

# Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division



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**To:** Mayor and Members of Council

**CC:** Francesco Santaguida, Commissioner,  
Legal and Enforcement Services

Office of the Mayor and Council

**From:** Andre Gratton, Manager, Enforcement  
Services

**Date:** July 7, 2023

**File #:** N/A

**Subject:** Business Licensing By-law # 5545-04  
exception request for a lodging home at  
417 Byron Street North

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**Acknowledged by R.  
Saunders, Acting Chief  
Administrative Officer**

## Background

The Town has received a request for an exception to the Town's Business Licensing By-law # 5545-04 (the "By-law") related to the restrictions for an existing lodging home. The request was made by Victoria Keane, the owner operator of a lodging home at 417 Byron Street North. The request came in response to a license renewal for a lodging home after staff had conducted an inspection and discovered that the maximum number of residents exceeded the total number permitted by the by-law. Schedule 8 of the By-law allows for a maximum of ten (10) residents in a lodging house.

As a result of the inspection and concerns/complaints received, staff did not to renew the license. Staff have also received complaints about the total number of occupants, disturbances at the property and that residents were being left unsupervised at night. Staff have addressed the complaints received with the property owner.

The exception request notes two other lodging houses which are listed within the exceptions provisions of the Business Licensing By-law. It should be noted that these properties were grandfathered into the 2004 By-law as they have existed since 1986.

## **Next Steps**

As noted by the Commissioner of Legal and Enforcement Services in his email on July 4<sup>th</sup>, 2023, exception requests are placed on the Council Information Index for review and a Member of Council may request for the matter to be considered at Council. Should no request be received to consider the matter at the next Council meeting, the exception is deemed to be denied.

Based on a preliminary review and in principle, Enforcement Staff do not oppose the request for an exception to increase the number of residents to seventeen (17), subject to conditions and a review by the Planning and Building Sections of the Planning Department.

Should Council wish to consider the request, Enforcement staff would also consider conditions for the exception to address the complaints/concerns received from the surrounding community and the concerns of staff.

Any questions related to this matter may be directed to the author or the Commissioner of Legal and Enforcement Services/Town Solicitor.

June 27, 2023

Town of Whitby  
575 Rossland Rd East  
Whitby, ON L1N 2M8

To Mayor Elizabeth Roy and Members of Council,

My name is Nicole Keane, owner of company 12801701 Canada Inc. (Whitby Transitional Community Care) at 417 Byron St. North, Whitby, ON L1N 4N5. I want to appeal against the order to comply with **“Schedule 8 Section 10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house”** by August 4, 2023 (see attached Refusal Letter). I am kindly asking to be grandfathered onto the exceptions list.

The 17 occupants at 417 Byron St. North are male, living within the low socio-economic bracket coping with Mental Health challenges including Schizophrenia. I have owned this property for 2 years, but some of these men have lived together for approximately 10 years and consider it their home (longest resident 13 years). Most of them do not have family or friends visiting or caring about their well-being. In the short time that I have known them, I have witnessed their bond and how they support and look out for each other to the point where they will give their last dollar. I would like to acknowledge and celebrate their amazing personalities and kind hearts. This home is where they feel safe, accepted, and consider each member to be their family.

I purchased the home with 17 people residing in it and was unaware that any bylaws were broken. I thought I did my due diligence by requesting inspections be conducted by the Town of Whitby, Durham Region Health Department, Whitby Fire and Emergency Services, along with a comprehensive Home Inspection, to be completed before I purchased the property. The home is clean, spacious, and comfortably accommodates all the residents (see attached Floor Plan and Health Inspection Report). It is well organized and has a good reputation overall. Recently we received a new tenant that would scream, “Bang bang!” at the top of his lungs mimicking construction site noises. This caused our neighbours to file a complaint calling his behaviour, “A disturbance of the peace.” Currently, we are in the process of finding this tenant a new residence.

Forcing some of my residents to leave their home will exacerbate their mental health challenges. Unfortunately, society is not always kind and welcoming to individuals who fit the profile of my tenants (and these men are painfully aware of this reality). This is why it is important for them to stay together. I fear they will experience heightened anxiety due to being stripped away from a nurturing environment in which they thrive. What I am most concerned about is that this order may cause them to end up homeless because they cannot afford to live anywhere else. I take pride in providing low and

affordable rents in a time with growing costs due to inflation. I personally supplement the extra costs by working an additional job to ensure they enjoy a high quality of life. I am doing the community a great service by keeping these vulnerable men off the streets.

