelters in other communities; and,
- strategies to improve the community's confidence in decisions made by the Town of Whitby and Region of Durham relating to the shelter and the draft agreement.

4.6 Oliver Augustus, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Oliver Augustus, Resident, provided several comments and recommended revisions to the draft agreement that will be submitted to the Town in writing. Mr. Augustus expressed concerns regarding language used in the draft agreement.

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

- a request to modify terminology in the draft agreement to improve accountability, such as replacing the word "may" wherever it appears with "will/shall";
- ensuring additional communities beyond the proposed 500 metre radius of 1635 Dundas Street East receive resources to address issues caused by the shelter;
- a request to address traffic and street lighting concerns;
- clarification regarding the legal advice retained by the delegate;
- a request for community input on appointing members to the Community Liaison Committee;

- community support for the implementation of the proposed Interim Control By-law (ICBL) and the desired outcome; and,
- the use of an ICBL by the Township of Brock and details of the negotiated agreement regarding the Beaverton supportive housing project.

4.7 Michael Hersch, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Michael Hersch, Resident, provided several comments and recommended revisions to the draft agreement that have been submitted to the Town in writing. Mr. Hersch acknowledged the positive progress in the consultation and decision-making process. He requested clarification regarding:

- strategies to enforce the provisions of Attachment C (Code of Conduct) to the draft agreement;
- justification for a low-barrier shelter at 1635 Dundas Street East; and,
- clarification regarding persons that are permitted to seek or occupy a low-barrier shelter space in the Dundas Street Shelter as noted in Section 1(h) to the agreement.

A brief question and answer period ensued between Members of Council and Michael Hersch regarding whether the delegate feels the draft agreement constitutes a fair balance between requests from the Region of Durham, Town of Whitby, and the community.

4.8 Deborah Schroeder, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Deborah Schroeder, Resident, provided several recommended revisions to the draft agreement that will be submitted to the Town in writing. Ms.

Schroeder expressed concerns with the language used in Section 25 of the draft agreement and requested additional provincial and federal funding to mitigate the impacts of the shelter on the community.

A brief question and answer period ensued between Members of Council and Deborah Schroeder regarding:

- strategies to address the expected increase in crime involving shelter residents and enforcement of Attachment C (Code of Conduct) of the draft agreement;
- a request to modify Section 25 of the draft agreement to ensure property owners are not responsible for cleaning up debris such as needles left on private property as a result of the shelter or homelessness;
- ensuring additional communities beyond the proposed 500 metre radius of 1635 Dundas Street East receive resources to address issues caused by the shelter;
- clarification regarding the delegate's request for financial compensation to residents that are impacted by the activities of shelter residents; and,
- existing homelessness in and around the community.

#### 4.9 Denise Boudreau, Oshawa Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

#### **Refer to Item 5.1, Correspondence # 2023-533**

Denise Boudreau, Oshawa Resident, provided several recommended revisions to the draft agreement. Members of Council requested that delegates submit their comments to the Town in writing. Ms. Boudreau made the following requests and recommendations:

- a request to exclude consideration of a safe injection site as a potential additional use at 1635 Dundas Street East;
- a request for clear measurements for success, as well as evaluation and reporting standards; and,
- strategies to mitigate "harm production".

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

- the delegate's personal experience as a resident consulting with the City of Oshawa on similar shelter matters;
- clarification regarding the delegate's use of the term "harm production";
- the provision of wrap-around services at micro-homes in Oshawa;
- the existing impact of homelessness in the Whitby community;
- whether crime associated with micro-homes in Oshawa decreased over time; and,
- preventing issues experienced at the Oshawa micro-homes from occurring at the 1635 Dundas Street shelter.

4.10 Stephanie Macmillan, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Stephanie Macmillan, Resident, provided several recommended revisions to the draft agreement to improve transparency, collaboration, and prioritize the wellbeing of community and shelter residents. Ms. Macmillan requested funding to support on-site medical aid, mental health and addiction support services, and security. She also requested incident reporting requirements for staff, shelter residents, and neighbours.

