



City Council Meeting
AGENDA

Monday, February 26, 2024, 9:30 a.m.
Council Chamber

The personal information contained in your correspondence to Oshawa City Council or its committees is collected under the Municipal Act, 2001. Any personal information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable the City to make its decision on the matter. This information will become part of the public record. If you have accessibility needs and require alternate formats or other accommodations please contact Legislative Services by telephone 905 436 3311 or by e-mail at clerks@oshawa.ca or in person.

For inquiries about this agenda please contact Legislative Services at 905-436-3311 or by email at clerks@oshawa.ca.

To learn more about the Consent Agenda process, please visit www.oshawa.ca/ConsentAgenda.

Pages

Public Meeting

National Anthem

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Council Member Announcements

(As may be presented by Council Members)

Additional Agenda Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Council Members)

Presentations

Certificate of Recognition - Durham College Rugby

Mayor Carter to present a certificate of recognition to the Durham College Women's Rugby athletes for an undefeated season and winning the Ontario Colleges Athletic Association Championship in 2023.

e-CAMP MENTORing - Black History Month

Dr. Leroy Clarke, e-CAMP MENTORing to provide a presentation regarding Black History Month.

Principles Integrity - Annual Report of the Integrity Commissioner

Principles Integrity to provide a presentation concerning their Annual Report from November 2022 to January 31, 2024 (See CNCL-24-14)

Delegations

None

Items requiring Council Direction

CNCL-24-13 - Durham Region Transit Requesting the City Nominate a Community Member Representative to the Durham Region Transit Advisory Committee (All Wards)

15

(Also See Pages C1 to C25 - Closed Pursuant to Section 239 (2)(b) of the Municipal Act.)

CNCL-24-14 - Principles Integrity Annual Report from November 2022 to January 31, 2024 (All Wards)

23

Public Consent Agenda

Recommendation

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated February 26, 2024 be adopted as recommended.

Adoption of Council Minutes

29

Recommendation

That the minutes of the City Council meeting held on January 29, 2024 be adopted.

Correspondence with recommendations

CNCL-24-12 - Various Residents Submitting Comments concerning Item ED-24-21 (Ward 2)

51

Recommendation

That Correspondence CNCL-24-12 from various residents submitting comments concerning Item ED-24-21 regarding Windfields Farm/Northern Dancer Cemetery Participation in Doors Open be referred to Item ED-24-21.

CNCL-24-21 - Adriana Lupton, Owner of 452 Simcoe Street North Submitting an Application to Repeal a Portion of Heritage Designation By-law 148-2011

That in accordance with Correspondence CNCL-24-21 from Adriana Lupton, property owner of 452 Simcoe Street North submitting an application under Section 32 of the Ontario Heritage Act to repeal a portion of Heritage Designation By-law 148-2011 to remove 'clad in cedar shingles' from the heritage attributes:

1. That staff be directed to publish notice in accordance with Section 32(3) of the Ontario Heritage Act; and,
2. That staff report back to Council once the process set out in the Ontario Heritage Act is complete.

Standing Committee Reports

Report of the Community and Operations Services Committee

The Community and Operations Services Committee respectfully reports and recommends to City Council its Thirteenth Report.

CO-24-11 - Road Salt Working Group Report (Previously OEAC-24-05) (All Wards)

Recommendation

That AJ Groen be appointed to make a delegation to Durham Environmental Advisory Committee on behalf of the Oshawa Environmental Advisory Committee with respect to the Road Salt Working Group.

CO-24-08 - Funding Agreement for use of Campus Ice Centre (All Wards)

Recommendation

That pursuant to Report CO-24-08 dated February 7, 2024 concerning the Campus Ice Agreement:

1. That Council advise Ontario Tech University that the Funding Agreement for the Shared Athletic Facility at Campus Ice Centre will not be renewed; and,
2. That staff be authorized to notify the City's minor affiliated clients as per Section 5.5 of this Report that the Funding Agreement for the Shared Athletic Facility at Campus Ice Centre expires on August 31, 2024, and will not be renewed; and,
3. That staff be authorized to begin the allocation of seasonal ice for the 2024/25 season at City-owned ice pads, including Tribute Communities Centre as per the Ice Allocation Policy; and,
4. That in accordance with the City's Ice Allocation Policy, affiliated clients will be required to assume their hours of entitlement at City-owned facilities; and,

5. That staff continue to work with Ontario Tech University to identify collaboration opportunities that will better serve the Oshawa community.

CO-24-09 - Review of Municipality of Clarington and Town of Whitby Use of Speed Cushions on Rural Roads (Ward 1) 99

Recommendation

That Report CO-24-09 be referred back to staff to investigate further speed calming measures along Columbus Road West.

CO-24-07 - Pilot Curbside Giveaway Event (INFO-24-02) (All Wards) 103

Recommendation

That Report CO-24-07 concerning the Pilot Curbside Giveaway Event be referred to staff for a report at the next meeting.

Report of the Corporate and Finance Services Committee

The Corporate and Finance Services Committee respectfully reports and recommends to City Council its Fourteenth Report.

CF-24-04 - Asset Retirement Obligation Policy (All Wards) 111

Recommendation

That pursuant to Report CF-24-04 dated January 31, 2024, the Asset Retirement Obligation Policy be approved.

CF-24-09 - C2024-003 Assessment & Appeal Management Services – Contract Award (All Wards)

Recommendation

Whereas the Purchasing By-law, requires Council approval of Professional and Consulting Services contract awards greater than \$100,000; and,

Whereas Council has approved funding in the annual Taxes Written Off budget for assessment & appeal management services; and,

Whereas Procurement issued a Request for Proposal Assessment & Appeal Management Services for an initial three year term with the option to renew for additional three one-year terms; and,

Whereas one (1) bid was received (publicly posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on January 23, 2024; and,

Whereas the evaluation team reviewed the bid received by MTAG Paralegal Professional Corp. as comprehensive, thorough, addressed all requirements of the R.F.P, and best satisfied the City's requirements; and,

Whereas the proposal received from MTAG Paralegal Professional Corp.

in the amount of \$216,000 (before applicable taxes) for Assessment & Appeal Management Services for an initial three year term meets the requirements of the proposal;

Therefore be it resolved that pursuant to Item CF-24-09:

1. That in accordance with Item CF-24-09, dated February 5, 2024, that the Manager, Procurement, be authorized to award an initial three year contract to MTAG Paralegal Professional Corp. in the amount of \$216,000 (before applicable taxes) for Assessment & Appeal Management Services, being the highest ranked proponent received; and
2. That the Manager, Procurement, be authorized to extend this contract for an additional three one-year terms, subject to provision of satisfactory services and pricing.

CF-24-07 - 2023 External Audit Service Plan (All Wards)

119

Recommendation

That Report CF-24-07 concerning the 2023 External Audit Service Plan, dated January 31, 2024 be received for information.

Report of the Economic and Development Services Committee

The Economic and Development Services Committee respectfully reports and recommends to City Council its Twenty-fifth Report.

ED-24-21 - Windfields Farm/Northern Dancer Cemetery Participation in Doors Open (Previously HTG-24-08) (Ward 2)

Recommendation

That the Doors Open Committee open the Windfields Farm/Northern Dancer cemetery to the public during Doors Open, 2024.

ED-24-14 - Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act (Ward 4)

123

Recommendation

That pursuant to Report ED-24-14 dated January 31, 2024, Economic and Development Services staff be authorized to continue the designation process for 117 King Street East, as directed by Council on December 12, 2022, and incorporate the property owner's requested revisions into the draft Designation Statement and Description to be included in a Notice of Intention to Designate.

ED-24-16 - Update concerning Council's Direction to Designate 149 Harmony Road South under Part IV of the Ontario Heritage Act (Ward 3)

133

Recommendation

That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as

a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.

ED-24-19 - Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue (Ward 1)

181

Recommendation

1. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend the Secondary Plan for the Samac Community (File: OPA-2022-06) to permit an increased residential density of approximately 102 units per hectare (41 units/ac.) on lands generally located at the southeast corner of Ritson Road North and Luple Avenue and to redesignate that portion of the same lands associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
2. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend Zoning By-law 60-94 (File: Z-2022-07), to rezone lands generally located at the southeast corner of Ritson Road North and Luple Avenue from FD (Future Development) to an appropriate R6-C (Residential) zone to permit a six (6) storey, 46 unit apartment building, and to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings, and OSH (Hazard Lands Open Space) for that portion of the lands associated with the tributary of the Oshawa Creek, be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-157 dated September 6, 2023 presented at the public meeting of September 11, 2023 differs to some degree

from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

ED-24-20 - Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd. (Ward 2)

203

Recommendation

1. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) to permit 170 block townhouse dwellings consisting of 11 live/work units, 69 traditional block townhouse units and 90 back-to-back block townhouse units, a road widening block and a private parkette, on lands municipally known as 1279 Simcoe Street North be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor; and,
2. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. for approval of a draft plan of subdivision (File: S-O-2022-05) for 1279 Simcoe Street North featuring one development block and one road widening block to facilitate the development of a proposed common elements plan of condominium featuring 170 block townhouse dwellings be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose appropriate conditions in the draft plan of subdivision approval Planning Act decision; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-01 dated January 4, 2023 presented at the public meeting of January 9, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

ED-24-24 - Interchange at Townline Road (Ward 5)

Recommendation

That staff investigate the feasibility of adding a 401 interchange at Townline Road.

Report of the Safety and Facilities Services Committee

None

Report of the Joint Hamilton-Oshawa Working Group

The Joint Hamilton-Oshawa Working Group respectfully reports and recommends to City Council its First Report.

JHOWG-24-01 - Process and Options for Appointment (All Wards)

Recommendation

Whereas on February 9, 2019, the federal Ministry of Transport issued a Certificate of Intent to amalgamate the Hamilton and Oshawa Port Authorities;

Whereas on June 8, 2019, the federal Ministry of Transport issued the certificate of Amalgamation and Letters Patent creating the amalgamated Hamilton Oshawa Port Authority (H.O.P.A.);

Whereas the Hamilton Oshawa Port Authority Board of Directors is composed of seven directors;

Whereas the Letters Patent states that only one director be appointed by the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington;

Whereas prior to the amalgamation of the Port Authorities, the City of Hamilton and the City of Oshawa each had municipally-appointed representatives on their respective Port Authorities;

Whereas both the City of Oshawa and the City of Hamilton have expressed to the federal government that a shared representative is not an effective means of governance, and that both municipalities should be allocated a municipally-appointed representative on the Hamilton Oshawa Port Authority Board of Directors;

Whereas the federal government, to date, has not indicated a willingness to amend the Letters Patent of the Hamilton Oshawa Port Authority to permit both municipalities to have a municipally-appointed representative on the Board, and therefore the municipalities are required to appoint a shared representative;

Whereas the City of Oshawa and the City of Hamilton established a working group to establish a process for appointing a shared municipal appointee to the Hamilton Oshawa Port Authority Board of Directors;

Therefore be it resolved:

- a. That the Mayors of the City of Oshawa and City of Hamilton provide a joint letter to the federal Ministry of Transport

requesting the Letters Patent be immediately amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A Board of Directors ("H.O.P.A Board"); and

- b. That the H.O.P.A. Board be requested to provide a letter to the federal Ministry of Transport requesting the Letters Patent be amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A. Board; and,
- c. That the members of the Joint Hamilton-Oshawa Working Group recommend to their respective Councils the following:
 - i. That each municipality determine their own process for selecting the appointee when it is their municipality's term, but that the non-selecting municipality be offered the opportunity to participate as a non-voting member or observer of any selection committee;
 - ii. That each municipality ensure that notice of the opportunity to apply to be the municipal appointee be provided in both Hamilton and Oshawa;
 - iii. That the City Manager of Hamilton and the C.A.O of Oshawa be directed and authorized to develop a common set of core skills and requirements for the municipal appointee.

Other Staff Reports and Motions

None

By-Laws

27-2024 - A By-law to Designate the Property Municipally Known as 149 Harmony Road South

(Implements direction of February 26, 2024 through Item ED-24-16 of the Twenty-fifth Report of the Economic and Development Services Committee to designate the property municipally known as 149 Harmony Road South specifically PIN 16339-0429 (LT) PART LOTS 16, 19 SHEET 4B PLAN 357, LOT 18 SHEET 4B PLAN 357, EAST WHITBY, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

28-2024 - A By-law to Further Amend Traffic By-law 79-99, as amended

(Implements Council direction of December 11, 2023 through Item CO-23-67 of the Eleventh Report of the Community and Operations Services Committee to add a 2 hour maximum permissible parking area, at a rate of 1.25 dollar for 60 minutes, from 8:00 a.m. to 6:00 p.m. Monday to Friday inclusive, except holidays, on the south side of Bond Street West between a point 14 metres west of Centre

Street North and a point 25 metres west of Centre Street North.)

29-2024 - A By-law to Adopt Amendment 74 to the Official Plan for the former Oshawa Planning Area – Secondary Plan for the Samac Community

(Implements direction of February 26, 2024 through Item ED-24-19 of the Twenty-fifth Report of the Economic and Development Services Committee to amend Schedule “A”, Samac Land Use and Street Plan, by redesignating certain lands at the southeast corner of Ritson Road North and Luple Avenue from Medium Density I Residential to High Density I Residential to permit a 6 storey apartment building with 46 dwelling units and to apply a site specific policy to continue to permit Medium Density I Residential and Medium Density II Residential uses and densities and amend Schedule “A”, Samac Land Use and Street Plan, by redesignating certain lands at the southeast corner of Ritson Road North and Luple Avenue associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation.)

30-2024 - A By-law to Amend Zoning By-law 60-94, as amended

(Implements direction of February 26, 2024 through Item ED-24-19 of the Twenty-fifth Report of the Economic and Development Services Committee to change the zoning for the lands generally located at the southeast corner of Ritson Road North and Luple Avenue from FD (Future Development) to R1-E(14) (Residential) in part, R6-C(15) “h-90” (Residential) in part and OSH (Hazard Lands Open Space) in part to permit the development of four single detached dwellings with a site specific regulation related to increased maximum lot coverage and a 6-storey, 46 unit apartment building with site specific regulations related to reduced minimum landscaped open space, lot frontage and front yard, exterior side yard and interior side yard depths. This By-law also has the effect of rezoning the balance of the subject lands associated with a tributary of the Oshawa Creek to an appropriate open space zone, to protect and conserve its ecological function as part of the City’s Natural Heritage System.)

31-2024 - A By-law to Amend Zoning By-law 60-94, as amended

(Implements direction of February 26, 2024 through Item ED-24-20 of the Twenty-fifth Report of the Economic and Development Services Committee to change the zoning for the lands generally located at 1279 Simcoe Street North from PSC-A (Planned Strip Commercial) in part and R4-A/R6-C/EU (Residential/Existing Use) in part to PSC-A/R4-A(28) (Planned Strip Commercial/Residential) and R4-A(28)/R6-C/EU (Residential/Existing Use) to permit 170 block townhouse dwellings, eleven of which could operate as live/work units, subject to special zoning regulations related to reduced yard depths, landscaped open space, length of front lot line and driveway length and increased lot coverage and building height. Special regulations are proposed for the live-work units to permit the entire main floor of the unit to be used as a home occupation and to permit a retail store as a home occupation.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

Items Pulled from the Information Package

CNCL-24-15 - Kennisha Dyer, Director, Rotary Club of Oshawa Submitting Correspondence concerning an In-Kind Grant Request for Ribfest 2024 (Formerly INFO-24-26) (All Wards) 229

(Placed on the agenda at the request of Councillor Chapman to request Council waive its Grant Policy and recommend the request from the Rotary Club of Oshawa for \$30,000 of in-kind services for the 2024 Oshawa Ribfest be approved.)

CNCL-24-16 - Correspondence submitted by Ara Saatjian concerning a Sign Variance Application for 33 Simcoe Street South (Formerly INFO-24-05) (Ward 4) 231

(Placed on the agenda at the request of Councillor Kerr to reconsider Council's decision of April 3, 2023, and to approve the request to amend the size of the sign and the start date of the two-year pilot project)

CNCL-24-22 - Various Residents Submitting Correspondence Regarding the Harmony Creek Trail Extension Project (Formerly INFO-24-52) (Ward 1) 237

(Placed on the agenda at the request of Councillor McConkey to reconsider Council's decision of November 26, 2021 concerning Capital project 50-0016 and to approve a new two-week extension to the trail public consultation period to ensure area residents are informed and to direct staff to report at the next Safety and Facilities Services Committee meeting on the details of the documented and traceable decision making for the selection of a preferred trail alignment.)

Closed Consent Agenda

Recommendation

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated February 26, 2024 be adopted as recommended.

Correspondence with recommendations

None

Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Committee Services

The Corporate and Finance Services Committee respectfully reports and recommends to City Council its Fifteenth Report.

CF-24-05 - 2023 Year End Taxation Services Position (All Wards)

(Closed Pursuant to Section 239 (2)(b) of the Municipal Act.)

Recommendation

That Report CF-24-05 concerning the 2023 Year End Taxation Services Position, dated January 31, 2024 be received for information.

Report of the Economic and Development Services Committee

The Economic and Development Services Committee respectfully reports and recommends to City Council its Twenty-sixth Report.

ED-24-17 - Request to Acquire a Portion of City-owned Lands at 99 Thornton Road South (Wards 4 and 5)

(Closed Pursuant to Section 239 (2)(c) of the Municipal Act.)

Recommendation

That, pursuant to Report ED-24-17 dated January 31, 2024, the Director, Planning Services, be authorized to respond to Closed Correspondence ED-23-201 in accordance with Section 5.6 of said Report.

ED-24-18 - Results of the Request for Expression of Interest Process for the Future Use of the City-owned Public Parking Lot (Lot 4) located on the North Side of Athol Street East, between Centre Street South and Simcoe Street South (Ward 4)

(Closed Pursuant to Section 239 (2)(c), 239 (2)(i), 239 (2)(j), and 239 (2)(k) of the Municipal Act.)

Recommendation

That pursuant to Closed Report ED-24-18 dated January 31, 2024, staff be authorized to proceed with Option 2 as outlined in Section 5.3 of said report, concerning next steps for the future use of the City-owned Parking Lot.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

CNCL-24-17 - Proposed Lease Amendment: 100 Simcoe Street South, Oshawa PUC Networks Inc. (Ward 4)

(See Pages C26 to C55)

(Closed Pursuant to Section 239(2) (a) and (b) of the Municipal Act, 2001.)

Recommendation

1. That, pursuant to Closed Report CNCL-24-17 dated February 21, 2024, City Council reconsider its decision of May 1, 2023 made with respect to Closed Report ED-23-66 regarding an amendment to the lease agreement with Oshawa PUC Networks Inc. (operating as Oshawa Power) for 100 Simcoe Street South.
2. That, the Commissioner of Economic and Development Services be authorized to execute an amendment to the lease agreement with Oshawa PUC Networks Inc. (operating as Oshawa Power) for 100 Simcoe Street South generally consistent with the terms and conditions as set out in Section 5.5 of Closed Report CNCL-24-17 dated February

21, 2024 and in a form and content satisfactory to the Commissioner of Economic and Development Services and the City Solicitor.

Closed Discussion Agenda

Matters Excluded from Consent Agenda

Items Requiring Council Direction

None

Rise and Report

Matters Tabled

None

Notices of Motion

CNCL-24-18 - Notice of Motion - Traffic Controls at Verne Bowen/Riverton Streets and Conlin Road East (Ward 1)

The following notice of motion is submitted by Councillor McConkey, seconded by Councillor Neal:

Whereas there are serious safety concerns related to the condition of Conlin Road East infrastructure that especially involves new residents living north of Conlin Road East; and

Whereas new occupancies of the dwelling units fast being built for the Kedron Part II area north of Conlin Road East will continue to add to the concerns; and

Whereas many residents are needing to cross Conlin Road East to catch a school bus and a D.R.T bus at the Riverton Street, bus stop;

Whereas the intersection of the City's new street Verne Bowen Street, opposite Riverton Street at Conlin Road East is very busy with vehicle and pedestrians and in need of traffic signalization and school crossing guards;

Now therefore Oshawa Council direct an expedited process to ensure safety with traffic lights and school crossing guards at the intersection of Verne Bowen/Riverton Streets and Conlin Road East.

CNCL-24-19 - Notice of Motion - Proposed Ontario Get it Done Act (All Wards)

The following notice of motion is submitted by Councillor McConkey, seconded by Councillor Neal:

Whereas on February 15, 2024 the Province announced it will be introducing new legislation in the Legislature's spring sitting beginning February 20, 2024 to be described as the Get It Done Act regarding the Province of Ontario Banning Road Tolls, Freezing Driver's Licence Fees to Keep Costs Down; and,

Whereas the ban on road tolls will only be on future road tolls; and,

Whereas the Highway 407 East from Brock Road, Pickering to Highway 33/115 is the only section of Highway 407 with tolls, which is not leased; and,

Whereas effective June 2023 the Province removed the tolls on Highway 412 and 418 when the Provincial government approved changes to the Highway 407 East Act, 2012, as part of the Fewer Fees, Better Services Act, passed in 2022; and,

Whereas now is the time to approve amendments to the Get It Done Act for the members elected to the Ontario Legislature to remove the tolls on the Highway 407 East extension from Brock Road to Highway 35/115 and relieve the burden on the economy of Oshawa and Durham Region municipalities, their households, businesses, associations and institutions;

Now therefore the City of Oshawa request the Province of Ontario to amend the Get It Done Act to include the banning of road tolls on the existing Highway 407 East from Brock Road, Pickering to Highway 35/115 and this motion be shared for support at the Councils of the Region of Durham, the Townships of Brock, Uxbridge and Scugog, the City of Pickering, Town of Ajax, Town of Whitby, Municipality of Clarington, the City of Peterborough, and the Premier of Ontario, the Minister of Transportation and all Durham Region M.P.'s.

CNCL-24-20 - Notice of Motion - Outdoor Ice Rink Portable Chillers (All Wards)

The following notice of motion is submitted by Councillor McConkey, seconded by Councillor Neal:

Whereas the current winter weather temperatures are proving difficult to continue skating times and other municipalities have successfully invested in portable outdoor ice rink chillers to increase the number of days an outdoor ice rink can remain open for skating,

Now therefore the City investigate and report back on the practice of other municipalities investing in portable ice rink chillers and the cost and feasibility of sites in the City appropriate for the installation of an outdoor portable ice rink and the potential to open next winter season.

Confirming By-Law

A by-law to confirm the City Council meeting of February 26, 2024.

Adjournment



January 25, 2024

Mary Medeiros, City Clerk
City of Oshawa

**Durham Region
Transit**

605 Rossland Rd. E.

Level 5

PO Box 623

Whitby, ON L1N 6A3

Canada

905-668-7711

1-800-372-1102

Fax: 905-666-6193

durhamregiontransit.com

Transit Advisory Committee

RE: Nominations for appointment to the Durham Region

The Transit Advisory Committee (TAC) is a volunteer committee established by the Durham Region Transit (DRT) Commission and Regional Council.

The goal of the DRT Advisory Committee is to provide input to the Durham Transit Executive Committee on public transit matters as they relate to the provision transit services in Durham.

The mandate of the TAC is to provide input to the Executive Committee on:

- a) Policies and procedures with respect to the operation of conventional and demand response transit services.
- b) The extent of service hours and days of operation; and
- c) Operational rules and regulations relating to DRT services.

TAC is comprised of 17 members, eight of which are public transit users nominated for appointment by each area municipality who represent a diversity of transit users and transit stakeholders in the community.

TAC members are required to meet the following eligibility criteria.

- Resident of the Regional Municipality of Durham.
- Represent a diversity of transit users or transit stakeholders in the community (relevance of the applicant's personal experience with transit and interest to the mandate of the TAC are important considerations).

- Voting members must be able to attend all TAC meetings that are held during evening hours and undertake ad hoc work outside regular meetings as may be required from time to time to address issues coming before the TAC

Enclosed please find copy an of application received from a citizen who is interested in being your Council appointee to the Transit Advisory Committee.

Please forward your Council's resolution.

If you have any questions, please contact me at 905-668.7711, ext. 3702.

Regards,

Fazia Amin

Fazia Amin
Administrative Assistant, Durham Region Transit

CC: Sarah Dessureault , Committee Clerk, Regional Municipality of Durham



Durham Region Transit Advisory Committee Terms of Reference

June 2022

1. Goal

- 1.1 To provide input to the Durham Transit Executive Committee (Executive Committee) on public transit matters as they relate to the provision of conventional and demand response transit services in Durham Region.

2. Mandate

- 2.1 The Transit Advisory Committee (TAC) is a volunteer advisory committee established by the Commission and Regional Council on May 10, 2006 in accordance with these Terms of Reference. The Commission and Regional Council, on March 28, 2007, delegated the responsibility for TAC to the Executive Committee.

- 2.2 The TAC shall provide input to the Executive Committee on:

- a) Policies and procedures with respect to the operation of conventional and demand response transit services in Durham Region;
- b) The extent of service hours and days of operation; and
- c) Operational rules and regulations relating to Durham Region Transit services.

- 2.3 The General Manager, the Executive Committee, and the Durham Region Transit Commission (Commission) have final authority on issues beyond the mandate of TAC.

- 2.4 The Terms of Reference provide for a balance between activities referred from Durham Region Transit (DRT) and the Executive Committee, and an allowance for the TAC to be proactive and advise on public transit matters identified by the members.

- 2.5 TAC shall report to the Executive Committee.

3. Scope of Activities

- 3.1 The scope of the TAC may include activities such as:

- a) Providing input on issues and concerns of public transit users;

- b) Providing input on the implementation of Provincial and Federal legislation, policies, and guidelines related to the public transit industry;
- c) Providing input on urban and rural service policy including transit service plans, transit marketing and communication plans, and on-street passenger amenities and route infrastructure;
- d) Providing input on the identification and implementation of programs that create public awareness and educate residents on the benefits of public transit; and
- e) Providing a forum for transit stakeholder groups to identify issues affecting the delivery of transit service and to provide input to the Executive Committee on the disposition of these issues

4. Composition

4.1 TAC will be comprised of 17 members in total (16 voting and one non voting) with representation from each area municipality, as follows:

- a) Eight (8) public transit users nominated for appointment by the area municipalities who represent a diversity of transit users and transit stakeholders in the community;
- b) Two (2) members at large appointed by the Executive Committee from the applications received but not nominated by local municipalities who use public transit service;
- c) Two (2) members appointed by the Executive Committee from applications received from various community groups representing persons with disabilities in Durham Region;
- d) Two (2) members nominated for appointment by the Durham Region Accessibility Advisory Committee (AAC);
- e) One (1) member jointly nominated for appointment by the student associations at Ontario Tech University, Durham College and Trent University, or their designate;
- f) One (1) member of the Transit Executive Committee (the Chair or their designate); and
- g) One (1) DRT senior staff member (the General Manager or their designate) as an Ex-officio member in a non-voting capacity.

4.2 Membership shall be a four-year term corresponding with the term of Regional Council or until such time as new appointments are made. If a member chooses to resign, the Region will seek a replacement in accordance with Section 5.

4.3 At the discretion of TAC, non-attendance at three consecutive meetings will be sufficient grounds for replacement.

5. Membership Selection

5.1 The Region will place an advertisement seeking individuals interested in volunteering for appointment to TAC. Interested individuals will be required to submit an application form to the Regional Clerk outlining their interest and qualifications.

5.2 DRT will review the applications received in consideration of Section 12. Applications from qualified applicants will be forwarded to the respective area municipality with a request that the local Council nominate one representative for appointment. Should a municipality not receive an application for appointment to TAC, then the appointment for that municipality will remain vacant unless that Municipal Council receives a subsequent expression of interest and opts to approve an appointment during the term of Regional Council. The Executive Committee, from the remaining applications received, shall appoint two members at large.

5.3 DRT shall contact community groups representing persons with disabilities in Durham Region and invite them to volunteer for TAC. Interested individuals will be required to submit an application form to the Regional Clerk and provide a brief resume outlining their interest and qualifications. The Executive Committee shall appoint two members from the applications received.

5.4 In nominating members to TAC, the relevance of the applicant's personal experience with transit and interests to the mandate of the TAC will be important considerations. Regard shall also be given to residency within the Region and availability to attend meetings. An elaboration of the selection criteria is provided in Section 12.

5.5 DRT will formally request the Durham Region Accessibility Advisory Committee to nominate two individuals to represent the Region's Accessibility Advisory Committee.

5.6 DRT will formally request the student associations at UOIT, Durham College and Trent University to jointly nominate an individual, and his/her designate, to represent college and university students.

5.7 All members of the TAC shall be appointed by the Executive Committee.

5.8 In the case of a vacancy, the approach described in Section 5 will generally be followed.

6. Officers

- 6.1 The member of the Transit Executive Committee on TAC (the Chair or their designate) shall be the Chair of TAC and the voting members of TAC shall elect a Vice-Chair from amongst themselves to serve for the Term of Council.

7. Support Services

- 7.1 The DRT senior staff member, through DRT administrative staff, shall serve as the DRT staff liaison to TAC.
- 7.2 The DRT senior staff member, through DRT administrative staff, will provide administrative and technical support to TAC.
- 7.3 DRT administrative staff will coordinate meeting agendas.
- 7.4 The Region will provide secretarial and other support services to TAC.

8. Meetings

- 8.1 TAC will meet at the Regional Headquarters. TAC will establish a meeting schedule at its inaugural meeting, taking into account the business needs and schedule of the Commission, the Executive Committee and Regional Council. TAC will provide the Executive Committee with a schedule of meetings in December for the following year. Special meetings may be held at the discretion of the Chair or DRT staff.
- 8.2 Unless otherwise determined, all TAC meetings shall be open to the public. As an Advisory Committee, the TAC is subject to the Regional Procedural By-law, unless otherwise specified in these Terms of Reference.
- 8.3 A quorum for TAC meetings shall be a majority of the sitting TAC (voting) members.

9. Delegations

- 9.1 Any person(s) wishing to appear before TAC as a delegate must submit a written request to delegations@durham.ca advising of the topic or item on which they wish to speak, which will then be forwarded to the staff liaison in Durham Region Transit.
- 9.2 All requests for delegations must be received at least one week prior to the meeting date to ensure that the delegation is included on the agenda.
- 9.3 Any person wishing to address TAC as a delegate, who has not previously arranged to do so, may be granted permission only by a majority vote of TAC members present at the meeting.

10. Minutes and Agenda

- 10.1 The minutes of each TAC meeting will be submitted for approval at the next meeting. Unapproved minutes will be circulated to members of the Executive Committee as part of the Council Information Package (CIP) prepared by the Regional Clerk.
- 10.2 The TAC agenda will be prepared by DRT administrative staff and the DRT General Manager or their delegate.

11. Transit Advisory Committee Recommendations

- 11.1 The concurring votes of a majority of members present and voting are necessary to carry any recommendation. TAC recommendations will be presented to the Executive Committee as a standing item on Executive Committee agendas.

12. Membership Eligibility Criteria and Availability

- 12.1 Voting members are to be residents of The Regional Municipality of Durham.
- 12.2 Voting members represent a diversity of transit users and transit stakeholders in the community. The relevance of the applicant's personal experience with transit and interests to the mandate of the TAC will be important considerations.
- 12.3 It is important that voting members be able to attend all TAC meetings that are held during evening hours and be able to undertake some ad hoc work outside of the regular meetings as may be required from time to time to address transit issues coming before the TAC.

February 1, 2024

Integrity Commissioner's Annual Report
City of Oshawa

Principles *Integrity* is pleased to submit this annual report, covering the period from November 2022 to January 31, 2024.

The purpose of an Integrity Commissioner's annual report is to provide the public with the opportunity to understand the ethical well-being of the City's elected and appointed officials through the lens of our activities.

About Us:

Principles *Integrity* is a partnership focused on accountability and governance matters for municipalities. Principles *Integrity* currently serves as Integrity Commissioner (and as Lobbyist Registrar/Closed Meeting Investigator/Municipal Ombudsman for some clients) in approximately 60+ Ontario municipalities and other public bodies.

The Role of Integrity Commissioner, Generally:

An Integrity Commissioner's statutory role is to carry out, in an independent manner, the following functions:

- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to Council, members of Council and members of Local Boards
- Providing a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints informally, where appropriate, and
- Investigating, reporting and making recommendations to Council on those complaints that cannot be resolved informally, while being guided by Council's codes, policies and protocols.

This might contrast with the popular yet incorrect view that the role of the Integrity Commissioner is primarily to hold elected officials to account; to investigate alleged transgressions and to recommend 'punishment'. The better view is that Integrity Commissioners serve as an independent resource, coach, and guide, focused on enhancing the municipality's ethical culture.

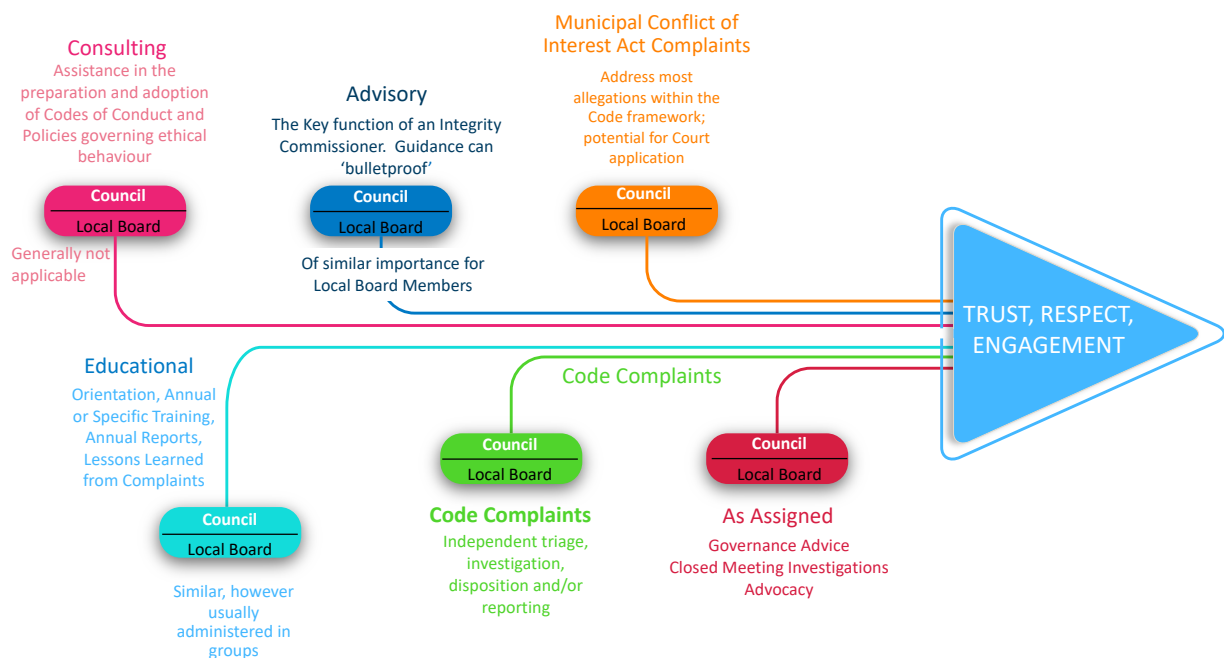
The operating philosophy of Principles *Integrity* recites this perspective. We believe there is one overarching objective for a municipality in appointing an Integrity Commissioner, and that is to raise the public's perception that its elected and appointed officials conduct themselves with integrity:

Principles *Integrity*

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

The practical effect of achieving this objective is an increase in trust, respect and engagement in municipal affairs.

In carrying out our broad functions, the role falls into two principal areas. 'Municipal Act' functions, focused on codes of conduct and other policies relating to ethical behaviour, and 'MCIA' or *Municipal Conflict of Interest Act* functions. From an activity perspective, an Integrity Commissioner's role can be depicted this way:



The emphasis of Principles *Integrity* is to help municipalities enhance their ethical foundations and reputations through the drafting of effective codes of conduct and other policies governing ethical behaviour, to provide meaningful education related to such policies, and to provide pragmatic binding advice to Members seeking clarification on ethical issues. As noted in the graphic, we believe that the support we give to Members of Council increases the public's perception of them, which in turn leads to greater trust, respect and engagement.

Because the development of policy and the provision of education and advice is not in every case a full solution, the broad role of the Integrity Commissioner includes the function of seeking and facilitating resolutions when allegations of ethical transgressions are made, and, where it is appropriate and in the public interest to do so, conducting and reporting on formal

Principles *Integrity*

investigations. This in our view is best seen as a residual and not primary role.

Confidentiality:

Much of the work of an Integrity Commissioner is done under a cloak of confidentiality. While in most cases secrecy is required by statute, the promise of confidentiality also encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures would be limited and rare.

City of Oshawa's Activity:

During the period covered by this report, we have been engaged in a moderate level of activity as Integrity Commissioner for the City which subdivides roughly into three categories:

1. Policy Development and Education

During the period covered by this report, we attended to provide education and training on the Code of Conduct to Council on January 24, 2023. We note also that Oshawa has not yet adopted a Council-Staff Relations Policy which is a requirement of the Municipal Act.

2. Advice

The advice function of the Integrity Commissioner is available to all Members of Council and where applicable their staff and Members of local boards on matters relating to the code of conduct, the *Municipal Conflict of Interest Act* and any other matter touching upon the ethical conduct of Members. Advice provided by the Integrity Commissioner is confidential and independent, and where all the relevant facts are disclosed, is binding upon the Integrity Commissioner.

Our advice is typically provided in a short Advice Memorandum which confirms all relevant facts and provides with clarity our analysis and a recommended course of action.

During the period covered by this report, we responded to 6 such requests for advice.

3. Complaint Investigation and Resolution

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. Once a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary fact-finding and will also be provided with a summary of the disposition.

Principles *Integrity*

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the Complainant when that information is necessary to enable them to respond to the allegations raised.

During the period covered by this report, 4 complaints have been received, all of which were concluded by disposition letter.

Ethical Themes Around the Province:

With due regard to our obligation to maintain confidentiality, this annual report enables us to identify learning opportunities from advice requests and investigations conducted in a variety of municipalities.

Disclosure of confidential information from closed meeting sessions

There have been some examples where elected or appointed officials fail to recognize the serious implications of disclosing confidential information, particularly information learned of through attendance in closed session.

A Member's obligation to maintain confidentiality is clear. They may not unilaterally decide to share confidential information, even if they believe the information should be publicly disclosed. This extends to releasing information even to their own legal counsel to obtain a 'second opinion'.

We treat this breach of ethical responsibility as breach of a cardinal rule, and if an allegation in this regard is proved to be true, it tends to attract a recommended sanction at the upper end of the prescribed range. Left unchecked, confidentiality a breach undermines not only Council's interests on the matter subject to the breach, but destroys the trust required of elected officials, and the staff that support them, to ensure that all relevant, and sensitive, information required to support the deliberation on a matter is freely supplied.

Non-disparagement

One area of prominence continues to be the failure of some Members of Council to adhere to rules against disparagement. Members of Council are entitled, and indeed expected to disagree on all manner of issues. However, one of the cornerstones to democracy must be the recognition that different opinions and perspectives are to be respected, and disagreement should not devolve into disrespect, disparagement and name-calling.

Disrespectful interactions and/treatment of others can fall along a continuum which may manifest as occasional incivility and micro-aggressions, but when unchecked can culminate in bullying and harassment. Members of Council should be mindful to treat each other, staff and the public with appropriate respect and professionalism at all times.

Some Members of Council hold a view was that they are entitled to their freely express their opinion, even if that includes disparagement of others, and so long as they share it

Principles *Integrity*

via personal email, and not on the municipal server, they are not constrained by any rules around decorum. This is incorrect. Members are bound by the Code provisions of respectful and non-disparaging communication, whether sharing views on their own email, social media, or elsewhere.

Participation in social media discussions lends its own opportunity for attracting Code of Conduct complaints alleging disparagement. Members should be mindful that comments can be used or amplified in ways that bring municipal integrity into disrepute. It is important that Members be careful, accurate, and non-disparaging even as they attempt to offer what they see as a fair critique of municipal policy and actions. Municipal policy is advanced through the deliberations of Council and so wherever possible the focus should be on facilitating a discussion ‘in the Chamber’, and not in internet channels, so the general public, staff, and Council colleagues, can participate in the mechanisms through which a variety of important interests can be balanced and distilled into Council decisions made through democratic process.

Regardless of the medium, regardless of the intended audience, and regardless of motive, we have observed several instances where Members of Council in municipalities around the province have been found to have breached ethical standards by saying or recording things they have come to regret.

Recognizing and avoiding conflicts of interest

Recognizing and appropriately avoiding conflicts of interest when they arise is the topic of most advice requests we receive. As confirmed by the Collingwood Judicial Inquiry (November 2020) there can be a complex array of circumstances that can give rise to conflicts of interest, including those that though not covered by the *Municipal Conflict of Interest Act*, are nevertheless covered by the common law

In any event, obtaining clear and reliable advice from the Integrity Commissioner can help avoid costly and time-consuming investigations if there is any uncertainty about the application of the Rule.

Staying in your lane

One area of concern that continues to arise relates to members of Council overstepping their role, attempting to ‘take the reins’ to fix a constituent’s problem, or directing staff how to do their job. Members of Council serve an important role in putting constituents in touch with appropriate staff, and leading them to established processes, but it is important to strike the correct balance between guiding constituents and becoming their advocate.

It continues to be the case that elected officials attempt to inject themselves in quasi-judicial matters such as by-law enforcement, or with respect to insurance claims. While it is important for Council to retain an oversight role, and have the ability to monitor how its by-laws and programs affect the community, file-level interference by individual elected officials must be avoided.

Principles *Integrity*

In municipalities subject to ‘stronger mayor powers’¹ the question arises as to whether a mayor with those powers can give direction to staff beyond the specific circumstances mentioned in the Act (essentially to carry out ‘Mayoral Decisions’ authorized by the Act, or to direct that staff conduct research and provide advice).

For non-‘stronger mayors’ and for stronger mayors exceeding their jurisdiction, inappropriate interference arises because of a misinterpretation of the *Municipal Act* provision which identifies the role of the Head of Council as ‘Chief Executive Officer’. This provision has led to confusion and, occasionally, overreach by Heads of Council in erroneously perceiving a role leading the municipality’s administration. Elected officials – even Heads of Council – have no role in the day-to-day administration of municipal government unless specifically authorized by statute.

Failing to recognize this, stepping outside of their proper role as elected officials to ‘take the reins’ of administration, undermines staff and can be perceived as interfering with management. This overstepping of the proper role by Members, even Mayors, must be recognized as inappropriate under the Code of Conduct and the Council-Staff Relations Policy, both mandated under the *Municipal Act*.

As always, obtaining clear and reliable advice can help avoid a costly and time-consuming investigation.

Conclusion:

We look forward to continuing to work with Members of Council to ensure a strong ethical framework. We embrace the opportunity to elevate Members’ familiarity with their obligations under the Code and to respond to emerging issues. As always, we welcome Members’ questions and look forward to continuing to serve as your Integrity Commissioner.

It has been a privilege to assist you in your work by providing advice about the Code of Conduct and in resolving complaints. We recognize that public service is not easy and the ethical issues that arise can be challenging. The public rightly demands the highest standard from those who serve them, and we congratulate Council for its aspirational objective to strive to meet that standard.

Finally, we wish to thank the staff for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate. This was done willingly and efficiently by the staff of the municipality.

¹ The recent amendments to the *Municipal Act* which provide designated mayors to make unilateral decisions with respect to municipal organization and prescribed provincial interests is neither indicative of non-designated mayors being ‘weak’, nor representative of the extensive powers American ‘strong mayors’ have, particularly in light of the role partisan politics plays in electing administrators there.



**Oshawa City Council
Minutes**

**January 29, 2024, 9:30 a.m.
Council Chamber**

Present: Councillor Chapman
Councillor Giberson
Councillor Gray
Councillor Kerr
Councillor Lee
Councillor Marimpietri
Councillor Marks
Councillor McConkey
Councillor Neal
Councillor Nicholson

Absent: Mayor Carter

Public Meeting

The Deputy Mayor called the meeting to order and stated that all members of Council were participating from the Chamber except Mayor Carter who was absent. (Councillor Nicholson left the meeting at 9:47 a.m.)

National Anthem

Moment of Silence

A moment of silence was held for all community leaders, staff and family members that have passed away over the previous year.

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

Council Member Announcements

Various announcements were made relating to activities and events.

Additional Agenda Items

Moved by Councillor Marimpietri

Seconded by Councillor Marks

That Correspondence CNCL-24-10 from Jane Clark submitting comments concerning Item ED-24-05 and Correspondence CNCL-24-11 from Dave Briggs submitting comments concerning Item CO-24-04 be added to the agenda for the meeting of January 29, 2024 and be referred to the respective items.

Motion Carried

Declarations of Pecuniary Interest

Councillor Neal - ED-24-08 - Revised Applications to Amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue, Silwell Developments Ltd and 1229403 Ontario Ltd. (Ward 1)

Councillor Neal made a declaration of interest concerning Item ED-24-08 and related By-laws 13-2024 and 14-2024 regarding revised applications to amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue as a member of his family has a contract with the Durham District Separate School Board and did not take part in discussion or voting on the matter.

Presentations

The Oshawa Sports Hall of Fame - 2024 Inductees

Adrian Vanhemmen, Chair, Board of Governors and Leanne Wilson, Director, Selection Committee, Oshawa Sports Hall of Fame introduced the Hall of Fame inductees for 2024.

Councillor Nicholson left the meeting at 9:47 a.m.

Sloane's House - Future Pediatric Hospice and Respite Centre

Audrey Andrews and Katie Cronin-Wood, Sloane's House provided a presentation concerning the progress of a future Pediatric Hospice and Respite Centre in Durham Region.

Members of Council questioned Audrey Andrews and Katie Cronin-Wood, Sloane's House.

