



Committee of the Whole Minutes

January 8, 2024, 4:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee (Virtual Attendance at 4:00 p.m., In-Person Attendance at 6:00 p.m.)
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada (Virtual Attendance at 4:00 p.m., In-Person Attendance at 6:00 p.m.)

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 (Arrived at 6:00 p.m.)
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

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

There were no declarations of pecuniary interest.

4. Closed Session

This portion of the minutes are closed to the public. [Refer to the Closed Minutes - Town Clerk has control and custody.]

Moved by Councillor Shahid

That Committee move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

4.1 Confidential memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor

Re: Exemption to the Prohibited & Regulated Animals By-law for Nova's Ark

5. Rising and Reporting Out

Motion to Rise

Moved by Councillor Shahid

That Council rise from the closed portion of the meeting.

Carried

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received advice that was subject to solicitor-client privilege and discussed a matter of potential litigation.

Moved by Councillor Lundquist

That Committee recess until 6:00 p.m.

Carried

Committee recessed at 4:20 p.m. and reconvened at 6:00 p.m.

6. General Government

Moved by Councillor Mulcahy

That Committee hear Item 6.2.1, LS 12-23, at this time.

Carried

6.1 Delegations

As the meeting was adjourned following consideration of Item 6.2.1, LS 12-23 and Correspondence # 2024-22 earlier in the meeting, delegations were not heard.

6.2 Staff Reports

6.2.1 LS 12-23, Legal and Enforcement Services Department Report

Re: Follow up re Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

See also Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, dated January 8, 2024 regarding Update re LS 12-23: Follow up re Prohibited & Regulated Animals By-law Exemption Request for Nova's Ark – 7505 Cedarbrook Trail

A. Gratton, Manager of Enforcement Services, provided a history of the Prohibited & Regulated Animals By-law (the "PRA By-law") exemption request for Nova's Ark. Mr. Gratton advised that the Town's investigation into potential Zoning By-law contraventions related to the facility commenced following receipt of formal complaints in late 2019 and early 2020. He noted several other by-law complaints against the property, followed by a PRA By-law exemption request submitted by Nova's Ark. Mr. Gratton provided an overview of the factors impacting enforcement efforts prior to the issuance of the Order to Comply, including the pandemic, staff turnover, and the 2022 Municipal Election. He advised that Nova's Ark recently indicated their intentions to work with Town Staff to comply with the Order and PRA By-law.

F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor, noted the Staff recommendation for Council to refer Correspondence #2024-22 and Report LS 12-23 to Staff to manage in accordance with the July 13, 2023 Order to Comply. Mr. Santaguida expressed appreciation for the cooperation of Nova's Ark and advised that compliance will be communicated with Council once the prohibited animals have been re-homed.

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

- the timeline for re-homing prohibited animals;
- a desire to mitigate the impact on animal assisted therapy;
- ensuring compliance of the subject property with the Town's Zoning By-law;
- communication and correspondence shared between the Town, Nova's Ark, and members of the public;
- clarification regarding the withdrawn by-law exemption request;
- appreciation for the efforts of Town Staff in working with Nova's Ark to achieve compliance; and,
- concerns regarding the safety of Nova's Ark patrons and the broader community.

Moved by Councillor Lundquist

1. That Council receive and accept Correspondence #2024-22 from Nova's Ark withdrawing its request for an exemption to the Prohibited and Regulated Animals By-law; and,
2. That Council refers Correspondence #2024-22 and Report LS 12-23 to Staff to manage in accordance with the July 13, 2023 Order to Comply.

Carried

Councillor Mulcahy rose on a point of personal privilege and expressed concerns regarding the conduct of a Member who published a social media comment that was critical of Council, pertaining to the decision to adjourn the December 11, 2023 Committee of the Whole meeting at 11:00 p.m. Councillor Mulcahy requested an apology from the Member, citing advice of the Town's Integrity Commissioner concerning the Council Code of Conduct.

7. Adjournment

Motion to Adjourn

Moved by Councillor Bozinovski

That the meeting adjourn.

Carried

The meeting adjourned at 6:30 p.m.