My clients are unable to live independently. They require much-needed support such as; prepared meals, medication reminders, money management assistance, and someone to help book medical appointments. We have weekly visits from Nurses, Social Workers, and the Assertive Community Treatment Team (ACTT Team) to provide medical services and assessments within the home. These men pose no threat to anyone in the community, as they are quiet individuals who stick to themselves.

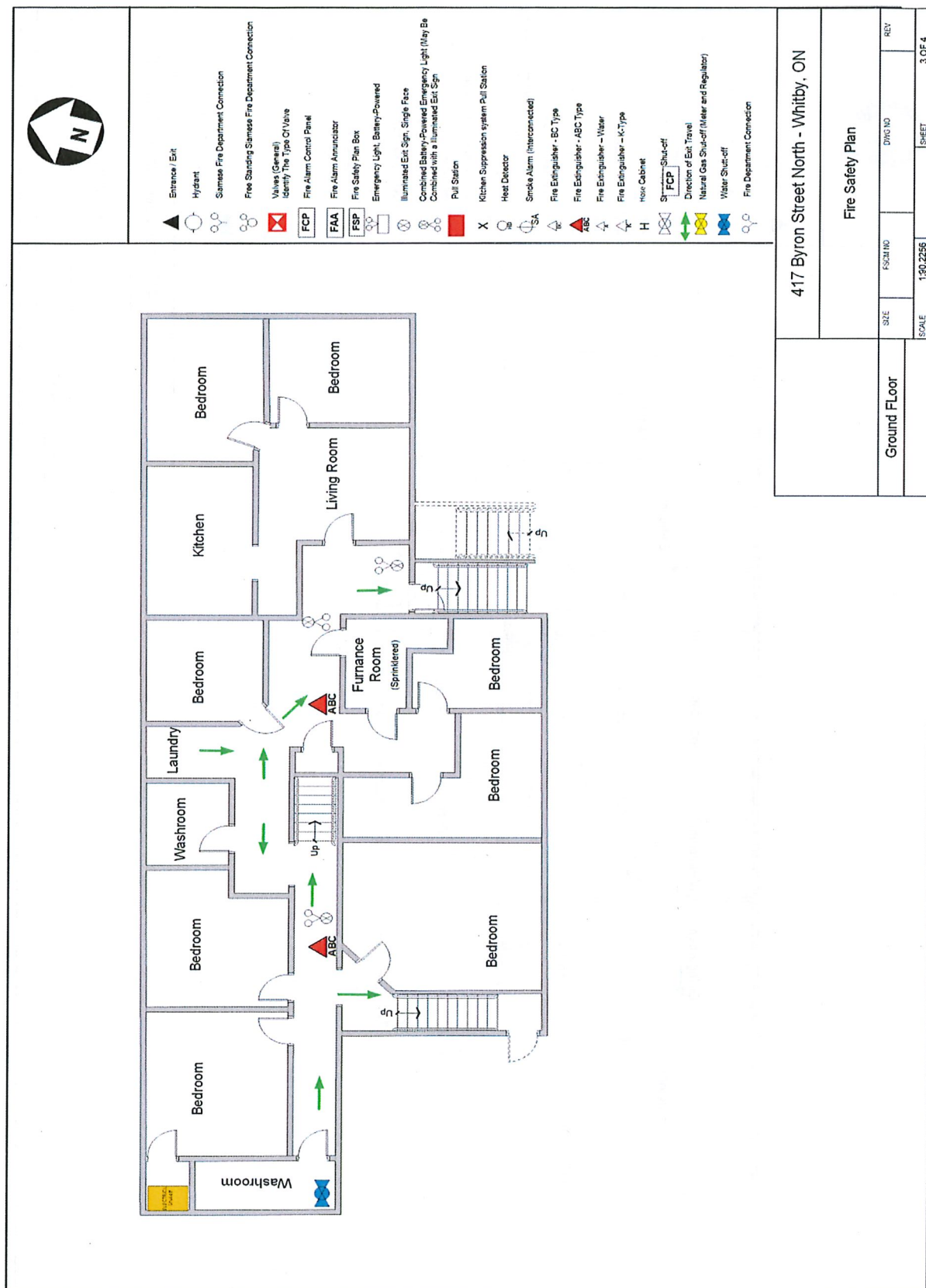
Ontario Shores will not take these men because they are stable and thriving in this home. Appropriate homes that can care for their needs are limited and most are full with a waitlist, like us.