Autism Home Base - Progress and Goals

Judy Hanson, Autism Home Base provided an update concerning the progress and goals of Autism Home Base.

Members of Council questioned Judy Hanson, Autism Home Base.

Councillor Marimpietri temporarily left the meeting at 10:48 a.m.

Delegations

None

Items requiring Council Direction

None

Councillor Marimpietri reentered the meeting at 10:53 a.m.

Public Consent Agenda

Moved by Councillor Marimpietri

Seconded by Councillor Lee

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated January 29, 2024 be adopted as recommended except the following:

Items CO-24-05 and CS-21-105 from the Twelfth Report of the Community and Operations Services Committee; and,

Items ED-24-04 and ED-24-08 and related By-laws 13-2024 and 14-2024 from the Twenty-third Report of the Economic and Development Services Committee; and,

Items CO-24-03 and CO-24-04 from the First Report of the Joint Community and Operations Services and Safety and Facilities Services Committees; and,

Report CNCL-24-02 and related By-laws 17-2024 and 18-2024; and,

By-laws 10-2024, 11-2024 and 12-2024.

Motion Carried

Councillor Marks temporarily left the meeting at 10:56 a.m.

Adoption of Council Minutes

That the minutes of the City Council meetings held on December 1 and December 11, 2023 be adopted.

Correspondence with Recommendations

CNCL-24-07 - Janetta and Darren Stewart Submitting Correspondence concerning Item CO-24-04 (All Wards)

That Correspondence CNCL-24-07 from Janetta and Darren Stewart submitting correspondence in opposition to amending Traffic By-law 79-99, as amended to allow parking on boulevards be referred to Item CO-24-04.

CNCL-24-09 - Soori Tham Submitting Correspondence concerning Item ED-24-08 (Ward 1)

That Correspondence CNCL-24-09 from Soori Tham submitting correspondence concerning Item ED-24-08 regarding revised applications to amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue be referred to Item ED-24-08.

Standing Committee Reports

Report of the Community and Operations Services Committee

CO-24-01 - Investigation into the Proposals to Amend City By-Laws to Include Noxious Weeds and Invasive Species (All Wards)

That based on Report CO-24-01 dated January 10, 2024 concerning noxious weeds and invasive species:

1. That Council pass a by-law to amend Lot Maintenance By-law 127-2007, as amended, to address noxious weeds as listed under the Weed Control Act, 1990 as outlined in Attachment 3 to this Report and in a form and content acceptable to Legal Services and the Commissioner, Community and Operations Services; and,
2. That staff develop a public awareness campaign specific to the invasive nature of common garden plants and proper disposal methods.

CO-24-02 - Response to Report CS-21-75 dated June 14, 2021 (Ward 2)

That based on Report CO-24-02 the Community and Operations Services Committee recommend to City Council:

Whereas at its meeting of June 21, 2021, City Council referred Report CS-21-75 concerning cycling network maintenance issues for staff to review; and,

Whereas staff assessed observed safety concerns and recommendations proposed in Report CS-21-75 against City standards and the Ontario Traffic Manual; and,

Whereas Project 52-0049 - Airport Trail Safety Modifications was considered by Council as part of the 2023 Capital Budget to address safety concerns for an estimated cost of \$800,000; and,

Whereas in accordance with CNCL-23-07, "2023 Proposed Capital Budget Addendum", Council approved \$200,000 as part of the 2023 Capital budget and a reduced scope of work for Project 52-0049 to implement risk mitigation measures including increased levels of service, specifically providing diligent year-round operations and maintenance, in addition to the implementation of recommended interim safety measures; and,

Whereas implementation of interim and permanent risk mitigation measures, including those approved as part of CNCL-23-07, are expected to be complete by February 2, 2024;

Therefore, be it resolved, that Report CO-24-02 dated January 10, 2024 concerning cycling network maintenance issues, be received for information.

CO-24-06 - Snow and Ice Clearing from Trails (All Wards)

That based on Item CO-24-06, staff be directed to investigate the clearing of snow and ice from trails included in new or redesigned neighbourhood parks.

Report of the Corporate and Finance Services Committee

CF-24-01 - Single Source - Redundant NG-911 Communication System (All Wards)

Whereas the Purchasing By-Law 80-2020 requires Council approval to award single source contracts greater than \$100,000; and,

Whereas the City has received a provincial grant in the amount of \$2,925,794 to aid in the transition to NG-911 that must be expended by March 31, 2024; and,

Whereas the NG-911 communications system requires a redundant system in another location for continuity of service in the event of interruption at the primary site; and,

Whereas it is a shortened time frame for supply, delivery and installation of equipment and services; and,

Whereas Netagen has existing experience with the City's communication systems, is providing a fully managed instance of the primary NG-911 communication system and has performed similar services for other municipal and provincial agencies;

Therefore, be it resolved that pursuant to Report CF-24-01, Council authorize the Manager, Procurement to award a single source contract to Netagen not to exceed the amount of \$750,000, including non-rebateable H.S.T. for Redundant NG-911 Communication System.

CF-24-02 - Contract Award - C2023-095 Rotary Park and Pool Redevelopment (Ward 4)

Whereas the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000; and,

Whereas through Reports CS-21-36 and CS-21-94 Council approved \$8,221,663, inclusive of non-rebateable H.S.T., and the 2024 Capital Budget approved project 51-0116 in the amount of \$3,000,000, inclusive of non-rebateable H.S.T.; and,

Whereas \$1,418,587 has already been committed to the project for consulting services and the demolition of previous pool; and,

Whereas Procurement issued C2023-079 Pre-Qualification for Rotary Park and Pool Redevelopment and three suppliers were pre-qualified, Chandos Construction LP, Maystar General Contractors Inc., and Percon Construction Inc.; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2023-095 Rotary Park and Pool Redevelopment; and,

Whereas three (3) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders and opened by Procurement on November 20, 2023; and,

Whereas the bid received from Maystar General Contractors Inc., in the amount of \$18,800,000 excluding H.S.T. (\$19,130,880 including non-rebateable H.S.T.), is the lowest bidder and meets the requirements of the tenders; and,

Whereas the low bid from Maystar General Contractor Inc., is over-budget; and,

Whereas the award will be phased, with the first phase being awarded in 2024 and the second phase being awarded upon approval of the 2025 Capital Budget for Rotary Park Redevelopment;

Therefore, be it resolved that pursuant to Item CF-24-02:

1. That the Manager, Procurement be authorized to award a contract to Maystar General Contractors Inc. in the amount of \$9,633,526 excluding H.S.T. for C2023-095 Rotary Park and Pool Redevelopment; and,
2. That the Manager, Procurement be authorized to award the balance of the contract to Maystar General Contractors subject to the 2025 Rotary Park Redevelopment Project Capital Budget approval.

CF-24-03 - C2023-097 Stormwater Management Facility Cleaning - Additional Funding (Ward 3)

Whereas the Purchasing By-Law 80-2020 requires Council approval to award contracts that exceed the approved budget; and,

Whereas in 2023 Council approved Project 54-0005 in the amount of \$325,000 inclusive of H.S.T., for Storm Water Management Pond Cleaning; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2023-097 Stormwater Management Facility Cleaning; and,

Whereas eleven (11) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on October 31, 2023; and,

Whereas the two (2) low bids were deemed non-complaint with the requirements of the tender and Purchasing By-law; and,

Whereas the bid received from Strong Bros. General Contracting Ltd. in the amount of \$438,000 (\$445,709 including non-rebateable H.S.T.), is the lowest compliant bidder and meets the requirements of the tender; and,

Whereas there has been a total of \$16,099 committed to date for soil sampling and surveys; and,

Whereas there is a funding shortfall of \$136,808, including non-rebateable H.S.T.; and,

Whereas the additional cost of \$136,808 can be funded from the Subdividers Fixed Charges – Future Services Reserve Fund from the portion collected for the Stormwater Pond Maintenance Fees;

Therefore, be it resolved that pursuant to Item CF-24-03:

1. That the additional funding of \$136,808 to be funded from the Subdividers Fixed Charges – Future Services Reserve Fund be approved; and,

2. That the Manager, Procurement be authorized to award a contract to Strong Bros. General Contracting Ltd. in the amount of \$438,000 excluding H.S.T. for C2023-097 Stormwater Management Facility Cleaning.

Report of the Economic and Development Services Committee

ED-24-01 - New City of Oshawa Street Naming Policy (All Wards)

1. That, pursuant to Report ED-24-01 dated January 3, 2024, the proposed new City of Oshawa Street Naming Policy as outlined in Attachment 1 be approved in principle; and,
2. That a formal Policy document be developed to the satisfaction of the Commissioner, Economic and Development Services Department and Director, Legislative Services/City Clerk.

ED-24-05 - Overland LLP Submitting Notice of Objection to Designate 149 Harmony Road South (Ward 3)

That Correspondence ED-24-05, dated November 30, 2023, from Overland LLP submitting a notice of objection to the intent to designate 149 Harmony Road South be referred to staff for a report

ED-24-06 - Columbus Community Advisory Committee – Selection of Two New Members (Ward 1)

Whereas, on January 28, 2019, pursuant to Report DS-19-04 dated January 9, 2019, Council approved Terms of Reference for the establishment of the Columbus Community Advisory Committee (the “C.C.A.C.”), to provide an additional forum for community input into the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study (the “Study”); and,

Whereas, on January 28, 2019, Council selected five individuals from the Columbus community who expressed an interest in participating as a member of the C.C.A.C.; and,

Whereas, the C.C.A.C. Terms of the Reference directs that the Committee include up to five community members, all of whom must live or own a business in the Study area, and that Oshawa City Council will be responsible for selecting the Committee members; and,

Whereas, on October 2, 2023, City Council considered Report ED-23-117 dated May 31, 2023 relating to the Study and adopted, as part of an amended motion, the following:

“That, pursuant to Report ED-23-117 dated May 31, 2023, the Columbus Community Advisory Committee continue to function until such time as the Part II Plan is in effect, for the purposes of continued community engagement; and,

That, pursuant to Report ED-23-117 dated May 31, 2023, the Columbus Community Advisory Committee meet a minimum of twice a year; and,

That, pursuant to Report ED-23-117 dated May 31, 2023, the Columbus Community Advisory Committee be increased in size from five (5) members to seven (7) members, with the two additional members and any other vacancies to be selected by Council no later than end of the first quarter of 2024”; and,

Whereas, staff have confirmed that all five (5) of the existing C.C.A.C. members are still interested in serving on the C.C.A.C.; and,

Whereas, there are two (2) new vacancies on the C.C.A.C. owing to the above-noted motion adopted by Council on October 2, 2023;

Therefore be it resolved that, pursuant to Item ED-24-06, Applicants 4 and 5 be selected to serve on the Columbus Community Advisory Committee from the five (5) applicants identified in Confidential Attachment 1.

ED-24-09 - Temporary Banner Installation Requests within the Downtown Oshawa Banner Program (Ward 4)

1. That, pursuant to Report ED-24-09 dated January 3, 2024, city staff be directed to implement a procedure generally in accordance with the content that forms Section 5 of this Report in order to support the expansion of the Downtown Oshawa Banner Program; and,
2. That, pursuant to Report ED-24-09 dated January 3, 2024, the City of Oshawa Delegation of Authority By-Law 29-2009, as amended, be amended to delegate authority to the Commissioner, Economic and Development Services or the Director, Business and Economic Development Services, or designate, to approve or deny applications for temporary banners from community groups.

ED-24-11 - Request under the Urban Growth Centre Community Improvement Plan (Ward 4)

That, pursuant to Report ED-24-11 dated January 3, 2024, Crispcorp Ltd. be approved for an Upgrade to Building and Fire Codes Grant in the amount of \$10,000.00 and a Façade and Accessibility Improvements Grant in the amount of \$10,000.00.

ED-24-13 - Durham Meadoway Visioning Study (All Wards)

That pursuant to Item ED-24-13, staff work with the Region of Durham regarding the Durham Meadoway Visioning Study.

Report of the Safety and Facilities Services Committee

SF-24-02 - Notice of Motion - Reporting of Parking Complaints (CNCL-23-119) (All Wards)

Whereas the City is developing a customer service strategy to identify service delivery gaps and look at potential ways to modernize ways to serve the public; and,

Whereas Blackline Consulting has been engaged to help lead the strategy; and,

Whereas the public and Oshawa Council members have found the current required process to report parking complaints by phone causes delays and lost time; and,

Whereas there are benefits to reporting parking by-law non-compliance with the option of permitting a photo email to Service Oshawa;

Now therefore Council recommend to Blackline Consulting and City staff to include a new process option for reporting parking non-compliance with a picture email to Service Oshawa.

SF-24-01 - Technical Amendments to Fence and Sight Triangle By-law 23-2014 and Boulevard By-law 136-2006 (All Wards)

Whereas the Fence and Sight Triangle By-law 23-2014, as amended (“Fence and Sight Triangle By-law”) is a by-law to regulate the height of fences, natural features and objects in certain circumstances within the City of Oshawa (“City”); and,

Whereas the Boulevard By-law 136-2006, as amended (“Boulevard By-law”) is a by-law to regulate the maintenance, occupancy, use of, and other matters pertaining to, those portions of public highways under the jurisdiction of the City known as boulevards; and,

Whereas staff regularly review the City’s by-laws to identify opportunities to enhance municipal regulatory standards; and,

Whereas a review has identified an opportunity to implement the following amendments to the Fence and Sight Triangle By-law:

- Increase the clarity of applicable standards by renaming the definition of “Sight Triangle” to “Corner Sight Triangle” as standards for Sight Triangles relate to the Sight Triangle at the corner of a Corner Lot.
- Eliminate sight obstructions within the Driveway Sight Triangle by amending the definition of “Height” to address fences, natural features, etc. on top of retaining walls within the Driveway Sight Triangle to be measured between the finished grade of the driveway and the highest point of the fence, natural feature, thing or object.
- Remove Legal Non-Complying (i.e. “grandfathering”) for fences, natural features, things or objects located within the “Corner Sight Triangle” or “Driveway Sight Triangle” as they pose a risk to health and safety.

Whereas a review has identified an opportunity to implement the following amendments to the Fence and Sight Triangle By-law and the Boulevard By-law:

- Remove the appeal process for remedial work orders to ensure that compliance is achieved in an effective and timely manner, consistent with the enforcement approach in Lot Maintenance By-law 127-2007, as amended;

Therefore be it resolved that based on Item SF-24-01 dated January 10, 2024, Council approve a by-law in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to:

1. Amend Fence and Sight Triangle By-law 23-2014, as amended to increase clarity in reference to corner sight triangles, to address sight obstructions on top of retaining walls located within the driveway sight triangle and to remove references to Legal Non-Complying provisions for fences, natural features, things or objects located within the corner sight triangle or driveway sight triangle to enhance public safety; and,
2. Amend Fence and Sight Triangle By-law 23-2014, as amended and Boulevard By-law 136-2006, as amended to remove the appeals process for remedial work orders to ensure effective and efficient compliance with the respective by-laws.

SF-24-03 - Installation of a Public Water Dispenser at the Tribute Communities Centre (Ward 4)

Whereas there is no public water dispenser at the Tribute Communities Centre (“T.C.C.”) available to the public during Oshawa Generals games and events; and,

Whereas the public is expressing a need to have a drink of water made available when attending Oshawa Generals games and events;

Therefore pursuant to Item SF-24-03, staff investigate the feasibility and practicality of installing a public water dispenser at the T.C.C. and report back with ideal location and cost implications.

Report of the Joint Community and Operations Services and Safety and Facilities Services Committees

See Matters Excluded from Consent Agenda.

Other Staff Reports and Motions

CNCL-24-03 - Oshawa Power Group of Companies Board of Directors' Stipends (Ward 4)

That pursuant to Report CNCL-24-03 dated January 24, 2024:

1. The stipends for Board Directors for representation at Additional Companies in which Oshawa Power has ownership or financial Interests as outlined in Correspondence CF-23-65 be denied; and,
2. The stipends for Oshawa Power Group of Companies Board of Directors as outlined in Correspondence CF-23-66 be approved; and,
3. The Board of Directors of Oshawa Power be requested to perform a market review of the stipends once every five (5) years to ensure the rates remain competitive and in-line with comparable Local Distribution Companies.

CNCL-24-05 - Municipal Comprehensive Review of the Oshawa Official Plan (All Wards)

1. That pursuant to Report CNCL-24-05 dated January 24, 2024, Economic and Development Services staff be authorized to initiate the Municipal Comprehensive Review process to update the Oshawa Official Plan, generally in accordance with Section 5.3 of said Report; and,
2. That, pursuant to Report CNCL-24-05 dated January 24, 2024, a Special Meeting of Council be held in the first or second quarter of 2024 as required under the Planning Act to initiate the Municipal Comprehensive Review process to update the Oshawa Official Plan; and,
3. That Statutory Notice be provided in accordance with the City’s Public Notice Policy GOV-23-02 and the statutory timelines set out in the Planning Act to hear from the public on this matter; and,
4. That staff be authorized to forward a copy of Report CNCL-24-05 dated January 24, 2024 and the related Council resolution to the Region of Durham.

By-Laws

The following By-laws were passed:

13-2024 - A By-law to Adopt Amendment 221 to the Oshawa Official Plan

(Implements direction of January 29, 2024 through Item ED-24-08 of the Twenty-third Report of the Economic and Development Services Committee to permit the lands generally located east of Harmony Road North, south of Greenhill Avenue to be used for Low Density Residential, Medium Density I Residential and Medium Density II Residential uses in the event the lands are not required for a secondary school or another community use.)

14-2024 - A By-law to Amend Zoning By-law 60-94, as amended

(Implements direction of January 29, 2024 through Item ED-24-08 of the Twenty-third Report of the Economic and Development Services Committee to change the zoning for the lands generally located east of Harmony Road North, south of Greenhill Avenue from FD (Future Development) to CIN.T17 “h-91”/R6-B(15) “h-92” (Community Institutional/Residential), CIN.T17 “h-91”/R1-E(39) “h-92”/R3-A(24) “h-92” (Community Institutional/Residential), and OSH (Hazard Lands Open Space) to permit permit a secondary school and other community uses such as elementary schools, private schools, assembly halls, clubs, children’s shelters, churches and day care centres subject to a special zoning regulation related to permitting increased building height. Single detached dwellings, street townhouses, apartment buildings, long term care facilities, retirement homes and block townhouses would also be permitted as alternative uses subject to special zoning regulations related to minimum front and exterior side yard depths, maximum lot coverage and building heights, and encroachment into the front yard and exterior side yard for unenclosed porches and steps if the subject site is not developed for a secondary school or other community uses.)

15-2024 - A By-law to Establish the Permitting and Regulation of Vacant Buildings and Land Within the City of Oshawa

(Implements Council direction of May 1, 2023 through Item SF-23-17 of the Fifth Report of the Safety and Facilities Services Committee to establish the permitting and regulation of vacant buildings and land within the City of Oshawa.)

16-2024 - A By-law to Amend General Fees and Charges By-law 13-2003, as amended

(Implements Council direction of May 1, 2023 through Item SF-23-17 of the Fifth Report of the Safety and Facilities Services Committee to amend General Fees and Charges By-law 13-2003, as amended, to implement a new fee related to the administration of the Vacant Building and Land Registry By-law.)

17-2024 - A By-law to Establish the Positions and Appointment Processes of Screening Officer and Hearing Officer

(Implements direction of January 29, 2024 through Report CNCL-24-02 to establish the positions and appointment processes of Screening Officer and Hearing Officer and to repeal Hearings Officer By-law 26-2008, as amended.)

18-2024 - A By-law to Amend Parking Administrative Penalty System By-law 24-2011, as amended, and Administrative Penalty Process By-law 63-2013, as amended

(Implements direction of January 29, 2024 through Report CNCL-24-02 to amend the Parking Administrative Penalty System By-law 24-2011, as amended and the Administrative Penalty Process By-law 63-2023, as amended, to remove the appointment process for Screening Officers.)

19-2024 - A By-law to Amend Lot Maintenance By-law 127-2007, as amended

(Implements direction of January 29, 2024 through Item CO-24-01 of the Twelfth Report of the Community and Operations Services Committee to address noxious weeds as listed under the Weed Control Act, R.S.O. 1990, c.W.5.)

Public Discussion Agenda

Matters Excluded from Consent Agenda

CO-24-05 - Installation of a Temporary off Leash Dog Park at Southmead Park (Ward 5)

Consent Motion:

That based on Item CO-24-05, staff be directed to investigate the possibility of installing temporary fencing and signage for a pilot project of a neighborhood level off leash dog park at Southmead Park.

Councillor Marks reentered the meeting at 10:58 a.m.

The vote to adopt the recommendation contained in Item CO-24-05.

Motion Carried

CS-21-105 - Fleet Services Decarbonization Strategy (All Wards)

Consent Motion:

That CS-21-105 - Fleet Services Decarbonization Strategy concerning a request for staff to adopt a vehicle purchasing policy that assumes an electric vehicle purchase as the default choice and move to a fleet replacement policy that sets ambitious targets in fleet electrification and decarbonization be received for information.

Moved by Councillor McConkey
Seconded by Councillor Giberson

That CS-21-105 concerning a Fleet Services Decarbonization Strategy be referred back to staff.

Affirmative (5): Councillor Giberson, Councillor Lee, Councillor Marks, Councillor McConkey, and Councillor Neal

Negative (4): Councillor Chapman, Councillor Gray, Councillor Kerr, and Councillor Marimpietri

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (5 to 4)

ED-24-04 - Policy for Public Meetings with Respect to Applications for Draft Plans of Subdivision (All Wards)

Consent Motion:

1. That, pursuant to Report ED-24-04 dated January 3, 2024, the proposed policy for public meetings with respect to applications for draft plans of subdivision as outlined in Attachment 1 be approved in principle; and,
2. That a formal Policy document be developed to the satisfaction of the Commissioner, Economic and Development Services Department and Director, Legislative Services/City Clerk.

The vote to adopt the recommendation contained in Item ED-24-04.

Affirmative (7): Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (2): Councillor McConkey, and Councillor Neal

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (7 to 2)

ED-24-08 - Revised Applications to Amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue, Silwell Developments Ltd and 1229403 Ontario Ltd. (Ward 1)

Councillor Neal declared a conflict on this item. (Councillor Neal made a declaration of interest concerning Item ED-24-08 and related By-laws 13-2024 and 14-2024 regarding revised applications to amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue as a member of his family has a contract with the Durham District Separate School Board and did not take part in discussion or voting on the matter.)

Consent Motion:

1. That, pursuant to Report ED-24-08 dated January 3, 2024, the revised application submitted by Silwell Developments Ltd. and 1229403 Ontario Ltd. to amend the Taunton Part II Plan (File: B-3100-0174) in order to permit alternate residential land uses in the event that a secondary school is not constructed on lands located south of Greenhill Avenue, between Harmony Road North and the Harmony Creek valley, be approved, generally in accordance with the comments in said Report and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and Legal Services; and,
2. That, pursuant to Report ED-24-08 dated January 3, 2024, the revised application submitted by Silwell Developments Ltd. and 1229403 Ontario Ltd. to amend Zoning By-law 60-94 (File: Z-2012-11) to permit a secondary school and alternate residential land uses in the event a secondary school is not constructed on lands located south of Greenhill Avenue, between Harmony Road North and the Harmony Creek valley, be

approved, generally in accordance with the comments in said Report and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and Legal Services; and,

3. That, pursuant to Report ED-24-08 dated January 3, 2024, an easement for a storm water outfall from the subject site to the Harmony Creek over a portion of City-owned lands be approved in a form and content satisfactory to the Commissioner of Economic and Development Services and the City Solicitor; and,
4. That, pursuant to Report ED-24-08 dated January 3, 2024, the Commissioner of Economic and Development Services be authorized to execute any required documents to give effect to Part 3 above, including any required easement agreements with Silwell Developments Ltd., 1229403 Ontario Ltd. and/or the Durham Catholic District School Board, in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services; and,
5. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-13-166 dated May 22, 2013 presented at the public meeting of May 27, 2013 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

The vote to adopt the recommendation contained in Item ED-24-08 and pass By-laws 13-2024 and 14-2024.

Affirmative (8): Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor McConkey

Conflict (1): Councillor Neal

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (8 to 0)

CO-24-03 - Various Residents Submitting Correspondence in Support of Amending Traffic By-law 79-99, as amended to Allow Parking on Boulevards (All Wards)

CO-24-04 - Various Residents Submitting Correspondence in Opposition of Amending Traffic By-law 79-99, as amended to Allow Parking on Boulevards (All Wards)

Consent Motion:

That in accordance with Correspondence CO-24-03 and CO-24-04 from various residents concerning parking on boulevards, Traffic By-law 79-99, as amended not be further amended; and,

That staff continue normal enforcement of the By-law.

The vote to adopt the recommendation contained in Items CO-24-03 and CO-24-04.

Affirmative (8): Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor McConkey

Negative (1): Councillor Neal

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (8 to 1)

CNCL-24-02 - Proposed Replacement and Consolidation of the By-laws Establishing and Appointing Screening and Hearings Officers (All Wards)

Consent Motion:

1. That in accordance with Report CNCL-24-02 dated January 24, 2024 concerning a proposed replacement and consolidation of the By-laws establishing and appointing Screening and Hearing Officers, Council pass a By-law to appoint Screening and Hearing Officers as set out in Attachment 2 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,
2. That the proposed amendments to the Parking Administrative Penalty System By-law 24-2011, as amended, and the Administrative Penalty Process By-law 63-2013, as amended, to remove the appointment process for Screening Officers be approved and the amending by-law be passed as set out in Attachment 3 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,
3. That Hearings Officer By-law 26-2008, as amended, and By-law 163-2022, be repealed.

The vote to adopt the recommendation contained in Report CNCL-24-02 and pass By-laws 17-2024 and 18-2024.

Motion Carried

10-2024 - A By-law to Designate the Property Municipally Known as 110 Simcoe Street South

(Implements Council direction of October 30, 2023 through Item ED-23-196 of the Seventeenth Report of the Economic and Development Services Committee to designate the property municipally known as 110 Simcoe Street South, specifically PIN 16353-0167 (LT) LOTS 1 TO 12, BLOCK K, PLAN H50004 OSHAWA, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

The vote to pass By-law 10-2024 to designate the property municipally known as 110 Simcoe Street South.

Motion Carried

11-2024 - A By-law to Designate the Property Municipally Known as 72 Queen Street

(Implements Council direction of October 30, 2023 through Item ED-23-196 of the Seventeenth Report of the Economic and Development Services Committee to designate the property municipally known as 72 Queen Street, specifically PIN 16353-0162 (LT) PT LT C-7, C-8, C-8 1/2, C-9, & C-10, SHEET 21, PL 335, PT LT 1 & 2, PL 53, PT OF QUEEN STREET, PL H-50004, NOW PT 2, 3, & 4, PL 40R-9214, CITY OF OSHAWA, REGION OF DURHAM, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

The vote to pass By-law 11-2024 to designate the property municipally known as 72 Queen Street.

Motion Carried

12-2024 - A By-law to Designate the Property Municipally Known as 760 King Street West

(Implements Council direction of October 30, 2023 through Item ED-23-196 of the Seventeenth Report of the Economic and Development Services Committee to designate the property municipally known as 760 King Street West, specifically PIN 16301-0453 (LT) LOTS 6 & 7, PART LOT 415 SHEET 16C PLAN 370 EAST WHITBY, S/T EASEMENT OVER PART LOT 4 SHEET 16C PLAN 370, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

The vote to pass By-law 12-2024 to designate the property municipally known as 760 King Street West.

Motion Carried

Items Pulled from the Information Package

None

Closed Consent Agenda

Moved by Councillor Marimpietri

Seconded by Councillor Marks

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated January 29, 2024 be adopted as recommended except Item ED-24-10 from the Twenty-fourth Report of the Economic and Development Services Committee.

Motion Carried

Moved by Councillor Marimpietri
Seconded by Councillor Marks

That the meeting recess and reconvene in a session closed to the public pursuant to 239 (2)(e) of the Municipal Act in order to consider Item ED-24-10 which is concerning litigation or potential litigation involving the municipality.

Motion Carried

Correspondence with recommendations

None

Standing Committee Reports

Report of the Community and Operations Services Committee

None

Report of the Corporate and Finance Committee Services

None

Report of the Economic and Development Services Committee

ED-24-02 - Request to finalize Extended Lot Condition - Emerson Court (Ward 5)

That Correspondence ED-24-02, dated December 1, 2023, concerning a request to finalize Extended Lot Condition on Emerson Court be referred to staff for a report.

Report of the Safety and Facilities Services Committee

None

Other Staff Reports and Motions

CNCL-24-01 - Replenishment of the Urban Growth Centre Community Improvement Reserve - Wentworth Street West Community Improvement Plan Budget Allocation (Ward 5)

Whereas, on May 29, 2023, Council considered Item CF-23-40 and passed a multi-part motion including parts specifically relating to the Wentworth Street West Community Improvement Plan, as follows:

“2. That staff be directed to fund the remaining recommended Economic Stimulus grant for the 11 Simcoe Street North application in the amount of \$140,000 from the Wentworth Street West Community Improvement Plan budget; and,

3. That staff investigate how to replenish the Wentworth Street West Community Improvement Plan budget to ensure fiscal sustainability and report back to Council during the 2024 budget deliberations”; and,

Whereas, on October 30, 2023, Council authorized staff to advance two (2) disposal strategies contained in Closed Reports ED-23-178 and ED-23-197 concerning the City- owned Christine

Crescent road allowance and a portion of the City-owned Cromwell Avenue road allowance, respectively; and,

Whereas, in both Reports it was noted that the proceeds of both dispositions, if successful, would be deposited into the Civic Property Development Reserve; and,

Whereas, there is an opportunity to use the proceeds of either of the two (2) aforementioned dispositions to replenish the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation;

Therefore be it resolved that, pursuant to Closed Item CNCL-24-01, Council approve the following concerning the replenishment of the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation:

1. That the proceeds related to the sale of the Christine Crescent road allowance be used to replenish the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation, unless preceded by the sale of the portion of the Cromwell Avenue road allowance, in which case the proceeds will instead continue to be deposited in the Civic Property Development Reserve as originally contemplated; and,
2. That the proceeds related to the sale of the portion of the Cromwell Avenue road allowance be used to replenish the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation, unless preceded by the sale of the Christine Crescent road allowance, in which case the proceeds will instead continue to be deposited in the Civic Property Development Reserve as originally contemplated.

CNCL-24-04 - Single Source Financial Services (Ward 2)

Whereas the Purchasing By-Law 80-2020 requires Council to approve Professional and Consulting Services single source contracts greater than \$50,000 not including H.S.T.; and,

Whereas Deloitte LLP has provided financial services to the City for many years and understands the City's operations; and,

Whereas Deloitte LLP will submit a proposal to the City to review and prepare recommendations; and,

Whereas it is recommended to single source these financial services to Deloitte LLP; and,

Whereas the cost of the financial services can be funded from the Corporate Expenditure account, Consulting and Audit Fees, with any surplus funds recognized throughout the year, at the discretion of the Treasurer;

Therefore be it resolved:

1. That pursuant to Closed Item CNCL-24-04, dated January 24, 2024 Council authorize the Manager, Procurement to negotiate and award a single source contract to Deloitte LLP not to exceed the amount of \$75,000 not including H.S.T.; and,
2. That staff report back on the results in Q2 2024.

Closed Discussion Agenda

Matters Excluded from Consent Agenda

ED-24-10 - Update on the Appeal of Council's Denial of an Application to Demolish 195 Simcoe Street North (Ward 4)

Consent Motion:

That pursuant to Report ED-24-10 dated January 3, 2024, staff be authorized to proceed as outlined in Section 2.0 of said Report, with Part 6 as amended with respect to the request under Section 39 of the Ontario Heritage Act in Closed Session.

Carried by later votes

Moved by Councillor Kerr

Seconded by Councillor Giberson

That the meeting recess for ten minutes.

Motion Carried

The meeting recessed at 11:35 a.m. and reconvened at 11:46 a.m. in a session closed to the public with all members of Council in attendance except Councillors Neal (entered the meeting at 11:48 a.m.), Nicholson and Mayor Carter.

Also in attendance were the Director, Legislative Services/City Clerk; the Manager, Legislative Services/Deputy City Clerk; the Chief Administrative Officer, the Commissioner, Corporate and Finance Services Department; the Commissioner, Community and Operations Services Department; the Commissioner, Economic and Development Services Department; the Commissioner, Safety and Facilities Services Department; the City Solicitor; the Director, Municipal Law Enforcement and Licensing Services; the Director, Planning Services; the Manager, Policy, the Chief Building Official; C. Leherbauer, Senior Planner and F. Bianchet, Council-Committee Coordinator who were participating from the Chamber and M. Mayhew-Hammond, Lawyer who was participating electronically.

All other staff and members of the public left the meeting.

Council entered closed session at 11:46 a.m.

Closed meeting discussions took place.

Moved by Councillor Marimpietri

Seconded by Councillor Gray

That Council rise from closed session and report.

Motion Carried

Closed Meeting Report

The following is a summary of the closed portion of the meeting.

All members of Council were present in the Chamber except Councillor Nicholson and Mayor Carter who were absent.

Members of Council questioned the Commissioner, Economic and Development Services Department and M. Mayhew-Hammond, Lawyer concerning Item ED-24-10.

The Commissioner, Economic and Development Services Department and M. Mayhew-Hammond, Lawyer responded to questions from Council.

Council rose from closed session at 12:05 p.m.

This concludes the closed meeting summary.

Item ED-24-10 concerning an update on the appeal of Council's denial of an application to demolish 195 Simcoe Street North was now before Council.

A request was made to divide the recommendation in order to vote on Part 6 separately.

The vote to adopt Parts 1 to 5 of the recommendation contained in Item ED-24-10.

Affirmative (8): Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Neal

Negative (1): Councillor Lee

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (8 to 1)

The vote to adopt Part 6 of the recommendation contained in Item ED-24-10.

Affirmative (8): Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Neal

Negative (1): Councillor Lee

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (8 to 1)

Items Requiring Council Direction

None

Matters Tabled

None

Notices of Motion

CNCL-24-06 - Posting Stormwater Pond Cleaning Locations and Project Information on the City's Website (All Wards)

Moved by Councillor McConkey
Seconded by Councillor Giberson

Whereas Stormwater Management Pond Cleaning is included in the annual budget (project 54-0005); and,

Whereas other municipalities annually post a list which stormwater ponds are scheduled for sediment removal on their websites;

Now therefore to increase public awareness of the process, Council directs staff to post annually the approved stormwater pond cleaning locations and appropriate project information on the City's website.

Motion Carried

CNCL-24-08 - Installing Solar Lights on Colin Road East to Accommodate Safer Bus Stops (Ward 1)

Moved by Councillor McConkey
Seconded by Councillor Neal

Whereas the road, traffic and pedestrian conditions on Conlin Road East have been growing increasingly problematic; and,

Whereas both Oshawa and Region staff are working on the design and funding for the infrastructure needed to complete the urban landscape along Conlin Road East;

Whereas the lack of safe accessible bus stops, lighting, turn lanes, and a four lane road necessary to accommodate the heavy traffic, combined present serious safety issues;

Now therefore staff investigate the feasibility of installing solar lights (similar to the one installed at Winchester Road East and Given Road in Oshawa) to be installed at the earliest opportunity in conjunction with Durham Region Transit and the Region of Durham on Conlin Road East to accommodate safer bus stops.

Amendment:

Moved by Councillor Marimpietri
Seconded by Councillor Marks

That the motion be amended to delete the words 'to be installed at the earliest opportunity' before the words 'in conjunction with Durham Region Transit and the Region of Durham'

Affirmative (5): Councillor Chapman, Councillor Gray, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (4): Councillor Giberson, Councillor Kerr, Councillor McConkey, and Councillor Neal

Absent (2): Mayor Carter, and Councillor Nicholson

Motion Carried (5 to 4)

The vote to adopt the recommendation contained in Notice of Motion CNCL-24-08, as amended.

Motion Carried

Confirming By-Law

Moved by Councillor Marimpietri

Seconded by Councillor Marks

That the confirming by-law be passed.

Motion Carried

Adjournment

Moved by Councillor Marks

Seconded by Councillor Kerr

That the meeting adjourn at 12:32 p.m.

Motion Carried

Mayor

City Clerk

From: Harriet Fredericks <M.F.I.P.P.A. Sec 14(1)>
Sent: Tuesday, February 6, 2024 8:46 PM
To: clerks <clerks@oshawa.ca>; * Council <council@oshawa.ca>
Subject: Wind field farm as part of open doors tour 2024

Hello,

I would join the open doors tour just to see the gravesite of northern dancer. I am certain that it would be one of the most popular sites if you include it on this year's tour.
Kind regards,

Harriet

From: Louise Hoar <M.F.I.P.P.A. Sec 14(1)>
Sent: Wednesday, February 7, 2024 3:18 PM
To: clerks <clerks@oshawa.ca>
Cc: * Council <council@oshawa.ca>
Subject: Winfield's farm on Doors Open

Hello

I wish to extend my wishes that this wonderful facility be added to Doors Open Oshawa. It is an important part of Oshawa history and a vital element in Thoroughbred history that can never be forgot.

Not sure why it wouldn't have been included all along but feel very insistent that it be included this year.

Please consider allowing it to be a part of Oshawa's celebration and remembering all the wonderful things that Oshawa should be so very proud of

Thanking you in advance

Louise Hoar
Dorchester, Ontario

From: Marianne Ortepi <M.F.I.P.P.A. Sec 14(1)>
Sent: Saturday, February 17, 2024 3:54 PM
To: * Council <council@oshawa.ca>
Cc: clerks <clerks@oshawa.ca>
Subject: Support for having the core of Windfields Farm open to the public

To whom it may concern,

I am writing you today to express my support of the consideration to have the core of Windfields Farm open to the public for Doors Open Oshawa this year.

I was fortunate enough to have grown up at Windfields as my father was the resident veterinarian there. We actively participated in the 2014 Doors open at the core when it was open to the public and would be happy to be there to do the same this year.

I believe it to be such an important property with so much history not only because of the Taylor Family and Windfields but also because that land was once Parkwood Stables owned by Col. Sam McLaughlin

I truly hope that you will consider opening the core to the public. If not forever, at least on this one day.

Thank you,
Marianne Ortepi

From: Sarah Reeves <M.F.I.P.P.A. Sec 14(1)>
Sent: Tuesday, February 20, 2024 11:37 AM
To: clerks <clerks@oshawa.ca>
Subject: Winfields Farm- Doors Open Toronto- May 2024

My Grandfather, William (Bill) Reeves passed away on 2/3/24. He was 95 years old.

Born in Toronto, he was an avid horseman. At the young age of 16 he left home & traveled from track to track living his dream of race riding.

He started working at the Oshawa farm with the stallions, foaling mares and yearlings. Later he became Pete McCann's Assistant Trainer at the Toronto farm on York Mills. After Pete retired he continued to train and race the Taylor horses at Woodbine and Fort Erie.

In the fall of 1971 he was transferred to be the Trainer at the Maryland farm where most of the yearlings were broke and the older horses were sent for rest. His two sons, my Uncle & Father, worked for Winfield's as well. Continuing the legacy. He worked for Windfields Farm for 32 years, retiring at 65.

I was born on Winfield's Farm in Maryland. Some of my fondest childhood (& adult) memories are sitting with my Grandfather listening to his stories, flipping through photo albums & Winfield's books. Now that he's passed, they bring me comfort in his absence.

He's named in "The Legacy of Windfields Farm: Turquoise and Gold, Bred in the Purple" by Colin Nolte & Michael Armstrong.

Per Muriel Lennox: His recollections of Windfields and the horses and the people were critical to my book "Dark Horse: unraveling the mystery of Nearctic."

Per Bruce Walker: "He and Pete McCann had a great deal to do with development of Northern Dancer. Bill was the first guest speaker at the Toronto Thoroughbred Racing Club's inaugural meeting back in the early 60s".

He was a truly incredible horseman. It would mean the world to me to have the opportunity to visit Northern Dancer's grave site as a farewell to my amazing Grandfather.

Thank you,

Sarah Reeves Foley



February 2, 2024

Sent via email to: Clerks@oshawa.ca; council@oshawa.ca

Please accept this endorsement in support of:

ED-24-21 - Windfields Farm/Northern Dancer Cemetery Participation in Doors Open

Oshawa has within its boundaries one of the most iconic properties associated with Canadian horse racing, a property that is responsible for numerous stories that we must strive to bring to the public in tangible ways. In so doing, community members and visitors alike will be reminded of the important contributions made in Oshawa, Canada and indeed all over the world to Thoroughbred racing.

It is particularly apropos for Windfields Farm to be featured as part of the 2024 Doors Open project as this year marks the 60th Anniversary of the great Northern Dancer's primary achievements on the racetrack when he won the Kentucky Derby in track record time as well as Canada's Queen's Plate. No other horse before or since has won both the Derby and the Plate. Northern Dancer continues to be Canada's most successful racehorse of any breed and is the only racehorse to ever be inducted to Canada's Sports Hall of Fame, as well as the Oshawa Sports Hall of Fame. Additionally, as a sire, Northern Dancer's legacy is in the pedigrees of the vast majority of today's Thoroughbred horses.

Northern Dancer retired to stud in 1965 at Windfields Farm in Oshawa, Ontario, Canada. He was an immediate success when his first crop reached racing age in 1968, and the success of his second crop, led by English Triple Crown winner Nijinsky, brought his name to the international stage. Northern Dancer was relocated to the Maryland branch of Windfields Farm, where he became the most sought-after sire of his time. The move was necessitated by his world-wide popularity.

Northern Dancer became the greatest stud horse in history. By the time of his death, 467 of his 635 registered foals had won races and over 150 had won stakes races. Many of today's best thoroughbreds trace their lineage to him. Some of his more important offspring include Epsom Derby winners Nijinsky and The Minstrel.

.../2



Northern Dancer was one of the 20th century's most successful Thoroughbred sires. From 645 named foals, he sired 411 winners (63.7%) and 147 stakes races.

The Canadian Horse Racing Hall of Fame, is a national organization whose mission is to honour and preserve the best in Canadian Horse Racing. Founded in 1976, the CHRHF honours both Standardbred and Thoroughbred racing for their significant contributions to the Canadian horse racing industry.

Among our Hall's celebrated members are many who have direct connections to Windfields Farm. In fact, the initial class of inductees to the CHRHF in 1976 included not only E.P. Taylor and Northern Dancer but also Victoria Park and Northern Dancer's offspring Nijinsky II. Additionally, Col. R. S. McLaughlin's Parkwood Stables, as the property was known prior to E.P. Taylor purchasing it, saw Queen's Plate success with winning horses Horometer and Kingarvie, both of which were part of the CHRHF's inaugural list of inductees. Col. Sam McLaughlin himself was inducted just one year later.

E.P. Taylor is considered the architect of Canadian racing was the dominant breeder in the game worldwide and all of which started on the grounds of Windfields Farm. Mr Taylor's Plate statistics are truly phenomenal. Between 1949 and 1998 horses bred and owned by Mr. Taylor won the Plate race 11 times, while an additional 11 horses bred by Taylor/Windfields, were victorious.

In total, 24 horses bred and owned by E. P. Taylor are members of the Canadian Horse Racing Hall of Fame. Six of these horses are buried in the Northern Dancer cemetery: Northern Dancer, Victoria Park, Canadiana, New Providence, Vice Regent and Windfields. Additionally, Lady Angela is buried in the Trillium Cemetery.

The impact of Windfields Farm within Canadian horse racing does not end with Mr. Taylor and the many horses he bred, raised and raced. Oshawa native Sandy Hawley, a member of the Canadian Horse Racing Hall of Fame, the National Museum of Racing and Hall of Fame in Saratoga, Canada's Sports Hall of Fame and the Oshawa Sports Hall of Fame, are among the organizations to recognize his mercurial career, got his start at Windfields Farm.

.../3



Canadian Horse Racing Hall of Fame

Including this historic property as a Doors Open venue will provide an opportunity to celebrate the achievements of the owners and horses affiliated with the property. Additionally, it has the potential to attract significant interest and traffic reaching throughout the Canadian and international horse racing world.

We would like to applaud the City of Oshawa for the continued efforts to keep the legacy of Windfields Farm alive by honouring this very important part of Canada and its horse racing history, which extends through the achievements by Windfields Farm and its previous incarnation, Parkwood Stables.

The Canadian Horse Racing Hall of Fame offers our resources and support to this initiative as it comes to fruition.

Respectfully,

Linda Rainey
Managing Director
Canadian Horse Racing Hall of Fame
Linda.rainey@horseracinghalloffame.com
416-417-9404

From: adriana lupton <M.F.I.P.P.A. Sec 14(1)>
Sent: Monday, February 12, 2024 9:57 AM
To: clerks <clerks@oshawa.ca>
Subject: Heritage Designation

Dear Clerks, Mayor Carter and Council,

I am Adriana Lupton, a third generation owner of the property located at 452 Simcoe St. North. My home is a heritage designated home within Oshawa. I would like to take the opportunity to express my gratitude for the tax rebate which has assisted in the upkeep cost of the heritage home.

Although I appreciate my heritage designation, there is one element of it that is proving problematic in terms of maintenance. Specifically, the attribute within the designation that deals with the roof. It states under the description, "the shallow gabled bell cast roof with side gables clad in cedar shingles". Through the years, I have found that maintaining the cedar shake roof has been cumbersome and expensive. I would like to ask the council to amend my designation bylaw, to remove "clad in cedar shingles". I would like to take the opportunity to explain why.

The cedar shake continues to go up in price and is incredibly expensive now. More importantly, finding a competent contractor to do the job properly has been a challenge. I had a contractor who would repair/maintain it and his prices were high as he was one of the few that knew how to repair it. He has now retired and is no longer available. The cedar shake is not common any longer and as a result repairing and maintaining this roof has become near impossible for me. Cedar shake roofs require more maintenance over their lifespan, and add to the overall cost of the roof. It fades, warps, spits, and rot leaving my home vulnerable to water damage, pests and costly repairs. Maintaining this kind of roof takes a lot of work, and proper maintenance and cedar shake roof treatments needs to be done regularly to avoid faster deterioration. It is vital to me to keep my home in good repair, and there are many other roofing options that would be cost effective and keep the integrity of the home.

