

Proponent's Response to Durham Region

SBA-01-25

November 6, 2025

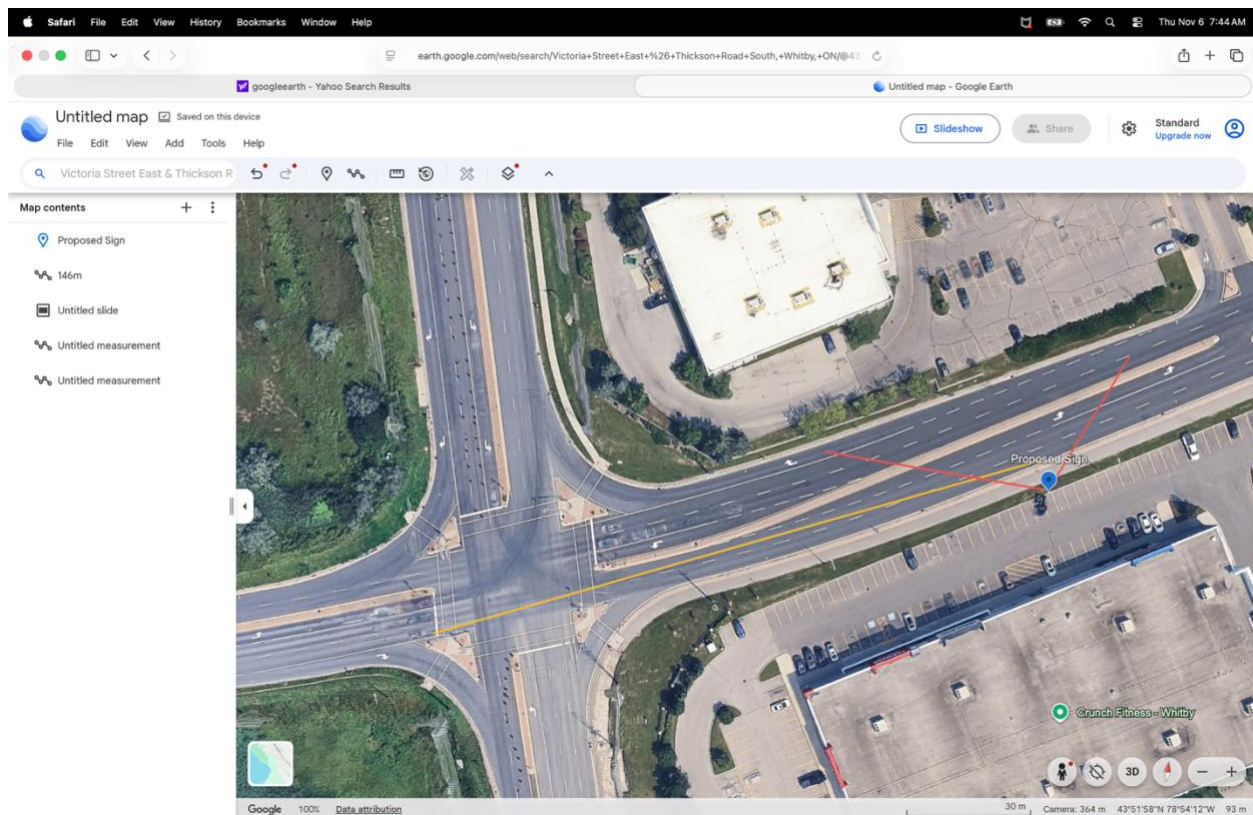
The Regional Municipality of Durham
Elisa Shiu
605 Rossland Road East
Whitby, ON L1N 6A3

Sent by Electronic Mail to Elisa.Shiu@durham.ca

Dear Ms. Shiu,

We are writing in response to the comments from Durham Region regarding the proposed digital signage at **1629 Victoria Street East, Whitby, ON**. We have made every reasonable effort to meet the Region’s requests and align with established best practices across comparable and larger municipalities, including adherence to industry-accepted setback standards.

Revised Location: 146 metres from the stop bar (west side)



1)

Regional Comment:

1. The Region does not support the proposed sign at this location. The intersection of Victoria Street East and Thickson Road South is ranked #2 in the Region’s intersection network screening for collision risk, indicating one of the highest safety priorities across the regional network. TAC advises against locating changeable digital displays within or near intersection influence areas because any visual distraction can exacerbate existing conflict patterns. The proposed digital billboard is positioned only about 124 m from the stop bar on a 60 km/h curved approach, placing it directly within the driver’s forward cone of vision during critical approach and decision phases. Introducing a high-luminance, changeable display in this environment would undermine ongoing Vision Zero and network safety efforts and is inconsistent with TAC’s siting principles for digital advertising displays

Response:

We respectfully disagree with the Region’s interpretation of TAC’s guidance. The proposed display is positioned 146 metres from the stop bar, well beyond the intersection influence area and outside any applicable “cone of vision.” Traffic at this distance has already cleared the intersection, meaning the sign cannot be viewed by drivers during critical decision making phases. We would welcome the opportunity to review the Region’s technical assessment together to ensure full alignment and understanding of TAC’s definitions and applications in this case.