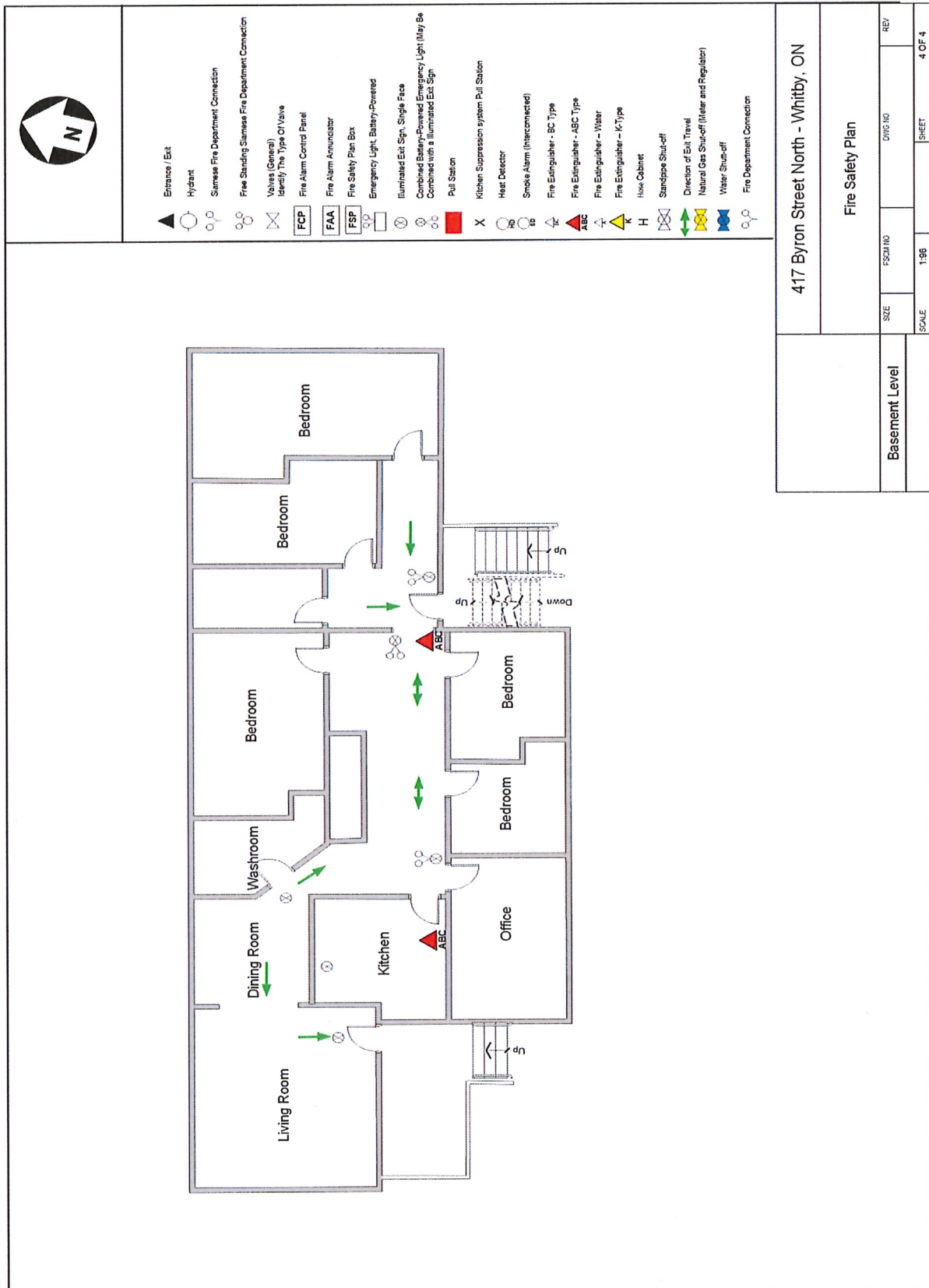
I am respectfully asking to be added to the exceptions list to allow 17 men and one employee to live at 417 Byron St. North. Currently, there are two homes on the exceptions list, 206 Byron St. South with a maximum of 17 residents, and 425 Dundas Street East with a maximum of 20 residents. If this is not possible, is there anything that can be done to allow these men to continue living together as a family? Can I be classified as something else that can have this many tenants? If you have any questions or suggestions, please contact me at 647-239-2606 (cell).