I cannot afford to continue with the expenses involved in maintaining the cedar shake roof. I am requesting that the above attribute from the heritage designation description By-law 148-2011 be removed. Thank you for your time and attention in this matter.

Yours sincerely,

Adriana Lupton



**By-Law 148-2011
of The Corporation of the City of Oshawa**

being a by-law to designate the property located at 452 Simcoe Street North, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:

1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. John and Adriana Lupton are the registered owners of the property located at 452 Simcoe Street North in the City of Oshawa (the "Property"). The Property contains a good representation of a two-storey, detached dwelling of Georgian revival style built in the early 1920's in the City of Oshawa.
3. On October 19, 2011 the City forwarded to the Ontario Heritage Trust a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published in the *Oshawa This Week* newspaper (which has general circulation in the City of Oshawa) on October 19, 2011.
5. The last day of serving a Notice of Objection to the Notice of Intention to designate the Property was November 18, 2011. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including the detached dwelling and its features which are described in Schedule "A" to this By-law, located at 452 Simcoe Street North, legally described as Plan 201, Lot 11, Part Lot 10, Oshawa, is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owners of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-eighth day of November, 2011.



Mayor



City Clerk

Schedule "A" to By-law 148-2011
of The Corporation of the City of Oshawa

**452 Simcoe Street North
Designation Statement and Description**

Location and Description of Property:

452 Simcoe Street North consists of a single detached residential dwelling located on the west side of Simcoe Street North, south of Buckingham Street and north of Adelaide Avenue, in an area of Oshawa that has remained largely unchanged since the original homes were constructed in the early 20th century. The house is one of many high-quality residential buildings from that time period sited along Simcoe Street North. Following World War 1, the City of Oshawa's economy was booming and this area became home to many junior executives, business owners, doctors and other professionals.

The house is a stately, two-and-a-half storey home that is representative of the late Georgian Revival style. It consists of a shallow gabled bell cast roof clad in cedar shingles. The main east façade addresses Simcoe Street North and features a three bay design with a central entranceway typical of Georgian architecture. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah. This Georgian Revival style home survives on a medium sized lot with mature vegetation.

Legal Description:

The property is located at 452 Simcoe Street North and is legally described as Plan 201, Lot 11, Part Lot 10, Oshawa.

Statement of Cultural Heritage Value or Interest:

The cultural heritage value of 452 Simcoe Street North lies in the fact that this home is a good representation of early twentieth century Georgian architecture. It is located in a neighbourhood that has remained relatively stable since its formation and the dwelling has been well maintained throughout the years. This area of homes reflects an interbellum era residential neighbourhood developed following World War 1, when Oshawa's economy was thriving and many junior executives, business owners, doctors and other professionals established their homes in this neighbourhood of the City. This particular Georgian Revival style home survives on a medium sized lot with mature vegetation, and is set well back from the street.

The dwelling is a stately, two-and-a-half storey rectangular form home that has a shallow gabled bell cast roof and a simple cornice. The arrangement of the windows and door create a symmetrical three bay façade typical of Georgian architecture. The main entranceway, classical in design, is sheltered under a small gabled roof porch supported by wooden posts. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah.

Description of Heritage Attributes:

Key attributes that reflect the heritage value of the house at 452 Simcoe Street North:

- The two-storey Georgian Revival design, featuring a symmetrical 3-bay frontal façade with centrally positioned main entrance;
- The shallow gabled bell cast roof with side gables clad in cedar shingles;
- The smooth stucco unadorned exterior walls with straight stone window accents;
- The uniform fenestration with casement windows;
- The simple cornice moldings;
- The Edwardian double height porch on the south side gable; and
- The location of the house being set well back from Simcoe Street North.

Heritage Property Tax Reduction

The City of Oshawa has a Heritage Property Tax Reduction Program. Owners of property designated under the Ontario Heritage Act are eligible for this program.

The annual property tax reduction you may receive is 40% of the City and school board portions on eligible property. However, Regional taxes are not included in this program.

Process for altering a designated property

After a property owner submits an application to either alter or demolish a designated property, City staff will initially review the application to determine if any of the heritage attributes will be impacted. These heritage attributes are laid out in the designation by-law that is passed on the date that each property is designated. For this instance, I have attached a PDF of Designation By-law 148-2011 which lists the heritage attributes for 452 Simcoe St N. If staff determine that any of these heritage attributes will be impacted, the application will be circulated to our Heritage Oshawa Advisory Committee for their comment. Then, the application will be reviewed by City Council (with Heritage Oshawa's comments), and they will make a decision to either approve, approve with conditions, or refuse.

If an owner objects to a Council decision to refuse or apply conditions to a proposed alteration, they may appeal the decision to the Ontario Land Tribunal.

For future use, more information can be found at the following webpage:

<https://www.oshawa.ca/en/parks-recreation-and-culture/alterations-and-demolition.aspx>

Process for repealing a designation by-law

The first step would be for the property owner to submit correspondence to City Council requesting that the designation by-law on their property be repealed. The Heritage Oshawa Advisory Committee would provide any comments on the request. Then, City Council would decide to either begin the process to repeal the designation by-law, or refuse the request.

Similar to the above-mentioned process, if the owner objects to Council's decision, they may appeal the decision to the Ontario Land Tribunal.

In the other attached file labelled 'Heritage Toolkit – Designating Heritage Properties', there is a flowchart in the appendix (page 38) which generally lays out the process for when a property owner wishes to repeal the designation bylaw. I note that the CRB (Conservation Review Board) that is mentioned in this flowchart has since been amalgamated into the Ontario Land Tribunal.

To: Community and Operations Services Committee

From: Kevin Alexander, Commissioner,
Community and Operations Services Department

Report Number: CO-24-08

Date of Report: February 7, 2024

Date of Meeting: February 12, 2024

Subject: Funding Agreement for the use of Campus Ice Centre

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this Report is to provide an update on the use of Campus Ice Centre rinks by the City of Oshawa and the existing Funding Agreement for the Shared Athletic Facility at Campus Ice Centre.

Attachment 1 is correspondence [CO-22-05](#) from Ontario Tech University requesting financial support for the Campus Ice Centre capital repairs.

Attachment 2 is Report [CNCL-23-09](#) concerning use of Campus Ice Centre Rinks by the City of Oshawa.

Attachment 3 is an analysis of ice use.

Attachment 4 is the City of Oshawa Ice Allocation Policy.

2.0 Recommendation

That the Community and Operations Services Committee recommend to City Council:

That pursuant to Report CO-24-08 dated February 7, 2024:

1. That Council advise Ontario Tech University that the Funding Agreement for the Shared Athletic Facility at Campus Ice Centre will not be renewed; and,
2. That staff be authorized to notify the City's minor affiliated clients as per Section 5.5 of this Report that the Funding Agreement for the Shared Athletic Facility at Campus Ice Centre expires on August 31, 2024, and will not be renewed; and,

3. That staff be authorized to begin the allocation of seasonal ice for the 2024/25 season at City-owned ice pads, including Tribute Communities Centre as per the Ice Allocation Policy; and,
4. That in accordance with the City's Ice Allocation Policy, affiliated clients will be required to assume their hours of entitlement at City-owned facilities; and,
5. That staff continue to work with Ontario Tech University to identify collaboration opportunities that will better serve the Oshawa community.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

- Finance Services
- Legal Services
- Legislative Services
- City of London
- St. Andrew's College (independent boarding and day school in Aurora)
- St. Michael's College (independent school in Toronto)
- Ridley College (private university-preparatory school in St. Catharines)

5.0 Analysis

5.1 Background

On January 19, 2023, City Council considered Report [CNCL-23-09](#) dated January 4, 2023 (Attachment 2) concerning the November 29, 2022 request for financial support from Ontario Tech University ("Ontario Tech" or the "University of Ontario Institute of Technology" or "U.O.I.T.") for capital project repairs at the Campus Ice Centre CO-22-05 (Attachment 1). At its January 19, 2023, Council directed that:

'That the request for financial support from Ontario Tech University for capital project repairs at the Campus Ice Centre as outlined in Item CNCL-23-09 be deferred until after the new agreement is executed with funding deferred to the 2024 Budget'.

The request for financial support from Ontario Tech University for capital project repairs at the Campus Ice Centre was not included in the 2024 Budget as it was determined that the City of Oshawa no longer requires the use of the ice pads.

5.2 History of the Funding Agreement with Durham College and Ontario Tech University

In 2004, the City of Oshawa entered into an agreement with Durham College and Ontario Tech University to provide \$8 million in funding toward the design and construction of a

Shared Athletic Facility consisting of two ice pads, a competitive pool and ancillary parking, in exchange for rights of use and benefits for a term of twenty (20) years.

The proposed Shared Athletic Facility was intended to be built in two phases. Phase One included the construction of two ice pads, capable of year-round operation, and the construction of a parking lot sufficient to fully accommodate the needs of all facility users. Phase One was to be complete and open for use by September 1, 2005. Phase Two was to include the construction of a swimming pool that measures a minimum of twenty-five (25) metres in length and twenty-one (21) metres in width with ten (10) lanes. Phase Two was to be complete and open for use by January 1, 2008.

On May 29, 2007, the Community Services Committee received a presentation from Nustadia Recreation Inc. and U.O.I.T. (Item CS-07-125) providing the results of the Aquatic Study conducted by Nustadia Recreation Inc. on the need for a 25-metre competitive pool to be built at the Shared Athletic Facility.

On June 6, 2007, City Council adopted the Community Services Committee's recommendation that Ontario Tech University should not proceed with a 25-metre pool and should negotiate with the City of Oshawa on an alternate program of equal value to fulfill the needs of the community and referred CS-07-125 to staff for a report back.

On June 7, 2010, City Council approved that the \$5 million previously allocated for a competitive pool as a proposed component of the Shared Athletic Facility be reallocated to the Ontario Tech University Downtown Campus Initiative and \$2.5 million of additional funding be provided toward the Ontario Tech University Downtown Campus Initiative (Report CM-10-28).

On February 23, 2011, an updated Funding Agreement for the Shared Athletic Facility between the City of Oshawa, Durham College and Ontario Tech University was executed to reflect Council's Direction at its June 7, 2010 City Council Meeting.

The current Funding Agreement for the Shared Athletic Facility is set to expire on August 31, 2024.

5.3 Ice Allocation Policy

The [Ice Allocation Policy](#) is a Council-approved policy that was originally developed and approved in 2005. At its February 27, 2023 meeting, Council approved Report CO-23-10 concerning a revised Ice Allocation Policy. The Ice Allocation Policy serves as a means to address changing demographics in Oshawa, market supply of indoor ice, the distribution of ice in a fair and equitable manner, and the successful ongoing management of ice.

The Policy outlines guidelines for the fair allocation of ice and use in City facilities, including but not limited to the identification of Client Priority Levels, Allocation Procedures, Standard of Play formula and the definition of Prime Time and Non-Prime Time Ice.

The City of Oshawa has an inventory of nine (9) ice pads in City-owned facilities. This includes a total of seven (7) ice pads in City-owned and -operated facilities: four (4) ice pads at Delpark Homes Centre, one (1) ice pad at Donevan Recreation Complex and two (2) ice pads at Harman Park Arena. The City also has access to two (2) ice pads at Tribute Communities Centre, which is owned by the City of Oshawa and managed by Oak View Group - OVG360.

Additionally, the City has access to two (2) ice pads at Campus Ice Centre through the existing Funding Agreement for the Shared Athletic Facility which specifies designated hours that the City is able to allocate to community user groups. As per the agreement, Campus Ice Centre prepares the permits, collects the revenue and charges the clients the hourly user fee that is approved by Council in the General Fees and Charges By-law 13-2003, as amended ("General Fees and Charges By-law").

The City of Oshawa currently has a surplus of ice. During the current 2023-2024 ice season, which commenced in the beginning of October and will end the last Sunday in March, the utilization rate of City-owned facilities after ice was allocated to City programs and services as well as the minor affiliated clients, is 75%.

Since 2017/18, total weekly ice usage by the minor affiliated clients has steadily decreased. The total number of registrants in the programs these clients offer to the community has also decreased year over year since 2018/19. As a result, the City is no longer in a position where the demand for ice exceeds the supply available in City-owned facilities. The City is now in a position where the number of Prime Time Hours available in City-owned facilities exceeds the number of Prime Time Hours required by the minor affiliated clients to offer programs to the community.

5.4 City of Oshawa Ice Programs and Services

The City of Oshawa provides a number of registered and drop-in programs for members of the community. Registered programs include Learn to Skate, Hockey Skills development and an Adult Hockey League. Drop-in programs include a variety of options such as Adult Skates, Parent and Tot Skates, Public Skates, Shinny Hockey, and Stick and Puck.

Since the reopening of recreation facilities after COVID-19, City-registered ice programs have experienced tremendous growth and demand.

Attachment 3, Table 1 provides a yearly comparison of the number of City programs offered, the total number of registered participants and the number of participants who joined a waitlist for a program. Data from 2020 and 2021 are not included because the City did not offer registered programs due to facility closures and restrictions during COVID-19.

City of Oshawa programs and services are recognized in the Ice Allocation Policy as Client Priority Level 1 as they provide a base level of service to the residents of Oshawa.

5.5 Minor Affiliated Clients

The City currently has a total of eight (8) minor affiliated clients that provide the community with organized sports for participants who are generally under 21 years of age and who

meet the annual affiliation requirements as outlined in section 5.2 of the Ice Allocation Policy. Minor affiliated clients are recognized in the Ice Allocation Policy as Client Priority Level 2.

As of the 2023/24 season, the minor affiliated clients are:

- Durham Crusaders (formerly Catholic Youth Organization – CYO), established 1953; Name change in 2016
- Durham Speed Skating Club
- Neighbourhood Association of Sport Councils, established 1947
- Oshawa Community Hockey League (formerly Oshawa Church Hockey League), established 1947; Name change in 2022
- Oshawa Girls Hockey Association, established 1995
- Oshawa Minor Hockey Association, established 1933
- Oshawa Skating Club, established 1938
- Oshawa Storm Ringette, established 1967

It is important to note that the Neighbourhood Association of Sport Councils (“N.A.S.C.”) did not operate during the 2023/24 season. N.A.S.C. has not officially informed the City of their intention for the 2024/25 season.

5.6 Total Hours of Prime Time Ice Available

Ice is categorized as either Prime Time or Non-Prime Time based on time of day and day of week.

The City has a total of 415.5 weekly hours of Prime Time Ice in City-owned facilities, including Tribute Communities Centre.

The City has access to an additional 109 weekly hours of Prime Time Hours Ice at Campus Ice Centre as per the current Funding Agreement.

Attachment 3, Table 2 provides an overview of the Prime Time Ice Available at City-owned facilities, and Attachment 1, Table 3 provides an overview of the Prime Time Ice Available at Campus Ice Centre.

5.7 Hours of Entitlement for Minor Affiliated Clients

Minor affiliated clients are required to provide registration data annually to the Facility Booking Office (“F.B.O.”). The F.B.O. applies the registration data to the Standard of Play formula which determines the total number of weekly hours each affiliated client is entitled to and agrees to assume each season.

The first draft of the ice allocation for the season includes City of Oshawa programs and services and the hours of entitlement for minor affiliated clients based on the registration data from the previous season.

In the 2023/24 season, City of Oshawa programs and services and hours of entitlement for minor affiliated clients totaled 381 hours per week.

Attachment 3, Table 4 provides an overview of the weekly hours of entitlement for City of Oshawa programs and services and minor affiliated clients from the 2017/18 season to the 2024/25 season.

Total hours of entitlement fluctuated from the 2017/18 season to the 2020/21 season, starting at 419 hours per week in 2017/18 season and decreasing by 11 hours per week to 408 hours per week by 2020/21. Hours of entitlement for the 2023/24 season decreased by an additional 27 hours per week and was 381 hours per week.

Based on the registration data from 2023/24 season as well as a program change mandated by Ontario Minor Hockey, hours of entitlement will further decrease for the 2024/25 season by 25.5 hours per week to a total of 355.5 hours per week.

Although COVID-19 impacted the 2020/21 season, entitlement for the 2020/21 season was calculated based on the registration data from the previous season. The same entitlement was used for the 2022/23 season, as it was based on registration data from the last regular season prior to the COVID-19 pandemic.

5.8 Hours in Addition to Hours of Entitlement for Minor Affiliated Clients

Minor affiliated clients have an opportunity to request hours in addition to their entitlement after the completion of the first draft of the ice allocation. These additional hours are commonly used for player development and skill sessions which are not captured in the Standard of Play formula and for growth from the previous season.

The total weekly ice usage includes these additional hours, and the hours of entitlement for minor affiliated clients and City programs and services. The total weekly ice usage has been steadily decreasing from 483 hours per week in 2017/18 to 413 hours per week in the 2023/24 season.

Attachment 3 Table 5 provides an overview of the total weekly hours of ice used for minor affiliated clients and City programs and services from the 2017/18 season to the 2023/24 season.

If the City of Oshawa did not have access to Campus Ice Centre during the 2023/24 ice season, all of the hours used by minor affiliated clients and City programs and services could have been accommodated at City-owned facilities. There are a total of 415.5 weekly hours of Prime Time Ice available in City-owned facilities and the minor affiliated clients and City programs and services utilized 413 Prime Time hours per week.

5.9 Number of Registrations for Minor Affiliated Clients

The total registrations for Oshawa Residents in programs offered by minor affiliated clients has decreased on a yearly basis from the 2017/18 season to the current season. When comparing the total registrations from the 2019/20 season, which was the last registration period prior to COVID-19, to the 2023/24 season, the total number of registrations for Oshawa Residents has decreased by 21.2%.

In 2023/24, there are a total of 2,536 participants registered with the minor affiliated clients. Of these 2,536 participants, 1,807 participants (71%) are Oshawa Residents and 729 participants (29%) are non-Oshawa Residents.

Attachment 3, Table 6 details the total number of registrations for Oshawa Residents and non-Oshawa Residents, as well as the total number of registrations regardless of residency.

5.10 Utilization Rates of Weekly Prime Time Hours at City-owned Facilities

As previously mentioned, there are 415.5 weekly hours of Prime Time Ice at City-owned facilities and 109 weekly hours of Prime Time Ice at Campus Ice Centre, for a total of 524.5 Prime Time Hours per week.

On average, a City-owned facility has a total of 56 hours of Prime Time ice available each week.

During the 2023/24 season, City programs and services and the hours of entitlement for the minor affiliated clients totaled 381 Prime Time hours per week. The result was an ice surplus in the amount of 143.5 hours per week, with 117 hours available per week at City-owned facilities and 26.5 hours available per week at Campus Ice Centre.

Attachment 3, Table 7 provides the 2023/24 utilization rates for weekly Prime Time Hours at City-owned facilities after allocating the hours of entitlement to minor affiliated clients and to City programs and services.

After the minor affiliated clients were allocated time in addition to their original hours of entitlement, which was an additional 32 hours per week, the weekly surplus of ice decreased to 111.5 hours per week, with 102.5 hours available per week at City-owned facilities and 9 hours available per week at Campus Ice Centre.

Attachment 3, Table 8 provides the 2023/24 utilization rates for Prime Time Hours at City-owned facilities after allocating hours to City programs and services and the hours of entitlement and additional requests to the minor affiliated clients.

Of the additional 32 hours per week that were allocated to the minor affiliated clients after their original entitlement, a total of 14.5 hours of additional hours per week were permitted in City-owned facilities. This decreased the weekly surplus of ice from 117 hours per week to 102.5 hours per week, which represents an equivalent ice surplus of 1.8 ice pads per week. The utilization rate of City-owned facilities increased from 72% to 75%

The remaining 17.5 hours of additional hours per week that were allocated to the minor affiliated clients in addition to their original entitlement were located at Campus Ice Centre. This includes 9 hours per week for a ladies hockey league that is operated by Oshawa Girls Hockey Association. These additional hours increased the utilization rate at Campus Ice Centre from 76% to 92%.

Attachment 3, Table 9 provides the 2023/24 utilization rates for weekly Prime Time Hours at Campus Ice Centre after allocating the hours of entitlement to minor affiliated clients.

Attachment 3, Table 10 provides the 2023/24 utilization rates for Prime Time Hours at Campus Ice Centre after allocating the original hours of entitlement and requests for additional hours by minor affiliated clients.

For the duration of the agreement with Campus Ice Centre, the City has attempted to fill the hours at Campus Ice Centre prior to filling City-owned and -operated facilities. Over time, this approach has negatively impacted the utilization rates of City of Oshawa facilities as well as the total revenue earned.

During the current 2023/24 season, staff have been able to sell a portion of the 102.5 Prime Time hours available at City-owned and -operated facilities to other clients, including adult groups, unaffiliated and unsanctioned minor groups, coaches looking for additional practice time, businesses offering skating and/or sport specific skill development, Durham Roadrunners and the Newcastle Village Minor Hockey Association who were displaced during a renovation to the Newcastle Memorial Arena until November 2023. These clients are recognized in the Ice Allocation Policy as Client Priority Levels 3 to 5.

However, on average, there are a total of 48 Prime Time Hours per week that remain unsold. This includes 2.5 hours of weekday Prime Time Ice and 45.5 hours of weekend Prime Time Ice at City facilities.

5.11 Upcoming Changes to Ice Usage

On December 1, 2023, Ontario Minor Hockey announced the introduction of the North Shore Whitecaps for the 2024/25 regular season, which combines the AAA program of the Oshawa Minor Generals and the Clarington Toros. This change is in response to the evaluation of registration trends, population and demographic shifts, ice capacity and competitive history, and has the potential of further increasing surplus ice at City facilities by an additional 20 hours per week in the 2024/25 season.

N.A.S.C. has previously offered a house league hockey program. However, due to a lack of volunteers and low enrollment, and despite being allocated 33 hours per week for the season, they have not operated during 2023/24.

5.12 Expiration of the Funding Agreement - Impact to Ice Clients

The expiration of the existing Funding Agreement with Campus Ice Centre will impact all of the Minor Affiliated Clients. Although a total of five (5) organizations are permitted time at Campus Ice Centre, it is likely that all Minor Affiliated Clients, with the exception of Durham Speed Skating Club, will experience changes to their annual allocation, specifically the time of day and/or the day of the week.

As per section 5.8.1 of the Ice Allocation Policy, the F.B.O. will apply registration data to the Standard of Play formula which will determine the total number of weekly hours each affiliated client is entitled to, and agrees to assume each season.

Any hours requested in excess of their total hours of entitlement may be considered through the FBO, if ice is available at City facilities. Alternatively, user groups may consider purchasing ice at facilities other than those owned by the City of Oshawa (i.e.

Campus Ice Centre). If an affiliated client elects to request fewer hours than they are entitled to at City-owned facilities, their application will be processed during the second draft of the seasonal ice allocation, after the requests of affiliated clients who have requested their total hours of entitlement have been processed.

Ice clients, such as adult groups, unaffiliated and unsanctioned minor groups, coaches looking for additional practice time, businesses offering skating and/or sport specific skill development and Durham Roadrunners may also be impacted. Impacts may include a reduction in the hours available as well as changes in facility, the time of day and/or the day of the week.

Some of the adult groups, who are currently permitted Prime Time weekday hours may be offered ice later in the evening during Non-Prime Time hours. However, this will further increase utilization rates and total revenue earned.

5.13 Permitting of Private Facilities

City staff are aware of two universities in Ontario that operate arenas on campus. These include Western University and Ontario Tech University. City staff contacted the City of London regarding Thompson Recreation and Athletic Centre which is located at Western University. Staff were informed that City of London is not involved in the allocation or permitting of the facility.

Staff also contacted three private institutions that have arenas on campus, including St. Andrew's College in Aurora, St. Michael's College in Toronto and Ridley College in St. Catharines. Staff were informed that each of these institutions do not have an agreement in place with their individual municipality and are responsible for the allocation and permitting of their facility. All three of these facilities indicated that they directly permit to minor sport organizations and that the municipality is not involved in the process.

5.14 Parks, Recreation, Library and Culture Facility Needs Assessment

On November 9, 2015, City Council approved CS-15-127 - the [Parks, Recreation, Library and Culture Facility Needs Assessment \("P.R.L.C."\)](#).

The purpose of the study was to examine Oshawa's Parks, Recreation, Library and Culture facilities, consult with residents and stakeholders regarding the ideal facility mix and provide guidance to City Council and the Oshawa Public Library Board of Directors on opportunities to meet the growing needs of the community.

The P.R.L.C. indicated that the national participation in organized hockey has experienced declining participation levels since a registration peak in the 2008/09 season. The decline in hockey participation is largely being driven by escalating costs of equipment and travel, greater concerns over safety, and the fact that population growth in many parts of the Greater Toronto Area is driven by immigration from non-hockey playing nations.

The P.R.L.C. also indicated that contrary to stable and declining registrations in ice sports, attendance in City-run programs has grown as learn to skate and skill development programs are increasing in popularity.

Both of these trends have been noted in registration numbers for City-registered programs as well as minor affiliated clients.

The P.R.L.C. Assessment concurred with the Arena Services Study that was prepared for the City in December 2006 that suggested that the City would have a surplus of between 1 and 2 ice pads over the next fifteen years. The ice pads at Tribute Communities Centre and Campus Ice Centre were included in the inventory of supply when the above statement was made.

An updated P.R.L.C. will be brought forward in Q2 2024, which will further substantiate that the City has a surplus of ice.

6.0 Financial Implications

The Recommendations in this Report may increase ice revenue by approximately \$200,000 (excluding applicable H.S.T.) annually, as the utilization rate of Prime Time hours at City-owned and -operated facilities has the potential to increase by approximately 48 hours per week over a twenty-four (24) week season.

7.0 Relationship to the Oshawa Strategic Plan

This Report addresses the goals set out in the Oshawa Strategic Plan of Economic Prosperity and Financial Stewardship and Social Equity.



Jim Naumovski, Director,
Recreation Services



Kevin Alexander, Commissioner,
Community and Operations Services Department

November 29, 2022

City Council
City of Oshawa
50 Centre St. S.
Oshawa, ON L1H 3Z7

I am writing today, on behalf of Ontario Tech University, to request financial support from the City in fiscal 2023 for a necessary capital project at the shared Campus Ice Centre.

Ontario Tech remains deeply grateful to the City of Oshawa for their help in funding the development of the Campus Ice Centre. It is a facility that we are extremely proud of and honoured to be able to share with our local community. Currently the Campus Ice Centre is heavily utilized by the City of Oshawa. The City is allocated 96% of the 'prime time' hours at the facility with the university booking the other times for varsity or other recreational activities. The current Agreement (2004-2024) with the City addresses the operating cost process but does not consider ongoing capital renewal costs.

The Campus Ice Centre's operating budget is close to breaking even; but, does not leave room for any capital reserve or emergency expenses. Due to the age of the building this has become a major concern for the university as the repairs must be funded through other sources. This year alone, the university was required to pay approximately \$400,000 to repair the roof.

In 2023 we will be required to repair one of the ice pads that has had a failure of the heating and cooling lines. This project has gone through a competitive procurement process and is expected to cost \$1.75 million. The pad will be out of service for four to six months. If we do not make this repair, the pad will not have proper cooling and each year it would be out of service for four months. We are requesting that the City of Oshawa and the University equally share costs on this project. This would represent a capital ask from the City of Oshawa of approximately \$875,000 which will be matched from the University.

We would like to thank the City in advance for considering this request. We hope very much to be able to renew the agreement with the City and look forward to a collaborative discussion.

Sincerely,



Brad MacIsaac
Vice President Administration
Ontario Tech University
2000 Simcoe Street North
Oshawa, Ontario L1G 0C5
Brad.macisaac@ontariotechu.ca

**Memorandum**

To: Members of Council

From: Ron Diskey, Commissioner, Community and Operations Services

Date of Memo: January 4, 2023

RE: Use of Campus Ice Centre Rinks by the City of Oshawa

On December 12, 2022, Council referred motion [CO-22-05](#) concerning Ontario Tech University's request for funding for Capital project repairs at Campus Ice Centre back to staff to report with further information prior to the 2023 budget deliberations.

The permitting of ice within the City of Oshawa is allocated to clients in accordance with the Council approved [Ice Allocation Policy](#). The policy defines ice hours as either prime time hours or non-prime time hours. Prime time hours vary based on the rental start times on each separate ice pad, but generally are 5:00 p.m. to 10:00 p.m. Monday to Friday and all day Saturday and Sunday. Non-prime time hours are also based on the rental start time of each separate ice pad. Generally, non-prime hours are Monday to Friday from open to 5:00 p.m. and from 10:00 p.m. until close.

As per the Original Funding Agreement between the City of Oshawa, Durham College and University of Ontario Institute of Technology (since renamed to Ontario Tech University), the City of Oshawa has the ability to allocate prime time hours at Campus Ice Centre from the beginning of September to the end of March, for up to a total of 2,990 hours per year. The agreement will expire on August 31, 2024.

The City of Oshawa does not allocate prime time hours to affiliated ice clients during the hours required by the university for their varsity teams. During the 2022/2023 ice season this totaled 102 hours of prime time ice.

During non-prime time hours and the remaining months, April through August, the City of Oshawa does not allocate ice at Campus Ice Centre. Campus Ice Centre is responsible for the allocation of the ice.

Campus Ice Centre, in addition to Delpark Homes Centre, is designated as a tournament/event facility in the Ice Allocation Policy and annually hosts six to seven child/youth ice tournaments/events.

In 2022/2023, from September through March approximately 2,700 hours were allocated at Campus Ice Centre. This will generate approximately \$490,000 in revenue. This is approximately 94% of the prime time hours available at the facility.



As per the Original Funding Agreement, Campus Ice Centre is required to charge clients allocated by the City of Oshawa the Arena Rental Rates that are established in the General Fees and Charges By-law. The current fee for child/youth prime time ice is \$157.80 plus the \$25 hourly ice surcharge. The current fee for adult prime time ice is \$206.04 plus the \$25 hourly ice surcharge.

Campus Ice Centre has the authority to charge an hourly rate solely determined by them for any ice time that is not allocated by the City of Oshawa.

From October to March of the current ice season, the City originally allocated 98.5 prime time hours per week at Campus Ice Centre (45.5 weekday hours and 53 weekend hours).

Upon final allocation of the 2022/2023 regular ice season there were 73 prime time hours (15 weekday hours and 58 weekend hours) that were unallocated at City-owned and operated ice pads. Many of these hours have since been sold to one-off clients.

In comparison, in 2019/2020 which is the most recent season that has not been impacted by COVID-19 closures and restrictions, the City allocated 102.5 prime time hours per week at Campus Ice Centre (47.5 weekday hours and 55 weekend hours).

Upon final allocation of the 2019/2020 regular ice season there were 38 prime time hours (5 weekday hours and 33 weekend hours) that were unallocated at City-owned and operated ice pads.

Although there are prime time hours available in city-owned and operated facilities, there are not enough hours to accommodate all of the Oshawa based community groups that are currently using Campus Ice Centre. Based on the City's original allocation for 2022/2023, there would be a deficit of 30.5 prime time week day hours per week if the City no longer allocated time at Campus Ice Centre.

COVID-19 has negatively impacted participation rates in youth sports. When considering the allocation of 2019/2020, the most recent season that was not impacted by COVID-19, the City would have a deficit of 64.5 hours of ice time per week (42.5 weekday hours and 22 weekend hours) if the City no longer allocated time at Campus Ice Centre.

Campus Ice Centre is a valuable and required facility that allows the City of Oshawa to meet the current and future needs of the community. Without the use of that facility, the City of Oshawa would not have enough ice pads to meet the current needs of the community and would not be in a position to support growth within ice sports.

Ron Diskey, Commissioner
Community and Operations Services

November 29, 2022

City Council
City of Oshawa
50 Centre St. S.
Oshawa, ON L1H 3Z7

I am writing today, on behalf of Ontario Tech University, to request financial support from the City in fiscal 2023 for a necessary capital project at the shared Campus Ice Centre.

Ontario Tech remains deeply grateful to the City of Oshawa for their help in funding the development of the Campus Ice Centre. It is a facility that we are extremely proud of and honoured to be able to share with our local community. Currently the Campus Ice Centre is heavily utilized by the City of Oshawa. The City is allocated 96% of the 'prime time' hours at the facility with the university booking the other times for varsity or other recreational activities. The current Agreement (2004-2024) with the City addresses the operating cost process but does not consider ongoing capital renewal costs.

The Campus Ice Centre's operating budget is close to breaking even; but, does not leave room for any capital reserve or emergency expenses. Due to the age of the building this has become a major concern for the university as the repairs must be funded through other sources. This year alone, the university was required to pay approximately \$400,000 to repair the roof.

In 2023 we will be required to repair one of the ice pads that has had a failure of the heating and cooling lines. This project has gone through a competitive procurement process and is expected to cost \$1.75 million. The pad will be out of service for four to six months. If we do not make this repair, the pad will not have proper cooling and each year it would be out of service for four months. We are requesting that the City of Oshawa and the University equally share costs on this project. This would represent a capital ask from the City of Oshawa of approximately \$875,000 which will be matched from the University.

We would like to thank the City in advance for considering this request. We hope very much to be able to renew the agreement with the City and look forward to a collaborative discussion.

Sincerely,



Brad MacIsaac
Vice President Administration
Ontario Tech University
2000 Simcoe Street North
Oshawa, Ontario L1G 0C5
Brad.macisaac@ontariotechu.ca

Table 1: City of Oshawa Registered Programs

Year	Number of Registered Programs Offered	Number of Registered Participants	Number of Participants on a Waitlist
2017	77	2,080	53
2018	82	2,305	115
2019	87	1,973	130
2022	49	1,009	624
2023	102	2,859	890

Table 2: Total Weekly Prime Time Hours available in City-owned Facilities

Facility	Weekday (WD) Hours	Total WD Hours	Weekend (WE) Hours	Total WE Hours	Total Prime Time Hours
Delpark Pad 1	4:30 to 10:30 p.m.	30	7:30 a.m. to 11:30 p.m.	32	62
Delpark Pad 2	5:00 to 10:00 p.m.	25	7:00 a.m. to 11:00 p.m.	32	57
Delpark Pad 3	5:15 to 10:15 p.m.	25	7:15 a.m. to 11:15 p.m.	32	57
Delpark Pad 4	5:15 to 10:15 p.m.	25	7:15 a.m. to 11:15 p.m.	32	57
Donevan	5:00 to 10:00 p.m.	25	8:00 a.m. to 10:00 p.m.	28	53
Harman North Pad	5:00 to 10:00 p.m.	25	8:00 a.m. to 10:00 p.m.	28	53
Harman South Pad	4:30 to 10:30 p.m.	30	8:30 a.m. to 9:30 p.m.	26	56
Tribute CC	Varies	20.5	n/a	0	20.5
Total Weekly Weekday (WD) Prime Time Hours					205.5
Total Weekly Weekend (WE) Prime Time Hours					210
Total Weekly Prime Time Hours in City-owned Facilities					415.5

Table 3: Total Weekly Prime Time Hours available at Campus Ice Centre

Facility	Weekday (WD) Hours	Total WD Hours	Weekend (WE) Hours	Total WE Hours	Total Prime Time Hours
Campus Ice Pad 1	5:00 to 10:00 p.m. Monday to Thursday	20	7:00 a.m. to 8:00 p.m. Saturday	13	33
Campus Ice Pad 1	5:00 to 8:00 p.m. Friday	3	7:00 a.m. to 11:00 p.m. Sunday	16	19
Campus Ice Pad 2	5:15 to 10:15 p.m.	25	7:15 a.m. to 11:15 p.m.	32	57
Total Weekly Weekday (WD) Prime Time Hours					48
Total Weekly Weekend (WE) Prime Time Hours					61
Total Weekly Prime Time Hours at Campus Ice Centre					109

Table 4: Total Weekly Prime Time Hours of Entitlement for Minor Affiliated Clients and City Programs and Services 2017/18 – 2024/25

Organization	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
City of Oshawa	59	59	59	59	-	59	59	60
Durham Crusaders	3	2	3	3	-	3	8.5	8.5
Durham Speed Skating Club	5	5	5	5	-	5	5	5
NASC Hockey	67	49	44	44	-	44	33	0
Oshawa Community Hockey League	53	43	42	41	-	41	53	72
Oshawa Figure Skating Club	17	19	19	19	-	19	19	19
Oshawa Girls Hockey Association (minor)	45	41	40	42	-	42	40	49
Oshawa Minor Hockey Association	154	154	165	174	-	174	137.5	98
North Shore Whitecaps (AAA)	n/a	n/a	n/a	n/a	-	n/a	n/a	20
Oshawa Storm Ringette	16	17	19	21	-	21	26	24
Total Hours Per Week	419	389	396	408	-	408	381	355.5
Change Year over Year		-30	+7	+12	-	0	-27	-25.5

Table 5: Total Weekly Prime Time Usage (including additional hours) for Minor Affiliated Clients and City Programs and Services 2017/18 – 2023/24

Organization	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
City of Oshawa	59	59	59	59		53	59
Durham Crusaders	27	20.5	25.5	3		14.5	13
Durham Speed Skating Club	5	5	5	5		5	5
NASC Hockey	69	64	56	56		37	0
Oshawa Community Hockey League	67	66	55	55		57	80
Oshawa Figure Skating Club	16.5	18.5	18.5	18.5		18.5	19
Oshawa Girls Hockey Association (minor)	47.5	45.5	45	47		44	49
Oshawa Girls Hockey Association (adult)	9.5	9.5	9	8		8	9
Oshawa Minor Hockey Association	164.5	163.5	164.5	161.5		152.5	153
North Shore Whitecaps (AAA)	n/a	n/a	n/a	n/a		n/a	n/a
Oshawa Storm Ringette	18	18	19	20		27	26
Total Hours Per Week	483	469.5	456.5	433		416.5	413
Change Year over Year		-13.5	-13	-23.5		-16.5	-3.5

Table 6: Minor Affiliated Client Registrations 2017/18 – 2023/24

Total Oshawa Residents Registered with a Minor Affiliated Client

Organization	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Durham Crusaders	25	36	32	-	-	22	53
NASC Hockey	694	615	638	-	-	354	0
Oshawa Community Hockey League	574	549	475	-	-	496	851
Oshawa Figure Skating Club	164	191	158	-	-	174	201
Oshawa Girls Hockey Association (minor)	217	232	241	-	-	167	205
Oshawa Minor Hockey Association	610	611	610	-	-	399	429
Oshawa Storm Ringette	116	133	139	-	-	63	68
Total Oshawa Residents	2400	2367	2293	-	-	1675	1807

Total Non-Oshawa Residents Registered with a Minor Affiliated Client

Organization	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Durham Crusaders	140	181	177			130	160
NASC Hockey	128	125	111			109	0
Oshawa Community Hockey League	99	147	107			131	159
Oshawa Figure Skating Club	85	111	93			120	136
Oshawa Girls Hockey Association (minor)	88	117	121			71	119
Oshawa Minor Hockey Association	41	39	42			81	85
Oshawa Storm Ringette	79	86	99			66	70
Total Non-Oshawa Residents	660	806	750			708	729

Total Registrations with a Minor Affiliated Client

Organization	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Durham Crusaders	165	217	209			152	213
NASC Hockey	822	740	749			463	0
Oshawa Community Hockey League	673	696	582			627	1010
Oshawa Figure Skating Club	249	302	251			294	337
Oshawa Girls Hockey Association (minor)	305	349	362			238	324
Oshawa Minor Hockey Association	651	650	652			480	514
Oshawa Storm Ringette	195	219	238			129	138
Total Registrations	3060	3173	3043			2383	2536
Change Year over Year		+113	-130			-660	+153
% of Oshawa Residents	78%	75%	75%			70%	71%

Note 1: Durham Speed Skating Club is not required to provide program registration data.

Table 7: 2023/24 Utilization Rates for Total Weekly Prime Time Hours of Entitlement at City-owned Facilities

Facility	Total Weekly Prime Time Hours Available	Total Weekly Prime Time Hours Allocated	Total Weekly Surplus	Utilization Rate
Delpark Pad 1	62	48	14	77%
Delpark Pad 2	57	39	18	68%
Delpark Pad 3	57	42	15	74%
Delpark Pad 4	57	40.5	16.5	71%
Donevan	53	44.5	8.5	84%
Harman North Pad	53	33.5	19.5	63%
Harman South Pad	56	30.5	25.5	54%
Tribute CC	20.5	20.5	0	100%
Totals	415.5	298.5	117	72%

Table 8: 2023/24 Utilization Rates for Total Weekly Prime Time Hours (including additional hours) at City-owned Facilities

Facility	Total Weekly Prime Time Hours Available	Total Weekly Prime Time Hours Allocated	Total Weekly Surplus	Utilization Rate
Delpark Pad 1	62	52	10	84%
Delpark Pad 2	57	40	17	70%
Delpark Pad 3	57	43	14	75%
Delpark Pad 4	57	49	8	86%
Donevan	53	48	5	91%
Harman North Pad	53	34	19	64%
Harman South Pad	56	27	29	48%
Tribute CC	20.5	20	0.5	98%
Totals	415.5	313	102.5	75%

Table 9: 2023/24 Utilization Rates for Total Weekly Prime Time Hours of Entitlement at Campus Ice Centre

Facility	Total Weekly Prime Time Hours Available	Total Weekly Prime Time Hours Allocated	Total Weekly Surplus	Utilization Rate
Campus Pad 1	52	38.5	13.5	74%
Campus Pad 2	57	44	13	77%
Totals	109	82.5	26.5	76%

Table 10: 2023/24 Utilization Rates for Total Weekly Prime Time Hours (including additional hours) at Campus Ice Centre

Facility	Total Weekly Prime Time Hours Available	Total Weekly Prime Time Hours Allocated	Total Weekly Surplus	Utilization Rate
Campus Pad 1	52	47	5	90%
Campus Pad 2	57	53	4	93%
Totals	109	100	9	92%



City of Oshawa Ice Allocation Policy

Introduction

The City of Oshawa's goal is to promote and encourage participation in ice sports to the overall benefit of the community. This Ice Allocation Policy was originally developed and approved in 2005. The Policy serves as a means to address changing demographics in Oshawa, market supply of indoor ice, the distribution of ice in a fair and equitable manner, and the successful ongoing management of ice.

The Policies identified in this document establish and clarify the City's responsibility for ice allocation and administration and its' commitment to the management of:

- ice facility operations and capacities
- ice allocation and distribution
- the processing and management of tournament, special event and seasonal ice permits
- special ice management issues, and
- general administration requirements

1.0 Purpose

To ensure consistency in the programming and ongoing use of City arenas.

To provide a framework and consistent approach to the ongoing and seasonal use of City arenas in a fair and equitable manner.

To ensure that the City's investment in arenas is managed in the best interest of all clients and the citizens of Oshawa.

To establish clear guidelines and communication between the City and its clients.

To accommodate the needs of a growing municipality and the demands on City arenas.

To clearly define the rules of use and the departmental procedures in maintaining compliance.

2.0 Policy Statement

To provide transparency and structure for clients pertaining to the fair allotment and use of City arenas.

3.0 Scope

This policy applies to all facility permit holders and clients requesting use of City arenas, as well as City staff responsible for the use and/or operation of these facilities.

The City is fortunate to have a substantial inventory of arenas within the municipal boundaries of the City. These facilities primarily consist of seven ice surfaces from September through March, four ice pads in April and two ice pads from May through August.

Common uses include leisure skating, hockey, ringette and figure skating, but may include any sport or activity for which the playing surface is suitable.

4.0 Definitions

Adult client - an applicant/group/organization/affiliated client with participants 21 years of age and older.

Affiliated adult client - a client who organizes sports for participants who are generally 21 years of age and older and who meet the annual affiliation requirements as set by the City of Oshawa.

Affiliated minor client - a client who organizes sports for participants who are generally under 21 years of age and who meet the annual affiliation requirements as set by the City Of Oshawa.

Allocated time - ice time assigned to an affiliated or non-affiliated client at a city-owned or partner facility; the Facility Booking Office develops the allocation matrices to reflect various organizations entitlement and use of allocated time during various seasons.

Amendment - a change made to one or more bookings on a permit to a different date, time or facility.

Application - an established form used exclusively for requesting facilities.

Arena - a facility consisting of at least one arena ice surface.

Association, Club - a local organization operated and controlled by a duly elected Board of Directors, the member of which shall designate from among themselves the signing officers of that association or club.

Board of Education client - a publicly funded school or a not-for-profit school recognized by the Province of Ontario as an education institution located in the City of Oshawa.

Booking - a date, time and facility as specified on the rental permit.

Buffer time - time required for an organization to catch up for possible delays during tournaments and/or regular game play.

City - The Corporation of the City of Oshawa.

City-owned and operated facility - Delpark Homes Centre, Donevan Recreation Complex, Harman Park Arena.

Client - an individual who has submitted an application for use of a City facility, or a Permit Holder.

Commercial client - an organization and/or individual that uses ice time occasionally and/or with the intent of generating a positive net income.

Confirmation - communication from the Facility Booking Office regarding requested space. This communication may be by email/phone call or rental permit.

Event - any single event that is not regularly scheduled e.g. figure skating carnivals and shows; charity hockey games, etc.

Grandfathered adult client - adult users (existing prior to 2005/2006 ice season) that are provided Priority #3 status privileges.

Hour of ice - consists of 50 minutes of ice usage, 10 minutes of ice resurfacing.

House League - a community orientated minor program structured to provide development and competition at a recreational level. Teams are comprised of players who are eligible to play based on registration, who do not need to try out and who play primarily inside the city for league play.