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

- whether existing homelessness in the community impacts safety or results in debris such as needles in local parks; and,
- clarification regarding a request for 24/7 security on Greenfield Crescent.

4.11 Elaine Leufkens, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Elaine Leufkens, Resident, questioned the need to open a low-barrier shelter in the proposed timeline given public feedback and data from existing shelters in other communities. Ms. Leufkens suggested alternate Whitby neighbourhoods that may be more suitable for a low-barrier shelter. She expressed concerns and sought clarification regarding:

- the ability to provide adequate mental health and addiction support services to shelter residents;
- individuals experiencing homelessness who are permitted to seek or occupy a Low-Barrier Shelter Space in the Dundas Street Shelter, which excludes children;
- alleged hazardous waste at a neighbouring property from a former commercial business; and,
- whether a warming centre may be considered as an additional use under phase two of the project.

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

- measures that the Region of Durham and the Town of Whitby could undertake to reassure residents, so they were comfortable about the project;
- the approximate number of unsheltered individuals living in Whitby;
- ensuring additional communities beyond the proposed 500 metre radius of 1635 Dundas Street East receive resources to address issues caused by the shelter;
- a request to exclude consideration of a safe injection site as a potential additional use at 1635 Dundas Street East; and,
- impacts of the former 117 King Street warming centre on the local community.



It was the consensus of Council to hear Item 4.13, Delegation from Carolina Michelussi, Resident, at this time.

4.12 Sandy Hodder, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Sandy Hodder, Resident, requested several revisions to the draft agreement to improve transparency, ensure the safety of residents, and provide adequate support to the community. Members of Council requested that delegates submit their comments to the Town in writing.

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That the rules of procedure be suspended to allow the delegation to exceed the five minute speaking limit.

**Carried**

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

- ensuring additional communities beyond the proposed 500 metre radius of 1635 Dundas Street East receive resources to address issues caused by the shelter;
- a request to remove or modify Section 25 of the draft agreement;
- a request for all 45 shelter beds to be located on the first floor of the facility to ensure privacy for the residents and community members;
- a request for a minimum of twelve (12) Community Liaison Committee meetings per year;
- preferred phase two uses of the facility, particularly the preferred use of the second and third floors;
- clarification regarding the delegate's requested privacy measures; and,

- the application of criteria for determining individuals that are eligible for supportive housing.

4.13 Carolina Michelussi, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Carolina Michelussi, Resident, expressed her concerns with the draft agreement including the language and terminology used, as well as the safety of the shelter residents and community members. Ms. Michelussi requested clarification regarding:

- evidence-based best practices that inform the planning, design and delivery of services to address the housing and homelessness needs of the community;
- the potential financial impact of the shelter on Whitby taxpayers;
- a request for evidence-based strategies to address the risks to shelter residents and the surrounding neighbourhood; and,
- the site selection process.

A question and answer period ensued between Members of Council and Carolina Michelussi regarding the delegate's suggested criteria for success, as well as clarification regarding her reference to the 1635 Dundas Street shelter being "experimental".

It was the consensus of Council to hear Item 4.12, Delegation from Sandy Hodder, Resident, at this time.

4.14 Tracey Kelly, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Tracey Kelly, Resident, expressed several concerns with the draft agreement including security provisions, as well as tracking and reporting

of crime and other incident statistics. Ms. Kelly suggested revisions to the agreement, including:

- replacing the sand in local parks with rubber filling to improve identification of needles and other debris from the shelter;
- offering rebates to community residents for the installation of security systems on private property;
- ensuring wrap-around services are only offered to shelter residents; and,
- excluding transitional housing as a potential phase two use of the facility.

A question and answer period ensued between Members of Council and Tracey Kelly regarding the delegate's significant concerns with the draft agreement and suggestions for improving support for transitional housing.

Moved by Councillor Shahid

Seconded by Councillor Yamada

That Council recess for ten minutes.

### **Carried**

Council recessed at 9:37 p.m. and reconvened at 9:46 p.m.