Thank you for your consideration and wishing you a great day,

*Nicole Keane*

12801701 Canada Inc.  
Whitby Transitional Community Care  
Nicole Keane  
Director  
647-239-2606







# PASS

**Current inspection results on** June 23, 2023  
Month/Day/Year

**Previous inspection results on** October 24, 2022  
Month/Day/Year



**Pass**



**Conditional Pass**



**Closed**

Whitby Transitional Community Care  
Name


411 Byron St. N., Whitby  
Address

This establishment has been inspected by Durham Region Health Department in accordance with the Ontario Food Premises Regulation

A copy of the most recent inspection report is available for review upon request at this establishment.

For further information contact Durham Region Health Department at 1-800-841-2729 or visit [durham.ca/CheckandGo](https://durham.ca/CheckandGo)



  
Dr. Robert Kyle  
Medical Officer of Health  
Durham Region Health Department



This placard is the property of Durham Region Health Department and shall not be removed or altered in any way. Durham Region Health Department cannot guarantee the same conditions are maintained after this inspection date. It is the sole responsibility of the operator to maintain this establishment in accordance with the Ontario Food Premises Regulation.

[durham.ca/checkandgo](https://durham.ca/checkandgo) If you require this information in an accessible format, contact 1-800-841-2729.

# The Regional Municipality of Durham

101 Consumers Dr 2nd Floor, Whitby ON L1N 1C4

Phone Number: (905) 723-3818

Fax Number: (905) 666-1887

## FOOD SAFETY INSPECTION REPORT

<b>Facility Inspected:</b> Whitby Transitional Community Care  <b>Primary owner:</b> Nicole & Ferron Keane <b>Site Address:</b> 417 Byron St N Whitby ON L1N 4N5 <b>Site Phone:</b> (905) 666-9494	<b>Inspection #:</b> 188-28476-92247 <b>Inspection Date:</b> 23-Jun-2023 <b>Inspected By:</b> Lisa Smirnova, CPHI(C) <b>Facility Type:</b> Group Home/Home for Special Care (>9) <b>Inspection Type:</b> Routine <b>Inspection Reasons:</b> Compliance Inspection
<b>Opening Comments and Observations:</b> Items in compliance with Ontario Food Premises Regulation (O. Reg. 493/17):  - Cold holding: both coolers observed <4C. - Freezer: foods observed in a frozen state. - surface sanitizer: 200 ppm bleach/water sanitizer. - Certified food handler on-site: Claudia Como exp. April 11, 2024. - Pest control: Fast Pest Control Exterminator. No issues observed or recorded. Service is provided once/yearly. - Food sources: Wholesale Club, Freshco. Reminder to keep all food receipts on site.	

**NO = Not In Compliance**

### Inspection Summary

### Compliance

### Action(s) Taken

#### **Results of Inspection:**

Satisfactory - No Action Required

#### **DineSafe Posting:**

Operator - Ensure GREEN Disclosure Sign is posted

#### **Certified Food Handlers:**

Certified FHT - Staff On-site

### Closing Comments:

Inspection report emailed to keaneliving@outlook.com.