Ice maintenance – periodic - to maintain an ice surface, the City will endeavor to conduct eight (8) hours of uninterrupted ice maintenance and repair every week per ice pad.

Ice maintenance – resurfacing/floods - to maintain the ice surface, the City will flood the ice every 50 minutes. Special ice resurfacing schedules can be arranged through the Facility Booking Office, where feasible.

In good standing - an organization in good standing has complied with all of its obligations and is allowed to carry out its activities or business.

Instructional program - programs taught by qualified instructors designed to improve specified skills. Registration and fees generally required.

Instructional skating - group instruction programs primarily to teach the basic learn to skate skills (e.g. Learn to Skate, Can Skate, Can Power).

League - a group of teams that play a schedule of games against each other, often divided into classes or levels, usually organized by an association of persons.

LOSSA - Lake Ontario Secondary School Association - the governing body for all high school sports in the Durham Region.

Minor client - any applicant/group/organization/affiliated client with all participants 21 years of age or younger.

Neighbouring Municipality – Clarington, Whitby, Township of Scugog

Non-Prime Time - refer to Section 8.2.2.

Non-resident - a participant of an organization whose home address falls outside of the Oshawa Municipal boundaries.

Occasional - any permit that does not consist of regular weekly bookings.

Partner facility - Campus Ice Centre, Tribute Communities Centre.

Permit - a document issued by Recreation Services staff to a client giving authorization and consent for seasonal or occasional use of a facility.

Prime Time - refer to Section 8.2.1.

Public/leisure skate - recreational indoor ice skating opportunities available to the public or to specific target groups at specific times as advertised.

Resident - a person who lives in, owns property in, or owns or operates a business in the City of Oshawa. Residency can be verified with a current utility bill or a current Notice of Assessment issued by the Canada Revenue Agency with current address.

Seasonal - a regular weekly booking of eight or more weeks.

Speed Skating - a sport for individuals that combines speed and technical expertise using speed skates on ice. Competitions occur at Regional, Provincial and National levels.

Sport Governing Body - a responsible regional, provincial or national organization. The choice of organization can be entirely at the discretion of the client.

Standard of Play - a formula used to determine the total number of weekly hours each affiliated client is entitled.

Statutory holiday - a Provincial or Federal holiday that falls on a weekday.

Time blocks - two or more hours of permitted time in sequence.

Tournament - an event in which more than two teams are participating.

Tryout - an official sanctioned activity of a team for the purpose of player evaluation and team selection.

Unused ice - permitted ice time that is not used.

Weekday - Monday to Friday.

Weekend - Saturday and Sunday.

The City reserves the right to add, delete, or modify any name or description included in this section of the policy during the term of this policy.

5.0 Clients

The Facility Booking Office will develop the annual allocation matrices that will best reflect the expressed needs of clients and the application of this policy. The Facility Booking Office will allocate requested time in a manner to gain maximum efficient facility usage.

The City reserves the right to reassign arenas as required.

5.1 Client Priorities

Arenas are allocated according to the following client priority levels:

1. City of Oshawa recreation programming and events, including programming/events operated by third parties on behalf of the City of Oshawa
2. Affiliated Minor Clients
3. Affiliated Adult Clients
4. Boards of Education
5. All other clients

Refer to section 6.4 regarding the allocation of tournaments and events.

5.2 Client Affiliation

Affiliation status was granted for the first time to arena ice clients in 2005. Affiliated clients are required to fulfill annual requirements to maintain affiliated status.

The City will grant affiliated status to new minor and adult clients who meet the following requirements:

- Provide proof of not-for-profit status
- Abide by a constitution and by-laws
- Governed by an elected board (with no financial compensation)
- Host an Annual General Meeting and submit meeting minutes to the City
- Be up to date on all outstanding balances by at the end of each season
- Maintain Commercial General Liability Insurance for a minimum of two million dollars naming the City of Oshawa as an additional insured.
- Have a registered membership of a minimum 80% Oshawa residents
 - Where a client's sport is not offered in a neighbouring municipality, residents of that municipality will count towards the affiliated client's residency requirement.

Note: Affiliated clients whose registered membership falls below 70% residents will have ice time allocated after the affiliated clients who maintain a minimum of 70% residents.

5.3 Minor Affiliated Clients

As of the 2022-2023 season, the City has eight Minor Affiliated Clients:

- Durham Crusaders (formerly Catholic Youth Organization – CYO); established 1953; Name change 2016
- Durham Speed Skating Club
- Neighbourhood Association of Sport Councils, established 1947
- Oshawa Community Hockey League (formerly Oshawa Church Hockey League), established 1947; Name change in 2022
- Oshawa Girls Hockey Association, established 1995
- Oshawa Minor Hockey Association, established 1933
- Oshawa Skating Club, established 1938
- Oshawa Storm Ringette, established 1967

5.4 New Affiliated Client

The City will recognize a new affiliated client once the requirements in Section 5.2 are met.

The City will first permit unallocated time to a new affiliated client and will work with existing affiliated clients to explore the potential reallocation of hours.

5.5 New Emerging Sport

The City will recognize a new emerging sport, which is not currently being offered by an existing client, to enable it to establish its programs and services in the City.

The City will first permit unallocated time to a new emerging sport and will work with existing affiliated clients to explore the potential reallocation of hours.

5.6 Non-affiliated Adult Clients – ‘Grandfather’ Status

Adult clients who permit two or less hours per week are not eligible for affiliated status and will become a Priority 5 level client. The City wishes to recognize long-term adult clients. Grandfathered status will provide existing adult ‘league’ clients (clients prior to the 2005-06 ice season) Priority 3 status privileges without having to perform all affiliation process requirements. It also provides access to historical ice (same or similar date or time block) to all adult shinny and league users.

The City reserves the right to change the ice allocated to grandfathered clients only when facility closures or restrictions must be applied or when operational efficiencies are required. In these circumstances, every attempt will be made to find an equitable ice time replacement.

If a designated grandfathered permit holder disbands or fails to apply for ice in consecutive ice seasons, the client will lose their grandfather status. If the client reapplies in a subsequent ice season, they will be treated as a new client. The grandfather designation is not transferable.

5.7 Residency

The City recognizes the tax-based contribution provided by its residents toward the development and operation of recreation and sport facilities and recognizes that residents will receive priority over non-residents in the allocation of facility time.

The City reserves the right to impose residency requirements or limitations on permit applicants during periods where facility capacities are restricted and a deficit exists.

5.8 Application of the Standard of Play

- 5.8.1 The Facility Booking Office will apply registration data to the Standards of Play formula (Appendix A) which will determine the total number of weekly hours each affiliated client is entitled and agrees to assume each season. Additional needs will be satisfied pending ice availability and demand.
- 5.8.2 The application of the Standard of Play is not applicable from April through September.
- 5.8.3 During seasons when the total demand for facilities exceed supply, a client's entitlement will be pro-rated so that all affiliated clients experience equitable deficit adjustments to their entitlements.
- 5.8.4 Allocation of hours for Figure Skating and Speed Skating is based on each organizations yearly application. These clients are subject to Section 5.8.3.
- 5.8.5 An affiliated client whose registered membership is less than 50% residents will receive 50% of their entitled hours based on the Standard of Play formula.

5.9 Minimum Seasonal Commitment – Fall/Winter

- 5.9.1 Affiliated minor and adult clients, and all grandfathered adult Priority 5 clients are required to commit to a 24 consecutive week permit schedule to be completed between the Tuesday after Labour Day in September and the last Sunday in March.
- 5.9.2 Exceptions to the 24-week commitment may be made when the City is unable to supply replacement ice for disruptions to regular ice time during event weekends and facility closures.
- 5.9.3 Seasonal permits will exclude December 24 to January 1.
- 5.9.4 Seasonal permits may exclude March Break (Saturday through following Sunday).

5.10 Weekday and Weekend Ice

- 5.10.1 An ice distribution ratio of 75% weekday ice to 25% weekend ice be used as a guideline, and where possible, staff attempt to accommodate user groups in allocating ice to all competitive/rep individuals and teams scheduled by affiliated minor ice organizations and associations.
- 5.10.2 An ice distribution ratio of 25% weekday ice to 75% weekend ice be used as a guideline, and where possible, staff attempt to accommodate user groups in allocating ice to all house league and recreational individuals and teams scheduled by affiliated minor ice organizations and associations.

6.0 Processing of permit applications

6.1 Submission of Applications

6.1.1 All tournament, event, seasonal and occasional requests shall be submitted in the format prescribed and by the deadline set by the Facility Booking Office.

6.1.2 The City reserves the right to reject applications and requests from clients who submit forms that are not complete or contain falsified information.

6.2 Ice Rental Permit

An ice rental permit will be issued for all permitted ice within City facilities. The permit will be accompanied by the guiding conditions (which may be amended from time to time) that will dictate the governance of conduct both on ice and in the facility. Failure to adhere to these conditions may result in permit cancellation.

6.3 Allocation Procedures

6.3.1 Rental permits are allocated on an annual basis and no client shall assume they will receive the same date(s) or facilities from one season to the next.

6.3.2 Application(s) from affiliated clients cannot exceed their seasonal entitlement.

6.3.3 Any additional application(s) from an affiliated client in excess of their seasonal entitlement will be allocated after all applications from section 6.3.2 have been allocated and will be treated as a new request each season.

6.3.4 Where two or more clients apply for the same facility, date and time, priority will be given to the client who has permitted those hours for a minimum of two seasons immediately prior.

6.3.5 Applications received after the deadline date will be considered after all applications submitted prior to the deadline have been allocated.

6.3.6 Where possible, seasonal permits will be allocated in blocks of a minimum of two (2) hours.

6.3.7 No affiliated client will dominate a specific permit time block to the detriment of another affiliated client.

6.3.8 Clients who require more than one facility per night will be required to permit vertical (early to late) times at one facility before adding another.

6.3.9 Clients cannot permit facilities that will go unused with the exception of ensuring sufficient time is available to prevent a curfew situation.

6.3.10 Unused facilities (no shows) is not acceptable. Multiple instances of unused time may result in the cancellation of the permit or redistribution of the allocated time.

6.3.11 The City reserves the right to alter an application to meet the requirements in Section 6.3.

6.3.12 Seasonal ice timelines

Table 1: Seasonal ice application deadlines

Season	Season date range	Application deadline
Fall/Winter	Tuesday after Labour Day to March 31	April 1
Spring/Summer	April 1 to Labour Day	January 15

6.4 Tournaments and Events

The City recognizes the significant positive impacts that tournaments and events provide to the community. In order to accommodate these events, minimize disruption to regular programs, and league play, they will be considered and permitted in advance of seasonal applications into pre-determined event slots and facilities. The City is committed to achieving a balance between recreational and special event use during the regular ice season.

- 6.4.1 Delpark Homes Centre and Campus Ice Centre are considered the primary facilities to host tournaments and events. Requests for a tournament to be held at additional facilities will only be considered if there is no impact to seasonal clients.
- 6.4.2 City ice programs will be accommodated at Delpark Homes Centre during tournaments and events.
- 6.4.3 Ontario Tech varsity hockey schedules will be accommodated at Campus Ice Centre during tournaments and events.
- 6.4.4 Tournament and event applications will be allocated prior to seasonal applications.

Table 2: Tournament application deadlines

Season	Tournament Date Range	Application Deadline
Fall/Winter	Tuesday after Labour Day to March 31	March 1
Spring/Summer	April 1 to Labour Day	January 1

- 6.4.5 Tournament and event applications received after the deadline will only be considered if there is no impact to seasonal clients.
- 6.4.6 Tournaments and events will be restricted primarily to Friday, Saturday and Sunday. Requests for a tournament Monday to Thursday will only be considered if there is no impact to seasonal clients.
- 6.4.7 Amendments and cancellations of tournament/event bookings at City-owned and operated facilities will be accepted when provided in writing to the Facility Booking Office 60 days prior to the start of the tournament/event. Requests submitted with less than 60 days' notice will only be considered if the ice time can be sold to another client.

Amendment and cancellations of tournament/event bookings at a partner facility are at the sole discretion of the partner facility.
- 6.4.8 The City reserves the right to alter a tournament application or tournament permit amendments to ensure operational efficiencies.
- 6.4.9 A maximum of two weekend tournaments or events per month will be scheduled on non-consecutive weekends between September and March inclusive.

6.4.10 The City reserves the right to limit the number of tournaments and events held between May and August inclusive in an effort to minimize disruption to regular seasonal clients.

6.5 Replacement Ice

Clients hosting a tournament must turn back their seasonal ice allocated to them at all other arenas for the duration of the tournament. The turned back ice will be used in a replacement matrix and offered to clients who are displaced by the tournament.

The City recognizes that some clients may still require hours at other arenas during their tournament to facilitate their seasonal games and practices. The City requires these clients to request, in writing, by the tournament application deadline to keep those regular season hours, with appropriate justification. The City will grant this request, if the justification is warranted, as determined solely by the Facility Booking Office.

6.6 Instructional and Leisure Program Management

The City reserves the right to exclusively offer instructional programs and leisure skate services at its arenas. Instructional programs and ice services proposed to be offered by any permit applicant is subject to the City's review and approval, duplication of programs and services will be managed and/or eliminated.

7.0 Amendments and Cancellations

The City has the right to control all ice distribution and use at City-owned facilities for the duration of a permit. Controls must be in place to minimize the negative impacts that unused, returned, amended and cancelled ice can have on the City and its users. As such, the City will apply all guidelines outlined in this Ice Allocation Policy to manage unused ice or changing ice needs once permits have been issued.

7.1 Permit Amendments

Once a permit has been issued, any change to a permit or booking is subject to an administration fee.

7.2 Returned ice

- 7.2.1 If an affiliated client does not generate the registrations required to meet their weekly hours of entitlement, as calculated through the Standard of Play, the client has until the third Monday in September to request, in writing, to return full season blocks of ice.
- 7.2.2 Hours turned back must be in same ratio as booked (e.g. a proportionate number of prime and non-prime time ice, weekday and weekend ice).
- 7.2.3 The City reserves the right to accept only hours that hold the greatest potential to be sold.
- 7.2.4 Hours requested to be turned back at a partner facility will only be accepted if the hours are sold to another client or at the discretion of the partner facility.

7.3 Transferred or Sub-leased Ice

The City is the sole permit authority for all ice times. The City must be aware of and be able to control the intended use of all ice permitted within its facilities at all times.

- 7.3.1 Changing the intended use or users of ice (e.g. practice becomes a game, Team A replaces Team B) within a single organization's contract is acceptable. Related schedule updates are to be forwarded to the Facility Booking Office or Facility Staff.
- 7.3.2 The practice of occasionally transferring ice, trading ice or sub-leasing ice between permit holders is strictly prohibited and may result in the cancellation of a permit or reduction in future ice allocation.
- 7.3.3 If two clients agree to trade ice, the Facility Booking Office would facilitate the exchange by making the appropriate amendments to each client's permit.
- 7.3.4 It is recognized that last minute changes to the intended use of the ice may occur, however the permit holder must notify the Facility Booking Office with every occurrence.

7.4 Cancellations by the Permit Holder

- 7.4.1 Cancellations of a booking on a seasonal permit will only be refunded if the ice time can be sold to another client.
- 7.4.2 Once a permit is issued, single or occasional facility cancellations will be processed if initiated by the Permit Holder providing 14 days written notice to the Facility Booking Office. Cancellation requests received with less than 14 days' notice may not be considered.
- 7.4.3 The City reserves the right to apply a cancellation fee per date and facility affected.
- 7.4.4 Affiliated minor clients may cancel up to 25% of remaining ice within five days of the conclusion of each round of playoffs without penalty. Additional cancellations are subject to Section 7.4.1.
- 7.4.5 Cancellation requests at a partner facility are at the sole discretion of the partner facility.

7.6 Permit Cancellations by the City

- 7.6.1 The City reserves the right to reasonably postpone, reschedule or cancel any booking or permit due to justified circumstances.
- 7.6.2 The City reserves the right to cancel a permit or portion of the contract without notice should there be a breach of the permit conditions and/or should the City be of the opinion that the facilities are not being used for the purpose contained in the application.
- 7.6.3 Where postponement or rescheduling cannot be mutually coordinated, the permit holder will receive a full refund for the time owing.

7.7 Program or Leisure Skate Cancellations

The City will strive to not cancel instructional and leisure skate programs, however, there may be circumstances that require the City to reschedule or cancel these programs in cases such as:

- Significant and high profile special events as directed by Council
- Low registration or attendance in programs
- Emergency shut down situations

7.8 Temporary Ice Cancellation and Redistribution

In the event of an unplanned multi-day facility closure, the Facility Booking Office will act to redistribute ice permits so that all ice users are universally impacted while certain types of ice use are protected from cancellation over others. The City will apply predetermined ice priorities and procedures identified in this Ice Allocation Policy. The City reserves the right to make all final decisions regarding emergency ice cancellations and redistribution.

8.0 Facility Management

8.1 Opening and Closing Dates

Generally, arena ice surfaces will open and close on the following dates:

Arena	Ice season opens	Ice season ends
Delpark Homes Centre (2 pads)	Tuesday after Labour Day	Last Sunday in April
Delpark Homes Centre (2 pads)	Tuesday after Labour Day	Labour Day
Donevan Recreation Complex	Third Monday in September	Third Sunday in March
Harman Park Arena	Third Monday in September	Third Sunday in March

8.2 Prime and Non-Prime Ice

Affiliated minor clients will receive an equitable distribution of prime and non-prime hours. An affiliated client, regardless of gender orientation and level of competitiveness and total hours of entitlement, shall not receive relatively more or less prime time ice access than a similar client.

8.2.1 Prime Time hours

Day of week	Prime Time Hours	Facility
Monday to Friday	4:30 p.m. to 10:30 p.m.	<ul style="list-style-type: none"> • Delpark Homes Centre – Pad 1 • Harman Park Arena – South Pad
Monday to Friday	5:00 p.m. to 10:00 p.m.	<ul style="list-style-type: none"> • Delpark Homes Centre – Pad 2 • Donevan Recreation Complex • Harman Park Arena – North Pad
Monday to Friday	5:15 p.m. to 10:15 p.m.	<ul style="list-style-type: none"> • Delpark Homes Centre – Pad 3 • Delpark Homes Centre – Pad 4
Saturday and Sunday	Open to Close	<ul style="list-style-type: none"> • All arenas
Statutory Holidays	Open to Close	<ul style="list-style-type: none"> • All arenas for Priority 5 Clients (refer to section 5.1)

8.2.2 Non-Prime Time hours

Day of week	Non-Prime Hours	Facility
Monday to Friday	Open to 4:30 p.m. 10:30 p.m. to close	<ul style="list-style-type: none"> • Delpark Homes Centre – Pad 1 • Harman Park Arena – South Pad
Monday to Friday	Open to 5:00 p.m. 10:00 p.m. to close	<ul style="list-style-type: none"> • Delpark Homes Centre – Pad 2 • Donevan Recreation Complex • Harman Park Arena – North Pad
Monday to Friday	Open to 5:15 p.m. 10:15 p.m. to close	<ul style="list-style-type: none"> • Delpark Homes Centre – Pad 3 • Delpark Homes Centre – Pad 4

8.3 Flood Schedules

In order to maintain the efficient scheduling of staff, ice floods and to ensure the accurate communication of pad and room assignments to participants, the City requires that all affiliated clients provide ice use schedules and flood requests to the Facility Booking Office at least 7 days prior to the booking.

The City reserves the right to accept or modify ice flood requests to ensure the achievement of operational efficiencies and pad coordination. An additional game flood will be considered in a time block of less than two hours (i.e. a flood at the end of the second period) if the following conditions are met:

- The flood request is noted on schedules submitted to the Facility Booking Office.
- The game is curfewed after 80 minutes in a 90 minute scheduled time or after 95 minutes in a 105 minute scheduled time.
- The additional flood will not disrupt the flood schedule on an adjoining pad.

Special requests for a modification to ice flood schedules must be done through the Facility Booking Office.

8.4 Curfewed Ice

The City reserves the right to curfew any games, including tournament games, to maintain the schedule submitted and will consider the cancellation of any or all permits if the user does not cooperate in the implementation of this Ice Allocation Policy document. It is the responsibility of the client to inform the Facility Booking Office of any special requirements regarding curfews at the time the schedules are submitted.

8.5 Opening Arenas Outside of Hours of Operation

The opening of arena facilities on statutory holidays, when they are normally closed, or beyond established operating hours (as defined by this Ice Allocation Policy document), may be considered only if the applicant agrees to pay for the full operational costs for such an opening and pending the availability of staff. All reasonable requests will be reviewed. Submitting an application does not guarantee approval. Prior to commencing any appeal, the applicant must agree, in writing, to pay for the full operational costs, as described above.

8.6 Vendor and Concession Services

- 8.6.1 Permit holders must receive permission to provide any level of vendor or concession services at any City facility at any time, including but not limited to photographers, mouth guard clinics and apparel fittings.
- 8.6.2 All requests must be submitted in writing a minimum of 14 days prior to the booking.
- 8.6.3 The granting of permission to sell or distribute products and services will be respectful of existing concession contractual obligations and be contingent upon meeting all additional requirements as specified by the City.

8.7 Facility Conditions

It is the responsibility of the Permit Holder to inspect the facility including but not limited to change rooms, ice surfaces, doors, boards (glass) and bench areas to ensure that the facility is safe for the purposes of their activity. In the event that there is damage or maintenance required, the Permit Holder shall immediately notify staff. If there is an unsafe condition, the Permit Holder and all participants of the booking shall refrain from using the facility.

9.0 General Administration

9.1 Permit Requirements

Any structured usage of City facilities requires a valid permit (signed by the client or a designated representative of the applicant organization and the City). Un-permitted use is prohibited.

By signing the permit, the applicant is acknowledging that they and/or the organization they represent agrees with the policies, procedures, by-laws, rules and regulations, terms and conditions on the permit and shall be referred to as the Permit Holder.

9.2 Rental and Administration Fees

All clients will be charged rental, amendment and cancellation fees as outlined in Schedule B of the [General Fees and Charges By-law 13-2002](#).

9.3 Client Indemnification

The Permit Holder shall defend, indemnify and save harmless the City of Oshawa and its members of Council, officers, volunteers, employees and agents against any and all costs (including legal fees and disbursements), expenses, losses, liabilities, claims, demands, actions or causes of action, or direct, indirect, general, special, incidental or consequential damages suffered or incurred by the City of Oshawa (including claims made by third parties against the City of Oshawa) as a result of a breach of a term or provision of this Agreement by the Permit Holder or in any way, related to the Permit Holder's use and operation of the property and premises; the conduct of those persons in their care, custody or control and/or all activities occurring before, during and after their allocated time.

The Permit Holder (for itself and its insurers) shall release the City of Oshawa and its members of Council, officers, employees, volunteers and agents and waives any rights, including rights of

subrogation, it may have against them for compensation for any loss and all costs (including legal fees and disbursements), expenses, losses, liabilities, claims, demands, actions or causes of actions, or direct, indirect, general, special, incident or consequential damages suffered or incurred by or damage occasioned by the Client's use, operation, activities and/or occupancy within the property and premises before, during and after their allocated time.

9.4 Insurance Requirements for Permit Holders

The Permit Holder shall during permitted time arrange, pay for and keep a Comprehensive General Liability (CGL) or General Liability insurance policy written on an occurrence basis with a limit of coverage of not less than two million dollars (\$2,000,000) in respect of any one accident or occurrence with The Corporation of the City of Oshawa named on the Policy as an Additional Insured. The liability policy cannot contain an exclusion for participants participating in any activities being held by the client. Policy coverage shall include, but is not limited to, third party bodily injury including death, property damage and personal injury. The Policy shall contain a cross liability and/or severability clause that protects each insured to the same extent as if they were insured separately. The Policy shall be endorsed to provide the City of Oshawa with not less than thirty (30) days' notice in writing of any cancellation, material amendment or change restricting coverage. The Policy must be with an insurance company or companies licensed to operate in the Province of Ontario and acceptable to and in a form satisfactory to the City of Oshawa.

The Permit Holder shall verify that valid insurance coverage as set out in this policy is in place by submitting an Insurance Certificate (I.C.) that must be acceptable in all respects to the City of Oshawa. Upon expiry of the I.C., the Permit Holder must provide an up-to-date I.C. The Permit Holder agrees to make the policy available to the City of Oshawa for review at any time from time to time in the event of a Claim.

The taking out of insurance shall not relieve the client of any of its obligations under this Agreement or limit its liability hereunder. No policy shall contain any provision, which would contravene the obligations of the client hereunder or otherwise be the detriment of the City of Oshawa.

9.5 Respect Check Policy

Respect Check is a code of conduct policy, which enforces a set of expectations to address inappropriate behaviours, violence and vandalism that negatively affects the experience of individuals or creates unsafe conditions. The Respect Check policy identifies how these behaviours will be addressed when it occurs within any City facility or in association with any service, program or event provided by, or associated with the City of Oshawa.

The City encourages and supports all organizations using City facilities to take primary responsibility for developing, implementing and managing their specific behaviour management policies to align with the City's [Respect Check Policy](#). The Corporation will make its best effort to mitigate all situations, however, in the course of public service, events may be beyond the Corporations' control. The Respect Check policy is aligned with the following policies, acts and regulations:

- City of Oshawa – Respect in the Workplace – Harassment and Violence Policy LR14.10
- Trespass to Property Act

- City of Oshawa – Trespass By-law 98-2013
- Occupational Health and Safety Act, R.S.O. 1990, c. 0.1
- The True Sport Movement: Canadian Centre for Ethics in Sport

A patron's experience with us is based on the values of fairness, excellence, inclusion and fun. All persons have the right to be safe and feel safe while attending or working at a program, facility or property so that they can enjoy their activity sport, or interest. With this right comes the responsibility to be accountable for actions or behaviours that put at risk the safety of others and encourages an environment where there is respect for others. The City of Oshawa has zero tolerance for any form of violence, vandalism or inappropriate behaviours in its recreational programs, facilities or properties.

9.6 Smoke-Free Ontario Act

The Smoke-Free Ontario Act combined with the Regional Smoking and Vaping By-law, prohibits smoking and vaping on municipal property, including publicly owned outdoor sporting areas, spectator areas, playgrounds, public areas, and parking lots. The Permit Holder is responsible in ensuring that no smoking occurs on City property for the duration of this permit and to ensure any person(s) smoking and/or vaping must leave City property or immediately extinguish the cigarette. Those person(s) who are caught smoking and/or vaping and do not leave the property shall be guilty of an offence and upon conviction is liable to a fine of not more than \$5,000 exclusive of costs, as per the *Provincial Offences Act*, R.S.O 1990, c. P. 33, as amended.

9.7 Municipal Alcohol Policy

The City considers each application for a facility permit for Special Occasion individually and based on the [Municipal Alcohol Policy](#) and the Alcohol and Gaming Commission of Ontario guidelines.

Facility permits shall not be issued for a Special Occasion Permit event where the primary audience is underage persons or any minor sports event.

The City may issue facility permits for Special Occasion Permit family events such as sports tournaments, anniversaries, weddings and christenings with the proviso that it is illegal to provide underage participants with alcohol. No alcohol advertising or sponsorship shall be permitted at these events.

9.8 Ice Allocation Policy review and update

The Ice Allocation Policy will be reviewed on a regular basis, initiated by the Facility Booking Office, and updated as required. The Facility Booking Office has the authority to adjust procedural items related to timing, process, etc. as appropriate and to respond to Council directions related to revenue achievement and strategic business approach.

To: Community and Operations Services Committee

From: Kevin Alexander, Commissioner,
Community and Operations Services Department

Report Number: CO-24-09

Date of Report: February 7, 2024

Date of Meeting: February 12, 2024

Subject: Review of Municipality of Clarington and Town of Whitby Use of
Speed Cushions on Rural Roads

Ward: Ward 1

File: 03-05

1.0 Purpose

At its meeting of November 20, 2023, Council considered Report [CO-23-60](#) 'Petition for Temporary Speed Cushions on Columbus Road West'. The report was in response to a petition from residents requesting temporary speed cushions on Columbus Road West. Council referred the report back to staff to review the Municipality of Clarington and the Town of Whitby and their use of speed cushions on rural roads and to report back in the first quarter of 2024.

The purpose of this report is to respond to Council's direction.

2.0 Recommendation

That the Community and Operations Services Committee recommend to City Council:

That Report CO-24-09 dated February 7, 2024 concerning a review of the use of speed cushions on rural roads in the Municipality of Clarington and the Town of Whitby, be received for information.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

Legal Services
Legislative Services
Municipalities: Clarington, Whitby

5.0 Analysis

5.1 Use of Speed Cushions on Rural Roads

5.1.1 Municipality of Clarington

The Municipality of Clarington currently has speed cushions installed at four (4) locations along a rural road. For the last three (3) years they have been installed seasonally during the warm weather months and removed during the winter. They currently use temporary rubber speed cushions, which typically have a life expectancy of approximately three years and are nearing replacement due to normal wear and tear.

The seasonal speed cushions are installed at:

- Concession Road 6 near Solina Road (2 sets)
- Old Scugog Road south of Werrydale Drive
- West Beach Road north of Cove Road

The response from the public has been mostly negative from road users and residents living in the vicinity of the speed cushions, and they have received requests to have them removed. Complaints received include:

- Noise from screeching tires slowing for the speed cushions, and acceleration noise from vehicles after passing the speed cushions.
- Noise from larger vehicles travelling over the speed cushions.
- Motorcycles speeding through the gaps in the speed cushions.

The Municipality of Clarington has not experienced any complaints from Emergency Services nor are they aware of any reported collisions at any speed cushion locations. Clarington staff did not indicate any intention to remove the speed cushions permanently based on the complaints received.

5.1.2 Town of Whitby

In 2020, the Town of Whitby piloted temporary rubber speed cushions year round at urban locations only; however, they were damaged by snow plows in the winter and had to be removed. Public feedback during the pilot was mostly positive although they did receive some comments that the profile of the temporary speed cushions was not high enough to slow down vehicles.

No collisions were reported during the pilot project. They did have one damage claim as a result of the speed cushions.

Although the Town of Whitby does not currently have any speed cushions installed, they are planning on installing some permanent asphalt speed cushions at urban locations only in 2024. They do not have any plans to install speed cushions at any rural road locations.

5.2 Staff Recommendations

In accordance with the Neighborhood Traffic Management Guide (N.T.M.G.), and the ITE Canadian Guide to Traffic Calming, traffic calming options for rural roads should be limited to pavement marking and/or signage.

Based on the feedback received from both the Municipality of Clarington and the Town of Whitby, and with reference to the N.T.M.G. analysis summarized in CO-23-60 under sections 5.6 and 5.7, staff do not recommend installing speed cushions along Columbus Road or any other rural road locations in Oshawa.

It is further recommended that staff continue to work with Durham Regional Police Service with respects to speed enforcement along Columbus Road West, and continue to support installation of Radar Messaging Boards (RMB's), with due consideration of the N.T.M.G.

6.0 Financial Implications

There are no financial implications directly related to this report.

7.0 Relationship to the Oshawa Strategic Plan

This Report addresses the Oshawa Strategic Plan Goal of Social Equity.



Beth Mullen, Director,
Community Support Services



Kevin Alexander, Commissioner,
Community and Operations Services Department



Sent Via Email

December 20, 2023

Mary Medeiros
Clerk
City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

**The Regional
Municipality of
Durham**

Corporate Services
Department –
Legislative Services
Division

605 Rossland Rd. E.
Level 1
PO Box 623
Whitby, ON L1N 6A3
Canada
905-668-7711
1-800-372-1102
durham.ca

**Alexander Harras
M.P.A.
Director of
Legislative Services
& Regional Clerk**

Dear: M. Medeiros

**RE: Pilot Curbside Giveaway Event Summary and
Recommendation (2023-WR-8) File: O23**

Council of the Region of Durham, at its meeting held on December 20, 2023, adopted the following recommendations of the Works Committee:

- “A) That the Regional Municipality of Durham implements a Curbside Giveaway Event twice per year in the Spring and Fall; and
- B) That Regional staff work with the City of Oshawa and the Town of Whitby to include them in these events if approved by their respective Councils.”

Please find enclosed a copy of Report #2023-WR-8 for your information.

Alexander Harras

Alexander Harras,
Director of Legislative Services & Regional Clerk

AH/sc

Enclosed

c: R. Jagannathan, Acting Commissioner of Works

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Acting Commissioner of Works
Report: #2023-WR-8
Date: December 6, 2023

Subject:

Pilot Curbside Giveaway Event Summary and Recommendation

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That the Regional Municipality of Durham implements a Curbside Giveaway Event twice per year in the Spring and Fall; and
 - B) That Regional staff work with the City of Oshawa and the Town of Whitby to include them in these events if approved by their respective Councils.
-

Report:

1. Purpose

1.1 This report provides an update to Regional Council on the pilot Curbside Giveaway Day held on September 16, 2023, summarizes resident feedback on the event and makes recommendations for the event going forward.

2. Background

2.1 At the June 28, 2023 meeting, Regional Council approved a one-day pilot Curbside Giveaway Day for the six local area municipalities where the Region is responsible for all waste collection services.

2.2 The City of Oshawa and the Town of Whitby provide waste collection services (except Blue Box) for their respective municipalities and were invited to participate in the Curbside Giveaway Day. However, only the Town of Whitby participated.

2.3 The Curbside Giveaway Day is intended to support reduce and reuse initiatives in the community in alignment with the objectives of the Long-term Waste Management Plan 2022-2040.

3. Previous Reports and Decisions

3.1 In June 2023, Regional Council approved Report #2023-WR-5, authorizing a Curbside Swap Day Pilot in the Local Area Municipalities in the Regional Municipality of Durham.

4. Giveaway Day Pilot Summary

4.1 The Curbside Giveaway Day was intended to encourage residents to ‘shop at the curb’ by placing unwanted usable items at the curb for others to take and to look for items at other’s curbs. The branding of the event was changed to emphasize giveaway instead of swap since there is no requirement to leave an item in exchange for taking an item.

4.2 Promotion of the Curbside Giveaway Day included social media posts on the Region’s Facebook page, newspaper advertisements, a dedicated webpage and notifications in the Region’s Waste App.

4.3 By-law officers for the Region and the Town of Whitby reported no concerns with material left at the curb in the week following the event.

4.4 No measurable impact on other waste operations, such as bulky item pickups or waste management facility usage was observed following the event.

Survey Results

4.5 The Region conducted a pre and post-Curbside Giveaway Day survey to gauge participation. Approximately 1,000 residents responded to the pre-event survey and 800 responded to the post-event survey, including over 500 written comments.

4.6 The pre-event survey consisted of two questions asking residents to indicate which local municipality they lived in and if they were planning to participate in the Curbside Giveaway Day.

4.7 Based on the survey responses, residents in all seven participating municipalities indicated interest in the Curbside Giveaway Day, with most participants living in the lakeshore municipalities of Clarington, Ajax, Whitby and Pickering.

- 4.8 The post-event survey included more questions about resident participation, with most respondents living in the lakeshore municipalities.
- 4.9 Seventy-six percent of respondents participated in the event by putting out material (55 per cent) or picking up new items (21 per cent).
- 4.10 The top three items placed at the curb were furniture, housewares and other durable goods. These items were also the most commonly taken.
- 4.11 Ninety-two per cent of survey respondents who set out items had some or all taken for reuse.
- 4.12 Many respondents commented that there should be additional advertising of the event to increase participation. With the local newspaper (Metroland) no longer in operation, roadside signs will be used to promote future events to increase the visibility of the event for residents.
- 4.13 Eighty-nine per cent of survey respondents considered the event worthwhile. The majority of the written comments were positive and expressed a desire to see the event repeated. Selected comments received on social media and in response to the survey are provided in Attachment #1.

5. Next Steps

- 5.1 The Curbside Giveaway Day Pilot was a low-cost, well-received way for the Region to promote reuse. Based on residents' feedback, staff recommends making the Curbside Giveaway Event a permanent event and expanding the event to spring and fall.
- 5.2 Promotion of the event will continue to be via social media, the Region's waste webpage and the Region's Waste App. Mobile roadside signs will also be used to promote future events. These costs to promote the event will be included in the annual Promotion and Education budget.
- 5.3 The selection of the event dates will consider other significant public events scheduled throughout the Region and seasonal considerations. Staff will also consider hosting the event over a weekend, as opposed to a single day, to impact the usage of rain days moving forward.

6. Relationship to Strategic Plan

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Goal 1.2 Increase waste diversion and resource recovery.

7. Conclusion

- 7.1 The Pilot Curbside Giveaway Day was a successful event, with residents' engagement from all participating local municipalities and by-law enforcement reporting no increase in waste materials left at the curb after the event.
- 7.2 Residents' feedback from the Giveaway Day was positive and included suggestions to make the event annual and more frequent.
- 7.3 Promoting a Curbside Giveaway Event twice per year is a low-cost way for the Region to promote reuse initiatives in the community and supports the Long-term Waste Management Plan objective to reduce the quantity of waste generated.
- 7.4 For additional information, contact: Andrew Evans, Director, Waste Management Services, at 905-668-4113, extension 4102.

8. Attachments

8.1 Attachment #1: Select Comments from Residents

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Acting Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

Select Comments from Residents

- Almost everything I put out was gone. Great idea!
- A great initiative that made for a really fun day here in Port Perry
- Love this!
- This is a great idea. Put out some stuff and it was snatched up lol!! No trips to the dump. I'd like to see it done spring and fall.
- So excited to participate.
- Finally! This should be an annual event!!
- Great way to recycle items! Hope to have it again next year!
- Great idea, should be for Saturday and Sunday rather than just the Saturday
- Please continue this wonderful initiative
- Not enough people knew about the event, more awareness was needed
- I loved this so much.
- Although we did not participate, I have heard many people enjoyed it and hope it is an annual event. Keep up the great work!
- Great way to move items we kept but no longer needed.
- Great idea and well advertised (local paper). But we drove around and found very little was put out. May grow with time? Pleased there wasn't a lot of stuff left out for days after the event. Definitely worth trying again next year.
- Do it again. More regularly.
- Great idea. I hope this becomes a regular event.
- I wasn't aware of the curbside giveaway day. Sounds like a great idea but better promotional awareness is needed.
- I was able to donate more than I would have thought. I had the curb to the sidewalk full and there was only a trunk full of items left to drop to a donation bin.
- I really liked having the day to give my items away to be reused instead of throwing it in the garbage.
- Please continue. Great initiative and found value explaining the initiative to my kids.
- It gave me a opportunity to give items I have been storing for many years.
- Let's do it again!

To: Corporate and Finance Services Committee

From: Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department

Report Number: CF-24-04

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Asset Retirement Obligation Policy

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to provide the Council with an Asset Retirement Obligation (A.R.O.) Policy for consideration.

2.0 Recommendation

That the Corporate and Finance Services Committee recommend to City Council:

That pursuant to Report CF-24-04 dated January 31, 2024, the Asset Retirement Obligation Policy be approved.

3.0 Executive Summary

The Public Sector Accounting Board (P.S.A.B.) created a new accounting standard, P.S. 3280: Asset Retirement Obligation that will apply to the City's financial reporting, starting with the 2023 financial statements.

This report provides information on the new accounting standard, how it will impact future City financial statements and a project plan that meets the new requirements.

The Asset Retirement Obligation Policy (Attachment 1) provides for the recognition, measurement, disclosure and roles and responsibilities. To ensure the City's compliance with the P.S.A.B. standards on A.R.O., the policy requires Council approval.

4.0 Input From Other Sources

Deloitte LLP (City's external auditors)

5.0 Analysis

The new Public Sector Accounting Board standard P.S. 3280 on Asset Retirement Obligations relates to quantifying and disclosing, on the financial statements all legal obligations associated with the retirement of tangible capital assets. Retirement activities include, but are not limited to:

- Decommissioning or dismantling an asset;
- Removal and remediation of contaminants, such as asbestos and lead within building or construction material;
- Restoration of leased property to its former condition at the end of lease.

According to P.S. 3280, an A.R.O. should be recognized when all of the following criteria are satisfied:

- There is a legal obligation to incur retirement costs associated with the tangible capital asset;
- The past transaction or event given rise to the liability has occurred;
- It is expected that future economic benefits will be given up;
- Reasonable estimate of the amount can be made.

Per the Standard, for the initial measurement, only costs directly associated with the asset retirement activities should be considered. At each subsequent period, the A.R.O. must be reassessed to consider new information and/or any new assumptions used.

P.S. 3280 requires all public sector entities to comply for fiscal years beginning on or after April 1, 2022. As the City has a January 1 to December 31 fiscal year, compliance is required when reporting the City's 2023 financial statements.

Staff began work on the Asset Retirement Obligation project in 2022. The project included research into P.S. 3280, development of a project plan to complete the required work by March 2024, the creation of an A.R.O. policy, as well as the creation of an A.R.O. staff working group. The project is defined by four distinct phases:

- **Planning:** Develop a work plan with tasks required and time lines;
- **Scoping:** Identify items that are within Section P.S. 3280 scope;
- **Measurement:** For each item in scope, determine if they meet the recognition criteria within paragraph P.S. 3280.9;
- **Reporting:** Asset Retirement Obligation will be recognized and presented in financial statements.

The project planning and scoping phase has been completed, with the measurement and reporting phases currently underway.

Finance continues to collaborate with the various departments within the City to assist with identifying, assessing and estimating A.R.O. within P.S. 3280.

6.0 Financial Implications

There are no financial implications arising from the recommendation of this report.

7.0 Relationship to the Oshawa Strategic Plan

The establishment of financial policies supports the Oshawa Strategic Plan goals of Economic Prosperity & Financial Stewardship and Accountable Leadership by ensuring respect, responsiveness and transparency.



Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department

Policy: ASSET RETIREMENT OBLIGATIONS			
Issued:	Revised:	Page: 1 of 5	Number:
Related Policies	<i>Insert names of related policies</i>		

PURPOSE / BACKGROUND

The objective of this policy is to provide guidance on the accounting treatment for asset retirement obligations (A.R.O.) so that users of the financial statements can discern information about these assets and their end of life obligations. The principal issues in accounting for A.R.O.'s is the recognition and measurement of these obligations.

POLICY STATEMENT

An asset retirement obligation is a legal obligation associated with the retirement of a tangible capital asset. The Public Sector Accounting Board (P.S.A.B.) has instituted a new accounting standard P.S. 3280 which requires all municipal governments to comply. This policy serves to ensure the City of Oshawa is in compliance with the accounting and reporting requirements.

SCOPE / APPLICATION

This policy applies to all departments, branches, boards and agencies falling within the reporting entity of the City of Oshawa that possess asset retirement obligations, including:

- Assets with legal title held by the City
- Assets controlled by the City
- Assets that have not been capitalized or recorded as a tangible capital asset for financial statement purposes

This policy applies to all assets that have an obligation in relation to the retirement of a tangible capital asset. This includes assets in productive use and assets no longer in productive use.

Existing laws and regulations require public sector entities to take specific actions to retire certain tangible capital assets at the end of their useful lives. This includes activities such as removal of asbestos and retirement of landfills. Other obligations to retire tangible capital assets may arise from contracts or court judgments or lease arrangements.

The legal obligation, including obligations created by promises made without formal consideration, associated with retirement of tangible capital assets controlled by the City, will be recognized as liability in the book of the City of Oshawa, in accordance with P.S. 3280 which the City will be adopting on January 1, 2023.

Asset retirement obligations result from acquisition, construction, development or normal use of the asset. These obligations are predictable, likely to occur and unavoidable. Asset retirement obligations are separate and distinct from contaminated site liabilities. The liability for contaminated sites is normally resulting from unexpected contamination exceeding environmental standards. Asset retirement obligations are not necessarily associated with contamination.

DEFINITIONS

Accretion expense is the increase in carrying amount of a liability for asset retirement obligations due to the passage of time.

Asset retirement activities include all activities related to an asset retirement obligation. These may include, but are not limited to:

- Decommissioning or dismantling a tangible capital asset that was acquired, constructed, developed or leased;
- Remediation of contamination of a tangible capital asset created by its normal use;
- Post-retirement activities such as monitoring; and
- Constructing other tangible capital assets to perform post-retirement activities.

Asset retirement cost is a legal obligation associated with the retirement of a tangible capital asset.

Retirement of a tangible capital asset is the permanent removal of a tangible capital asset from service. This term encompasses sale, abandonment or disposal in some other manner but not its temporary idling.

RESPONSIBILITIES

1. Department Managers shall, related to the assets under their responsibility:

- a. Communicate with Finance Services on retirement obligations and any changes in asset condition or retirement timelines
- b. Assist in the preparation of cost estimates for retirement obligations
- c. Inform Finance Services of any legal or contractual obligation at inception of any such obligation

2. Finance Services

- a. Development of and adherence to policies
- b. Reporting asset retirement obligations in the financial statements of the City and other statutory financial documents
- c. Monitoring the application of this policy
- d. Managing processes with the fixed asset and asset management inventory registers
- e. Investigating issues and working with asset owners to resolve issues

3. Council

- a. Reviewing and approving policy
- b. Reviewing and approving any policy updates

PRACTICE / PROCEDURES

A. Recognition

According to P.S. 3280, a liability should for an asset retirement obligation should be recognized when, as at the financial reporting date:

- There is a legal obligation to incur retirement costs in relation to a tangible capital asset;
- The past transaction or event giving rise to the liability has occurred;
- It is expected that future economic benefits will be given up; and
- A reasonable estimate of the amount can be made.

A liability for an asset retirement obligation cannot be recognized unless all of the criteria above are satisfied.

The estimate of the liability would be based on requirements in existing agreements, contracts, legislation or legally enforceable obligations, and technology expected to be used in asset retirement activities.

The estimate of a liability should include costs directly attributable to asset retirement activities. Costs would include post-retirement operation, maintenance and monitoring that are an integral part of the retirement of the tangible capital asset.

Directly attributable costs would include, but are not limited to, payroll and benefits, equipment and facilities, materials, legal and other professional fees, and overhead costs directly attributable to the asset retirement activity.

