

Memorandum to Council

Legal and Enforcement Services

Enforcement Services Division

To: Mayor and Members of Council

CC:

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

From: Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor.

Andre Gratton, Manager of Enforcement
Services

Date: January 8, 2024

File #: LS 12-23

Subject: Update re LS 12-23: Follow up re
Prohibited & Regulated Animals By-law
Exemption Request for Nova's Ark – 7505
Cedarbrook Trail

Background

Over the weekend, staff had discussions with Nova's Ark regarding their Order to Comply to re-home all prohibited animals issued on July 13, 2023 (the "**Order**"), today's Committee of the Whole meeting, and Report LS 12-23. The Order is set to expire on January 12, 2024.

Nova's Ark have indicated that they would be willing to comply with the Order and the Prohibited and Regulated Animals By-law No. 7392-18 (the "**PRA By-law**") subject to some additional time to comply.

Discussion

Nova's Ark, as well as Mary-Ann and Geoff Nova in their capacity as the landowners of 7505 Cedarbrook Trail, have provided the attached letter to Council outlining their withdrawal of their request for an exemption to the PRA By-law, as well their willingness to comply with the PRA By-law (see Attachment 1 to this Memorandum, Correspondence # 2024-22). They have also indicated to staff that they intend to comply with the Town's PRA By-law through re-homing prohibited animals.

Conclusion

Enforcement Staff's aim continues to be compliance with the PRA By-law.

Staff will be working with Nova's Ark and Mary-Ann and Geoff Nova to achieve compliance with the PRA By-law. Should Council accept the correspondence and withdrawal of the request for an exemption of the PRA By-law from Nova's Ark and Mary-Ann and Geoff Nova, staff suggest that the following recommendations be considered:

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.

Attachment 1 – Correspondence #2024-22 received from Nova's Ark dated January 7, 2024 regarding Prohibited and Regulated Animals By-law



January 7, 2024

To: Whitby Mayor Roy and Members of Whitby Council

Regarding: Prohibited and Regulated Animals By-law

Nova's Ark is withdrawing our requested exemption from the By-law effective immediately.
We will comply with the By-law as soon as possible.

Sincerely,

A handwritten signature in blue ink that reads 'Mary-Ann Nova'.

Mary-Ann Nova

Director – Nova's Ark

Property Owner

A handwritten signature in blue ink that reads 'Geoff Nova'.

Geoff Nova

Treasurer – Nova's Ark

Property Owner