**Whitby Transitional Community Care [188-28476]**

**FOOD SAFETY INSPECTION REPORT**

**Facility Contact:** Nicole & Ferron Keane  
**Facility Address:** 417 Byron St N, Whitby ON L1N 4N5  
**Report Date:** 23-Jun-2023

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**Note: CURRENT/REPEAT infractions may result in legal actions.**

<b>I have read and understood this report:</b>	<b>Public Health Inspector</b>
	
Nicole Keane	Lisa Smirnova, CPHI(C) (905) 723-3818 ext.4690

Personal information is collected under the authority of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, s. 5 (as amended). This information is collected and used for the purpose of preventing, eliminating and/or decreasing the effects of a health hazard. Questions about this collection of information should be addressed to the Durham Region Health Department, Manager, Health Information, Privacy and Security at 605 Rossland Rd. E., P.O. Box 730, Whitby, ON, L1N 0B2, (905) 668-7711.

## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

Whitby Transitional Community Care  
o/a Whitby Transitional Community Care  
c/o Nicole Keane  
53 Styles Cres  
Ajax ON L1Z 1S5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 200.00

### DATE OF ISSUE

April 28, 2022

### DATE OF EXPIRY

April 28, 2023

Receipt No. 256993

**NON-TRANSFERABLE  
LICENCE NO. 256993**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

Ashley Collins  
Town of Whitby  
3050 Garden Street Unit 102  
Whitby, Ontario L1R 2G7  
905.430.4907  
licensing@whitby.ca

## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

Whitby Transitional Community Care  
o/a Whitby Transitional Community Care  
c/o Nicole Keane  
53 Styles Cres  
Ajax ON L1Z 1S5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 200.00

### DATE OF ISSUE

April 28, 2021

### DATE OF EXPIRY

April 28, 2022

Receipt No. 248556

**NON-TRANSFERABLE  
LICENCE NO. 248556**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

Ashley Collins  
Town of Whitby  
3050 Garden Street Unit 102  
Whitby, Ontario L1R 2G7  
905.430.4907  
licensing@whitby.ca



## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

o/a Whitby Transitional Community Care  
c/o Eswaran Visvalingam  
417 Byron St N  
Whitby ON L1N 4N5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 200.00

### DATE OF ISSUE

December 30, 2020

### DATE OF EXPIRY

December 30, 2021

Receipt No. 245850

**NON-TRANSFERABLE  
LICENCE NO. 245850**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

Ashley Collins  
Town of Whitby  
3050 Garden Street Unit 102  
Whitby, Ontario L1R 2G7  
905.430.4907  
licensing@whitby.ca

## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

o/a Whitby Transitional Community Care  
c/o Visvalingam Eswaran  
417 Byron St N  
Whitby ON L1N 4N5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 200.00

### DATE OF ISSUE

December 30, 2019

### DATE OF EXPIRY

December 30, 2020

Receipt No. 236801

**NON-TRANSFERABLE  
LICENCE NO. 236801**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

**Marisa Dillon  
Town of Whitby  
3050 Garden Street Unit 102  
Whitby, Ontario L1R 2G7  
905.430.4907  
licensing@whitby.ca**



## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

o/a Whitby Transitional Community Care  
c/o Visvalingam Eswaran  
417 Byron St N  
Whitby ON L1N 4N5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 200.00

### DATE OF ISSUE

December 30, 2018

### DATE OF EXPIRY

December 30, 2019

Receipt No. 223106

**NON-TRANSFERABLE  
LICENCE NO. 223106**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

Marisa Dillon  
Town of Whitby  
3050 Garden Street Unit 102  
Whitby, Ontario L1R 2G7  
905.430.4907  
licensing@whitby.ca



## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

o/a Whitby Transitional Community Care  
c/o Visvalingam Eswaran  
417 Byron St N  
Whitby ON L1N 4N5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 200.00

### DATE OF ISSUE

December 30, 2017

### DATE OF EXPIRY

December 30, 2018

Receipt No. 208889

**NON-TRANSFERABLE  
LICENCE NO. 208889**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

Marisa Dillon  
Town of Whitby  
575 Rossland Road East  
Whitby, Ontario  
L1N 2M8  
905.430.4315  
licensing@whitby.ca

## CORPORATION OF THE TOWN OF WHITBY LICENCE

### LICENCEE

o/a Whitby Transitional Community Care  
c/o Visvalingam Eswaran  
417 Byron St N  
Whitby ON L1N 4N5

### TYPE OF LICENCE

Lodging House

### IS GRANTED

LICENCE TO OPERATE WITHIN THE LIMITS OF THE TOWN OF WHITBY, IT BEING UNDERSTOOD THAT THE LICENCE SHALL AT ALL TIMES FULLY COMPLY WITH ALL RELEVANT BY-LAWS, RULES AND REGULATIONS, MATTERS AND THINGS, AS ARE, OR MAY BE ENACTED BY THE COUNCIL OF THE TOWN OF WHITBY.