#### 4.15 Saad Ashraf, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

### **Refer to Item 5.1, Correspondence # 2023-533**

Saad Ashraf, Resident, provided a PowerPoint presentation detailing his concerns with the proposed 1635 Dundas Street project, crime statistics relating to existing shelters in other communities, and suggested solutions for addressing homelessness in Whitby. Mr. Ashraf advised he will submit his suggested revisions to the draft agreement to the Town in writing.

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

- a request for safety measures such as hourly mobile security patrol within a two-kilometre radius surrounding the shelter;

- crime statistics relating to existing shelters in other communities;
- fears shared by residents of the neighbouring community;
- the privacy concerns of neighbouring residents;
- clarification regarding the delegate's request for reporting incidents of crime or security concerns;
- a request for wrap-around services to offer centralized support to shelter residents;
- ensuring additional communities beyond the proposed 500 metre radius of 1635 Dundas Street East receive resources to address issues caused by the shelter;
- the estimated cost to provide sufficient security services to support the proposed shelter and surrounding communities; and,
- clarification regarding the requested security system rebate program suggested by delegates.

#### 4.16 Vanessa Snape, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

#### **Refer to Item 5.1, Correspondence # 2023-533**

Vanessa Snape, Resident, expressed several concerns regarding the proposed low-barrier shelter relating to crime, safety, and the location. Ms. Snape requested clarification regarding:

- ensuring health and safety concerns within the facility are addressed prior to occupancy;
- remediation of the alleged hazardous waste at a neighbouring property from a former commercial business;
- confirmation that the number of shelter beds will not exceed 45;
- publicly available data concerning the criminal history of shelter residents; and,

- alternate housing arrangements for persons experiencing homelessness who are not permitted or do not feel safe seeking shelter at 1635 Dundas Street East.

A question and answer period ensued between Members of Council and Vanessa Snape regarding the source of information pertaining to the alleged hazardous waste in the surrounding area and clarification regarding the delegate's requested amendments to the draft agreement.

4.17 Ken Wilson, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Ken Wilson, Resident, expressed health and safety concerns with the shelter and requested several revisions to the draft agreement that will be submitted to the Town in writing. Mr. Wilson sought clarification regarding:

- the process for reporting criminal activity, by-law infractions, and other incidents relating to the shelter;
- responsibilities of the Region of Durham; and,
- enforcement of Attachment C (Code of Conduct) to the draft agreement.

A question and answer period ensued between Members of Council and Ken Wilson regarding the delegate's suggestions for ensuring the success of a low barrier shelter.

4.18 Soragia Stasinakis, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Soragia Stasinakis, Resident, expressed concerns with the low-barrier shelter and requested several amendments to the draft agreement that will be submitted to the Town in writing. Ms. Stasinakis sought clarification regarding:

- the Town of Whitby's role in operating and/or supporting the shelter;
- funding sources for the shelter and budgetary implications;
- criteria for determining individuals who are permitted to seek or occupy a Low-Barrier Shelter Space in the Dundas Street Shelter; and,
- the timeline for appointing members of the Community Liaison Committee.

A question and answer period ensued between Members of Council and Soragia Stasinakis regarding the delegate's significant concerns with a low-barrier shelter.

4.19 Wendy Murdoch, Resident

Re: Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

**Refer to Item 5.1, Correspondence # 2023-533**

Wendy Murdoch, Resident, provided a history of her relevant work and volunteer experiences that inform her recommendations for the proposed low barrier shelter. Ms. Murdoch expressed concerns regarding the safety of vulnerable residents living in a co-ed shelter and the importance of hiring experienced and professional shelter staff. She expressed support for a safe injection site.

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That the rules of procedure be suspended to allow the delegation to exceed the five minute speaking limit.

**Carried**

A question and answer period ensued between Members of Council and Wendy Murdoch regarding the delegate's concerns with a co-ed shelter. Members of Council requested that delegates submit their comments to the Town in writing.

Moved by Councillor Shahid  
Seconded by Councillor Bozinovski

That in accordance with the Town's Procedure By-law, the Special Council meeting continue to go past 11:30 p.m.