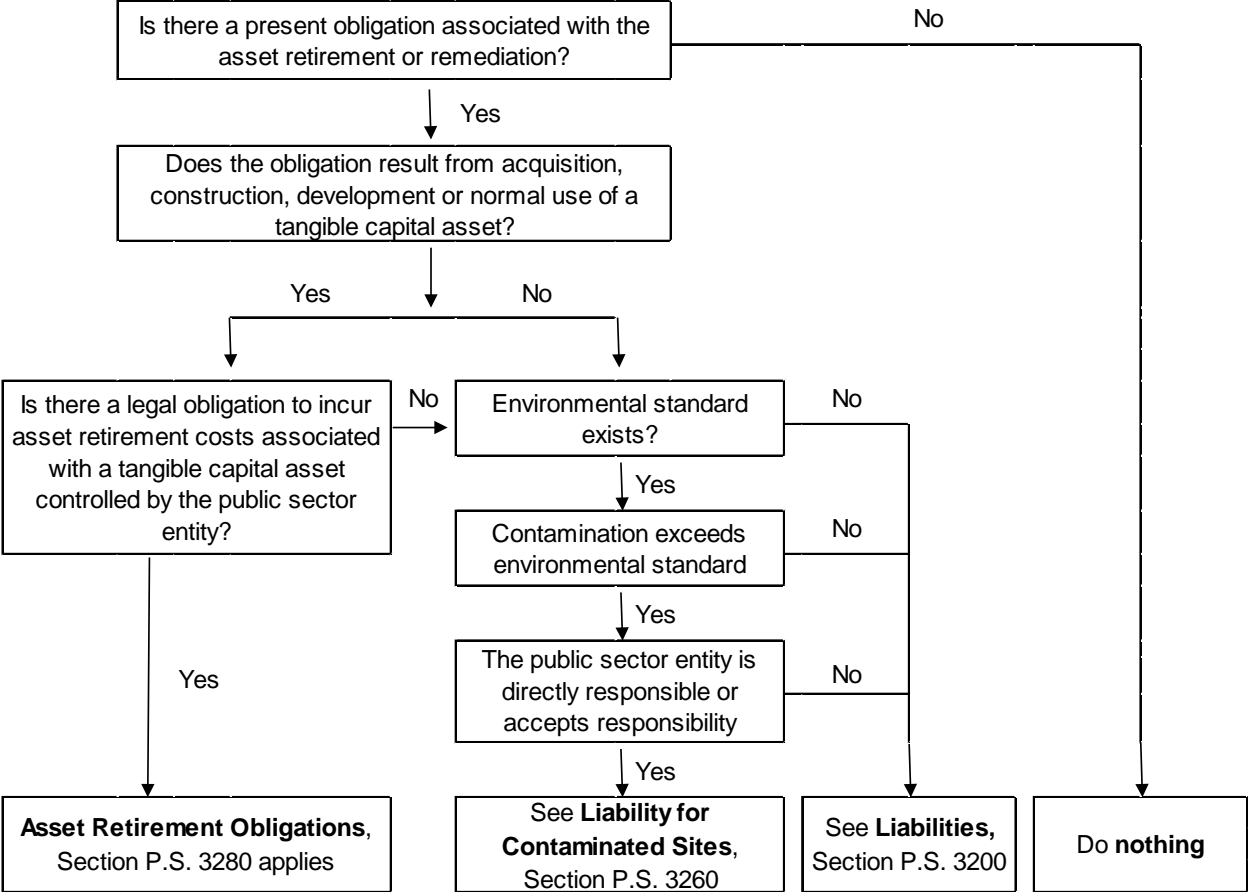
When measuring an A.R.O. liability, the best estimate of the cost to retire the tangible capital asset should be used. This estimate is based on the available information at the financial statement date. To determine the best estimate, professional judgement is required. Professional judgement can include internal expertise, external consultants or third party quotes.

Upon initial recognition of a liability for an asset retirement obligation, the City will recognize an asset retirement cost by increasing the carrying amount of the related tangible capital asset (or a component thereof) and recognize a corresponding liability. Where the obligation relates to an asset which is no longer in service, and not providing economic benefit, or to an item not recorded by the City as an asset, the obligation is expensed upon recognition.

The capitalization thresholds applicable to the different asset categories will also be applied to the asset retirement obligations to be recognized within each of those asset categories.

A decision tree, to be used to determine the scope of applicability, is presented below:

Decision Tree - Scope of Applicability



B. Subsequent Measurement

The asset retirement costs will be allocated to accretion expense in a rational and systemic manner (straight-line method) over the useful life of the tangible capital asset or a component of the asset.

On an annual basis, the existing asset retirement obligations will be assessed for any changes in expected cost, term to retirement, or any other changes that may impact the estimated obligation. In addition, any new obligations identified will also be assessed.

C. Transitional Provisions

There are three options for transitional provisions when implementing P.S. 3280; prospective, retrospective and modified retrospective. The City will disclose and present the transition provision within its 2023 Financial Statements.

D. Presentation and Disclosure

The liability for asset retirement obligations will be disclosed in the 2023 City's Annual Financial Statements.

E. Integration with Other Processes

The requirements as defined within P.S. 3280 will be integrated with the various processes already established at the City. Specifically, A.R.O. will be tracked and recorded within the City's Asset Inventory. It will also be included in a departmental year end checklist to ensure the financial statement reporting is accurate and complete.

REFERENCES

Public Sector Accounting Board, Public Sector Handbook, Section P.S. 3280 Asset Retirement Obligations

APPROVED

Authority Stephanie Sinnott, Commissioner, Corporate and Finance Services	Date Date approved	Signature Branch head signature
--	------------------------------	---

To: Corporate and Finance Services Committee

From: Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department

Report Number: CF-24-07

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: 2023 External Audit Service Plan

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to provide Council with the External Auditor's Audit Service Plan for the 2023 audit of the City's Consolidated Financial Statements.

2.0 Recommendation

That the Corporate and Finance Services Committee recommend to City Council:

That Report CF-24-07 concerning the 2023 External Audit Service Plan, dated January 31, 2024 be received for information.

3.0 Executive Summary

As a requirement of the Municipal Act, 2001 (section 296 (1)), municipalities shall appoint an Auditor licensed under the Public Accounting Act 2004. The Auditor is responsible for annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit. The City's current External Auditor is Deloitte LLP (Deloitte).

In preparation for the 2023 audit, Deloitte has provided the City with an Audit Service Plan, which outlines their planned scope of work, areas of audit focus and other relevant details related to the audit.

Attached to this report is the Audit Service Plan as Confidential Attachment 1.

4.0 Input From Other Sources

Deloitte LLP

5.0 Analysis

The purpose of an audit is to provide reasonable assurance that the financial statements are free from material misstatements. The City's annual audit typically occurs in late March/early April.

The 2023 external audit for the City of Oshawa, the City's Trust Funds and an examination of the books and records for the Oshawa Public Library Board will commence on April 8, 2024 and requires approximately 2 weeks of fieldwork performed by Deloitte staff.

The 2023 year end audit will take place both on-site and remotely. Deloitte's audit technology includes various technology based tools utilized by the auditors and a secure, online portal that allows City staff to upload documents and feedback in response to auditor's requests. This has resulted in an efficient and effective transfer of electronic files and a more streamlined audit process.

5.1 Audit Scope

The audit will include the examination of the consolidated financial statements for the City of Oshawa, the City's Trust Funds, and an examination of the books and records for the Oshawa Public Library Board.

The Audit Service Plan considers several factors including risk assessment, internal control matters and the use of the work of experts.

An audit involves the examination of books and records to provide reasonable assurance that they are free from material misstatements. The estimated materiality threshold for the City's consolidated financial statements is \$6.0 million. Some of the factors Deloitte considers in determining the audit scope include:

- The existence of significant risks;
- A consideration of significant accounts and disclosures using materiality levels that are appropriate to support an audit opinion of the Financial Statements;
- The complexity and nature of the operations, internal controls and accounting issues;
- The degree of centralization or decentralization of processes and controls, including the extent of relevant enterprise-level controls, and
- The extent and nature of internal control deficiencies and financial statement misstatements identified in current and previous periods.

5.2 Risk Assessment

The initial risk assessment performed by Deloitte to complete the Audit Service Plan takes into account key business developments and transactions, current business, regulatory and accounting pronouncements and developments, key management strategies and business plans, prior years' audit results, results of procedures relating to internal control, and areas of significant judgement and risk.

Deloitte identified risks that require specific audit consideration, as outlined in the next section of this report. Audit planning activities and preliminary identification of audit risks enables Auditors to set the scope of the audit and to design audit procedures tailored to the identified risks in the financial report.

5.3 Audit Risk/Focus for 2023

The identified areas of significant risk that require special audit consideration are as follows:

- Revenue recognition – a significant risk of fraud can be directly linked to improper revenue recognition (both earned and deferred revenue). Significant revenue sources that will be reviewed include property tax, user charges, licenses and permits, assumed assets, restricted contributions (i.e. development charges, Canada Community-Building Fund, conditional grants, etc.) and Tribute Communities Centre revenues. Deloitte will test the design and implementation of controls in these revenue streams and perform substantive analytic procedures and/or detailed testing to ensure revenue has been recognized in the appropriate fiscal period.
- Management override of controls – Management is in a unique position to perpetrate fraud because of management’s ability to directly or indirectly manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Deloitte will engage in periodic fraud discussions with certain members of senior management to evaluate the City’s’ fraud risk assessment, evaluate the business rationale for any significant unusual transactions and consider entity-level internal controls and internal controls over the closing and reporting process.

5.4 Engagement Report

After the satisfactory completion of appropriate audit procedures, Deloitte will provide an audit report for the City’s Financial Statements to the Corporate and Finance Committee as required by applicable auditing standards.

Deloitte’s client service principles include providing management and the Committee with insights into the condition of the business and offering meaningful suggestions for improvement. These insights and suggestions will be reported to the appropriate members

5.5 Audit Service Plan

As the Audit Service Plan provided by Deloitte contains external third party proprietary confidential information, the full Audit Service Plan document received from Deloitte attached to this report is confidential.

6.0 Financial Implications

There are no financial implications arising from the recommendation of this report.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan goals of Economic Prosperity & Financial Stewardship and Accountable Leadership.



Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-14

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act

Ward: Ward 4

File: 12-04-2116

1.0 Purpose

The purpose of this Report is to obtain Council's direction on whether or not to consent to the property owner's requested revisions to the draft Designation Statement and Description prior to proceeding with the designation of 117 King Street East (the "Subject Property") under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "Ontario Heritage Act").

On December 12, 2022, Council considered Report ED-22-214 dated November 23, 2022 and adopted the following as part of a multi-part recommendation:

- "1. That, pursuant to Report ED-22-214 dated November 23, 2022, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property located at 117 King Street East as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking actions such as the following:
 - (a) Obtaining an updated Heritage Research Reports to provide evidence that the subject property specifically addresses the requirements of the Ontario Heritage Act;
 - (b) Preparing a Notice of Intention to Designate the property located at 117 King Street East under the Ontario Heritage Act which will generally include the Designation Statement and Description with input from Heritage Oshawa and the owner;
 - (c) Publishing the Notice in the Oshawa This Week newspaper;

- (d) Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- (e) Preparing the necessary by-law which will generally include the Designation Statement and Description with input from Heritage Oshawa and the owner for subsequent consideration by Council.”

Pursuant to Council’s direction in this regard, Economic and Development Services staff retained the services of Archeological Research Associates Ltd. (“A.R.A. Ltd.”) for the preparation of a heritage research report for 117 King Street East (see Attachment 5). The findings of said heritage research report were used by City staff to inform the contents of the draft Designation Statement and Description.

Economic and Development Services staff subsequently consulted with Heritage Oshawa and the property owner on the draft Designation Statement and Description. On October 30, 2023, the property owner provided to City staff a version of the draft Designation Statement and Description with their requested revisions.

Attachment 1 is a map showing the Subject Property and the existing zoning in the area.

Attachment 2 is an aerial photo of the Subject Property showing key site features.

Attachment 3 is a copy of the draft Designation Statement and Description with the property owner’s requested revisions shown in track changes.

Attachment 4 is correspondence from the Heritage Operations Manager at Archaeological Research Associates Ltd. confirming that they have no issue with the property owner’s requested revisions.

Attachment 5 is a copy of the Heritage Research Report for the Subject Property procured from Archaeological Research Associates Ltd. Owing to its length, this updated Heritage Research Report is not attached but can be found at the following link:
https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_King-St-E-117_2023.pdf.

2.0 Recommendation

That, pursuant to Report ED-24-14 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.3 of said Report, concerning the property owner’s requested revisions to the draft Designation Statement and Description for 117 King Street East which is to be designated under Part IV of the Ontario Heritage Act.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

4.1 Input from City staff

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Community and Operations Services
- Commissioner, Safety and Facilities Services
- City Solicitor

4.2 Consultation with the Property Owner

On October 23, 2023, the owner of the Subject Property, Atria Development Corp. (“Atria”), was sent a copy of the draft Designation Statement and Description prepared by staff and asked for their input.

On October 30, 2023, Atria provided to City staff a version of the draft Designation Statement and Description with their requested revisions (see Attachment 3).

4.3 Consultation with Archaeological Research Associates Ltd.

On November 6, 2023, staff requested the Heritage Operations Manager at A.R.A. Ltd. to review Atria’s requested revisions, and advise whether they had any concerns. A.R.A. Ltd. subsequently advised that they had no issue with Atria’s requested revisions as they do not change the intent of the listed heritage attributes (see Attachment 4).

4.4 Consultation with Heritage Oshawa

On September 28, 2023, Heritage Oshawa indicated they had no comments on the draft Designation Statement and Description as originally drafted.

On November 23, 2023, Heritage Oshawa was consulted on Atria’s requested revisions, as well as A.R.A. Ltd.’s response to the requested revisions, and made the following motion:

“That, pursuant to Report HTG-23-67 dated November 17, 2023, Heritage Oshawa supports the revisions to the Draft Designation Statement of 117 King Street East, as presented.”

5.0 Analysis

5.1 Background

As noted in Section 1.0 of this Report, on December 12, 2022, Council considered Report ED-22-214 dated November 23, 2022 and adopted a motion to, among other matters, authorize staff to undertake the process established in the Ontario Heritage Act to designate the property located at 117 King Street East as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking

various actions. Among these actions was the procurement of an updated Heritage Research Report for the Subject Property.

Pursuant to Council's direction in this regard, Economic and Development Services staff retained the services of A.R.A. Ltd. for the preparation of a heritage research report for the Subject Property (see Attachment 5). Once completed, the heritage research report was used by City staff to prepare a draft Designation Statement and Description for the Subject Property.

On September 28, 2023, Heritage Oshawa was consulted on the draft Designation Statement and Description for the Subject Property, as originally drafted by staff. Staff were advised that they had no comments.

On October 23, 2023, Atria was consulted on the draft Designation Statement and Description, as prepared by staff and accepted by Heritage Oshawa, and asked for their input.

On October 30, 2023, Atria responded back to City staff with a modified version of the draft Designation Statement and Description containing requested revisions (see Attachment 3).

On November 6, 2023, the Heritage Operations Manager from A.R.A. Ltd. was asked to review Atria's requested revisions and advise whether they had any concerns. A.R.A. Ltd. stated that they had no issue with Atria's requested revisions as they do not change the intent of the listed heritage attributes (see Attachment 4).

On November 23, 2023, Heritage Oshawa was consulted on Atria's requested revisions, as well as A.R.A. Ltd.'s response to the requested revisions. As noted in Section 4.4 of this Report, Heritage Oshawa supported the proposed revisions to the Draft Designation Statement and Description.

5.2 Effect of Requested Revisions

The only requested revision that would have the potential to limit the heritage attributes of the property is the revision relating to the rectangular window openings.

This requested revision from the property owner will result in only those window openings on the north and east elevations of the building to be listed as heritage attributes (i.e. those street-facing elevations visible from King Street East and Charles Street), omitting any other openings on the remaining interior-facing elevations. It is staff's understanding that this revision was requested in light of the property owner's plans to redevelop the Subject Property, incorporating the original 1948 building into the design, with alterations to the south and west elevations of the building facing the interior of the property.

City staff have no issue with the aforementioned revision as the windows facing the public realm at the corner of King Street East and Charles Street will remain listed as heritage attributes.

5.3 Options

5.3.1 Option 1: Consent to the Property Owner’s Requested Revisions

Should the Economic and Development Services Committee wish to consent to the property owner’s requested revisions to the draft Designation Statement and Description regarding 117 King Street East, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council that, pursuant to Report ED-24-14 dated January 31, 2024, Economic and Development Services staff be authorized to continue the designation process for 117 King Street East, as directed by Council on December 12, 2022, and incorporate the property owner’s requested revisions into the draft Designation Statement and Description to be included in a Notice of Intention to Designate.”

5.3.2 Option 2: Refuse the Property Owner’s Requested Revisions

Should the Economic and Development Services Committee wish to refuse the property owner’s requested revisions to the draft Designation Statement and Description regarding 117 King Street East, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council that, pursuant to Report ED-24-14 dated January 31, 2024, Economic and Development Services staff be authorized to continue the designation process for 117 King Street East, as directed by Council on December 12, 2022, without incorporating the property owner’s requested revisions into the draft Designation Statement and Description to be included in a Notice of Intention to Designate.”

6.0 Financial Implications

There are no financial implications associated with this Report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.



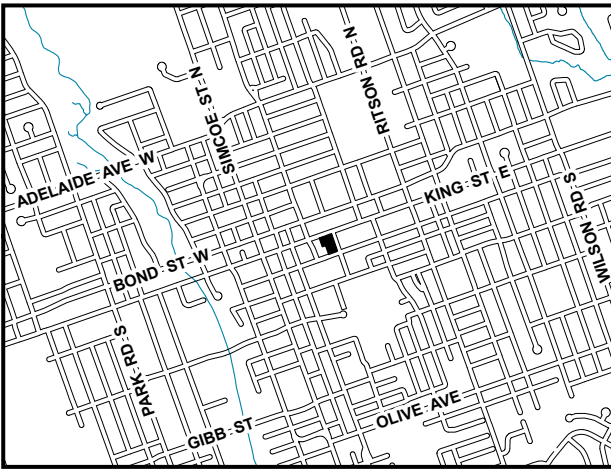
Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services




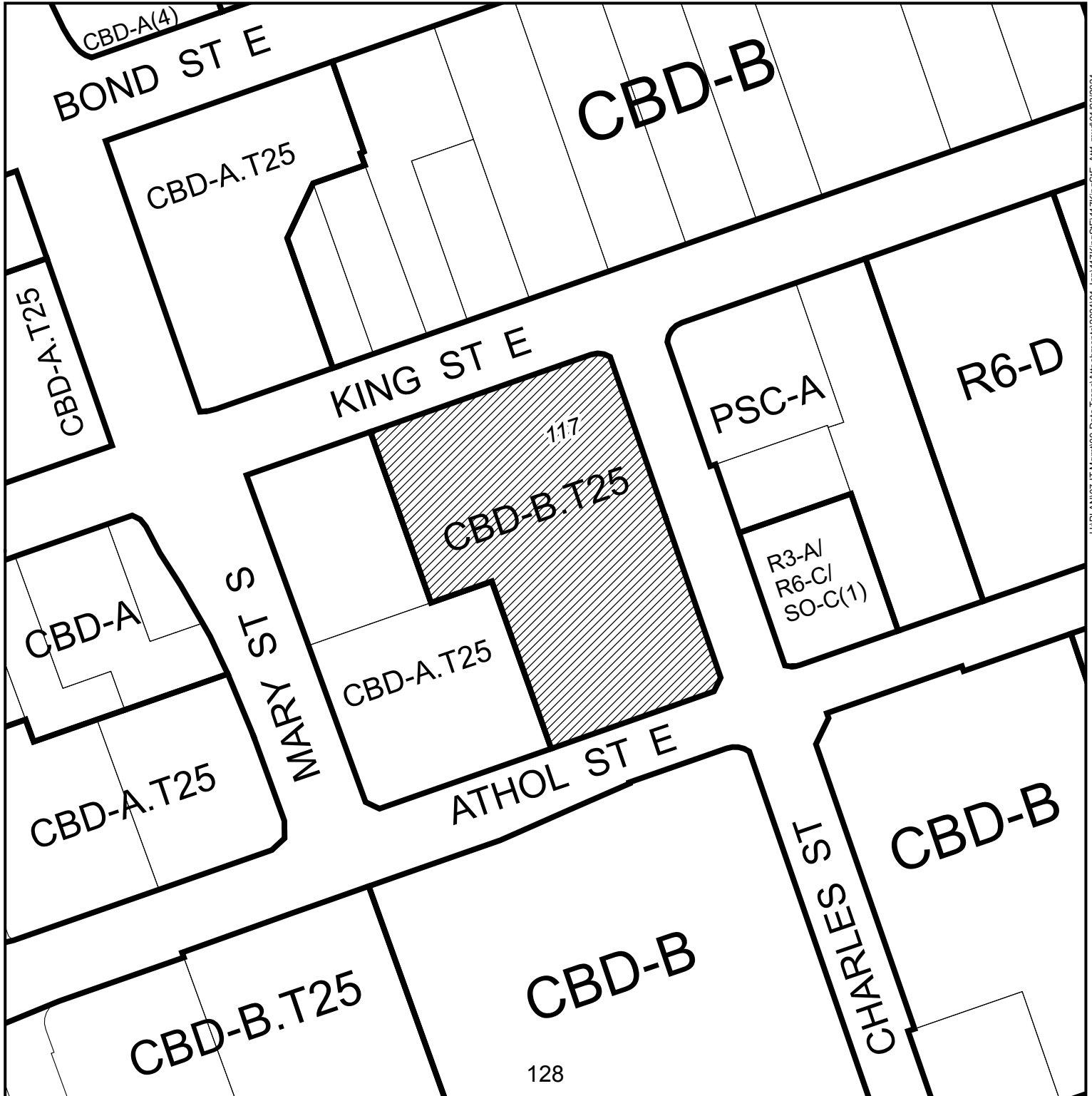
Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Subject: Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act

Ward: Ward 4
File: 12-04-2116



Subject Site 





Subject: Update concerning Council's Direction to Designate 117 King Street East under Part IV of the Ontario Heritage Act

Item: ED-24-14
Attachment 2

Ward: Ward 4
File: 12-04-2116



 Subject Site

City of Oshawa
Economic and Development Services 



HP\PLAN07-IT Mgmt\09-Data Trans\Attachments\2024\01 Jan\117\KingStE\117KingStE_A1E.mxd 10/23/2024

**Schedule “A” to By-Law Number __-2023
Passed This __Day of __, 2023**

Designation Statement and Description of Property

Location and Description of Property:

The property at 117 King Street East, commonly known as the Oshawa Clinic, is located in the downtown core of the City of Oshawa, bounded by King Street East to the north, Charles Street to the east, Mary Street South to the west, and Athol Street East to the south. The original east wing of the Oshawa Clinic, built in 1948, is located at the corner of King Street East and Charles Street. It consists of a two-storey structure clad in red brick.

Legal Description:

The property at 117 King Street East to be designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 is legally described as:

LOTS 3 – 5 PLAN 115, LOTS 1 & 5 PART LOTS 2 & 6 PLAN 46, EAST WHITBY;
OSHAWA.

Statement of Cultural Heritage Value or Interest:

The original 1948 east wing of 117 King Street East (the “Subject Building”) has design value as a representative example of a purpose-built public structure, constructed with refined classical features in the Beaux-Arts architectural style. The two-storey wood frame brick clad building features a parapet, symmetrical massing, moulded stone banding, and formal entranceway typical of Beaux-Arts design applied to public buildings. The Subject Building exhibits muted decorative Classical elements exhibited in the overall symmetry and rhythm window openings which are treated with classical finishes.

The Subject Building has historical and associative value due to its direct associations with the Oshawa Clinic, the oldest operating medical clinic in Oshawa. The Oshawa Clinic started in 1927 as a partnership between Dr. Grant L. Bird and Dr. Oscar G. Mills. This type of clinic is one where the private practitioners come together to form a corporation of medical services. The doctors own the building, the equipment and invest in the expansion of the facilities. To accommodate the growth of their practice through the 1930s and to continue to serve the health care needs of the citizens of Oshawa, they opened the Oshawa Clinic on the corner of King Street East and Charles Street on December 1, 1948.

The Subject Building has associative value as the first corporate style clinic to operate in Ontario. This operational approach to health care was based on the Mayo Clinic located in Rochester, Minnesota. The Subject Building has operated as a medical facility in its current location for over 80 years. The Oshawa Clinic expanded in 1961, 1971, and 1987, and is well known for serving the Durham Region and as one of the oldest and largest medical clinics in Canada.

The Oshawa Clinic is prominently situated on the corner of Charles Street and King Street East, a major street in Oshawa. The classical influences of the Subject Building combined with its use as a clinic for over 80 years is memorable and easily discernible for the public.

On the basis of the cultural heritage value or interest outlined above, the Subject Building at 117 King Street East meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 9/06, specifically criteria 1, 4, and 9.

Heritage Attributes:

Design/Physical Value:

- [Overall Simple, rectilinear massing form](#) and orientation of the Subject Building
- Flat roof with plain red brick parapet
- Raised rectangular brick panels which span the parapet.
- Flemish bond red brick cladding
- Stone banding
- [Series of rectangular window openings with red brick flat arch with keystone, steel lintel and stone sills visible from the public realm on the on the principal \(north\) and east elevations.](#)
- Stone frontispiece with two columns supporting a flat roof architrave inscribed with "Oshawa Clinic"
- Recessed entranceway with transom

Contextual Value:

- Location on the corner of Charles Street and King Street East within the community of Oshawa
- Narrow set back at the corner of King Street East and Charles Street

Harrison Whilsmith

From: kayla.jonasgalvin@araheritage.ca
Sent: Monday, November 6, 2023 2:12 PM
To: Harrison Whilsmith
Cc: amy.barnes@araheritage.ca; Meaghan Harrington
Subject: RE: 117 King Street East Oshawa Clinic

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Harrison,

These changes do not change the intent of our heritage attributes, so we do not have an issue with the changes.

Thanks!

Kayla Jonas Galvin, MA, RPP, MCIP, CAHP

Heritage Operations Manager

Hamilton Office: 205 Cannon St East, Hamilton, ON L8L 2A9

Kitchener Office: 465 Maple Ave- Unit 9, Kitchener, ON N2H 6N5

P 519.804.2291 x120

E kayla.jonasgalvin@araheritage.ca

From: Harrison Whilsmith <HWhilsmith@oshawa.ca>
Sent: Monday, November 6, 2023 11:31 AM
To: 'kayla.jonasgalvin@araheritage.ca' <kayla.jonasgalvin@araheritage.ca>
Cc: amy.barnes@araheritage.ca; Meaghan Harrington <MHarrington@oshawa.ca>
Subject: RE: 117 King Street East Oshawa Clinic

Hi Kayla,

Prior to the issuance of Notice of Intent to Designate for 117 King Street East, our Council gave us direction to receive input on the draft Designation Statement and Description from our municipal heritage committee and the property owner. Our heritage committee had no comments, but the owner came back to us with requested revisions to the identified heritage attributes – see attached. Their changes were done in ‘Track Changes’ and are shown in red.

I’ve been asked to reach out to see if you / your team had any thoughts on these revisions. Do you / your team have any issues with the revisions as requested by the property owner?

Thank you,



Harrison Whilsmith, Planner A | City of Oshawa

905-436-3311 ext. 2697 | 1-800-667-4292

HWhilsmith@oshawa.ca | www.oshawa.ca

"Dedicated to serving our community."



To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-16

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Update concerning Council's Direction to Designate
149 Harmony Road South under Part IV of the Ontario Heritage
Act

Ward: Ward 3

File: 12-04-0218

1.0 Purpose

The purpose of this Report is to obtain Council's direction on whether or not to continue the process to designate the former Harmony Public School at 149 Harmony Road South (the "Subject Property") under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "Ontario Heritage Act") after considering the notice of objection submitted by Overland LLP on behalf of the owner of the Subject Property, Colony Real Estate Development Ltd. (the "Property Owner").

On October 30, 2023, Council considered Report ED-23-196 dated October 11, 2023 and adopted the following as part of a multi-part recommendation:

- "1. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
 - (a) Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;
 - (b) Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;

- (c) Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- (d) Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”

On November 6, 2023, Economic and Development Services staff circulated the Notice of Intention to Designate the Subject Property in accordance with the requirements of the Ontario Heritage Act.

On November 30, 2023, the City received a notice of objection to the designation of the Subject Property from Overland LLP, on behalf of the Property Owner.

On January 29, 2024, City Council considered the above noted notice of objection (Correspondence ED-24-05) and referred the matter to staff for a report.

Attachment 1 is a map showing the location of the Subject Property and the existing zoning in the area.

Attachment 2 is an aerial photo of the Subject Property showing key site features.

Attachment 3 is a copy of the Notice of Intention to Designate prepared for the Subject Property which was circulated on November 6, 2023.

Attachment 4 is a copy of the notice of objection to the designation of the Subject Property dated November 30, 2023 submitted by Overland LLP on behalf of the Property Owner.

Attachment 5 is a copy of the Heritage Research Report dated September 19, 2023 prepared by Archaeological Research Associates Ltd. for the Subject Property. Owing to its length, this Heritage Research Report is not attached but can be found at the following link: [https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_149-Harmony-Rd-S-\(2023\).pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_149-Harmony-Rd-S-(2023).pdf).

Attachment 6 is a draft flow chart released by the Provincial government illustrating the process to designate a property under Section 29 (Part IV) of the Ontario Heritage Act.

2.0 Recommendation

That, pursuant to Report ED-24-16 dated January 31, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.9 of said Report in response to Correspondence ED-24-05, being a notice of objection to the City's intention to designate the property municipally known as 149 Harmony Road South under Part IV of the Ontario Heritage Act, submitted by Overland LLP on behalf of the Property Owner.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

4.1 Input from City staff

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- City Solicitor

4.2 Consultation with Archaeological Research Associates Ltd.

Upon receipt of the Property Owner's notice of objection, Economic and Development Services staff consulted with the Heritage Operations Manager at Archaeological Research Associates Ltd. ("A.R.A. Ltd.") who prepared the Heritage Research Report for the Subject Property. After having reviewed the Property Owner's reasons for objection outlined in the notice of objection, A.R.A. Ltd. advised staff that "the basis of their objection does not appear to be rooted in the validity of the reason for designation/heritage merit."

5.0 Analysis

5.1 Background

In October 2022, the Provincial government introduced Bill 23, the "More Homes Built Faster Act, 2022" ("Bill 23"), which included amendments to the Ontario Heritage Act. These Bill 23 amendments to the Ontario Heritage Act came into effect on January 1, 2023.

One of these amendments was to limit the duration a property may remain a "listed, non-designated property" on the City's Register of Properties of Cultural Heritage Value or Interest (the "Register") to two (2) years. Under this new legislative requirement, any property currently on the Register as a "listed, non-designated property" must either be designated under Part IV of the Ontario Heritage Act by December 31, 2024, or be removed from the Register entirely.

Further, in the event a property is removed from the Register, the Bill 23 amendments mandate that the property may not be re-introduced into the Register for a further five (5) years, during which time the property would have no protection under the Ontario Heritage Act from demolition or alteration.

The Subject Property is currently identified as a listed, non-designated property on the City's Register and is subject to the aforementioned statutes.

As noted in Section 1.0 of this Report, on October 30, 2023, Council considered Report ED-23-196 dated October 11, 2023 and adopted a motion to, among other matters, authorize staff to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking various actions. Among these actions was the

preparation and circulation of a Notice of Intention to Designate the Subject Property under the Ontario Heritage Act.

Pursuant to Council's direction, an appropriate Notice of Intention to Designate was prepared and subsequently circulated on November 6, 2023 by Economic and Development Services staff in accordance with the requirements of the Ontario Heritage Act (see Attachment 3).

On November 30, 2023, the City received a notice of objection to the designation of the Subject Property from Overland LLP, on behalf of the Property Owner (see Attachment 4).

The above noted notice of objection was subsequently considered by City Council on January 29, 2024 as Correspondence ED-24-05 and referred back to staff for a report.

5.2 Heritage Research Report

A Heritage Research Report, prepared by a qualified heritage consultant, provides a municipality with the requisite information to inform the contents of a designation by-law and Designation Statement and Description for a property of cultural heritage value or interest.

This required information includes:

- Evidence that the property in question meets two or more of the criteria for designation under the Heritage Act in relation to the following three categories:
 - Design or physical value;
 - Historical/associative value;
 - Contextual value;
- A Statement of Cultural Heritage Interest or Value; and,
- A listing of heritage attributes at a level of detail which identifies individual features of the property in question.

As per Council's direction pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff retained the services of A.R.A. Ltd. for the preparation of a Heritage Research Report for the Subject Property (see Attachment 5).

5.3 Historical Significance of 149 Harmony Road South

On the basis of the cultural heritage value or interest outlined in the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. (see Attachment 5), the former Harmony Public School at 149 Harmony Road South meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 569/22 subsection 1(2), specifically criteria 1, 4, 8, and 9.

Some key findings of the Heritage Research Report for the Subject Property are as follows:

- 149 Harmony Road South has design value as a representative example of an educational building constructed in a refined Beaux-Arts architectural style. The property contains the following heritage attributes that reflect its value:
 - Two-storey Beaux-Arts building;
 - Flat roof;
 - Brick parapet with date stone marker which reads “Harmony Public School, East Whitby NO.1 1924”;
 - Moulded cornice and frieze with dentils;
 - Brick cladding including Flemish and Running bond with brick quoining;
 - Symmetrical façade;
 - Centered frontispiece with portico exhibiting Classical influences including fluted wood columns with “Corinthian” style capitals, entablature supporting a gabled pediment decorated with dentils and recessed rectangular doorway with arched transom and smooth stone detailing; and,
 - Rectangular window openings with flat arch with four over four and eight over eight windows.
- 149 Harmony Road South is directly associated with the Farewell family and their influence on the role of education in the village of Harmony.
- 149 Harmony Road South has associative value as the primary educational institution which has served the needs of the Harmony community for 161 years.
- 149 Harmony Road South is historically linked to its surroundings as one of the last vestiges of the Village of Harmony, which has largely disappeared into the City of Oshawa.

5.4 Heritage Designation Process

The Ontario Heritage Act provides the framework for the identification, conservation and protection of cultural heritage resources, and empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest in order to protect the property’s cultural heritage value.

The designation of the Subject Property is governed by Part IV, Section 29 of the Ontario Heritage Act for individual property designation.

Attachment 6 illustrates the process to designate a property under Section 29 (Part IV) of the Ontario Heritage Act.

Where a Council chooses to initiate the process to designate a property under Section 29 (Part IV) of the Ontario Heritage Act, they are required to issue a notice of intention to designate, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. If the owner of the property in question does not support designation of their property, they have the opportunity to serve notice of objection on the clerk of a municipality within 30 days after the date the notice of intention to designate was circulated.

5.4.1 Notice of Objection

As previously noted, on November 30, 2023, a notice of objection was submitted by Overland LLP on behalf of the Property Owner, pursuant to Part IV, Section 29 of the Ontario Heritage Act (see Attachment 4).

Pursuant to the requirements of the Ontario Heritage Act, Council must consider the notice of objection and make a decision on whether or not to withdraw the Notice of Intention to Designate within 90 days after the end of the initial 30 day period established to provide the Property Owner the opportunity to serve notice of objection to the designation (i.e. March 5, 2024). If a decision is not made within the 90 day timeframe, the Notice of Intention to Designate is automatically deemed to be withdrawn.

5.4.2 Potential Notice of Appeal

Should Council wish to proceed with the designation of the Subject Property by selecting Option 1 outlined in Section 5.9.1 of this Report, a designation by-law must also be passed within 90 days after the expiry of the period the Property Owner has to file a notice of objection to the proposed designation. Given that this 90 day period ends on March 5, 2024, the designation by-law would need to be passed by Council at its meeting of February 26, 2024. Accordingly, an appropriate by-law has been prepared for adoption by Council in the event Option 1 is selected.

As described in Part IV, Section 29 of the Ontario Heritage Act, any individual may appeal the designation by-law to the Ontario Land Tribunal within thirty (30) days after the notice of by-law passing is issued. In the event of an appeal and referral to the Ontario Land Tribunal, the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the hearing.

5.5 Property Standards By-law 1-2002 and Heritage Properties

The City's Property Standards By-law 1-2002, as amended, ("Property Standards By-law") prescribes minimum standards for the maintenance and occupancy of buildings, structures, and surrounding lands. It is intended to:

- Address the City's strategic goal of "Social Equity: Ensure an inclusive, healthy and safe community";

- Provide a mechanism to maintain properties and buildings to a minimum standard;
- Provide tools to maintain and enhance the character/image of the City;
- Sustain property values;
- Preserve the tax base; and,
- Protect the safety and the quality of life of residents and businesses.

On October 26, 2020, City Council considered Report CORP-20-29 and adopted the following recommendation:

“That Council approve a by-law to amend Property Standards By-law 1-2002, as amended, in a final form and content acceptable to Legal Services and the Commissioner of Corporate Services to establish standards specific to heritage properties.”

By-law 90-2020, passed by Council on October 26, 2020, further amended the Property Standards By-law 1-2002 to provide for the protection of properties with cultural heritage value or interest. The Property Standards By-law 1-2002 can be found at the following link: <https://www.oshawa.ca/en/Document-Feeds/General-By-Laws/PropertyStandardsBylaw1-2002.pdf>.

Under the amended By-law, standards are now provided for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated.

Currently, the Subject Property is not subject to the new standards as a listed, non-designated property. It would be if it were designated.

5.6 Heritage Property Tax Reduction Program

On March 21, 2011, Council adopted a Heritage Property Tax Reduction Program which provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City. The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property taxes. At this time, the Region of Durham does not participate in the program and therefore there is currently no reduction of the Region’s portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following criteria:

- a) Be located in the City;
- b) Be designated under Part IV or Part V of the Ontario Heritage Act;
- c) Be subject to a Heritage Easement Agreement with the City; and,
- d) Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

- a) The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and,
- b) The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.

In 2023, the total City and education portions of the property taxes for 149 Harmony Road South was \$21,867.93. If the entirety of 149 Harmony Road South was granted the 40% reduction to the City and education portions of the property taxes, it would result in a reduction of approximately \$4,745.64 in the amount of property taxes paid annually to the City and School Boards by the property owner.

However, this value is anticipated to be lower in consideration that only the former school building and its immediate surroundings are considered to be part of the heritage attributes to be protected under the Ontario Heritage Act. Therefore, only the former school building and the immediate surrounding area would be eligible to receive the rebate, and not the entire property at 149 Harmony Road South. In the event that the property owner applies for the Heritage Property Tax Reduction Program, staff will work with the property owner and the Municipal Property Assessment Corporation in order to determine the eligible rebate value. The 40% reduction will only apply to the former school building and immediate surrounding area that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

5.7 Proposed Development

On October 19, 2023, Economic and Development Services staff received a Stage 1 Pre-Consultation application for the Subject Property.

As described in the Property Owner's notice of objection to the proposed designation, the submission includes a 14-block townhouse development containing approximately 73 residential units. Staff note that two (2) of these townhouse blocks are actually semi-detached buildings, each containing two (2) semi-detached dwelling units. The submission also proposes the full demolition of the former Harmony Road School in order to establish an access point from Harmony Road South opposite Hoskin Avenue.

5.8 Property Owner's Reasons for Objection

In their notice of objection, Overland LLP on behalf of the Property Owner, advised that on October 19, 2023 they submitted a pre-consultation request to the City's Planning Services Branch to discuss impending applications for a zoning by-law amendment, a plan of subdivision, a plan of condominium and site plan approval for the redevelopment of the Subject Property. The development proposal features twelve (12) block townhouse buildings containing a total of 69 townhouse units as well as two (2) semi-detached buildings containing a total of four (4) semi-detached units, all on a private road.

To accommodate the proposed development, the former Harmony Public School building would be demolished.

The following subsections summarize the Property Owner's reasons for their objection to the City's intention to designate the Subject Property under Part IV of the Ontario Heritage Act, together with a staff response.

5.8.1 Site Access

Reason for Objection:

The Property Owner expressed concern that the designation of the Subject Property will restrict the opportunities for site access to the property due to the former Harmony Public School's location on the site. They feel this would impact their ability to achieve the form and scale of redevelopment they envision for the Subject Property.

It was also noted in the notice of objection that site access issues were considered by Heritage Oshawa in 2015 in response to a development proposal that was presented to the advisory committee. In the presentation given by Rodger Miller, on behalf of a prospective purchaser of the Subject Property, it was stated that the Region of Durham advised that a road/driveway access to the Subject Property that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow, and that relocating the former Harmony Public School for adaptive reuse was determined not to be economically viable by their client, Brookfield Homes.

Staff Response:

Following the submission of the Property Owner's Stage 1 Pre-Consultation application on October 19, 2023, Economic and Development Services staff circulated the proposal to various departments and agencies for their review and comment. One of the parties circulated on the submission was the Regional Works Department at the Region of Durham.

In their response to City staff received on November 29, 2023, Regional Works staff indicated that "In order to avoid operational conflicts with Hoskin Avenue, the proposed access for this site is to be located at the south end of the property."

Therefore, according to the Region of Durham, the preferred access point to the Subject Property from Harmony Road South is now at the south end of the property as opposed to directly opposite Hoskin Avenue. In light of this new information, City staff believe the location of the former Harmony Public School as it currently exists would not preclude the Property Owner from securing a new driveway access to the Subject Property from Harmony Road South in the future.

5.8.2 Previous Designation Attempts

Reason for Objection:

It was argued that the Subject Property should not be designated given that there were two previous opportunities, in September 2015 and September 2019, for Council to designate the Subject Property, and on each occasion a recommendation to designate the Subject Property was not adopted by Council.

Staff Response:

On June 25, 2015, an informal proposal to demolish the former school building and redevelop the site at 149 Harmony Road South was presented to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. It is City staff's understanding that at the time, Brookfield Homes was not the property owner. Rather, they were a prospective purchaser of the Subject Property.

Heritage Oshawa passed the following motion in response to the presentation:

“That Heritage Oshawa seek clarification regarding the alignment of the new road into the proposed development with Hoskin Avenue or if it can be accommodated in the existing driveway north of the school building; and,

That Brookfield Homes seek additional information on adaptive reuse of 149 Harmony Road South; and,

That in the event that the building must be demolished, that Brookfield Homes identify options to commemorate the building.”

On August 27, 2015, a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised by Rodger Miller that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development.

On September 28, 2015, Council considered Report HTG-15-70 being further information concerning a development proposal by Brookfield Homes for 149 Harmony Road South, and endorsed the following motion:

“Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,

Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,

Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;

Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.”

It is worth noting that neither a formal development application nor a building permit to demolish was submitted by Brookfield Homes for the Subject Property, nor did they end up purchasing the Subject Property.

In 2018, Heritage Oshawa's work plan included investigating the heritage designation of the Subject Property given that it was declared surplus and listed for sale by the Durham District School Board and that a heritage research report had already been prepared. On September 27, 2018, Heritage Oshawa recommended that the Subject Property be designated under Part IV of the Ontario Heritage Act (HTG-18-61). The Development Services Committee referred Heritage Oshawa's recommendation in this regard to staff for a report.

On September 23, 2019, Council considered Report DS-19-139 dated September 4, 2019 and adopted the following recommendation:

“That pursuant to Report DS-19-139 dated September 4, 2019, the property known as 149 Harmony Road South be included on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a listed, non-designated property.”

By including the property on the City's Register as a listed, non-designated property, the City placed certain protections on the former Harmony Public School as prescribed under Part IV, Section 27 of the Ontario Heritage Act. Under the aforementioned Section of the Ontario Heritage Act, the property owner of a listed, non-designated property may not demolish the building or structure unless Council is first given at least sixty (60) days' notice of the owner's intention to demolish. This notification is meant to give Council time to designate the structure if they so choose.

Staff note that neither of the two (2) previous recommendations adopted by Council in 2015 and 2019 concerning the Subject Property precludes Council from directing staff to designate the Subject Property at a later date. In fact, Council's decision in 2019 to list the Subject Property on the Register as a “listed, non-designated property” was purposeful and an appropriate use of Section 27 of the Ontario Heritage Act. Having properties listed is an important first step in ensuring the preservation of cultural heritage attributes, especially where redevelopment of a property is anticipated at some future point in time. It also allows for further evaluation of the Subject Property by a Property Owner to investigate opportunities for restoration and/or adaptive reuse of the building.

In October 2022, the Provincial government introduced Bill 23, which included amendments to the Ontario Heritage Act. These Bill 23 amendments to the Ontario Heritage Act came into effect on January 1, 2023.

One of these amendments was to limit the duration a property may remain a “listed, non-designated property” on the City's Register to two (2) years. Under this new legislative requirement, any property currently on the Register as a “listed, non-designated property”, must either be designated under Part IV of the Ontario Heritage Act by December 31, 2024, or be removed from the Register entirely.

Further, in the event a property is removed from the Register, the Bill 23 amendments mandate that the property may not be re-introduced into the Register for a further five (5) years, during which time the property would have no protection under the Ontario Heritage Act from demolition or alteration.

The Subject Property is currently identified as a listed, non-designated property on the City's Register and is subject to the aforementioned conditions.

City staff are of the opinion that the Bill 23 amendments to the Ontario Heritage Act, specifically the timeline associated with the removal of listed, non-designated properties from the City's Register, warranted Council's recent motion to advance designation of the Subject Property in a timely manner.

5.8.3 Maintenance Concerns

Reason for Objection:

The Property Owner expressed concern that the designation of the Subject Property will trigger financial implications in connection with, but not limited to, municipal property tax considerations and maintenance costs.