THE PREMISES TO WHICH THIS LICENCE RELATES IS MUNICIPALLY KNOWN AS  
ADDRESS OF LICENSED PREMISES  
(IF APPLICABLE)

Whitby Transitional Community Care  
417 Byron St N  
Whitby, ON L1N 4N5

### FEE

\$ 120.00

### DATE OF ISSUE

December 30, 2016

### DATE OF EXPIRY

December 30, 2017

Receipt No. 192850

**NON-TRANSFERABLE  
LICENCE NO. 192850**

**THIS LICENCE MUST BE  
DISPLAYED IN A  
PROMINENT LOCATION**

Marisa Dillon  
Town of Whitby  
575 Rossland Road East  
Whitby, Ontario  
L1N 2M8  
905-430-4315  
licencing@whitby.ca

**From:** Gratton, Andre <grattona@whitby.ca>  
**Sent:** June 19, 2023 9:27 AM  
**To:** Nicole Keane  
**Cc:** Internet, Council; Leahy, Chris; Narraway, Kevin; Harris, Chris  
**Subject:** RE: 417 Byron St. North Lodging Home Exception List Request

Hello Mrs. Keane,

I hope you had nice weekend; Essentially your letter is circulated to Council internally and a member of Council may choose to request that the your letter/exemption request be placed on an upcoming agenda for discussion.

You will be notified if a member of Council requests to do the above. No, I don't think its necessary for a lawyer to make this request on your behalf.

Thanks

**Andre Gratton**  
**M.L.E.O. (C), C.P.S.O., CMMIII**  
**Manager of Enforcement Services**

**The Town of Whitby**  
3050 Garden Street, Unit #102, Whitby, ON L1R 2G7  
T- 905-430-4902

[whitby.ca](http://whitby.ca)



**Together we deliver services that make a difference in our community.**

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**From:** Nicole Keane <[keaneliving@outlook.com](mailto:keaneliving@outlook.com)>  
**Sent:** Sunday, June 18, 2023 6:36 PM  
**To:** Gratton, Andre <[grattona@whitby.ca](mailto:grattona@whitby.ca)>  
**Cc:** Internet, Council <[council@whitby.ca](mailto:council@whitby.ca)>; Leahy, Chris <[leahyc@whitby.ca](mailto:leahyc@whitby.ca)>; Narraway, Kevin <[narrawayk@whitby.ca](mailto:narrawayk@whitby.ca)>; Harris, Chris <[HarrisC@whitby.ca](mailto:HarrisC@whitby.ca)>  
**Subject:** RE: 417 Byron St. North Lodging Home Exception List Request

[EXTERNAL EMAIL]

Hello Mr. Gratton,

Thanks for asking my week was great and I hope the same for you.

As this is my first time going through this process, I want to make sure that I understand this clearly so I correctly do the next steps that are required. I will author a letter to Major Mrs. Elizabeth Roy and all 8 Members of Council (Mrs. Rhonda Mulcahy, Mr. Chris Leahy, Mr. Steve Yamada, Mrs. Maleeha Shahid, Mr. Steve Lee, Mr. Matt Cardwell, Mrs. Niki Lundquist, and Mrs. Victoria Bozinovski). I will then send the letter in an e-mail to the Major and all Members of Council. Once they receive it, one of them will request the letter be placed on an upcoming Committee of the Whole agenda for consideration by Council.

Please let me know if that is correct.

How will I know if a Member of Council has requested that the letter be placed on an upcoming Committee of the Whole agenda for consideration by Council? Should this letter be written by a lawyer or do people usually write it themselves? What does open a CW mean, from Mr. Chris Leahy's e-mail below?