### **Carried on a Two Thirds Vote**

A question and answer period continued between Members of Council and Wendy Murdoch regarding:

- the benefits of wrap-around services for those experiencing mental health and addiction;
- whether the number of occupied shelter beds impacts access to these services;
- the importance of offering a safe injection site;
- safe shelter options for a variety of demographics including unsheltered seniors;
- the housing of persons experiencing homelessness and their pets; and,
- recommendations for supporting shelter residents who have recovered or are recovering from drug and/or alcohol addiction.

## 5. Items for Consideration

- 5.1 Correspondence # 2023-533 from J. Hunt, Director of Legal Services, Region of Durham on behalf of E. Baxter-Trahair, CAO, Region of Durham regarding Agreement between the Town of Whitby and the Regional Municipality of Durham related to 1635 Dundas

Matt Gaskell, CAO, provided a proposed timeline for addressing the motion for consideration of an Interim Control By-law and negotiating revisions to the draft agreement between the Region of Durham and Town of Whitby regarding the 1635 Dundas Street East shelter.

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

- whether the agreement must be ratified by Whitby Council prior to ratification by Regional Council;
- a realistic timeline for reviewing and addressing community feedback regarding the draft agreement with the Region;

- deferring the motion for consideration of an Interim Control By-law for new low barrier shelters and/or transitional housing to a future meeting following the Regional Council meeting on November 29, 2023;
- clarification regarding the requirement for ratification of the agreement at Regional Council;
- concerns regarding the health and safety of shelter and community residents; and,
- delaying the proposed shelter occupancy date of December 15, 2023.

Matt Gaskell provided a brief explanation about the proposed recommendation to execute a revised agreement. Mr. Gaskell noted that some requested revisions to the agreement are significant in scope and would require a decision by Council.

Francesco Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, noted that the Region has been receptive to the Town's concerns regarding the 1635 Dundas Street shelter. Mr. Santaguida confirmed the amount of time required by Town Staff to consider all community feedback.

Discussion ensued between Members of Council regarding:

- a desire for reasonable negotiations with the Region of Durham;
- appreciation for the collaborative efforts of Town Staff, Regional Staff, and Members of Council in preparing the draft agreement;
- support for a low-barrier shelter in Whitby;
- appreciation for community feedback regarding the Dundas Street Shelter;
- a desire for a revised agreement that addresses community concerns;
- whether the Town may negotiate revisions to the agreement that include improvements to parks and street lighting; and,
- modifying language in the agreement that suggests community residents are responsible for addressing any clean up issues on



private property related to the Dundas Street Shelter or people experiencing homelessness.

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

Whereas Council wishes to ensure that the Town's Zoning By-law and Official Plan contain appropriate policies and standards to ensure that new low barrier shelters and/or transitional housing located within the Town are appropriately located, planned, and that it is understood what polices and measures need to be in place to mitigate impacts on surrounding communities.

Now Therefore be it Resolved:

That the Commissioner of Planning and Development be directed to:

1. Retain any consultants deemed to be necessary to undertake, on an expedited basis, a study to examine the land use policies in the Town's Official Plan and Town's Zoning By-law, related to new low barrier shelters and/or transitional housing to identify their ideal locations within the Town and any policies to mitigate impacts on surrounding communities, excluding the lands identified on Schedule "A" to By-law # 7699-20 and on Schedule "A" to By-law # 7700-20. The said study shall provide advice with respect to:
  - a. changes to the Town's Official Plan policies to identify the ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities;
  - b. changes to the Town's Zoning By-law to identify the ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities;
  - c. appropriate strategies to reduce the impacts of new low barrier shelters and/or transitional housing on neighbouring communities; and,
  - d. such other recommendations as may be appropriate to implement Council's desire to identify ideal locations for new low barrier shelters and/or transitional housing within the Town and any policies to mitigate impacts on surrounding communities.

2. Report back to Council within two months' time with a work plan to give effect to the foregoing.
3. Draft an Interim Control By-law under Section 38 of the Planning Act to be brought forward at an upcoming meeting of Council and ensure that any currently operating low barrier shelters and/or transitional housing within the Town of Whitby are not subject to a proposed Interim Control By-law.