Staff Response:

In the event the Subject Property is designated under Part IV of the Ontario Heritage Act, the property would be subject to Section 9 of the Property Standards By-law 1-2002. The aforementioned Section provides standards for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated without Council's consent. This is consistent with the requirements of the Ontario Heritage Act with respect to processing requests to alter or demolish cultural heritage attributes designated under Part IV of the Ontario Heritage Act.

Staff note that heritage designation of a building under the Ontario Heritage Act does not directly impose expenses beyond those expected of any property owner maintaining a property of a similar age. Older buildings typically require more upkeep and repairs as a result of the age of the structure – this is equally true for older buildings that are not designated under Section 29, Part IV of the Ontario Heritage Act. The Property Owner's concerns related to financial implications appear not to be based on perceived increased levels of maintenance as a result of heritage designation, but rather on costs associated with maintaining the existing building at all, given the Property Owner's intention to demolish the building and redevelop the Subject Property with new block townhouses and semi-detached dwellings.

Staff note that if the Subject Property is designated under Part IV of the Ontario Heritage Act, and the eligibility criteria for the City's Heritage Property Tax Reduction Program are satisfied, the Property Owner may qualify for a reduction of 40% of the property taxes paid annually to the City and School Boards, for those lands associated with the former school building and the immediate surrounding area. In the event that the Subject Property is designated and the Property Owner applies for the Heritage Property Tax Reduction Program, staff will work with the Property Owner and the Municipal Property Assessment

Corporation in order to determine the eligible rebate value. The 40% reduction will only apply to the former school building and immediate surrounding area that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

City staff note that the Heritage Property Tax Reduction Program provides a useful financial opportunity to owners of designated heritage properties to offset potential above-average expenses to maintain aging structures and heritage attributes.

5.8.4 Coordination with Proposed Development

Reason for Objection:

The Property Owner has indicated that they are preparing planning and development applications for the redevelopment of the Subject Property. They also state that the treatment of the former Harmony Public School building will be addressed in the context of the intended redevelopment through consultation with City staff. The Property Owner is concerned that designation of the Subject Property may have the effect of sterilizing the property in light of the site access issue should the former Harmony Public School building be required to remain in situ.

Overland LLP further notes that proceeding with designation of the Subject Property without resolution of the site access issue raised by the Property Owner will necessitate their client's appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Subject Property.

Staff Response:

Staff note that the Property Owner's development proposal shows a full demolition of the existing former Harmony Road School building in order to accommodate a new condominium development featuring 69 block townhouse units and four (4) semi-detached dwelling units on a private road. There is no alternative proposed treatment of the former Harmony Public School building by the Property Owner at this time.

As previously noted, Regional Works staff have reviewed the Stage 1 Pre-Consultation application submitted by the Property Owner to the City on October 19, 2023. City staff have been advised that in order to avoid operational conflicts with Hoskin Avenue, the proposed access for the Subject Property is to be located at the south end of the property. City staff are of the opinion that a project design which retains the former Harmony Public School building in its current location (for adaptive re-use) will not impede the redevelopment of the remainder of the Subject Property.

In the event Council chooses to advance heritage designation under Option 1 as outlined in Section 5.9.1 of this Report, the Ontario Heritage Act provides a legislative process for Property Owners who wish to alter or demolish a designated property. This process allows for a municipality to request additional information, such as a Heritage Impact Assessment and/or plans and elevations, among other documents, to ensure that all reasonable efforts are made to preserve and/or adaptively reuse the cultural heritage attributes associated with the designated property. Through this process a municipality has the opportunity, where deemed appropriate and feasible, to approve alterations that accommodate

redevelopment of a property for more intensive uses while preserving key design elements, if not all design elements, of a designated heritage property.

5.9 Options

5.9.1 Option 1: Proceed with the Designation

Should the Economic and Development Services Committee wish to dismiss the notice of objection and proceed with the designation of 149 Harmony Road South, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council that, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”

Staff note that in the event Council chooses to proceed with designation of the Subject Property as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, an appropriate by-law has been prepared for Council’s adoption at their February 26, 2024 meeting. As discussed in Section 5.4.2 of this Report, the necessity of having Council pass the designation by-law at the February 26, 2024 meeting is as a result of the March 5, 2024 deadline for Council to either withdraw the Notice of Intention to Designate or to proceed with the designation and pass an appropriate by-law for the same. If Council wishes to proceed with the designation of the Subject Property but does not pass the appropriate implementing by-law by the March 5, 2024 deadline, the Notice of Intention to Designate is automatically deemed to be withdrawn.

Upon the by-law passing, staff would issue a notice of the passing of the by-law and any person, including the Property Owner, who objects to the by-law may appeal to the Tribunal within 30 days after the date of publication of the notice.

5.9.2 Option 2: Withdraw Notice of Intention to Designate

Should the Economic and Development Services Committee wish to withdraw the Notice of Intention to Designate and not proceed with the designation of 149 Harmony Road South, the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to Council:

1. That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to not proceed with designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act; and,

2. That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to issue a notice of withdrawal in accordance with Section 29(7) of the Ontario Heritage Act.”

Staff note that in the event Council chooses to withdraw the Notice of Intention to Designate the Subject Property as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, the Subject Property would be removed from the City’s Register and the City may not include the property again in the Register for a period of five (5) years after issuing its notice of withdrawal.

6.0 Financial Implications

In the event Council chooses to proceed with the designation of the Subject Property under Part IV of the Ontario Heritage Act, the associated designation by-law will be subject to a 30 day appeal period. In the event of an appeal and referral to the Ontario Land Tribunal, the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the hearing. These costs would be accommodated through the Corporate Litigation Account.

If the Subject Property is designated under Part IV of the Ontario Heritage Act, and the eligibility criteria for the City’s Heritage Property Tax Reduction Program are satisfied, the Property Owner may qualify for a reduction of 40% of the property taxes paid annually to the City and School Boards.

In 2023, the total City and education portions of the property taxes for 149 Harmony Road South was \$21,867.93. If the entirety of the property were granted the 40% reduction to the City and the education portions of the property taxes, it would result in a reduction of approximately \$4,745.64 in the amount of property taxes paid annually to the City and School Boards by the Property Owner (\$3,773.17 in City taxes and \$972.47 in education taxes).

However, this value is anticipated to be lower in consideration that only the former school building and the immediate surrounding area would be eligible to receive the rebate, and not the Subject Property in its entirety. In the event that the Property Owner applies for the Heritage Property Tax Reduction Program, staff will work with the Property Owner and the Municipal Property Assessment Corporation to determine the eligible rebate value. The 40% reduction will only apply to the portion of 149 Harmony Road South that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

7.0 Relationship to the Oshawa Strategic Plan

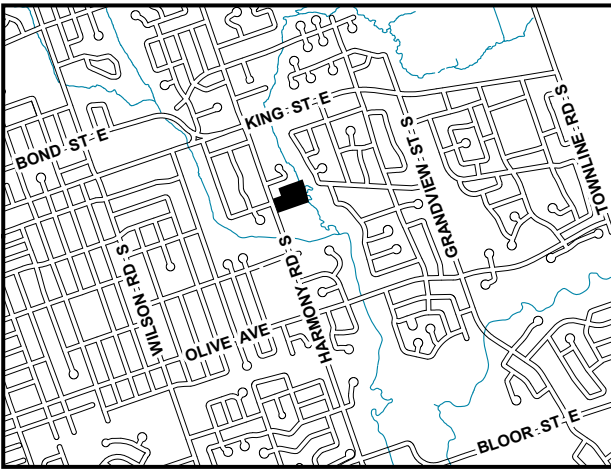
The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department



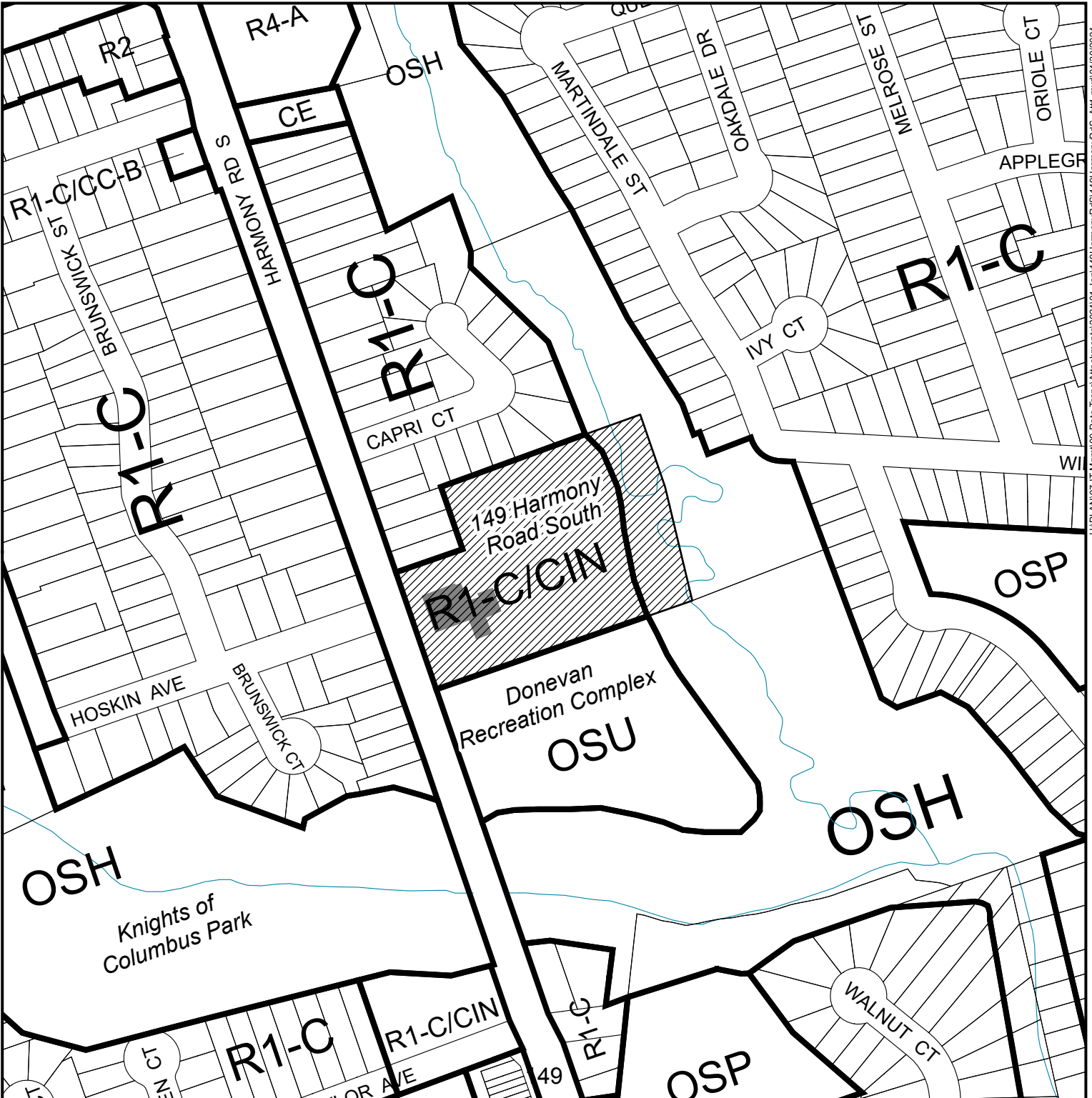
Economic and Development Services

Subject: Update concerning Council's Direction to Designate
149 Harmony Road South under Part IV of the
Ontario Heritage Act

Ward: Ward 3
File: 12-04-0218



Subject Property



H:\PLAN07-IT Mgmt\05-Data Trans\Attachments\2024\01 Jan\149HarmonyRdS149HarmonyRdS_Atl1.mxd\0130\2024


Subject: Update concerning Council's Direction to Designate
149 Harmony Road South under Part IV of the Ontario Heritage Act

Item: ED-24-16
Attachment 2

Ward: Ward 3
File: 12-04-0218



 Subject Property

City of Oshawa
Economic and Development Services 



H:\PLAN07-IT Mgmt\09-Data Trans\Attachments\2024\01 Jan\149HarmonyRdS\149HarmonyRdS_A12.mxd\01/30/2024

Notice of Intention to Designate Property of Cultural Heritage Value or Interest

Take notice that the Council of The Corporation of the City of Oshawa intends to designate the following property of cultural heritage value or interest pursuant to the provisions of Part IV of the Ontario Heritage Act, R.S.O 1990, Chapter O.18:

149 Harmony Road South

(described as PART LOTS 16, 19 SHEET 4B PLAN 357, LOT 18 SHEET 4B PLAN 357, EAST WHITBY)

The property municipally known as 149 Harmony Road South, site of the former Harmony Public School, is located on the east side of Harmony Road South. The property is surrounded by flat topography and features a two-storey, red brick school structure with classical influences, built in 1924.

Statement of Cultural Heritage Value or Interest

149 Harmony Road South has design value as a representative example of an educational building constructed in a refined Beaux-Arts architectural style. The two-storey red brick building with its flat roof, classical portico, rectangular envelope and parapet, is representative of typical Beaux-Arts design applied to public buildings. The subject building exhibits classical decorative elements such as dentils, brick quoin detailing, moulded cornice and frieze, portico with decorative pediment supported by wood columns with Corinthian capitals, and a large double door topped with an arched transom. The overall symmetry across all elevations, and the façade's centered and decorative frontispiece, are all additional features associated with the style.

149 Harmony Road South is directly associated with the Farewell family and their influence on the role of education in the village of Harmony. The Farewells were United Empire Loyalists and were one of the earliest settler families in the area, arriving in 1801. The Farewell family founded the Village of Harmony which was initially known as "Farewell Corners". Many members of the Farewell family, including the patriarch and Village of Harmony founder A.M. Farewell, are buried in the Farewell Memorial Cemetery located ½ km north along Harmony Road South. Abraham Farewell, son of the family's patriarch A.M. Farewell, served as one of the first teachers at the Harmony community school built in 1812 and the extant building at 149 Harmony Road South sits on land donated by A.M. Farewell to the village for a school in 1851.

149 Harmony Road South has associative value as the primary educational institution which has served the needs of the Harmony community for 161 years.

149 Harmony Road South is historically linked to its surroundings as one of last vestiges of the Village of Harmony, which has largely disappeared into the City of Oshawa.

149 Harmony Road South's relatively large size and prominent location along Harmony Road South, coupled with its classical architectural influence and enduring use as an educational institution for over 160 years, is memorable and easily discernible for the public and is considered a landmark.

On the basis of the cultural heritage value or interest outlined above, the property at 149 Harmony Road South meets the criteria for designation under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, in accordance with Ontario Regulation 569/22 subsection 1(2), specifically criteria 1, 4, 8, and 9.

Heritage Attributes

The following list of heritage attributes reflects the values described in the Statement of Cultural Heritage Value or Interest:

- Two-storey Beaux-Arts building;
- Flat roof;
- Brick parapet with date stone marker which reads “Harmony Public School, East Whitby NO.1 1924”;
- Moulded cornice and frieze with dentils;
- Brick cladding including Flemish and Running bond with brick quoining;
- Symmetrical façade;
- Centered frontispiece with portico exhibiting Classical influences including fluted wood columns with “Corinthian” style capitals, entablature supporting a gabled pediment decorated with dentils and recessed rectangular doorway with arched transom and smooth stone detailing;
- Rectangular window openings with flat arch with four over four and eight over eight windows;
- Location within the City of Oshawa, formerly the village of Harmony; and,
- Orientation, setback, and visibility from Harmony Street South.

The full particulars for the subject property, including heritage attributes to be protected, are available for inspection in Planning Services, 8th Floor, City Hall, 50 Centre Street South, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. If you would like to obtain further details, please contact Harrison Whilsmith, Planner A, at (905) 436-3311 ex. 2697 or by email at hwhilsmith@oshawa.ca.

Any person may, on or before the 6th day of December, 2023, send by registered mail or deliver to the City Clerk, Notice of Objection to the proposed designation, together with a statement of their reasons for the objection and all relevant facts. If a Notice of Objection is received, the Council of the City of Oshawa will consider the objection on or before the 5th day of March, 2024.

Dated this 6th day of November, 2023.

Mary Medeiros, City Clerk
50 Centre Street South
Oshawa, ON L1H 3Z7

Christopher J. Tanzola
Partner
Direct 416-730-0645
Cell 416-428-7493
ctanzola@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca

REC'D CITY CLERK SVCS
23 NOV 30 PM 4:35



November 30, 2023

VIA ELECTRONIC SUBMISSION AND COURIER

Mary Medeiros, City Clerk
City Clerk Services
City of Oshawa
5th Floor, Rundle Tower, City Hall
50 Centre Street South
Oshawa, ON L1H 3Z7

Dear Ms. Medeiros:

**RE: 149 Harmony Road South, Oshawa
Notice of Intention to Designate, issued by the City of Oshawa on November 6, 2023
*** NOTICE OF OBJECTION *** pursuant to s. 29(5) of the *Ontario Heritage Act***

We are the lawyers for Colony Real Estate Development Ltd. ("Colony"), the owner of the property municipally known as 149 Harmony Road South (the "Property") in the City of Oshawa (the "City").

We are in receipt of the City's Notice of Intention to Designate the Property under Part IV, section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 (the "OHA"), issued on November 6, 2023 (the "Notice of Intention"). On behalf of Colony, we hereby object to the Notice of Intention pursuant to section 29(5) of the OHA and request that City Council withdraw the Notice of Intention.

Prior to the issuance of the Notice of Intention, the proposed designation and Staff's recommendation to begin the designation process for the Property were considered by City Council at its meeting on October 30, 2023. On October 26, 2023, we submitted a letter to City Council advising of Colony's concerns with the proposed designation of the Property. A copy of our letter to City Council is enclosed as **Appendix A**.

Our reasons for the objection are set out below and include those set out in our letter of October 26, 2023. The City has previously considered these objections and determined that the Property should not be designated. We are asking City Council to be consistent in its assessment of the heritage merits of the Property weighed against its future use and conclude that the Property not be designated.

THE PROPERTY & PROPOSED DEVELOPMENT

The Property is approximately 4.92 acres (1.99 hectares) in size and is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The

Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the “Region”) and is currently occupied by the former Harmony Public School. The former Harmony Public School is located along this frontage and directly opposite Hoskin Avenue. Access from the Regional road opposite Hoskin Avenue presents a real and significant limitation on the redevelopment of the Property, as has previously been considered and acknowledged by City Council. The Property is currently listed on the City’s Register of Properties of Cultural Heritage Value or Interest.

On October 19, 2023, Colony submitted a pre-consultation request to the City’s Planning Department to discuss impending applications for a zoning by-law amendment, a plan of subdivision, a plan of condominium and site plan approval for the redevelopment of the Property. The development proposal would see the Property intensified with a 14-block townhouse development containing approximately 73 residential units (the “Proposed Development”). As noted, the Proposed Development takes access from Harmony Road South in the location permitted by the Region and is, therefore, in conflict with the existing school building.

REASONS FOR THE OBJECTION

Previous Designation Attempts & Site Access Issue

As detailed in our letter, the Property had been the subject of two previous recommendations for designations in September 2015 and September 2019, respectively. On each occasion, a recommendation to designate the Property was not adopted by City Council.

As noted above and in our previous letter, Colony is concerned that the designation will restrict the already limited opportunities for site access to the Property due to the former Harmony Public School’s location and will impact its ability to achieve the form and scale of redevelopment envisioned by the Proposed Development. Colony has consistently raised this concern with City Staff, the Economic and Development Services Committee (the “Committee”) and City Council since it acquired the Property in 2016.

In fact, the site access issue was specifically considered by Heritage Oshawa in 2015 in response to a proposal to redevelop the Property, as documented in the Public Report to the Committee titled *Proposed Designation Pursuant to Ontario Heritage Act: 149 Harmony Road South (Former Harmony Public School) (DS-19-139)* dated September 4, 2019 (the “2019 Staff Report”). A copy of the 2019 Staff Report is enclosed as **Appendix B**.

The 2019 Staff Report states the following on page 5:

On August 27, 2015 a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school

building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development. Heritage Oshawa passed the following motion (HTG-15-70) in response to the presentation:

"Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,

Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,

Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;

Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent." [Empasis added.]

As further noted by Councillor Kerr at the meeting of the Committee on October 16, 2023 and the meeting of City Council on October 30, 2023, the site access issue had also formed part of the justification for not proceeding with the designation of the Property in 2019.

We note that neither the Notice of Intention nor the supporting *Evaluation of Cultural Heritage Value or Interest Report* prepared by Archeological Research Associates Ltd. and dated September 19, 2023 provide new reasons in support of designation that would not have previously been before City Council.

Coordination with Proposed Development

As noted above, Colony is preparing planning and development applications for the redevelopment of the Property. As the application process moves forward, the treatment of the former Harmony Public School will be addressed in the context of the intended redevelopment through consultation with City Staff. The designation of the Property may have the effect of sterilizing the Property in light of the site access issue should the former Harmony Public School be required to remain in situ.

Proceeding with the designation of the Property without the resolution of the site access issue raised by our client will necessitate our client's appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Property.

Maintenance Concerns

We note that the City's website regarding designated properties states that "*Owners are not expected to incur expenses beyond those of any other property owner.*"¹ Our client is concerned that the proposed designation will trigger financial implications in connection with, but not limited to, municipal property tax considerations and maintenance costs if the Property is designated.

We would appreciate confirmation from the City as to the limitation of such financial implications in accordance with the City's website.

Please send notice of any decision in respect of this matter and all required notices under the OHA to both Colony, as the owner of the Property, and to Overland LLP, the undersigned and Justine Reyes (jreyes@overlandllp.ca). Our contact information is set out herein.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

¹ <https://www.oshawa.ca/en/parks-recreation-and-culture/designated-properties.aspx>

APPENDIX A

Letter from Overland LLP dated October 26, 2023

Christopher J. Tanzola
Partner
Direct 416-730-0645
Cell 416-428-7493
ctanzola@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca



October 26, 2023

VIA ELECTRONIC SUBMISSION

Mayor Dan Carter and Members of City Council
City of Oshawa
50 Centre Street South
Oshawa, ON L1H 3Z7

Your Worship and Members of City Council:

**RE: Item ED-23-196 – Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest (Wards 3 and 4)
149 Harmony Road South**

We are the lawyers for Colony Real Estate Development Ltd. ("Colony"), the owner of the property municipally known as 149 Harmony Road South (the "Property") in the City of Oshawa (the "City").

Colony acquired the Property from the Durham District School Board in April 2016, and is in the process of preparing applications for a zoning by-law amendment and site plan approval to redevelop the property with residential uses (the "Applications"). The development proposal would see the Property intensified with a townhouse form of development. There have been preliminary discussions with City Staff regarding the development proposal and a pre-consultation meeting request and concept site plan were submitted to the City's Planning Department on October 19, 2023.

The Property is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the "Region") and is currently occupied by the former Harmony Public School.

Due to the location of the Property on the regional road network, the intersection with Hoskin Avenue, and the current location of the Harmony Public School building, a heritage designation that requires the school building to remain in-situ would seriously impact the ability to achieve an appropriate form and scale of revitalization for the Property.

Our client does not support the designation of the Property under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (the "OHA"). Consequently, we are asking Council not to proceed with the designation process for this Property at this time.

STAFF REPORT

We have reviewed the report *ED-23-196 - Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest* (the "**Staff Report**") dated October 11, 2023 and the related *Evaluation of Cultural Heritage Value or Interest Report* prepared by Archaeological Research Associates Ltd. (ARA) on September 19, 2023 (the "**CHVI Report**") in respect of the Property and the former Harmony Public School.

In our view, the cultural heritage value attributed to the Property through the CHVI Report does not seem to be tied primarily to the physical attributes of the former Harmony Public School, but rather its associative value as a historical educational institute. For example, the CHVI Report notes the following:

- *149 Harmony Road South is a well-built structure but does not display a high degree of craftsmanship or artistic value. The materials and ornamentation designs are typical of Beaux-Arts public buildings.*
- *149 Harmony Road South is historically linked to its surroundings as one of last vestiges of Village of Harmony, which has largely disappeared into the City of Oshawa.*
- *149 Harmony Road South does not clearly yield or have the potential to yield information that contributes to the understanding of a community or culture.*
- *Although 149 Harmony Road South served the surrounding community, the influence of the school property on the character of the surrounding area has not been demonstrated.*
- *149 Harmony Road South does not reflect the ideas of an architect, builder, designer, or theorist. Research did not reveal a notable builder or architect of the building. Research also did not find that that the design of the school generates new or key ideas in the field of architecture.*

THIRD ATTEMPT AT DESIGNATION – PREVIOUS EFFORTS FAILED

We understand that the Property had been the subject of two previous recommendations for designation in September 2015 and in September 2019, respectively, on the basis of its cultural heritage value or interest. On both occasions, City Council refused to approve the designation, with the latter resulting in the Property being listed on the City's Register of Properties of Cultural Heritage Value or Interest (the "**Heritage Register**").

Substantively, neither the CHVI Report nor the Staff Report provide persuasive new reasons in support of the designation of the former Harmony Public School that would not have been taken into account on these previous occasions. In fact, the Staff Report is clear that this third attempt at designation is being done merely as a procedural reaction to a change in the legislative framework.

As addressed below, and in any event, the existing listing on the Heritage Register does afford the Property a measure of protection until December 31, 2024 without any further action by Council at this time.

Despite Council's previous decisions not to designate the Property, on October 16, 2023, the Economic and Development Services Committee adopted Staff's recommendation to initiate the process of designating the Property under Part IV of the OHA. As a result, Colony finds itself once more having to oppose the designation in order to maintain the ability to move forward with its development intentions.

SITE ACCESS ISSUE

Colony is concerned that the potential designation of the Property will restrict site access and will in turn severely limit the planned redevelopment of the Property.

As noted above, the Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region. The former Harmony Public School is located along this frontage and directly opposite Hoskin Avenue. As identified in the letter from D.G. Biddle & Associates Limited, our client's planning consultant, dated September 29, 2023 (attached as **Appendix A**), opportunities for access to the property are limited and could conflict with full retention of the former Harmony Public School on the property due to its location opposite to Hoskin Avenue. We note that this concern was also raised with the Economic and Development Services Committee in 2019 when the prior recommendation for designation of the Property was brought forward by Staff. This was specifically noted by Councillor Kerr at the October 16, 2023 meeting of the Economic and Development Services Committee – i.e., the site access issue had been raised previously and formed part of the justification for not proceeding with the designation of the Property in 2019.

ALTERNATIVES TO DESIGNATION

As noted above (and in the Staff Report), in accordance with the changes to the OHA made through the *More Homes Built Faster Act, 2022*, the City has at least until **December 31, 2024** to make a decision as to whether the Property should be designated if no applications for the Property are submitted. If the Applications are made before December 31, 2024, then because the Property is already listed on the Heritage Register, the City can consider the heritage status in response to the Applications in accordance with timelines set out in the OHA.

Given that the Applications are expected to be submitted to the City for review in short order, proceeding with the designation of the Property without the benefit of the context of the intended redevelopment, could have the effect of sterilizing the Property to development by virtue of the identified site access issue. A recommendation to designate the Property despite this access issue will necessitate our client's formal objection and probable appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Property.

Instead the City could defer this matter to a later date in 2024 and revisit the issue of designation once the Applications have been submitted.¹

For these reasons, our client requests that City Council not adopt the recommendation to initiate the designation process, or in the alternative, defer this item until the submission of the impending Applications and that staff be given direction to continue discussions with our client through the planning process for the Property. A deferral will allow for further consultation between Staff and our client's consultants with respect to the treatment of the former Harmony Public School building and a consistent assessment of the Property with all the relevant supporting documentation.

Please send notice of any decision in respect of this matter and all required notices under the OHA to both Colony as the owner of the Property and to the undersigned and Justine Reyes (jreyes@overlandllp.ca).

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

¹ If for some reason the Applications are not forthcoming, the City would still have over a year to address this matter.

APPENDIX "A"

Letter from D.G. Biddle & Associates Limited, dated September 29, 2023



D. G. Biddle & Associates Limited

consulting engineers and planners

96 KING ST. E., OSHAWA, ONTARIO L1H 1B6 PHONE (905) 576-8500 FAX (905) 576-9730
e-mail: info@dgbiddle.com

September 29, 2023

Planning Department
City of Oshawa
50 Centre Street South
Oshawa ON L1H 3Z7

Attention: Connor Leherbauer

**RE: 149 Harmony Road South, Harmony Public School Building
Heritage Research Report
Our File: 115175**

Dear Mr. Leherbauer:

D.G. Biddle and Associates Limited has been retained by the owner, Colony Real Estate Development Inc., to provide professional land use planning consulting services in support of development applications for the property at 149 Harmony Road South in the City of Oshawa, the Harmony Road Public School.

We are in receipt of Evaluation of 149 Harmony Road South - Harmony Public School report prepared by Archaeological Research Associates Ltd. for the City of Oshawa (September 19, 2023).

On September 9, 2019, the Oshawa Heritage Committee brought forward a proposal to the Development Services Committee to designate 149 Harmony Road South as a heritage property. The Development Services Committee recommended to Council that the property not be designated, but instead to list the property on the City of Oshawa's Register of Properties of Cultural Heritage Value or Interest. The recommendation to not designate was approved by City Council on September 23, 2019.

The owner purchased the property from the Durham District School Board with the intent to redevelop the property under the permissions of the Region of Durham and City of Oshawa Official Plans.

Harmony Road South and the properties fronting onto Harmony are designated as **Regional Corridor** in the Region of Durham Official Plan, with an underlying **Living Areas** land use designation. The Regional Corridor designation is intended to allow for higher density residential, commercial, and mixed-use development with

minimum residential density requirements of 60 units per hectare. The Living Areas land use designation does not specify a minimum or maximum density permission, but instead defers to the local official plan.

The City of Oshawa Official Plan designates the property for **Residential** land uses. Location criteria found in Table 2 of the Oshawa Official Plan would generally allow for **Medium Density I Residential** land use and density permissions due to its location on an arterial road and at the periphery of a residential neighbourhood. The Medium Density I Residential land use designation permits densities of 30 to 60 units per hectare.

Harmony Road South is a Regional Road under the jurisdiction of the Region of Durham. The Region's intersection spacing protocol will require any new driveway into the property to line up opposite Hoskin Avenue. Site access is restricted along Harmony Road South due to the site's limited frontage and proximity to Hoskin Avenue. No other site access location is feasible due to restrictions of turning movements into and out of the site and due to potential conflicting turning movements on Harmony. A site access opposite Hoskin Avenue is the only feasible option.

Unfortunately, the Harmony Road Public School is located at the intersection of Harmony Road with Hoskin Avenue. The location of the existing building does not permit feasible site access in line with the Region's site access protocol.

As such, the designation of the Harmony Road Public School would severely limit access to the site, which in turn will severely limit any future development potential of the site. For this reason, the owner is opposed to the designation of the Harmony Road Public School under the Ontario Heritage Act.

Yours Truly,
D.G. BIDDLE & ASSOCIATES LIMITED

Ashlee Prescott

Ashlee Prescott
Junior Planner

Cc. Monica Chen, Colony Real Estate Development Inc. (via email)

APPENDIX B

Public Report from City Staff dated September 4, 2019

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-19-139

Date of Report: September 4, 2019

Date of Meeting: September 9, 2019

Subject: Proposed Designation Pursuant to Ontario Heritage Act:
149 Harmony Road South (Former Harmony Public School)

File: B-8600-0353

1.0 Purpose

The purpose of this report is to seek Council's direction on whether or not to designate the property located at 149 Harmony Road South (former Harmony Public School) as a property of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*.

On September 27, 2018, Heritage Oshawa recommended that the property located at 149 Harmony Road South be designated under the *Ontario Heritage Act*.

On January 14, 2019, Development Services Committee referred the recommendation from Heritage Oshawa to staff for a report.

Attachment 1 shows the location of 149 Harmony Road South as well as the existing zoning in the area.

Attachment 2 is an air photo showing the footprint of the former school building at 149 Harmony Road South.

Attachment 3 is a copy of the September 2012 Heritage Research Report prepared by Melissa Cole, a local heritage consultant, for 149 Harmony Road South.

Attachment 4 is a copy of Report DS-14-74 dated April 9, 2014 regarding an offer from the Durham District School Board (D.D.S.B.) to sell 149 Harmony Road South to the City.

Attachment 5 is correspondence dated May 27, 2019 from Monica Chen, representing Colony Real Estate Development Ltd., the owner of 149 Harmony Road South, indicating that the owner does not support the designation of their property under Part IV of the *Ontario Heritage Act*.

Attachment 6 is correspondence dated May 29, 2019 from Michael J. Fry of D.G. Biddle & Associates Ltd., on behalf of Colony Real Estate Development Ltd., outlining the reasons the owner does not support the designation of 149 Harmony Road South.

Attachment 7 is a Cultural Heritage Evaluation & Options Analysis relating to 149 Harmony Road South dated May 30, 2019, prepared by Golder Associates Ltd. for Colony Real Estate Development Ltd.

Attachment 8 is a copy of email correspondence dated August 13, 2019 from Michael J. Fry of D. G. Biddle & Associates Ltd., on behalf of Colony Real Estate Development Ltd., confirming that the property owner does not support the designation of 149 Harmony Road South, including any part of the former school building, notwithstanding the recommendations contained in the Cultural Heritage Evaluation & Options Analysis dated May 30, 2019 prepared by Golder Associates Ltd. for the owner (see Attachment 7).

2.0 Recommendation

That the Development Services Committee select an appropriate option as set out in Section 5.9 of Report DS-19-139 dated September 4, 2019.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- Commissioner, Finance Services
- City Solicitor
- Heritage Oshawa
- Owner of 149 Harmony Road South (Colony Real Estate Development Ltd.)

5.0 Analysis

5.1 Heritage Oshawa Inventory of City of Oshawa Heritage Properties

The Heritage Oshawa Inventory of City of Oshawa Heritage Properties (the Inventory) identifies properties of cultural heritage value or interest within the City of Oshawa. The Inventory includes all properties on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as well as properties identified as 'Class A' or 'Class B'.

Class A properties are properties that have been evaluated by Heritage Oshawa and determined to have the highest potential for designation.

Class B properties are properties that have been evaluated by Heritage Oshawa and determined to have good potential for designation.

149 Harmony Road South (see Attachments 1 and 2) is identified in the Inventory as a Class A property.

5.2 The City of Oshawa Register of Properties of Cultural Heritage Value or Interest

The City of Oshawa Register of Properties of Cultural Heritage Value or Interest (the Register) is the list of properties from the Inventory that have been formally recognized by Council, pursuant to Section 27 of the *Ontario Heritage Act*, as being properties within the City of Oshawa having cultural heritage value or interest.

The Register includes "designated" and "listed, non-designated" properties.

A property is automatically added to the Register as a designated property once it is designated in accordance with the process established in the *Ontario Heritage Act*.

A property is added to the Register as a listed, non-designated property by resolution of Council.

149 Harmony Road South is currently not on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.

5.3 Background

5.3.1 Heritage Research Report

On June 28, 2012 Heritage Oshawa passed the following resolution:

"That Heritage Oshawa recommend to the Development Services Committee:

Whereas Harmony Public School and Ritson Public School are closing and are to be decommissioned at the end of June 2012; and,

Whereas it is anticipated that the Durham District School Board will be considering the future of these school buildings; and,

Whereas Harmony Public School is a Class A and Ritson Public School is a Class B on the Heritage Oshawa Inventory of Heritage Properties;

Whereas Heritage Oshawa recognizes the cultural heritage importance of both of these schools;

Therefore be it resolved:

1. That Council initiate discussion with the Durham District School Board regarding future uses for Harmony Public School and Ritson Public School; and,
2. That Heritage Oshawa be consulted in the planning process for any future adaptive reuse.

3. That a research report should be prepared for both buildings in the near future.”

Heritage Oshawa subsequently engaged Melissa Cole, a qualified heritage consultant, to prepare a heritage research report for 149 Harmony Road South. Ms. Cole’s heritage research report dated September 2012 forms Attachment 3 to this report.

The September 2012 heritage research report for 149 Harmony Road South provides evidence that the property meets one or more of the criteria for designation under the *Ontario Heritage Act* (Ontario Regulation 9/06) under the following three categories:

1. Design or physical value
2. Historical or associative value
3. Contextual value

5.3.2 Heritage Oshawa Follow-up to Research Report

Subsequent to its receipt of the heritage research report, Heritage Oshawa did not recommend designation of the school under the *Ontario Heritage Act*. Rather, on November 22, 2012, it passed a resolution to receive the heritage research report for information and to monitor future activities related to the subject school property.

Accordingly, when a letter dated February 5, 2014 from the D.D.S.B. was received by the City offering to sell 149 Harmony Road South as a surplus school site, City staff advised Heritage Oshawa in this regard.

On February 24, 2014 the Development Services Committee referred to staff for a report the letter from the D.D.S.B. offering to sell the Harmony Public School site located at 149 Harmony Road South (see Attachments 1 and 2) to the City.

On March 11, 2014 Heritage Oshawa recommended that Council consider purchasing the school site for re-purposing as an Arts, Culture and Heritage Education Centre.

On April 7, 2014 Council referred to staff Heritage Oshawa’s recommendation that the school site be considered for acquisition and re-purposing as an Arts, Culture and Heritage Education Centre.

On April 28, 2014 Council considered Report DS-14-74 (see Attachment 4) regarding the offer from the D.D.S.B. and passed the following motion:

“That, pursuant to Report DS-14-74 dated April 9, 2014, the Durham District School Board be advised that the City does not wish to acquire the Harmony Road Public School site at 149 Harmony Road South.”

On June 25, 2015 a proposal to demolish the former school building and redevelop the site at 149 Harmony Road South was presented to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa passed the following motion in response to the presentation:

"That Heritage Oshawa seek clarification regarding the alignment of the new road into the proposed development with Hoskin Avenue or if it can be accommodated in the existing driveway north of the school building; and,

That Brookfield Homes seek additional information on adaptive reuse of 149 Harmony Road South; and,

That in the event that the building must be demolished, that Brookfield Homes identify options to commemorate the building."

On August 27, 2015 a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development. Heritage Oshawa passed the following motion (HTG-15-70) in response to the presentation:

"Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,

Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,

Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;

Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent."

On September 14, 2015 the Development Services Committee endorsed the recommendation of Heritage Oshawa (DS-15-177).

On September 28, 2015 City Council adopted the recommendation of the Development Services Committee as contained in DS-15-177.

The D.D.S.B. subsequently sold 149 Harmony Road South to Colony Real Estate Development Ltd. (the current owner) on April 11, 2016.

5.3.3 Heritage Oshawa Recommendation to Designate

Given that both the former Harmony Public School at 149 Harmony Road South and the former Ritson Public School at 300 Ritson Road South were declared surplus by the D.D.S.B. and that heritage research reports for both properties had previously been

prepared, Heritage Oshawa determined as part of its 2018 work plan to seek heritage designation for both former school sites. With respect to 149 Harmony Road South, on September 27, 2018 Heritage Oshawa recommended the following to Development Services Committee (HTG-18-61):

“Whereas Heritage Oshawa has a research report on Harmony Public School at 149 Harmony Road South which is a Class A property in the Heritage Oshawa Inventory and recommended designation; and,

Whereas Harmony Public School was built in 1924, the year of incorporation for the City of Oshawa; and,

Whereas Harmony Public School has architectural value as a rare example of a schoolhouse of Classic Revival style with an elaborate Greek Doric portico entrance, an embodiment of a philosophy of natural light, spaciousness and good ventilation introduced in the late 1800s when small wooden schoolhouses were replaced with those such as the Harmony Public School; and,

Whereas Harmony Public School has associative value as public schools have stood on the site for over 150 years, the current building was constructed at a time when the population was expanding, increasing demand for schooling; and,

Whereas Harmony Public School has associative value with the Farewell family, one of the first to settle in the Village of Harmony in 1804; and,

Whereas Harmony Public School has contextual value as a landmark in the City of Oshawa, near the Farewell Cemetery; and,

Whereas the benefits of designating this property include promoting knowledge and understanding of Oshawa’s cultural heritage, recognizing highly visible resources, recognizing the community’s identity, and inspiring pride in Oshawa’s citizens because the City has been built with care, thought, and hard work over the past 100 years; and,

Whereas the responsibilities of the owners of designated properties do not extend to upkeep or expenses beyond those of any property owner;

Therefore be it resolved that the building and site at Harmony Public School be designated as a property of cultural heritage significance under the *Ontario Heritage Act*.”

On January 14, 2019 the Development Services Committee referred HTG-18-61 to staff for a report.

5.4 Historical Significance of 149 Harmony Road South

The heritage research report dated September 2012 (see Attachment 3) generally summarizes the cultural heritage value or interest of 149 Harmony Road South as follows:

1. The school building located at 149 Harmony Road South has design and physical value because the building is an example of a school that was built in the 1920s representative of the Classic Revival architectural style.
2. This property has associative value because:
 - Harmony Public School has direct association with the Farewell family. The land on which the school sits was donated by Akeus Farewell. The Farewells were one of the first families to settle in the Village of Harmony. They came to the area in circa 1804.
 - Harmony Public School is historically linked to the City of Oshawa as it is representative of the Village of Harmony that now lies within the City of Oshawa. That is where the name of the school originates.
3. This property has contextual value because Harmony Public School is a landmark in the City of Oshawa; approximately 0.5 km to the north is located Farewell Cemetery which represents another landmark in a community that was once known as the Village of Harmony.

After analyzing the history of, and heritage attributed to, the subject property, the heritage research report concludes that the subject property meets several of the criteria outlined in Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest, and merits designation under the *Ontario Heritage Act*.

5.5 The Provincial Policy Statement

The Provincial Policy Statement (P.P.S.) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

Section 2.6 of the P.P.S. addresses Cultural Heritage and Archaeology and in particular states that (among other things):

“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

This Section of the P.P.S. does not currently apply to the properties adjacent to 149 Harmony Road South since it is not a designated property. It would apply if it was designated.

5.6 Heritage Designation Process

The *Ontario Heritage Act* provides a framework for identification, conservation and protection of cultural heritage resources.

The *Ontario Heritage Act* empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest.

A heritage designation under the *Ontario Heritage Act*:

- Recognizes the importance of a property to the local community;
- Protects the property's cultural heritage value;
- Encourages good stewardship and conservation; and
- Promotes knowledge and understanding about the property.

The designation of 149 Harmony Road South would be governed by Part IV of the *Ontario Heritage Act* for individual property designation.

The *Ontario Heritage Act* requires that a municipal council must consult with its municipal heritage committee, where one exists, before considering a designation.

The *Ontario Heritage Act* specifies that a Notice of Intention to Designate a property be served on the owner and the Ontario Heritage Trust as well as being published in a newspaper having general circulation in the municipality. Based on City policy any Notice of Intention to Designate would be published in both the Oshawa This Week and Oshawa Express newspapers.

A Notice of Intention to Designate a property must include:

1. The Description of Property so that it can be readily identified;
2. The Statement of Cultural Heritage Value or Interest, which identifies the property's heritage significance;
3. The Description of Heritage Attributes outlining the particular features that should be protected for the future; and
4. A statement that any notice of objection to the designation must be filed with the municipality within 30 days after the date of publication of the newspaper notice.

If no objections are filed with the municipality within 30 days after the date of publication of notice in the newspaper, the council can proceed to pass a by-law designating the property.

If an objection to a designation is filed with the municipality within the 30 day period, Council must refer the objection to the Conservation Review Board (Review Board) for a hearing. The Review Board will then hold a hearing and make recommendations to Council. Council is not bound to follow the recommendations of the Review Board but must consider the Review Board's report. Council then decides whether to pass a designating by-law or withdraw its intention to designate.

All properties that are designated by Council are automatically listed on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.

It should be noted that while the heritage designation process as described above currently applies, changes to this process have been approved under Bill 108 and will come into effect on a day to be named by proclamation of the Lieutenant Governor.

5.7 Register Designated Versus Register Non-designated

5.7.1 Non-designated Properties Listed on the Register

149 Harmony Road South is currently identified on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties as a Class A property. A Class A property has no standing, or special protection, under the *Ontario Heritage Act*.

Pursuant to Section 27 of the *Ontario Heritage Act*, Council may choose to elevate the status of a Class A property by adding it to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a “listed, non-designated” property. This can be done through a resolution of Council, subject to consultation with Heritage Oshawa.

There is no legislated appeal process for the addition by Council of a listed, non-designated property to the City’s Register. However, under changes to the *Ontario Heritage Act* introduced through Bill 108, an owner of a Class A property that has been added to the Register will have the ability, as of a date to be named by proclamation of the Lieutenant Governor, to request that Council re-consider its decision to add the subject property to the City’s Register.

A listed, non-designated property is protected under the *Ontario Heritage Act* to the extent that a municipality can withhold a demolition permit for up to 60 days after receiving an application from the property owner to demolish or remove the building or structure. This 60 day period enables municipal councils, if they so choose, to designate the property by by-law as a property of cultural heritage value or interest, and thereby seek to prevent demolition.

There are no legislated obligations regarding proposed alterations to a listed, non-designated property. However, the City’s standard practice is for Heritage Oshawa to review and comment on alteration proposals for listed, non-designated properties.

5.7.2 Designated Properties Listed on the Register

A designated property is given protection under the *Ontario Heritage Act* from alteration and demolition. The owner of a designated property must apply to Council for approval of demolition or any alteration that may impact heritage attributes established in the designation by-law, and receive consent in writing from Council. Council must first consult with its municipal heritage committee (Heritage Oshawa) prior to deciding on the proposed alteration or demolition. The *Ontario Heritage Act* further details the process for requests for approval of alteration or demolition and the associated appeal process.

5.7.3 Effect on Process to Alter or Demolish

Only the property owner can object to Council’s decision regarding an application to alter or demolish a designated structure. In the case of an application for alteration, the owner

has 30 days from the issuance of the Notice of Decision to Refuse, to object to Council's decision. This objection is then referred to the Conservation Review Board (C.R.B.). The C.R.B. holds a hearing and reports to Council on the matter. Council considers the C.R.B. report and makes a final decision on the request for alteration. If Council refuses to consent to the application for alteration, then the property cannot be altered.