Thanks,

12801701 Canada Inc  
Whitby Transitional Community Care  
Nicole Keane  
647-239-2606

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**From:** Gratton, Andre <[grattona@whitby.ca](mailto:grattona@whitby.ca)>  
**Sent:** Friday, 16 June 2023 15:39  
**To:** Nicole Keane <[keaneliving@outlook.com](mailto:keaneliving@outlook.com)>  
**Cc:** Internet, Council <[council@whitby.ca](mailto:council@whitby.ca)>; Leahy, Chris <[leahyc@whitby.ca](mailto:leahyc@whitby.ca)>; Narraway, Kevin <[narrawayk@whitby.ca](mailto:narrawayk@whitby.ca)>; Harris, Chris <[HarrisC@whitby.ca](mailto:HarrisC@whitby.ca)>  
**Subject:** FW: 417 Byron St. North Lodging Home Exception List Request

Hello Mrs. Keane,

I hope you are having a nice week; I have been advised that you have reached out to Councillor Leahy through the below email thread. To ensure your request is properly actioned, please follow my instructions in the attached email and author a letter addressed to the Mayor and all Members of Council requesting the exemption.

Please feel free to respond to this email threading attaching the above. Please let me know if you have any additional questions.

Thanks

**Andre Gratton**  
**M.L.E.O. (C), C.P.S.O., CMMIII**  
**Manager of Enforcement Services**

**The Town of Whitby**  
3050 Garden Street, Unit #102, Whitby, ON L1R 2G7  
T- 905-430-4902

[whitby.ca](http://whitby.ca)



**Together we deliver services that make a difference in our community.**

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**From:** Leahy, Chris <[leahyc@whitby.ca](mailto:leahyc@whitby.ca)>  
**Sent:** Friday, June 16, 2023 10:38 AM  
**To:** Internet, Council <[council@whitby.ca](mailto:council@whitby.ca)>



**Subject:** Fwd: 417 Byron St. North Lodging Home Exception List Request

Please open a CW.

Thanks,

Chris Leahy BA, MBA  
Regional Councillor, Town of Whitby  
(905) 706-0720  
[leahyc@whitby.ca](mailto:leahyc@whitby.ca)

Begin forwarded message:

**From:** Nicole Keane <[keaneliving@outlook.com](mailto:keaneliving@outlook.com)>  
**Date:** June 15, 2023 at 4:24:20 PM EDT  
**To:** "Leahy, Chris" <[leahyc@whitby.ca](mailto:leahyc@whitby.ca)>  
**Subject:** 417 Byron St. North Lodging Home Exception List Request

You don't often get email from [keaneliving@outlook.com](mailto:keaneliving@outlook.com). [Learn why this is important](#)

[EXTERNAL EMAIL]

Hi Chris,

My name is Nicole Keane, my company is 12801701 Canada Inc. The property in question is 417 Byron St. North, Whitby Ontario, L1N 4N5. I want to appeal the Order to comply with **"Schedule 8 Section 10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house"** by August 4, 2023 (see attached Refusal Letter).

The 17 occupants at 417 Byron St. North are low-income men with Mental Health issues and Schizophrenia. I have owned the property for 2 years but these men have lived together for approximately 12 years and consider this their home. Most of them have no family or friends visiting or caring about their well-being. This home is where they feel safe and accepted and they consider each other to be family.

I purchased the home with 17 people in it and I was unaware that any bylaws were being broken. I thought I did my due diligence when I requested that the Town of Whitby, Health Department, Fire Department, and a Home Inspection be completed before I bought it. The home is clean, spacious, and comfortably accommodates all the residents (see attached Floor Plan). It is well organized and has a good reputation. Recently we received a new tenant that would scream bang bang at the top of his lungs mimicking construction. This caused our neighbors to file a complaint stating disturbance of the peace. Currently, we are in the process to evict this tenant.

Forcing the other residents to leave their home will cause them to have a mental breakdown. Their anxiety will elevate because they are aware of how poorly they are treated, disrespected, and discriminated against in society. My fear is that this order may cause them to become homeless. They cannot afford to live anywhere else. I give low rents and work an extra job to ensure their needs are met. I am doing the community a service and keeping these vulnerable men off the streets.

These men cannot live on their own. They require a supportive home that will help with all their meals, medication reminders, money management, and booking of medical appointments. We have weekly visits from

Attachment 16-13-22  
Nurses, Social Workers, and the Assertive Community Treatment Team (ACTT Team) to provide medical services and assessments within the home. These men pose no threat to anyone in the community, they are quiet and stick to themselves.