That the Commissioner of Financial Services and Treasurer be directed to:

4. Establish a 2023 capital project for the retainer of any consultants deemed necessary by the Commissioner of Planning and Development for Official Plan and Zoning By-law amendments related to new low barrier shelters and/or transitional housing, in the amount of \$100,000, funded from the Town's Long Term Finance Reserve Fund;
5. Establish a 2023 capital project for the retainer of any Legal Services deemed necessary by the Commissioner of Legal and Enforcement Services/Town Solicitor related the Town's defence of an Interim Control By-law on new low barrier shelters and/or transitional housing, in the amount of \$400,000, funded from the Town's Long Term Finance Reserve Fund.

That the Commissioner of Legal and Enforcement Services be directed to:

6. Retain external legal services and any other consultants necessary to defend any claims brought forward against Council's passage of an Interim Control By-law to a value not exceeding \$400,000.

**Note: The disposition of this matter was determined through the referral motion below.**

**Resolution # 197-23**

Moved by Councillor Shahid

Seconded by Councillor Leahy

That the motion for an Interim Control By-law for new low barrier shelters and/or transitional housing be deferred to November 30, 2023 to allow additional time to continue the negotiation of an agreement with the Region of Durham relating to the use of 1635 Dundas Street East (the

Dundas Street Shelter) in order to address the concerns raised by residents.

### **Carried**

### **Resolution # 198-23**

Moved by Councillor Leahy

Seconded by Councillor Lundquist

Whereas the Regional Municipality of Durham (the “Region”) has purchased the former Sunnycrest Nursing Home property at the address known municipally as 1635 Dundas Street East in the Town of Whitby (“1635 Dundas Street”); and,

Whereas the Region has proposed that a low-barrier shelter with a maximum of 45 spaces for persons experiencing homelessness be constructed at 1635 Dundas Street; and,

Whereas members of the surrounding neighbourhood and community have expressed concerns about the operation of a low-barrier shelter located at 1635 Dundas Street; and,

Whereas the Region submitted Correspondence # 2023-438 from E. Baxter-Trahair, Chief Administrative Officer for the Region, proposing an agreement between the Town and the Region with respect to the use of the proposed low-barrier shelter and future housing and other uses at 1635 Dundas Street; and,

Whereas Town staff, in consideration of concerns raised by the community and having received feedback from Members of Council, have negotiated a draft agreement related to the proposed low-barrier shelter and future uses for 1635 Dundas Street with the Region as attached to Correspondence #2023-533 in accordance with the instruction from the September 25, 2023 Town Committee of the Whole resolution (the “Draft Agreement”);

Now Therefore be it Resolved:

1. That Correspondence #2023-533 dated October 26, 2023 from J. Hunt, Director of Legal Services, Region of Durham, on behalf of E. Baxter-Trahair, CAO, Region of Durham, be received;
2. That Council receives the general terms of the Draft Agreement attached to Correspondence #2023-533 and authorizes Staff to

negotiate further revisions based on the community and Council's feedback; and,

3. That should the proposed Community Liaison Committee request to change or amend its Terms of Reference as shown in Attachment B to the agreement, Town Staff will provide a memorandum to Council on the Council Information Index regarding the changes, and if that memorandum is not referred to following Committee of the Whole meeting for discussion, the Mayor and Clerk shall be authorized to execute an amendment to the agreement to formalize the requested changes to the Community Liaison Committee Terms of Reference.

**Carried**

6. Confirmatory By-law

**Resolution # 199-23**

Moved by Councillor Leahy

Seconded by Councillor Yamada

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on October 30, 2023 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

Councillor Yamada rose and indicated that he would be bringing forward a motion directing Staff to report to Council on the implications of contracting out the Town's curbside waste collection, green bin program, and snow removal program. He noted that the ongoing labour disruption caused by striking CUPE 53 Full-Time Staff was impacting the community and that he felt that certain Town services needed to be available to residents at all times.

7. Adjournment

Moved by Councillor Mulcahy

Seconded by Councillor Bozinovski

That the meeting adjourn.

**Carried**

The meeting adjourned at 12:51 a.m.

---

Christopher Harris, Town Clerk

---

Elizabeth Roy, Mayor