In the case of a designated property, if the owner applies to Council to demolish a designated structure, the owner has 30 days to appeal Council's decision to the Local Planning Appeal Tribunal (L.P.A.T.). The L.P.A.T. deals with the matter and makes a final decision.

Where demolition of a property identified on the City's Register as a listed, non-designated property is proposed, the owner is required to give Council at least 60 days' notice in writing of the owner's intention to demolish the building. This notification is typically given through submission of an actual demolition permit application. There is no decision/appeal/objection process associated with this requirement.

It is important to note that while the processes described above regarding applications to alter or demolish structures or buildings identified in the City's Register currently apply, changes to these processes have been approved under Bill 108 and will come into effect on a day to be named by proclamation of the Lieutenant Governor.

5.8 Heritage Property Tax Reduction Program

On March 21, 2011 Council adopted a Heritage Property Tax Reduction Program. This program provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City.

The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property taxes. At this time, the Region of Durham does not participate in the program and therefore the reduction does not apply to the Region's portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following eligibility criteria:

1. Be located in the City;
2. Be designated under Part IV or Part V of the *Ontario Heritage Act*;
3. Be subject to a Heritage Easement Agreement with the City; and
4. Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

1. The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and
2. The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.

In 2018, 40% of the City and school board portion of the taxes for 149 Harmony Road South amounted to approximately \$4,828 (the total 2018 City and school board portion of the taxes are \$12,069). The foregoing values do not include Regional taxes given that the Region of Durham does not participate in the City's Heritage Property Tax Reduction Program.

5.9 Options

The September 2012 heritage research report for 149 Harmony Road South (see Attachment 3) establishes the reasons for designation pursuant to the *Ontario Heritage Act*. Notwithstanding Heritage Oshawa's November 22, 2012 resolution and on the basis of the research report, on September 27, 2018, Heritage Oshawa recommended that 149 Harmony Road South be designated under Part IV of the *Ontario Heritage Act*.

After notice of Heritage Oshawa's motion to designate 149 Harmony Road South was issued to the property owner (Colony Real Estate Development Ltd.), correspondence dated May 27, 2019 was received by staff from Monica Chen representing Colony Real Estate Development Ltd. (see Attachment 5). Additional correspondence dated May 29, 2019 from Michael J. Fry of D. G. Biddle & Associates Ltd. on behalf of Colony Real Estate Development Ltd., was subsequently received by staff (see Attachment 6).

Through this correspondence staff were informed that the owner does not support the designation of 149 Harmony Road South on the basis that it would restrict the future development potential of the property and does not take into account the intent of the infill and intensification policies of the Regional Official Plan and the City of Oshawa Official Plan.

Staff subsequently received a Cultural Heritage Evaluation & Options Analysis dated May 30, 2019, prepared by Golder Associates Ltd. (Golder) for the property owner (see Attachment 7). Golder concluded that the school building can be partially demolished (i.e. the north single-storey wing and the later 1957 addition, which is not identified as a heritage attribute) and compatibly incorporated into the proposed development without substantially losing its integrity, cultural heritage significance, or importance to the local community.

While demolishing the north wing and the 1957 addition and reconstituting the structure as a two-storey hall with a single-storey south wing would enable development and safe vehicle access, and retain the building for community use, it would result in an asymmetrical structure and present an "unbalanced" street facing façade.

To guide these structural changes and adaptive re-use of the building, Golder recommends conducting a heritage conservation plan for the rehabilitation of the building in a new configuration and use.

To confirm the position of the property owner in view of Golder's recommendation, staff contacted Michael J. Fry of D. G. Biddle & Associates Ltd. (the owner's consultant). Email correspondence dated August 13, 2019 was received from the same confirming that the property owner does not support designation of the property including any part of the former school building, notwithstanding Golder's recommendation (see Attachment 8).

Staff notes that Golder's conclusion that the school building could be partially retained while allowing access to the site that is aligned with Hoskin Avenue is relevant with regard to resolution DS-15-177 endorsed by Council on September 28, 2015, referenced in Section 5.3.2. The presentation to Heritage Oshawa in June and August 2015 by Urban Terra on behalf of Brookfield Homes did not provide any option for development of the site which did not involve the full demolition of the school building. Golder's option involving the partial demolition of the school building, and the retention of the two-storey hall and single-storey south wing, was not presented to Heritage Oshawa at that time. Heritage Oshawa has not commented on Golder's analysis as the current property owner is opposed to designation of any part of the building, including the two-storey hall and single-storey south wing.

Given the contrasting positions of Heritage Oshawa and the property owner, three options are available to the Development Services Committee on a go forward basis to deal with this matter.

5.9.1 Option 1: Status Quo

Should the Development Services Committee wish to maintain the status quo and have 149 Harmony Road South remain as a "Class A" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

1. That, pursuant to Report DS-19-139 dated September 4, 2019, 149 Harmony Road South not be designated under the *Ontario Heritage Act* but rather remain as a "Class A" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties."
2. That Council affirm its position, as identified in resolution DS-15-177 and adopted on September 28, 2015, that in the event a development is approved at 149 Harmony Road South involving the demolition of the former Harmony Public School, the development plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.

5.9.2 Option 2: Designate

Should the Development Services Committee wish to designate 149 Harmony Road South as a property of cultural heritage value or interest, in which case it would be added as a designated property to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

That, pursuant to Report DS-19-139 dated September 4, 2019, Development Services staff be authorized to undertake the process established in the *Ontario Heritage Act* to designate the property located at 149 Harmony Road South as a property of cultural heritage value or interest under the *Ontario Heritage Act* by undertaking the following:

- (a) Prepare a Notice of Intention to Designate the property located at 149 Harmony Road South under the *Ontario Heritage Act*;
- (b) Publish the Notice in the Oshawa This Week and Oshawa Express newspapers;
- (c) Forward the Notice to the Ontario Heritage Trust and the owner in accordance with the *Ontario Heritage Act*; and
- (d) Prepare the necessary by-law and Designation Statement and Description, with input from Heritage Oshawa, for subsequent consideration by Council."

5.9.3 Option 3: Add to the City's Register as a Listed, Non-designated Property

Should the Development Services Committee wish Council to formally recognize 149 Harmony Road South as a property having cultural value or interest pursuant to Section 27 of the *Ontario Heritage Act*, in which case it would become a "listed, non-designated" property on the City's Register, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

That, pursuant to Report DS-19-139 dated September 4, 2019, the property known as 149 Harmony Road South be included on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a listed, non-designated property.

6.0 Financial Implications

The costs associated with the designation of a property under the *Ontario Heritage Act* are related to notice requirements, which can be accommodated within the Department's budget.

In the event of any objection to the Notice of Intention to Designate and referral to the Conservation Review Board (or to the Local Planning Appeal Tribunal, once changes to the *Ontario Heritage Act* establishing the Local Planning Appeal Tribunal as the appeal body come into effect on a day to be named by proclamation of the Lieutenant Governor), the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the associated hearing. These costs can be accommodated within the Departmental budget.

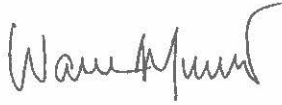
If 149 Harmony Road South is designated under the *Ontario Heritage Act* and the eligibility criteria for the City's Heritage Property Tax Reduction Program are satisfied, the property owner would be eligible for a reduction of 40% of the taxes paid annually to the City and school boards.

Finance Services has advised that 40% of the City and school board portion of the taxes for 149 Harmony Road South in 2018 amounts to approximately \$4,828 (the total 2018 City and school board portion of the taxes is \$12,069).

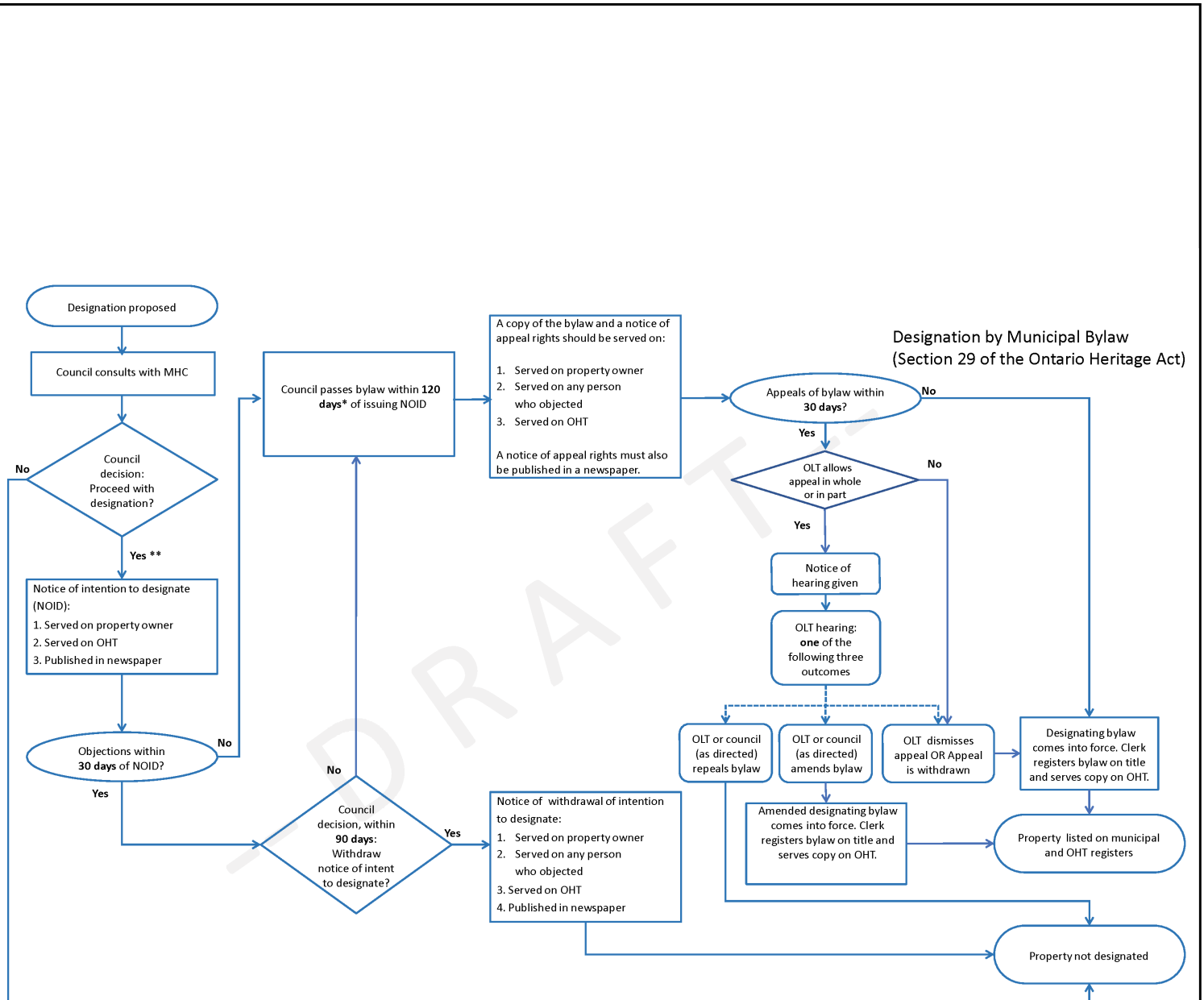
If 149 Harmony Road South is redeveloped as an infill development, the new development may accrue property taxes.

7.0 Relationship to the Oshawa Strategic Plan

The information in this report addresses the Cultural Vitality goal of the Oshawa Strategic Plan.



Warren Munro, HBA, RPP, Commissioner,
Development Services Department



*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.
** Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-19

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue

Ward: Ward 1

File: OPA-2022-06, Z-2022-07

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised applications submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited (the “Applicant”) to amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, as amended, to permit four (4) single detached dwellings and a six (6) storey, 46 unit rental apartment building on lands generally located at the southeast corner of Ritson Road North and Luple Avenue (the “Subject Site”).

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of Schedule ‘A’, Samac Land Use and Street Plan, from the Secondary Plan for the Samac Community.

Attachment 3 is a copy of the original proposed site plan submitted by the Applicant and considered at the September 11, 2023 public meeting.

Attachment 4 is a copy of the revised proposed site plan submitted by the Applicant incorporating revisions to address certain public and technical comments.

On September 11, 2023, a public meeting was held concerning the subject development applications. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the subject applications and prepare a subsequent report and recommendation back to the Economic

and Development Services Committee. The minutes of the September 11, 2023 public meeting form Attachment 5 to this Report.

Subsequent to the September 11, 2023 public meeting, the Applicant revised the subject development proposal. The key differences between the original proposal considered at the public meeting (see Attachment 3) and the revised proposal (see Attachment 4) are as follows:

1. The Applicant has revised the proposed Amendment to the Samac Secondary Plan to redesignate the open space lands on the Subject Site from Medium Density I Residential to Open Space and Recreation;
2. The number of parking spaces for the apartment building has been reduced from 63 to 62. The proposed parking rate is now 1.33 spaces per unit (1 space per unit for residents and 0.33 spaces per unit for visitors), which still complies with the minimum parking requirement of Zoning By-law 60-94, as amended, for rental apartment buildings;
3. The Applicant has shifted the proposed sidewalk on the south side of Luple Avenue onto the Subject Site rather than within the public road allowance, at the request of the City; and,
4. The site design has been revised to relocate the two (2) proposed electric vehicle parking spaces and associated charging equipment off of the hydro easement lands.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend the Secondary Plan for the Samac Community (File: OPA-2022-06) to permit an increased residential density of approximately 102 units per hectare (41 units/ac.) on lands generally located at the southeast corner of Ritson Road North and Luple Avenue and to redesignate that portion of the same lands associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation be approved, generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report ED-24-19 dated January 31, 2024, the revised application submitted by D.G. Biddle and Associates Limited on behalf of 1494339 Ontario Limited to amend Zoning By-law 60-94 (File: Z-2022-07), to rezone lands generally located at the southeast corner of Ritson Road North and Luple Avenue from FD (Future Development) to an appropriate R6-C (Residential) zone to permit a six (6) storey, 46 unit apartment building, and to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings, and OSH (Hazard Lands Open Space) for that portion of the lands associated with the tributary of the Oshawa Creek, be approved, generally in accordance with the comments contained in said Report, and the

necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.

3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-157 dated September 6, 2023 presented at the public meeting of September 11, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends the approval of the revised applications to amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, as amended, to permit the development of four (4) single detached dwellings and a six (6) storey, 46 unit apartment building on lands generally located at the southeast corner of Ritson Road North and Luple Avenue.

The proposed development is appropriate given the Subject Site's location along a Type 'B' Arterial Road with access to transit, parks and nearby amenities, and can be designed to be compatible with adjacent land uses.

The proposed development conforms to the Provincial Growth Plan, is consistent with the Provincial Policy Statement, conforms to the Durham Regional Official Plan, is within the City's Built Boundary and represents good planning. The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the subject revised applications. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the site plan approval and building permit processes, if the revised applications are approved.

4.2 Public Comments

The minutes of the September 11, 2023 public meeting concerning the subject application form Attachment 5 to this Report. Three members of the public provided oral comments at the public meeting. Several letters were also received from the public with respect to the subject applications containing comments and expressing objections to the applications.

Key concerns raised by the public at the public meeting and in the written correspondence are set out below together with a staff response.

4.2.1 Traffic Impacts

Comment:

Comments were received concerning the impact of the proposed development on vehicular traffic in the area, as well as the adequacy of the study methods used to prepare the Traffic Impact Study (“T.I.S.”) submitted in support of the applications.

Staff Response:

The Subject Site will have driveway access on Luple Avenue only, with no driveways on Ritson Road North.

Ritson Road North is designated as a Type “B” Arterial Road on Schedule ‘B’, Road Network, of the Oshawa Official Plan. Luple Avenue is a local road.

Type “B” Arterial Roads are intended to carry moderate volumes of traffic, including moderate volumes of truck traffic. Ritson Road North is under the jurisdiction of the Region of Durham. Local roads are intended to collect light volumes of traffic moving between points of origin and the collector road system.

The Applicant hired GHD, a professional consulting company with transportation engineering expertise, to prepare a T.I.S. which was submitted in support of the revised applications. The analysis found that the proposed development is expected to generate a total of 17 two-way trips during the weekday morning peak hour traffic period, consisting of 4 inbound trips and 13 outbound trips and 18 two-way trips during the weekday afternoon peak hour traffic period, consisting of 11 inbound trips and 7 outbound trips. The analysis also concluded that traffic generated by the proposed development will have a negligible impact on the study area road network with no improvements required at intersections in the study area under the future 2030 total traffic scenario.

Professional engineering staff at both the City and the Region of Durham reviewed the T.I.S. and have no objection to the methodology or the conclusions.

In response to the comments shared at the September 11, 2023 public meeting with respect to traffic infiltration through the neighbourhood to destinations to the east, the City’s Community and Operations Services department is investigating the possibility of installing a stop sign at an intersection on Luple Avenue east of the development.

4.2.2 Parking

Comment:

Concerns were expressed regarding the potential for increased street parking as a result of the proposed development.

Staff Response:

Zoning By-law 60-94, as amended, requires one (1) parking space per unit for residents and 0.33 parking spaces per unit for visitors for rental apartment buildings. The proposed

site design for the apartment building includes 62 parking spaces (47 spaces for residents and 15 for visitors) which complies with the minimum parking requirements. A minimum of 2 parking spaces per unit are required for each of the single detached dwellings.

4.2.3 Ritson Road North Sidewalk

Comment:

Comments were made regarding the lack of sidewalks on the east side of Ritson Road North.

Staff Response:

Ritson Road North is a Regional Road under the jurisdiction of the Region of Durham. This segment of Ritson Road North is forecast to be reconstructed in 2028 subject to Regional Council budget approval, and a sidewalk is intended to be constructed at that time. If the subject applications are approved, the proposed apartment building would likely start construction in 2025 and take approximately two years to complete, with subsequent occupancy by residents. It is anticipated that the Region will begin reconstruction of Ritson Road North with new sidewalks shortly thereafter.

The proposed road widening to be conveyed to the Region from the Subject Site provides sufficient space for the inclusion of a future 1.8 metre (5.9 ft.) wide sidewalk along the east side of Ritson Road North.

4.2.4 Height, Density and Privacy

Comment:

Comments were made regarding the appropriateness of the height and density of the proposed development, and potential impacts on privacy on neighbouring residential development.

Staff Response:

The applications feature a six storey (18.5m) apartment building generally located at the southeast corner of the intersection of Ritson Road North and Luple Avenue and four (4) single detached dwellings fronting Luple Avenue abutting the existing residential neighbourhood.

Ritson Road North is classified as a Type “B” Arterial Road. The policies of the Provincial Growth Plan, Durham Regional Official Plan and City of Oshawa Official Plan encourage appropriate residential intensification along arterial roads. The proposed density of the apartment building is appropriate given its frontage on Ritson Road North at the periphery of the neighbourhood, close to transit. The proposed height of the building is comparable to other developments that have recently been approved or completed in similar contexts, such as the new apartment building at 976 Simcoe Street North completed in 2023. The proposed apartment building will be located at the far west section of the Subject Site. It will be approximately 50 metres (164 ft.) from the nearest home on the north side of Luple

Avenue and 75 metres (246 ft.) from the nearest existing homes on the south side of Luple Avenue and Northfield Avenue.

The proposed single detached dwellings fronting Luple Avenue provide a transition across the Subject Site between the apartment building and the neighbouring low rise residential neighbourhood to the east.

4.2.5 School Capacities

Comment:

Comments were made regarding the ability of nearby schools to accommodate children from the proposed development.

Staff Response:

The Durham District School Board and Durham Catholic District School Board were each circulated the subject applications. Neither has expressed any objections to the approval of the applications.

4.2.6 Concerns About Hydro One Transmission Infrastructure

Comment:

Concerns were expressed regarding the impact of hydro transmission infrastructure on the health and safety of the future residents of the proposed apartment building.

Staff Response:

The Applicant proposes driveway access, parking and landscaping within the hydro easement lands that bisect the Subject Site. The Applicant owns these lands and Hydro One Networks Inc. ("H.O.N.I.") has an easement that bisects the Subject Site.

Secondary uses such as roads, parking and landscaping are allowed within H.O.N.I.'s transmission corridors provided compatibility with the safety and maintenance requirements of the transmission equipment can be demonstrated. H.O.N.I. has completed a technical review of the proposed development and entered into a construction agreement with the Applicant. As a result of the technical review, the proposed electric vehicle charging stations were relocated to a location outside the transmission easement.

H.O.N.I. did not identify the proximity of the proposed apartment building to the transmission easement as a concern in the comments provided to the City.

4.2.7 Loss of Natural Environment and Green Space

Comment:

Comments were made concerning the loss of the natural environment and existing green space on the Subject Site as a result of the proposed development.

Staff Response:

If the subject applications are approved, an area representing approximately 50% of the Subject Site [0.577 hectares (1.43 ac.)] will be conveyed to the City for natural heritage conservation and stewardship. Additionally, these lands will be rezoned from FD (Future Development) to OSH (Hazard Land Open Space) in Zoning By-law 60-94, as amended, and redesignated from Medium Density I Residential to Open Space and Recreation on Schedule 'A', Samac Land Use and Street Plan, in the Secondary Plan for the Samac Community.

A chainlink fence is required along the future property line between the open space lands being conveyed to the City and the developable portion of the Subject Site.

The proposed single detached dwellings and apartment building and associated parking areas will not encroach on the creek, flood limits, erosion limits or forest drip line setbacks. Restoration planting will be required within the open space lands.

The proposed development will include an oil and grit separator (O.G.S.) and an underground storm water storage chamber. These devices will capture sediment, hydrocarbons and oil in the Subject Site's stormwater and prevent them from entering the creek. The use of an O.G.S. is a modern common practice in infill developments.

The Central Lake Ontario Conservation Authority (C.L.O.C.A.) has reviewed the revised subject applications and has no objection.

4.2.8 Increased Risk of Fire and Flooding for Adjacent Properties

Comment:

Concerns were raised regarding an increased risk of fire, flooding and other hazards resulting from the proposed development.

Staff Response:

In support of the subject applications, the Applicant has submitted variety of plans and reports including, but not limited to, a geotechnical report, a stormwater management report, and grading, servicing and erosion control plans, in order to demonstrate that there will be no negative impacts on neighbouring properties during and after construction. Engineering Services, Fire Services and C.L.O.C.A. staff have review this material and have no objections to the subject applications.

The proposed apartment building development will use an underground stormwater storage chamber sized to hold sufficient stormwater such that the rate of release of stormwater to the creek from the apartment building site will be slower than the rate at which stormwater flows currently.

4.2.9 Construction Impacts

Comment:

A comment was made concerning the impact that the development would have on the neighbourhood while the construction is underway.

Staff Response:

The redevelopment of any site typically results in temporary noise during construction. Through the site alteration permit process and the City’s Noise By-law and Dust and Mud Control By-law, the City has controls for noise, dust, mud, site drainage and hours of construction. The Applicant has submitted an erosion and sediment control plan which demonstrates measures to prevent sediment from flowing to neighbouring properties or the creek during construction and features a mud mat to minimize mud tracking onto the adjacent roads.

5.0 Analysis

5.1 Background

The Subject Site is generally located at the southeast corner of Ritson Road North and Luple Avenue (see Attachment 1).

The following is background information concerning the subject revised applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential in part and Open Space and Recreation in part	No change
Samac Secondary Plan Designation	Schedule ‘A’ Samac Land use and Street Plan – Medium Density I Residential Schedule ‘B’ Samac Environmental Management Plan – Natural Heritage System and Hazard Lands	Schedule ‘A’ Samac Land use and Street Plan <ul style="list-style-type: none"> ▪ High Density I Residential in part, with a site specific policy to also allow Medium Density I and Medium Density II ▪ Open Space and Recreation in part Schedule ‘B’ Samac Environmental Management Plan <ul style="list-style-type: none"> ▪ No change
Zoning By-law 60-94	FD (Future Development)	<ul style="list-style-type: none"> ▪ R1-E (Residential) to permit four (4) single detached dwellings ▪ R6-C (Residential) to permit a six (6) storey, 46 unit apartment building with site specific conditions to permit certain performance standards such as, but not

Item	Existing	Requested/Proposed
		necessarily limited to, reduced front, interior and exterior side yard depths, reduced landscaped open space and reduced lot frontage <ul style="list-style-type: none"> ▪ OSH (Hazard Lands Open Space) for the lands associated with the tributary of the Oshawa Creek
Use	Vacant (formerly a single detached dwelling)	<ul style="list-style-type: none"> ▪ 4 single detached dwellings each on their own future lot fronting onto Luple Avenue ▪ 6 storey, 46 unit apartment building

The following land uses are adjacent to the Subject Site:

- **North** Luple Avenue, beyond which are two-storey single detached dwellings and vacant City-owned lands traversed by hydro transmission towers and lines
- **South** Ritson Fields Park
- **East** One- and two-storey single detached dwellings
- **West** Ritson Road North, beyond which is a Region of Durham waste management facility

The following are the proposed revised development details for the Subject Site:

Site Statistics Item	Measurement
Gross Lot Area (inclusive of road widening and open space conveyances)	1.11 ha (2.74 ac.)
Net Lot Area of the Proposed Single Detached Dwelling lots	0.13 ha (0.32 ac.)
Number of Single Detached Dwellings Proposed	4
Lot Frontage of the Proposed Single Detached Dwellings	Lot 1 – 15.27m (50.10 ft.) Lot 2 – 10m (32.81 ft.) Lot 3 – 10m (32.81 ft.) Lot 4 – 10m (32.81 ft.)
Residential Density of the Proposed Single Detached Dwellings	30.78 units per hectare (12.47 u/ac.)
Lot Frontage of the Proposed Apartment Building	Ritson Road North – 19.70m (64.63 ft.) Luple Avenue – 55.80m (183.07 ft.)
Net Lot Area of the Proposed Apartment Building	0.45 ha (1.11 ac.)

Site Statistics Item	Measurement
Number of Proposed Apartment Units	46 units
Residential Density of the Proposed Apartment Building	102.22 units per hectare (41.38 u/ac.)
Height of Proposed Apartment Building	18.50m (60.70 ft.)
Floor Space Index of the Proposed Apartment Building	0.92
Parking Spaces Required for the Proposed Apartment Building	62 (1.0 space per unit for residents plus 0.33 spaces per unit for visitors)
Parking Spaces Proposed for the Proposed Apartment Building	62 (1.0 space per unit for residents plus 0.33 spaces per unit for visitors)

5.2 Oshawa Official Plan

The Subject Site is designated Residential and Open Space and Recreation in the Oshawa Official Plan (“O.O.P.”).

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

The O.O.P. contains policies which establish various density types and provide general locational criteria for such densities. The proposed apartment building would have a net residential density of approximately 102 units per hectare (41 u/ac), which is classified as the High Density I Residential density type. The locational criteria for the High Density I Residential Category have been used to assist in the analysis of the proposal.

Table 2, Residential Density Classification, in the O.O.P. is a guideline that indicates that uses in the High Density I Residential category, which generally permits 85 to 150 units per hectare (34 to 60 u/ac.), are subject to the following locational criteria:

- (a) Generally located at the periphery of neighbourhoods along arterial roads, or within or at the periphery of the Downtown Oshawa Urban Growth Centre, or in proximity to arterial roads within the Main Central Areas, Sub-Central Areas or along Regional Corridors.
- (b) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

The O.O.P. also specifies, in part, that lands designated as Open Space and Recreation within Oshawa’s Major Urban Area shall be predominantly used for recreation, conservation, reforestation, cemeteries, allotment gardens, community gardens, nursery gardening, existing golf courses and campgrounds. These uses shall have regard for the natural environment and be compatible with their surroundings.

Areas of the Subject Site to the west and south, which include a tributary of the Oshawa Creek System, are designated as Natural Heritage System and Hazard Lands in Schedule ‘D-1’, Environmental Management, in the O.O.P.

The Natural Heritage System refers to a connected system of environmental components consisting of key natural heritage features, key hydrologic features, riparian corridors and areas identified for natural cover regeneration/reforestation that will improve connectivity and habitat. It is intended to achieve a linked open space and natural heritage system. When opportunities for public ownership arise, the O.O.P. requires all reasonable efforts be made to support the acquisition and/or conveyance of lands within the Natural Heritage System for natural heritage conservation purposes.

The O.O.P. specifies, in part, that Hazard Lands shall be used primarily for the preservation and conservation of the land and/or the environment. These lands shall be managed in a manner to complement adjacent land uses and protect adjacent lands from physical hazards.

Ritson Road North is designated as a Type "B" Arterial Road in Schedule 'B', Road Network, of the O.O.P. Luple Avenue is a local road.

The subject applications conform to the O.O.P.

5.3 Secondary Plan for the Samac Community

The Subject Site is designated Medium Density I Residential in the Secondary Plan for the Samac Community (see Attachment 2).

The Secondary Plan for the Samac Community specifies, in part, that areas designated as Medium Density I Residential on Schedule 'A', Samac Land Use and Street Plan, shall be predominantly used for residential dwellings. The Medium Density I Residential designation generally includes such uses as single detached dwellings, semi-detached dwellings, duplexes and townhouses at a density of 30 to 60 units per hectare (12 to 24 u/ac.).

The Applicant is proposing to develop a six (6) storey apartment building containing 46 units on part of the Subject Site. The proposed apartment building has a net residential density of approximately 102.22 units per hectare (41.38 units/ac.). Accordingly, an amendment to the Secondary Plan for the Samac Community is required to permit the proposed apartment by changing the designation of that part of the Subject Site proposed to be developed for the apartment building to High Density I Residential designation. The High Density I Residential designation generally includes such uses as low rise and medium rise apartments at a density range of 85 to 150 units per hectare (34 to 60 u/ac.).

An amendment to the Samac Secondary Plan is not required to permit the 4 single detached dwellings.

Areas of the Subject Site to the west and south are designated as Natural Heritage System and Hazard Lands on Schedule 'B', Samac Environmental Management Plan, in the Secondary Plan for the Samac Community.

The Secondary Plan for the Samac Community also specifies, in part, that the City shall endeavor to retain areas designated as Natural Heritage System in Schedule 'B', Samac Environmental Management Plan, in a natural state wherever possible.

The Secondary Plan for the Samac Community specifies, in part, that areas designated as Hazard Lands shall be used primarily for the preservation and conservation of the natural land or the environment, and shall be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards or their effects.

Should the subject applications be approved, the areas of the Subject Site associated with the tributary of the Oshawa Creek will be conveyed to the City for natural heritage conservation purposes. Accordingly, an amendment to the Secondary Plan for the Samac Community is required to redesignate these areas from Medium Density I Residential to Open Space and Recreation on Schedule 'A', Samac Land Use and Street Plan.

A portion of the Subject Site associated with the tributary of the Oshawa Creek is identified as part of a Waste Management Disposal Assessment Area on Schedule 'B', Samac Environmental Management Plan. The Waste Disposal Assessment Areas shown on this schedule have been identified in consultation with the Ministry of the Environment, Conservation and Parks as posing or having the potential to pose an environmental health hazard. The extent and exact location of the Waste Disposal Assessment Areas have been determined in relation to the severity of the existing or potential hazard. The Applicant is not proposing any development within the Waste Management Disposal Area.

This Department has no objection to the approval of the revised application to amend the Secondary Plan for the Samac Community to permit High Density I Residential development on the Subject Site to facilitate the proposed apartment building and to redesignate the area of the Subject Site associated with the tributary of the Oshawa Creek from Medium Density I Residential to Open Space and Recreation.

Section 5.6 of this Report sets out the rationale for this position.

5.4 Zoning By-law 60-94

The Subject Site is currently zoned FD (Future Development) in Zoning By-law 60-94, as amended (see Attachment 1).

The FD Zone is intended to implement Policy 9.3.3 of the O.O.P. This policy states that the City may zone lands to an agricultural or other appropriate zoning category where there is insufficient information to determine specific zoning categories or where the development of the lands is considered to be premature or not in the public interest. It goes on to state that such lands shall be zoned in accordance with the policies of the O.O.P. at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

The FD Zone permits:

- (a) Agricultural uses, but not including new farm dwellings;
- (b) Existing uses, located in existing buildings or structures, provided such uses continue in the same manner and for the same purpose for which they were used on the day this By-law was passed, and new one storey accessory buildings; and,

(c) Outdoor recreational uses without any buildings or structures.

The intent of the FD Zone is to allow existing uses to continue until the property is rezoned to accommodate a different use.

The FD Zone does not permit single detached dwellings or apartment buildings.

The Applicant has submitted a revised application to amend Zoning By-law 60-94, as amended, to permit 4 single detached dwellings and a 6-storey, 46 unit apartment building.

This Department has no objections to the approval of the revised application to amend Zoning By-law 60-94, as amended, for the Subject Site, which would:

- Rezone the northeast portion of the Subject Site to an appropriate R1-E (Residential) Zone to permit four (4) single detached dwellings;
- Rezone the lands associated with the tributary of the Oshawa Creek to OSH (Hazard Lands Open Space); and,
- Rezone the balance of the Subject Site to an appropriate R6-C (Residential) Zone to permit a six (6) storey, 46 unit apartment building with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced front, interior and exterior side yard depths, reduced lot frontage and reduced landscaped open space.

Section 5.6 of this Report sets out the rationale for this position.

5.5 Site Design/Land Use Considerations

The Applicant proposes to develop four (4) single detached dwellings fronting onto Luple Avenue and a six (6) storey apartment building with frontage on Ritson Road North containing 46 units, together with associated residential and visitor parking (see Attachment 4). Driveway access for the proposed apartment building is proposed from Luple Avenue opposite Falconridge Drive.

Each apartment unit will have access to a private balcony or patio. In addition, common indoor amenity areas and a locker room will be provided.

Hydro transmission towers, lines and an associated easement bisect the Subject Site and encumber a 33 metre (108.27 ft.) wide by 120 metre (393.70 ft.) long area (see Attachment 4). The Applicant proposes driveway access, parking and landscaping within the hydro easement lands.

The Applicant has also submitted an application for site plan approval (File: SPA-2022-20) for the proposed development of the apartment building. The Applicant intends on submitting future consent applications to the City to create individual lots for the four (4) proposed single detached dwellings.

The area of the Subject Site traversed by the tributary of the Oshawa Creek (see Attachment 4) is intended to be conveyed to the City from the Applicant. These lands are

not included in the calculations of building setbacks, residential density or landscaped open space. The Applicant proposes to construct a storm water outfall through these lands to discharge storm water to the tributary. An easement in favour of the apartment building lands would be required in this regard.

In support of the proposed site design/development the Applicant has submitted a variety of plans and documents including a site plan, floor plans, elevation plans, landscape plans, a servicing plan, a grading plan, erosion and sediment control plans, a lighting plan, functional servicing and stormwater management reports, a stormwater management operations and maintenance manual, a stormtech/infiltration reservoir monitoring program, dust impact and odour studies, a calcium carbonate memo, a noise study, a planning justification report and a traffic impact study.

Detailed design matters will be reviewed during the further processing of the application for site plan approval (File: SPA-2022-20) to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies if the subject applications are approved.

Some of the specific matters this Department will be reviewing during the further processing of the application for site plan, should the subject applications be approved, include:

- (a) Site/building design matters including driveway access, parking, refuse storage and collection, building architecture, landscaping, lighting, fire access and outdoor amenity area design;
- (b) Noise attenuation;
- (c) Landscaping, fencing and additional tree planting;
- (d) Servicing, grading and stormwater management matters; and,
- (e) Crime Prevention Through Environmental Design matters.

5.6 Basis for Recommendation

This Department has no objection to the approval of the subject revised applications for the following reasons:

- (a) Redeveloping an under-utilized property at this location along an arterial road at the periphery of a neighbourhood is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.
- (b) The proposed development conforms to the Durham Regional Official Plan.
- (c) The proposal will advance development that is within the City's Built Boundary.
- (d) The development can be designed to be compatible with surrounding land uses.

- (e) The development will make efficient use of existing municipal services such as water and sanitary services.
- (f) The proposed development will be designed to comply with the minimum parking requirements of Zoning By-law 60-94, as amended, for apartment buildings and single detached dwellings.
- (g) The proposed development is transit supportive as the Subject Site is close to an existing Durham Region Transit bus route (Route 407).
- (h) The applications will protect the natural heritage features located on the Subject Site and will require the area associated with these features to be conveyed to the City for long-term protection and stewardship.
- (i) Although the Subject Site is entirely designated for Medium Density I Residential uses, approximately 68% of the site is not developable due to the open space/natural heritage lands, hydro easement and road widening. The use of the balance of the Subject Site for an apartment building and single detached dwellings makes efficient use of the developable lands.
- (j) The Region of Durham, C.L.O.C.A., H.O.N.I. and the School Boards have no objection to the approval of the applications.
- (k) The proposed rental apartment building will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (l) The proposed development represents good planning.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

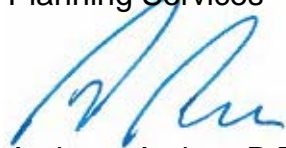
The subject applications were submitted prior to July 1, 2023 and therefore the Applicant will not be eligible for a refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

7.0 Relationship to the Oshawa Strategic Plan

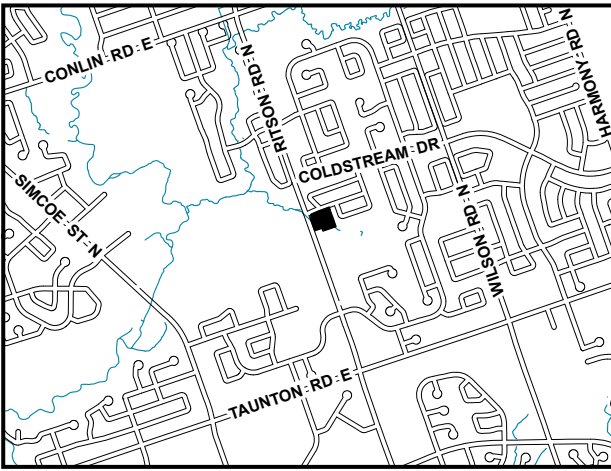
The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship, Social Equity and Environmental Responsibility goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department



**Item: ED-24-19
Attachment 1**

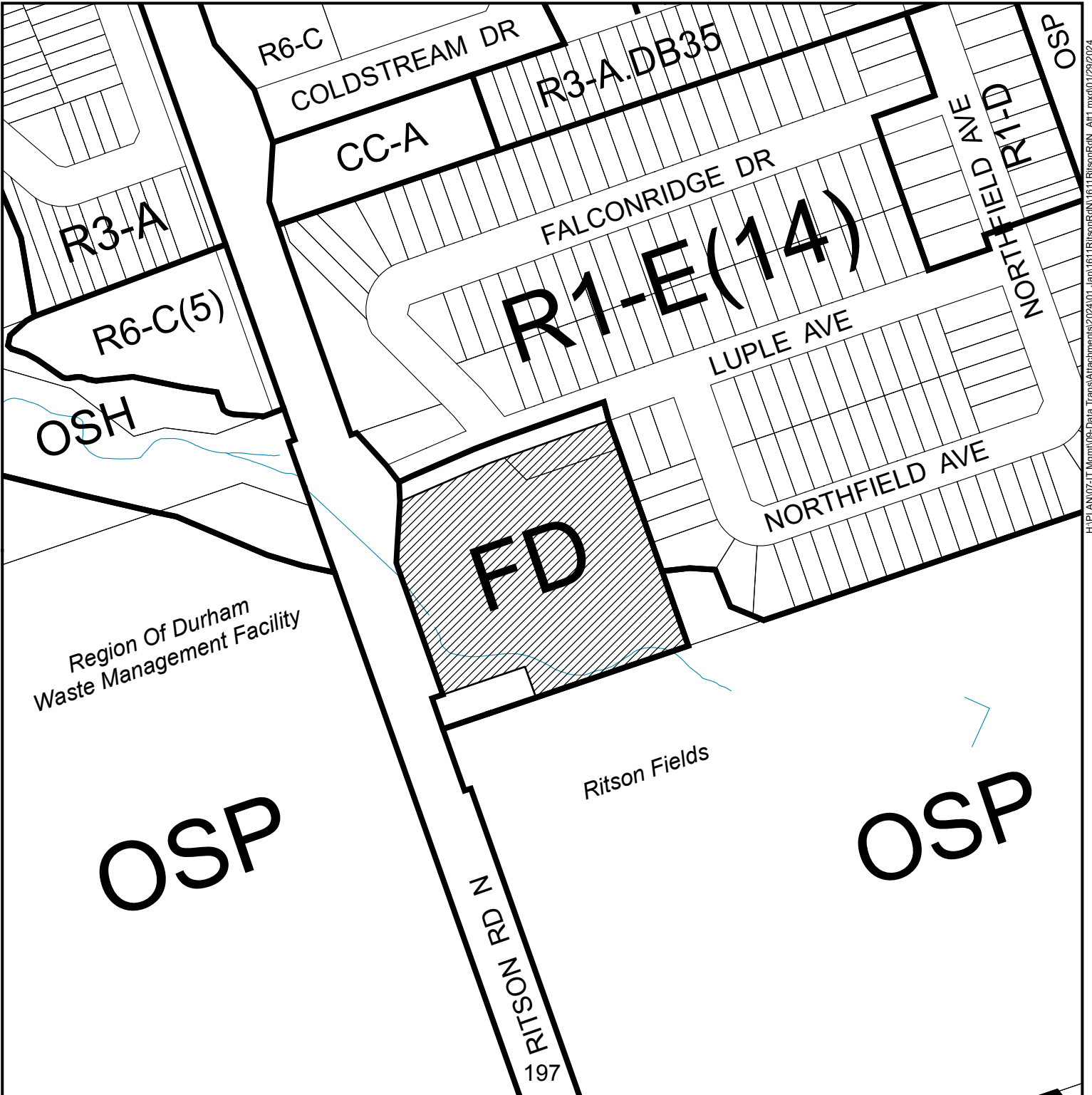
Economic and Development Services

Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue

Ward: Ward 1
File: OPA-2022-06, Z-2022-07






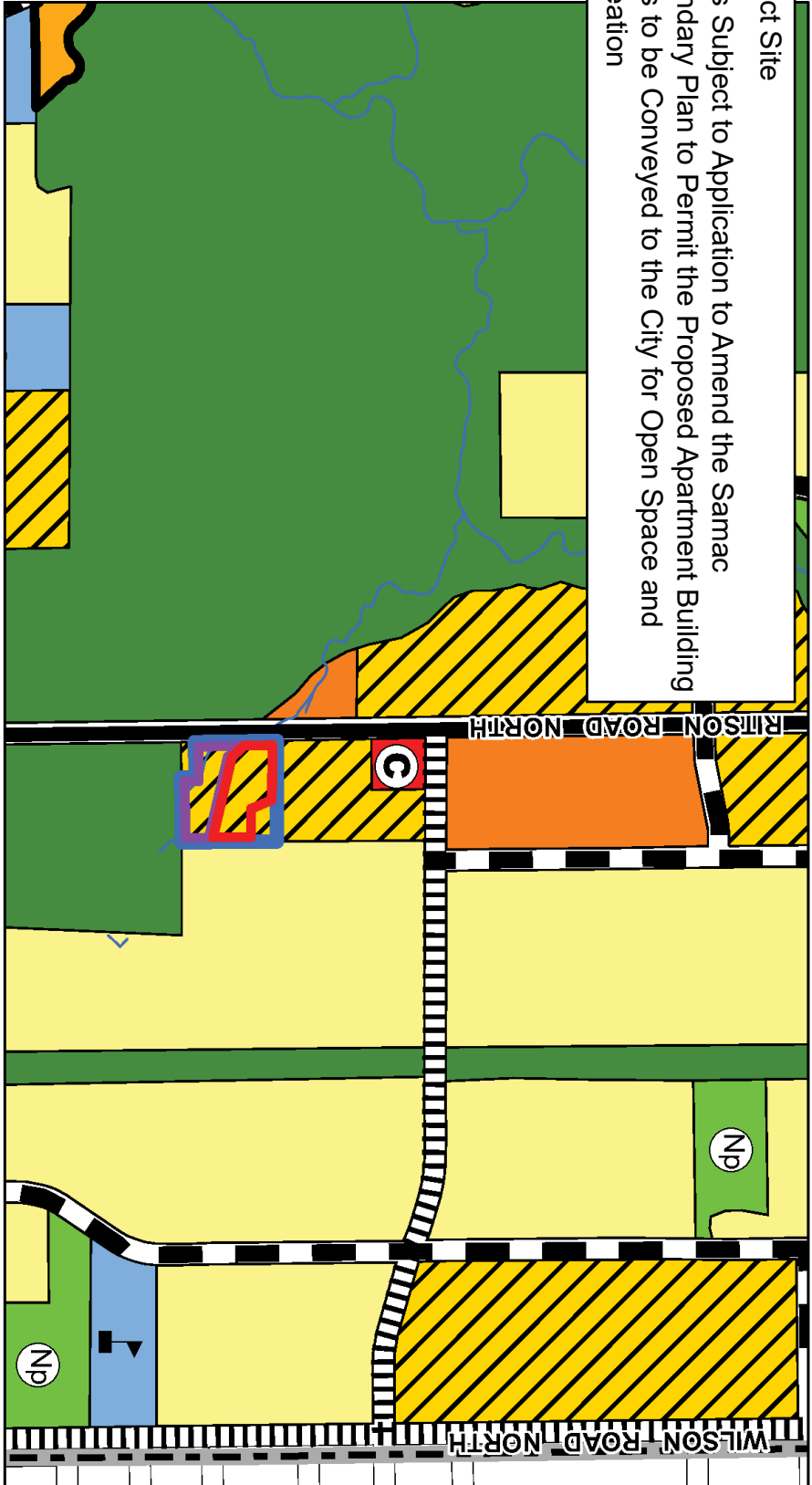
Subject Lands



Title: Schedule 'A', Samac Land Use and Street Plan
 Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue
 Ward: Ward 1
 File: OPA-2022-06, Z-2022-07



