Ontario Shores will not take these men because they are stable and thriving in this home. Appropriate homes that can care for their needs are limited and most are full with a waitlist, like 417 Byron St. North.

I am kindly asking to be added to the exceptions list to allow 17 men and one employee to live at 417 Byron St. North. Currently, there are two homes on the exceptions list, 206 Byron St. South with a maximum of 17 residents and 425 Dundas Street East has a maximum of 20 residents. If this is not possible is there anything that can be done to allow these men to continue to live together as a family? Can I be classified as something else that can have this many people? If you have any questions, please contact me Nicole Keane at 647-239-2606 (cell).

Thanks,

12801701 Canada Inc  
Nicole Keane  
647-239-2606

Confidentiality Warning: This e-mail contains information that is confidential and is intended only for the use of the named recipient(s). If you are not the intended recipient, you are hereby notified that any review, copying or distribution of this transmission is strictly prohibited. Please contact the Town of Whitby immediately if you have received this transmission in error and delete this message.

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Received May 26, 2023

Attachment 2 to Report LS 13-23



## **Town of Whitby**

### **Legal and Enforcement Services, Enforcement Services**

**Division** Office Address: 3050 Garden Street, Unit 102, Whitby, ON L1R 2G7

Mailing Address: 575 Rossland Road East, Whitby, ON L1N 2M8

www.whitby.ca

## **Refusal of Licence Renewal- Lodging House**

Business Licensing By-law 5545-04, as amended

Date: May 19, 2023

File Number: 21-103924

### **Sent by Registered Mail**

12801701 CANADA INC.  
53 STYLES CRES  
AJAX ON  
L1Z 1S5

**Address to which Order Applies:** 417 Byron Street North, Whitby ON

Legal Description: PLAN H-50030 PT LOT 16,17,20 21 NOW RP 40R10588 PART 1  
IRREG 0.22AC 51.92FR D

As described in PIN: 265380129 Registered in the Land Registry Office for Durham (No. 40)

The Town of Whitby's Enforcement Services Division conducted an inspection of the above noted property on April 4, 2023 and found the below contravention(s) of Business Licensing By-law #5545-04;

**Schedule 8 Section 10. (1) No keeper of a lodging house shall harbour, receive or lodge more than ten residents in a lodging house.**

As a result of the breach of the Business Licensing By-law #5545-04 provisions, your application for renewal of a lodging house licence for 417 Byron Street North has been refused.

**Compliance Date: August 4, 2023**

## Refusal to Issue or Renew

5. (1) If the investigations made by the Clerk do disclose any reason to believe the applicant's carrying on of the business may result in a breach of this or any other by-law or may be contrary to the public interest, the Clerk shall refuse to issue the business licence.

(2) If the applicant is not satisfied with the decision of the Clerk to refuse the licence, the applicant may appeal the Clerk's decision to the Municipal Licensing and Standards Committee by written notice delivered to the Clerk and the decision of the Clerk shall be effective until the appeal is disposed of by the Municipal Licensing and Standards Committee.

If you are not satisfied with the compliance date on this Order, you may submit a request to appeal in writing with accompanying appeal fee of \$113 (tax included) to the Municipal Licensing and Standards Committee within **14 days** of receipt of this notice.

To submit your appeal, please attend our Legal and Enforcement Services Office located at;

3050 Garden Street, unit 102  
Whitby, On L1R 2G7  
Open- Monday to Friday 830am to 430pm. (Excluding holidays)

Payment can be made by cash or debit.  
Please be advised we do not accept credit card payments at this time.

Upon acceptance of your appeal, you will receive correspondence advising of the date of your appeal and additional information regarding the appeal hearing.  
Please be advised appeals are held virtually.

**The final date for giving notice of appeal for this Property Standards Order is May 17, 2023**

If you have any questions about this notice, please contact the undersigned.

Sincerely,



**Kate Novia**  
**Supervisor, Bylaw and Animal Services**  
**Legal and Enforcement Services**  
**Town of Whitby**  
575 Rossland Road East, Whitby, ON L1N 2M8  
905-430-4913  
[whitby.ca](http://whitby.ca)

**Together we deliver services that make a difference in our community.**