Regional Comment:

The Region implies that the proposed installation introduces safety risks inconsistent with Vision Zero and network safety objectives.

Response:

Respectfully, this assessment lacks supporting evidence. No empirical data, collision studies, or documented reports demonstrate any correlation between compliant digital signage and increased collision frequency. In fact, the Ministry of Transportation of Ontario (MTO) has approved large-format digital displays adjacent to the 401 corridor, Canada’s busiest highway, without incident. Likewise, major municipalities including Toronto, Ottawa, and Calgary have permitted comparable installations near complex intersections with no recorded impact on vehicular safety. We remain open to discussing reasonable safeguards but maintain that the Region’s conclusion is speculative.

- a) The sign to be relocated outside the intersection influence area (target \geq 200–250m from the stop bar) to remove it from the decision zone

Response:

The Region’s recommendation of a 200–250 metre setback appears arbitrary and lacks precedent. In comparable jurisdictions:

- **Mississauga:** 120 metres
- **Ottawa:** 110 metres
- **Calgary:** 30 metres

Our relocation to approximately 146 metres exceeds those standards. The sign is oriented away from the intersection and angled to eliminate visibility from the stop bar. We therefore believe this adjustment demonstrates our willingness to align with reasonable regional expectations.

b) Orient and shield the centre-mount V so neither face directly addresses the stop bar or turning drivers on any approach, and add directional louvres.

Response:

There is no direct line of sight from the intersection or for turning movements. As such, additional shielding or louvres would not serve a functional purpose. We are, however, open to further dialogue should the Region wish to review photometric or sightline diagrams to confirm this conclusion.

c) Require static images only with instantaneous transitions (≤ 0.1 s), prohibit all motion/flashing/scrolling, and keep a minimum 8-second dwell.

Response:

We fully agree to static image displays only, with instantaneous transitions of ≤ 0.1 seconds and a minimum dwell time of 8 seconds.

d) Cap nighttime luminance at ≤ 150 nits with automatic ambient dimming and commissioning field measurements; this supersedes the proponent’s 300-nit proposal.

Response:

We accept a nighttime luminance limit of 150 nits from sundown to sunrise, with automatic ambient dimming controls. This level is stricter than most Canadian municipalities, which typically allow up to 300 nits.

e) Apply an overnight curfew (e.g., 23:00–05:00) with faces blacked out, noting the applicant’s willingness to shut off overnight.

Response:

We agree to blacked-out faces between 23:00 and 05:00 hours to ensure no content is displayed during overnight hours.

f) Enforce content restrictions: no colours/shapes that resemble traffic control devices and no directional or time-urgent prompts that compete with official signing.

Response:

We agree entirely, no content shall resemble traffic control devices or create confusion for drivers.

g) Require default-to-black on any sensor/controller/communication fault and maintain an operating log (brightness, transitions, faults) with quarterly reporting in year one.

Response:

We agree to implement automatic fault defaults (sensor/controller/communication). However, imposing ongoing reporting requirements on a single private-property sign is disproportionate and inconsistent with established municipal practice. Non-compliance would already constitute a bylaw infraction, enforceable under existing regulations.

h) Lock the permitted face size and structure configuration as submitted (10'~20' per face on a centre-mount V) and prohibit any enlargement without new approval.

Response:

We agree that the sign will remain at 10' x 20' per face and will not be modified.

i) Ensure spacing/visual separation from any other dynamic/commercial or public DMS signs to avoid cumulative visual load along the approach.

Response:

We have proposed a location that satisfies appropriate spacing from all other dynamic or commercial signage in the area.

j) Tie all conditions to the approval for all copy types, noting the applicant's request for mixed-use (1st/3rd-party) digital messaging with suspension/revocation on non-compliance.

Response:

We will comply with all applicable bylaws and conditions tied to approval. Should infractions occur, existing municipal enforcement mechanisms remain fully applicable. Additional duplicative measures are unnecessary.

In closing, we remain confident that the proposed display will not create any public safety or transportation concerns. This type of installation has been implemented successfully across North America without negative impact. We respectfully request that the Region and Town proceed with approval of this application in support of the property owner, local business community, and the continued economic vibrancy of Whitby.

We are fully committed to continued collaboration with both the Region of Durham and the Town of Whitby to ensure that the final installation aligns with regional safety objectives and aesthetic considerations.

Very Sincerely,

Paul C. Seaman

Paul Seaman, Senior Counsel, [Sussex Strategy Group/Sussex PDG](#)