City of Oshawa
 Economic and Development Services

-  Subject Site
-  Lands Subject to Application to Amend the Samac Secondary Plan to Permit the Proposed Apartment Building
-  Lands to be Conveyed to the City for Open Space and Recreation



Schedule 'A' Samac Land Use and Street Plan
 Secondary Plan for the Samac Community Official Plan of the former Oshawa Planning Area
 July 2023
 Development Services Department

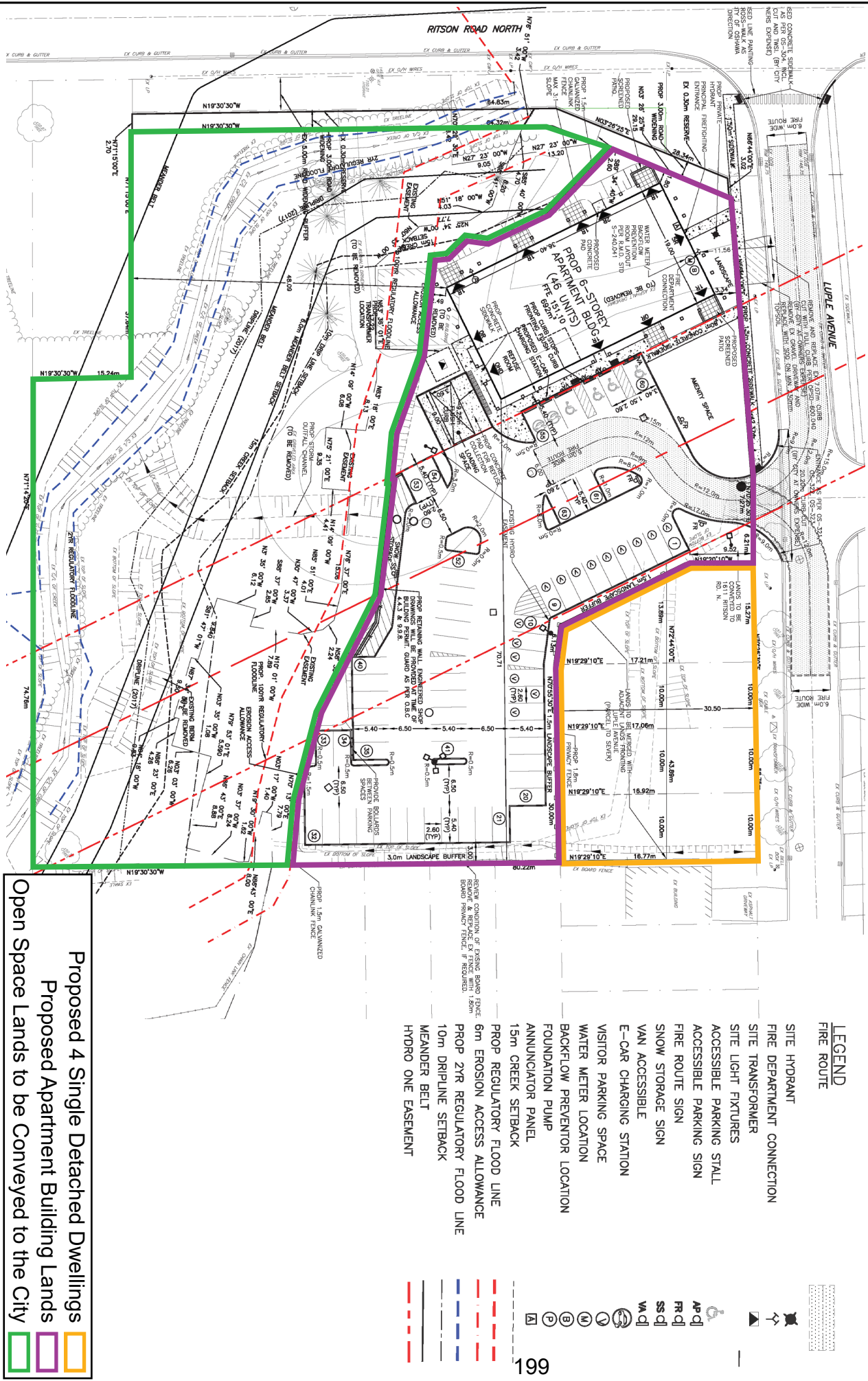
Legend

 Residential Low Density	 Open Space and Recreation Neighbourhood Park	 Institutional Institutional
 Medium Density I	 Open Space and Recreation	 Mixed Use Commercial/Residential
 Medium Density II	 Commercial Planned Commercial Strip	 Mixed Use Residential
 High Density I	 Convenience Commercial	 Mixed Use Node
 Subject to Policy 4.23 in the Samac Secondary Plan	 Centre Community Use	 Transportation
 Subject to Policy 4.24 in the Samac Secondary Plan	 Place of Worship	 Type 'A' Arterial Street
 Subject to Policy 4.25 in the Samac Secondary Plan	 Other	 Type 'B' Arterial Street
	 Public Elementary School	 Type 'C' Arterial Street
	 Separate Elementary School	 Collector Street
		 Samac Community Boundary



Title: Applicant Submission – Original Proposed Site Plan
 Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94,
 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue
 Ward: Ward 1
 File: OPA-2022-06, Z-2022-07

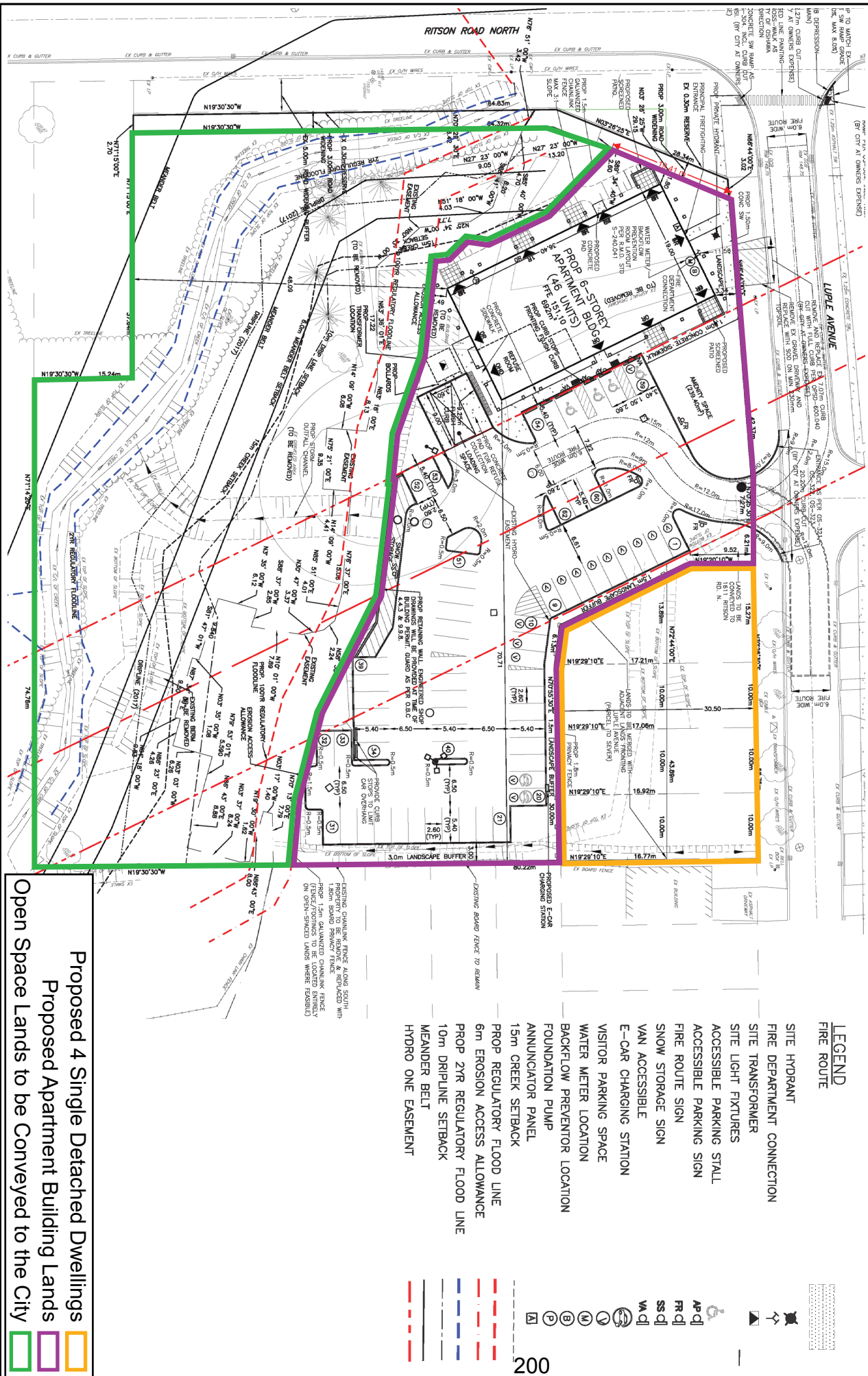
City of Oshawa
 Economic and Development Services



Proposed 4 Single Detached Dwellings
 Proposed Apartment Building Lands
 Open Space Lands to be Conveyed to the City

Title: Applicant Submission – Revised Proposed Site Plan
 Subject: Revised Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94,
 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue
 Ward: Ward 1
 File: OPA-2022-06, Z-2022-07

City of Oshawa
 Economic and Development Services



- Proposed 4 Single Detached Dwellings
- Proposed Apartment Building Lands
- Open Space Lands to be Conveyed to the City

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on September 11, 2023

Application ED-23-157

Councillor Nicholson left the meeting.

Presentation

D.G. Biddle & Associates Limited - Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, lands generally located at the southeast corner of Ritson Road North and Luple Avenue (Ward 1)

Michael Fry, D.G. Biddle & Associates Limited, provided a presentation concerning the Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1494339 Ontario Limited, for lands generally located at the southeast corner of Ritson Road North and Luple Avenue.

Councillor Gray left the meeting.

The Committee questioned Michael Fry.

Delegations

Mark Prior - Item ED-23-157

Mark Prior addressed the Economic and Development Services Committee concerning Report ED-23-157 concerning development applications submitted by 1494339 Ontario Limited for lands generally located at the southeast corner of Ritson Road North and Luple Avenue, stating he is concerned with heavy traffic, parking, speeding and safety as a result of the proposed application.

The Committee questioned Mark Prior.

Bryan Peters - Item ED-23-157

Bryan Peters addressed the Economic and Development Services Committee concerning Report ED-23-157 concerning development applications submitted by 1494339 Ontario Limited for lands generally located at the southeast corner of Ritson Road North and Luple Avenue, expressing concerns with the number of schools in the area and possible overpopulation, the height of the buildings and traffic.

The Committee questioned Bryan Peters.

Titi Olubuyide - Item ED-23-157

Titi Olubuyide addressed the Economic and Development Services Committee concerning Report ED-23-157 concerning development applications submitted by 1494339 Ontario Limited for lands generally located at the southeast corner of Ritson Road North and Luple Avenue, expressing concerns with the demolition process, specifically the possibility of flooding.

The Committee questioned Titi Olubuyide.

Correspondence

None

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-20

Date of Report: January 31, 2024

Date of Meeting: February 5, 2024

Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Ward: Ward 2

File: S-O-2022-05, Z-2022-12

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised applications submitted by Katanna Simcoe Ltd. (the “Applicant”) to amend Zoning By-law 60-94 (File: Z-2022-12) and for approval of a draft plan of subdivision (File: S-O-2022-05) to permit 170 block townhouse dwellings, eleven (11) of which would be live/work units, a road widening block and a private parkette on lands municipally known as 1279 Simcoe Street North (the “Subject Site”).

The Applicant intends to register the proposed development as a common elements plan of condominium pursuant to File C-O-2022-08.

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is a copy of the proposed draft plan of subdivision (File: S-O-2022-05) submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 3 is a copy of the original common elements draft plan of condominium (File: C-O-2022-08) submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 4 is a copy of the revised common elements draft plan of condominium (File: C-O-2022-08) submitted by the Applicant to address certain technical matters.

Attachment 5 is a copy of the original proposed site plan submitted by the Applicant and considered at the January 9, 2023 public meeting.

Attachment 6 is a copy of the revised proposed site plan submitted by the Applicant to address certain technical matters.

Attachment 7 is a list of the uses permitted in the PSC-A (Planned Strip Commercial) Zone.

On January 9, 2023, a public meeting was held with respect to the subject development applications. At the conclusion of the public meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the applications and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. The minutes of the January 9, 2023 public meeting form Attachment 8 to this Report.

Subsequent to the January 9, 2023 public meeting, the Applicant revised the subject development proposal. The key differences between the proposal considered at the public meeting (see Attachment 5) and the revised proposal (see Attachment 6) are as follows:

- The main driveway access from Simcoe Street North has been relocated from the north side of the Subject Site to the south side of the Subject Site.
- A secondary access to Simcoe Street North for emergency services has been added to the proposed site design.
- The overall total number of proposed block townhouse dwellings has been reduced from 172 to 170, as follows:
 - The number of proposed live/work dual frontage block townhouse dwellings has been reduced from 12 units to 11 units;
 - The number of proposed traditional block townhouse dwellings has been reduced from 88 units to 69 units; and,
 - The number of proposed back-to-back block townhouse dwellings has been increased from 72 units to 90 units.
- The proposed visitor parking rate has been increased from 0.25 spaces per unit to 0.35 spaces per unit.
- The size of the private parkette has been increased from approximately 577 square metres (6,211 sq. ft.) to 972 square metres (10,463 sq. ft.).
- The Applicant has clarified and reduced the list of business uses requested to be permitted in the live/work units.
- Certain changes to building locations and the alignment of private roads have been made to address various technical comments.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) to permit 170 block townhouse dwellings consisting of 11 live/work units, 69 traditional block townhouse units and 90 back-to-back block townhouse units, a road widening block and a private parkette, on lands municipally known as 1279 Simcoe Street North be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and the City Solicitor.
2. That, pursuant to Report ED-24-20 dated January 31, 2024, the revised application submitted by Katanna Simcoe Ltd. for approval of a draft plan of subdivision (File: S-O-2022-05) for 1279 Simcoe Street North featuring one development block and one road widening block to facilitate the development of a proposed common elements plan of condominium featuring 170 block townhouse dwellings be approved, and that the Commissioner of Economic and Development Services or Director of Planning Services be authorized to impose appropriate conditions in the draft plan of subdivision approval Planning Act decision.
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-01 dated January 4, 2023 presented at the public meeting of January 9, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Executive Summary

This Department recommends that the revised applications to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision submitted by Katanna Simcoe Ltd. for the lands municipally known as 1279 Simcoe Street North be approved.

The proposed development is appropriate given the Subject Site's location along Simcoe Street North, which functions as a Regional Corridor with good access to transit, services and nearby amenities.

The revised applications will advance new residential development on an underutilized site that can be designed to be compatible with existing surrounding residential development and open space, is consistent with Provincial, Regional and City policies and represents good planning. The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the subject applications. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the further processing of the applications, if the revised applications are approved.

4.2 Public Comments

The minutes of the January 9, 2023 public meeting concerning the subject applications form Attachment 8 to this Report.

Key concerns raised by the public at the public meeting are set out below together with a staff response.

4.2.1 Traffic Impacts

Comment:

Comments were made expressing concern with the potential traffic impacts that the proposed development will have on roads in the area.

Staff Response:

The Subject Site is currently designated as Planned Commercial Strip and Residential in the Oshawa Official Plan (the "O.O.P.") and is zoned PSC-A (Planned Strip Commercial) and R4-A/R6-C/EU (Residential/Existing Use) in Zoning By-law 60-94. The existing O.O.P. designations and zoning permit a variety of commercial uses as well as medium and high density residential uses. One-hundred-and-seventy (170) block townhouse dwellings are currently already permitted on the Subject Site. The purpose of the subject rezoning application is to implement the proposed development with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced yard depths and landscaped open space and increased lot coverage and building height, and to permit live/work units.

The Applicant submitted a Traffic Impact Study (T.I.S.) for the proposal, prepared by CGE, a professional transportation engineering consulting company, as part of the original application submission. The Applicant subsequently provided a Traffic Impact Study Addendum (Addendum), prepared by CGE, to respond to certain technical comments made by the Region of Durham on the original T.I.S.

The key conclusions of the T.I.S. and Addendum are as follows:

- The anticipated trips from the proposed redevelopment are 83 two-way trips during the weekday morning peak hour and 98 two-way trips during the afternoon peak hour. Results of the trip generation analysis show that the estimated weekday morning peak hour trips from the retail store use previously located on the Subject Site are

comparable to the proposed townhouse development, and the previous retail store use would have slightly more in the weekday peak hour than the proposed townhouse development. Consequently, it is anticipated that the proposed development will not have significant traffic impacts on the adjacent road network.

- A Two-Way Left Turn Lane (T.W.L.T.L.) is presently provided in the centre of Simcoe Street North in the vicinity of the proposed driveway access.
- Field observations show that there are no sight distance obstructions that obscure the view of vehicles at the proposed driveway.
- The AutoTURN swept path analysis shows that the site design presents no safety concerns for the circulation of vehicles and the site design is expected to operate acceptably.
- Observations made during the traffic counts revealed that there are occasions when the T.W.L.T.L. is occupied by multiple motorists separately seeking to access different properties on Simcoe Street North simultaneously. Despite the northbound queues from the nearby Taunton Road intersection and traffic signals, motorists were seen making the left-turns from the Simcoe Street North T.W.L.T.L. safely and without significant delays.
- The redevelopment proposes to close one of the two regular existing driveway accesses to the Subject Site and will have a positive effect on access management along this section of Simcoe Street North.
- The various planned transit initiatives along Simcoe Street North may ultimately restrict and eliminate left turns in the future.
- Analysis reveals that acceptable levels of service are maintained at the Simcoe Street North and Russett Avenue intersection with full build-out of the proposed development as well as in 2030.
- According to the Institute of Transportation Engineers' "Parking Generation Handbook, 5th Edition", the anticipated peak parking demand for the proposed townhouse development is 227 spaces. The proposed parking supply of 400 spaces is therefore sufficient to meet the anticipated peak parking demand.
- The Applicant proposes to provide a number of Transportation Demand Management (T.D.M.) strategies including 107 bicycle parking spaces, transit incentives and T.D.M. communication outreach.

As a result of the Region's comments on the original T.I.S. and associated Addendum, the main driveway access along Simcoe Street North for the proposed development was shifted from the northern portion of the Subject Site to the southerly limit, to be farther from the Simcoe Street North and Taunton Road intersection.

A secondary emergency access has been added on the northern portion of the Subject Site to allow access for emergency services only in the event that the main southerly driveway becomes blocked or unusable in an emergency.

The Region of Durham Works Department and the City's transportation engineering staff have no objection to the key conclusions of the T.I.S. and associated Addendum as they relate to impacts on area streets, and have no objections to the revised applications.

4.2.2 Parking

Comment:

Comments were made that the amount of visitor parking proposed for the development is not adequate.

Staff Response:

Zoning By-law 60-94 requires a minimum of 1.65 parking spaces per unit for residents and 0.35 parking spaces per unit for visitors for condominium block townhouses. The proposed development consists of a total of 170 block townhouse units. Therefore, a minimum of 281 parking spaces are required for residents and 60 parking spaces are required for visitors.

Both the original site plan (see Attachment 5) and the revised site plan (see Attachment 6) show a minimum of two (2) resident parking spaces associated with each residential unit, with one (1) parking space located in a private garage and one (1) parking space located on the private driveway in front of the garage. Therefore, the proposed development meets the requirements of Zoning By-law 60-94 for resident parking.

The original proposal submitted by the Applicant (see Attachment 5) proposed a reduced visitor parking rate of 0.25 parking spaces per unit (for the then-proposed 172 units) for a total of 43 visitor parking spaces. The Applicant has since revised the proposed site design (see Attachment 6) to provide visitor parking at a rate of 0.35 parking spaces per unit (for the current proposed 170 units) for a total of 60 visitor parking spaces. This represents an increase of 17 additional visitor parking spaces from the previous design, and meets the minimum required visitor parking rate for condominium block townhouses under Zoning By-law 60-94.

5.0 Analysis

5.1 Background

The Subject Site is generally located on the east side of Simcoe Street North, south of Taunton Road East, and is municipally known as 1279 Simcoe Street North (see Attachment 1).

The property was formerly the site of the Millwork/Rona building supply store.

The following is background information concerning the subject revised applications:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	Planned Commercial Strip and Residential	No change
Zoning By-law 60-94	PSC-A (Planned Strip Commercial) and R4-A/R6-C/EU (Residential/Existing Use)	Appropriate Zones to implement the proposed development with site specific conditions to permit certain performance standards such as, but not necessarily limited to, reduced yard depths and landscaped open space and increased lot coverage and building height, and to permit live/work units.
Use	Vacant former building supply store	11 live/work block townhouse dwellings, 69 traditional block townhouse dwellings and 90 back-to-back block townhouse dwellings on new private roads, as well as a road widening block and a private parkette along the east side of Simcoe Street North.

The following land uses are adjacent to the Subject Site:

- North** A restaurant fronting onto Simcoe Street North, and block townhouses and apartment buildings fronting onto Taunton Road East
- South** Commercial plazas fronting onto Simcoe Street North, and block townhouses and City-owned open space fronting onto Mary Street North
- East** Apartment buildings fronting onto Taunton Road East and Mary Street North
- West** Simcoe Street North, beyond which are a retail store, automobile repair garages, a restaurant and a self-serve car wash.

The following are the proposed development details for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage on Simcoe Street North	87.40m (286.75 ft.)
Gross Lot Area (inclusive of road widening)	3.17 ha (7.83 ac.)
Net Lot Area (exclusive of road widening)	3.12 ha (7.71 ac.)
Number of Proposed Block Townhouse Dwelling Units	Live/Work Block Townhouse Units – 11 Back-to-Back Block Townhouse Units – 90 Traditional Block Townhouse Units – 69 Total: 170 Units

Site Statistics Item	Measurement
Permitted Maximum Net Residential Density	60 u/ha (24 u/ac.)
Proposed Net Residential Density	54.49 u/ha (22.05 u/ac.)
Permitted Maximum Building Height	10.5m (34.5 ft.)
Proposed Maximum Building Height	14m (46.0 ft.)
Parking Spaces Required	281 spaces for residents (1.65 spaces per unit) plus 60 spaces for visitors (0.35 spaces per unit) Total: 341 spaces
Parking Spaces Provided	340 spaces for residents (2.0 spaces per unit) plus 60 spaces for visitors (0.35 spaces per unit) Total: 400 spaces

5.2 Oshawa Official Plan

The Subject Site is designated as Planned Commercial Strip and Residential in the O.O.P. The western portion of the Subject Site abutting Simcoe Street North is designated Planned Commercial Strip and the eastern portion is designated Residential.

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings.

Areas designated as Planned Commercial Strip shall permit commercial uses that, by nature of their function, require direct access or exposure afforded by frontage on an arterial road. In addition, mixed commercial-residential and residential developments without a commercial component may be permitted within areas designated as Planned Commercial Strip subject to the inclusion of appropriate policies in the zoning by-law and any other relevant policies of the O.O.P.

The O.O.P. contains policies which establish various residential density types and provide general locational criteria for such densities. Table 2, Residential Density Classification, has five (5) density categories including Medium Density I Residential. The proposed mixed-use development at 1279 Simcoe Street North would have a net residential density of 54.49 units per hectare (22.05 u/ac.) which is classified as the Medium Density I Residential density type.

The general representative housing type/form within the Medium Density I Residential category generally consists of single detached, semi-detached, duplex and townhouse dwellings with a density range of 30 to 60 units per hectare (12 to 24 u/ac.), subject to general locational criteria as follows:

- (i) Generally located at the periphery of neighbourhoods in proximity to arterial and collector roads, or located within Main Central Areas, Sub-Central Areas, Community Central Areas, Local Central Areas or Regional and Local Corridors, or generally located in areas that are undergoing transition, such as neighbourhoods containing a

range of land uses, in which higher density residential uses could be developed without generating undue adverse impacts on adjacent land uses.

- (ii) Generally located in such a manner that the scale, form and impacts of this type of housing are generally compatible with adjacent land uses.

O.O.P. Policy 2.3.1.4 states:

“2.3.1.4 Certain types of home occupation uses may be permitted in areas designated as Residential or integrated into residential developments.

“Home occupation” uses mean uses that:

- (a) Are secondary to the use of a dwelling unit for residential purposes and shall not involve any changes to the external character of the dwelling unit or property such as outside storage or display areas;
- (b) Do not generate adverse effects such as that from electrical interference, signs, excessive traffic, parking or noise;
- (c) Involve the provision of personal or professional services or producing custom or artisanal products; and
- (d) Do not include uses such as kennels or animal services, automobile or truck repair or paint shops, furniture stripping or any other activities which may otherwise be incompatible with the adjacent residential area.

In addition to complying with the foregoing requirements, home occupation uses shall only be permitted subject to the inclusion of appropriate provisions in the zoning by-law.”

Schedule ‘A-2’, Corridors and Intensification Areas, of the O.O.P. designates Simcoe Street North as a Regional Corridor. Schedule ‘B’, Road Network, designates Simcoe Street North as a Type ‘B’ Arterial Road. Simcoe Street North is also identified as a Regional Transit Spine on Schedule ‘B-1’, Transit Priority Network, of the O.O.P.

The O.O.P. specifies that development along Regional Corridors shall generally consist of compact, human scale, higher density development that is transit-supportive and has a strong pedestrian-oriented focus.

The subject applications conform to the O.O.P.

5.3 Zoning By-law 60-94

The westerly portion of the Subject Site is currently zoned PSC-A (Planned Strip Commercial) and the easterly portion of the Subject Site is zoned R4-A/R6-C/EU (Residential/Existing Use) in Zoning By-law 60-94 (see Attachment 1).

The R4-A Zone permits block townhouses up to a maximum density of 60 units per hectare (24 u/ac).

The R6-C Zone permits apartment buildings, long term care facilities, nursing homes and retirement homes up to a maximum density of 150 units per hectare (60 u/ac.).

The EU Zone permits existing uses, located in existing buildings or structures, provided such uses continue in the same manner and for the same purpose for which they were used on the day Zoning By-law 60-94 was passed, and new one storey accessory buildings.

The PSC-A Zone permits a variety of residential and commercial uses, including, but not limited to:

- Apartment building
- Block townhouse
- Financial institution
- Flat
- Office
- Personal service establishment
- Restaurant
- Retail store
- Retirement home

The full list of the uses permitted in the PSC-A Zone is included in Attachment 7.

Back-to-back townhouses are considered block townhouses under Zoning By-law 60-94.

Block townhouses and a variety of commercial uses are permitted in the PSC-A Zone and block townhouses are permitted in the R4-A Zone subject to compliance with the applicable zoning regulations. However, the proposed site and building designs do not comply with a number of zoning regulations related to matters such as, but not necessarily limited to, minimum yard depths and landscaped open space, and maximum lot coverage and building height. The Applicant also proposes commercial floor space in the block townhouse buildings adjacent to Simcoe Street North.

Zoning By-law 60-94, as amended, defines home occupations as follows:

““HOME OCCUPATION” means an occupation or business conducted for gain or profit within a dwelling unit by any resident of that dwelling unit, excluding the following occupations or businesses: kennels or other animal services, automobile repair garage or automobile body shop or paint shop, medical offices with the exception of massage therapy, restaurants, taxi services, bed and breakfast establishments and newspaper or catalogue distribution centres.”

The following are key regulations applicable to home occupations:

- (a) Home occupations are permitted in all zones that permit dwelling units.

- (b) The home occupation must be secondary to the use of the dwelling unit and be carried out by a resident or residents of the dwelling unit.
- (c) The total floor area taken up by all home occupations in the dwelling unit shall be no more than twenty-five percent (25%) of the total floor area of the dwelling unit and shall be confined to one area and shall not exceed 28 square metres (301 sq. ft.).
- (d) Except for the home day care of a maximum of five persons (children or adults), no more than three persons shall be present in the dwelling unit at any time to receive treatment, services or instructions.
- (e) No retail sales shall be permitted as part of a home occupation use other than the sale of what is produced or repaired on-site.
- (f) The home occupation shall be restricted to the dwelling unit.
- (g) Outdoor storage is not permitted.
- (h) No additional parking spaces need be provided for a home occupation use apart from what is required for the dwelling unit.
- (i) The property shall not be used as a meeting place or a point of departure for off-site work.
- (j) No contracting equipment or supplies which are intended for use or consumption off-site, nor any bulk storage of hazardous or noxious chemicals or other materials, shall be permitted to be kept or stored on the property.

The Applicant proposes that the eleven (11) units in Blocks 1.1 and 1.2 adjacent to Simcoe Street North (see Attachment 6) have enhanced home occupation permissions (live/work units) as follows:

- With respect to item (c) above, the Applicant proposes that the entire ground floor of each individual unit may be used as a home occupation (not including the garage). This would represent approximately 53 square metres (570 sq. ft.). This would still represent only approximately 25% of the floor space of each unit.
- With respect to item (e) above, the Applicant proposes that a retail store be allowed to sell products that are not produced or repaired on-site.

As a result, the Applicant has applied to amend Zoning By-law 60-94 to introduce site specific conditions to implement the proposed development and site design.

This Department has no objection to an amendment to Zoning By-law 60-94 which would rezone the Subject Site to add an appropriate R4-A (Residential) Zone including special regulations related to, but not necessarily limited to, permitted uses in the live/work units, minimum required front yard and rear yard depths, minimum landscaped open space and maximum permitted lot coverage and building height.

Section 5.6 of this Report sets out the rationale for this position.

5.4 Subdivision and Condominium

5.4.1 Standard Condominium Versus a Common Elements Condominium

The Condominium Act, 1998 permits four different types of condominiums: common elements, phased, vacant land and leasehold. The Applicant is proposing to establish a common elements condominium for the proposed 170 block townhouse units.

To implement a common elements condominium, a declaration is registered which converts certain lands into common elements that are owned in common by the owners of specified freehold lands situated in the same land registry division. A common elements condominium does not have any units. Each owner’s percentage interest in the common elements will be specified in the declaration, will be appurtenant to the owner’s freehold land and will not be severable from it. Arrears of common expenses will result in a lien in favour of the condominium corporation on the default owner’s freehold land.

An example of a common elements condominium would be the common ownership of a private road. The owner of the lands serviced by the road could be part of a common elements condominium corporation for the road and would pay proportionately its common expenses (maintenance, repair, management and insurance). This type of condominium enables a positive obligation (the payment of common expenses) to “run with the land”.

The following chart identifies the key differences between a standard condominium and a common elements condominium:

Standard Condominium	Common Elements Condominium
A standard condominium cannot be registered until all dwelling units are built. Therefore, the developer cannot close a deal with a purchaser on any of the units until all the units are built.	A common elements condominium is registered before any dwelling is conveyed. The developer can close a deal with a purchaser when the unit is completed. The developer does not have to wait until all units are built to close a real estate deal.
The individual units and common elements are created with the registration of the plan and are part of the condominium. The homeowners are subject to the by-laws of the condominium corporation.	The individual units are created through either a plan of subdivision, consent approval or removal of part lot control. The dwelling units are not part of the condominium and therefore the homeowners are not subject to any condominium by-laws. The homeowners only have an interest in the common elements.

5.4.2 Draft Plan of Condominium and Draft Plan of Subdivision

The Applicant has submitted an application for approval of a common elements draft plan of condominium (File: C-O-2022-08). The common elements condominium would be tied to the proposed 170 block townhouse dwellings. The following would generally be the common elements (see Attachments 4 and 6):

- (a) The private road providing access to each individual townhouse driveway;

- (b) The internal sidewalks/walkways;
- (c) The common outdoor amenity area (parkette);
- (d) Community mailbox(es);
- (e) Visitor parking spaces; and,
- (f) Bicycle parking spaces.

The 170 individual townhouse dwelling lots are proposed to be created through the removal of part lot control. These lots are commonly referred to as Parcels of Tied Land ("P.O.T.L.s"). The individual P.O.T.L.s have a percentage of the respective owner's interest in the common elements but are not part of the condominium. To date, the Applicant has not submitted an application to remove part lot control. Applications to remove part lot control are delegated to the Commissioner of Economic and Development Services or Director of Planning Services for approval.

The Applicant proposes a draft plan of subdivision with two (2) blocks: one (1) block for a road widening and one (1) block for the proposed condominium townhouse development. A part lot control by-law under the Planning Act can only be approved for lands in a registered plan of subdivision.

The City has approved other common element condominium block townhouse developments. Recent examples include the sites at the southwest corner of Phillip Murray Avenue and Park Road South (SO Developments Inc.), 849 Rossland Road West (Delpark Homes) and 250 Harmony Road South (Marlin Spring).

Applications for approval of a draft plan of condominium are delegated to the Commissioner of Economic and Development Services or Director of Planning Services for approval. The condominium application will not be approved unless the zoning by-law amendment application is approved.

5.5 Site Design/Land Use Considerations

The revised plans submitted by the Applicant propose a total of 170 block townhouse units consisting of eleven (11) dual frontage live/work block townhouse dwellings, 69 traditional block townhouse dwellings and 90 back-to-back block townhouse dwellings, on private roadways (see Attachment 6). One full-movement driveway access and one right-out only emergency access are proposed from Simcoe Street North. The 170 block townhouse dwellings are proposed to be tied to a common elements condominium.

The eleven (11) units in Townhouse Blocks 1.1 and 1.2 abutting Simcoe Street North are proposed to be live/work townhouse units with the ground floor of each unit designed to accommodate commercial space with residential floorspace above. These units are proposed to have front doors for the commercial spaces facing Simcoe Street North with a secondary/residential access from the proposed private road. The remaining 69 traditional block townhouse dwellings and 90 back-to-back block townhouse dwellings will have frontage on the private condominium roads only. The individual driveways for all 170 units will have driveway access from the private roads only.

Each of the 170 units will have at least two (2) parking spaces: one (1) in the garage and one (1) in the driveway in front of the garage. Some units will have longer driveways which may be able to accommodate a third parked vehicle.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a draft plan of subdivision, a draft plan of condominium, a site plan, floor plans, elevation plans, a landscape plan, a servicing plan, a grading plan, a functional servicing and stormwater management report, a planning justification report, a T.I.S. and Addendum, a geotechnical report, a hydrogeological investigation, Phase 1 and 2 environmental site assessments, and a noise study.

Detailed design matters will be reviewed during the processing of the future application for site plan approval to ensure compliance with the City's Landscaping Design Policies, engineering standards and other policies, in the event the revised subject applications are approved.

Some of the specific matters this Department will be reviewing during the processing of the future application for site plan approval, should the subject applications be approved, include:

- (a) Site/building design, including building architecture;
- (b) Stormwater management, servicing and grading matters;
- (c) Landscaping and fencing;
- (d) Noise attenuation;
- (e) Lighting;
- (f) Fire route;
- (g) Design of the emergency access driveway;
- (h) Snow removal and storage;
- (i) Waste collection; and,
- (j) Crime Prevention Through Environmental Design matters.

5.6 Basis for Recommendation

This Department has no objection to the approval of the subject revised applications submitted by the Applicant to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision for the following reasons:

- (a) The use of the Subject Site for the proposed block townhouse dwellings is permitted under the existing zoning and the proposed special regulations to implement the site design are appropriate at this location.
- (b) The proposed live/work unit regulations are appropriate given the Subject Site is located in an area having zoning where a range of commercial uses are already permitted.
- (c) Redeveloping an under-utilized property at this location along an arterial road is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan.

- (d) The proposed development conforms to the Durham Regional Official Plan and the O.O.P.
- (e) The proposal will advance development that is within the City's Built Boundary. The Growth Plan for the Greater Golden Horseshoe established a Built Boundary for municipalities within which a certain percentage of all new residential development must take place to reduce the demand for new residential growth in greenfield areas.
- (f) The proposed development contributes to a range of housing types in the area.
- (g) The proposed development along an arterial road that is also a Regional Corridor and Transit Spine is transit supportive given its proximity to Durham Region Transit bus routes (Routes 407, 901, 905 and 915).
- (h) The proposed development will make more efficient use of existing municipal services such as water and sanitary service.
- (i) The proposed development is in proximity to existing schools and shopping areas.
- (j) The proposed development has been designed to be compatible with surrounding land uses.
- (k) The proposed development will help the City's efforts to achieve the delivery of 23,000 new housing units in Oshawa by 2031, as targeted by the Province.
- (l) The applications represent good planning.

6.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

The subject applications were submitted prior to July 1, 2023 and therefore the Applicant will not be eligible for a fee refund under the Planning Act as amended by Bill 109 (More Homes for Everyone Act, 2022) if the City does not make a decision on the Zoning By-law Amendment application within a certain timeframe.

7.0 Relationship to the Oshawa Strategic Plan

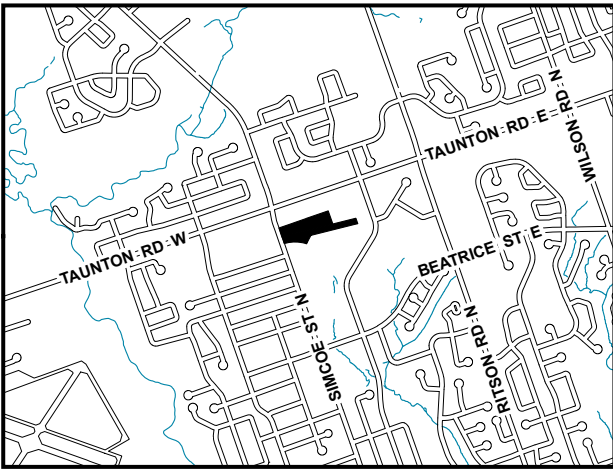
The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship, Social Equity and Environmental Responsibility goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

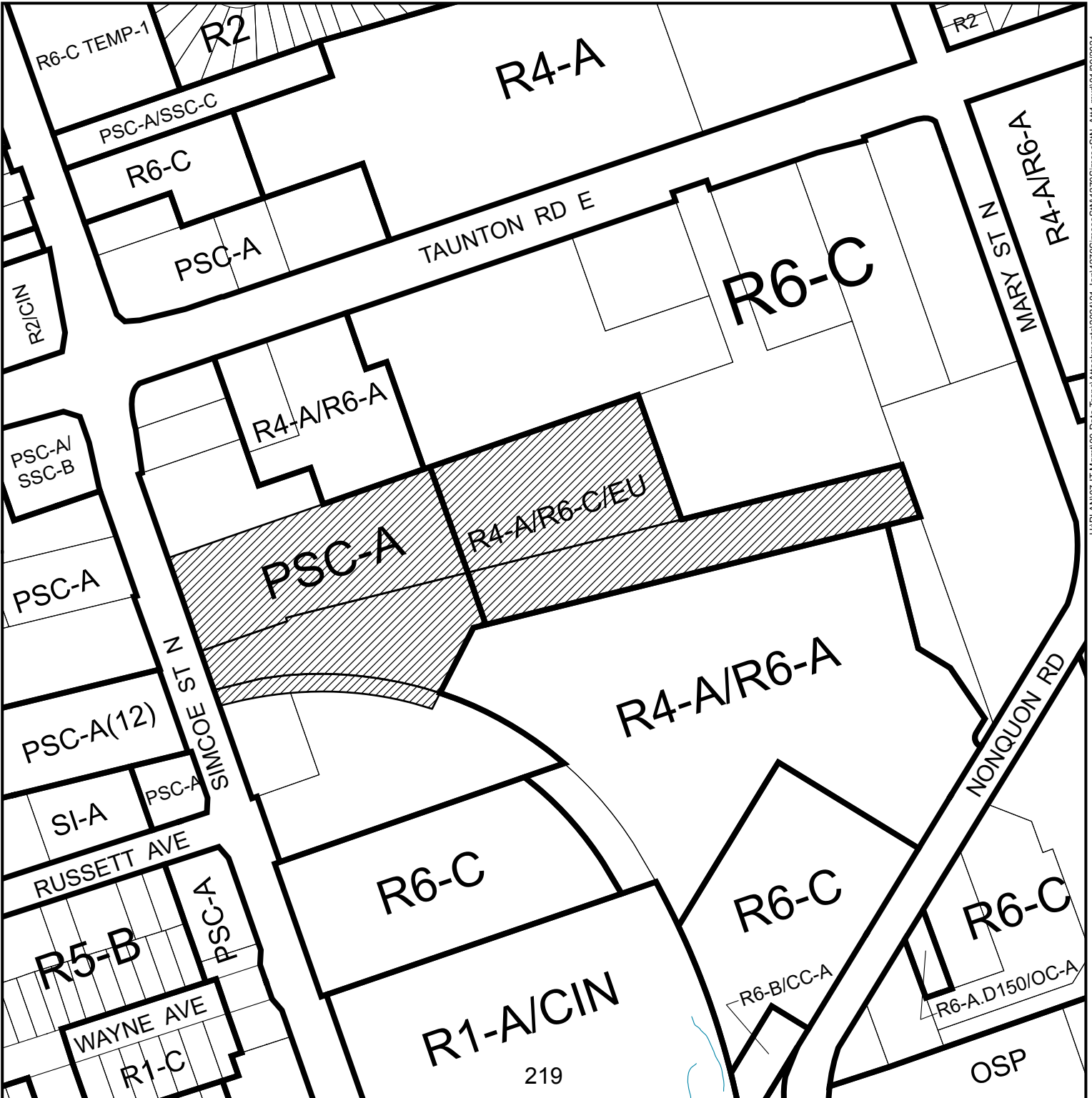


Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Ward: Ward 2
File: S-O-2022-05, Z-2022-12



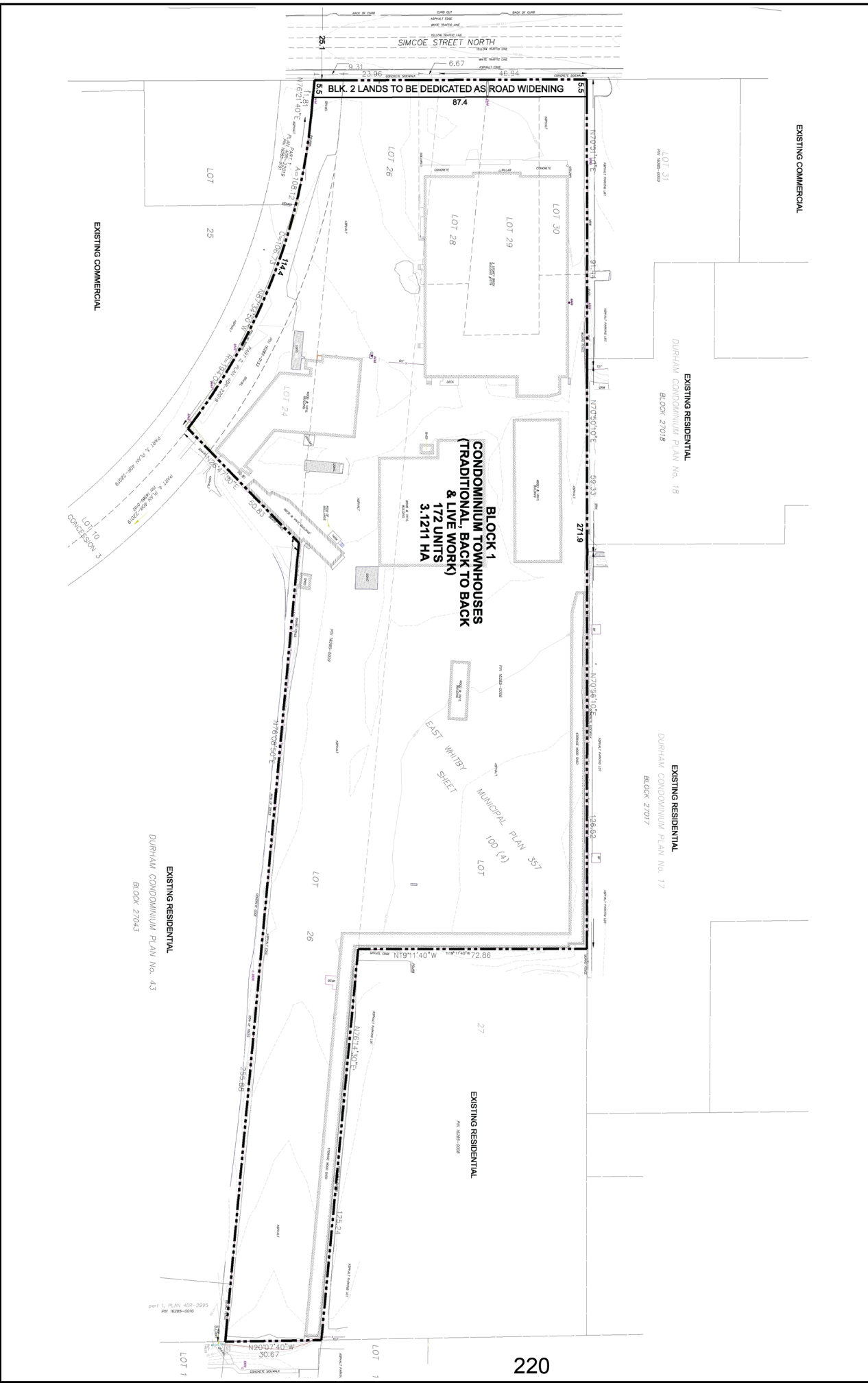
Subject Site




H:\PLAN\07-IT Mgmt\05-Data Trans\Attachments\2024\01-Jan\1279Simcoe\SIN\1279SimcoeSIN_A11.mxd\0129\2024

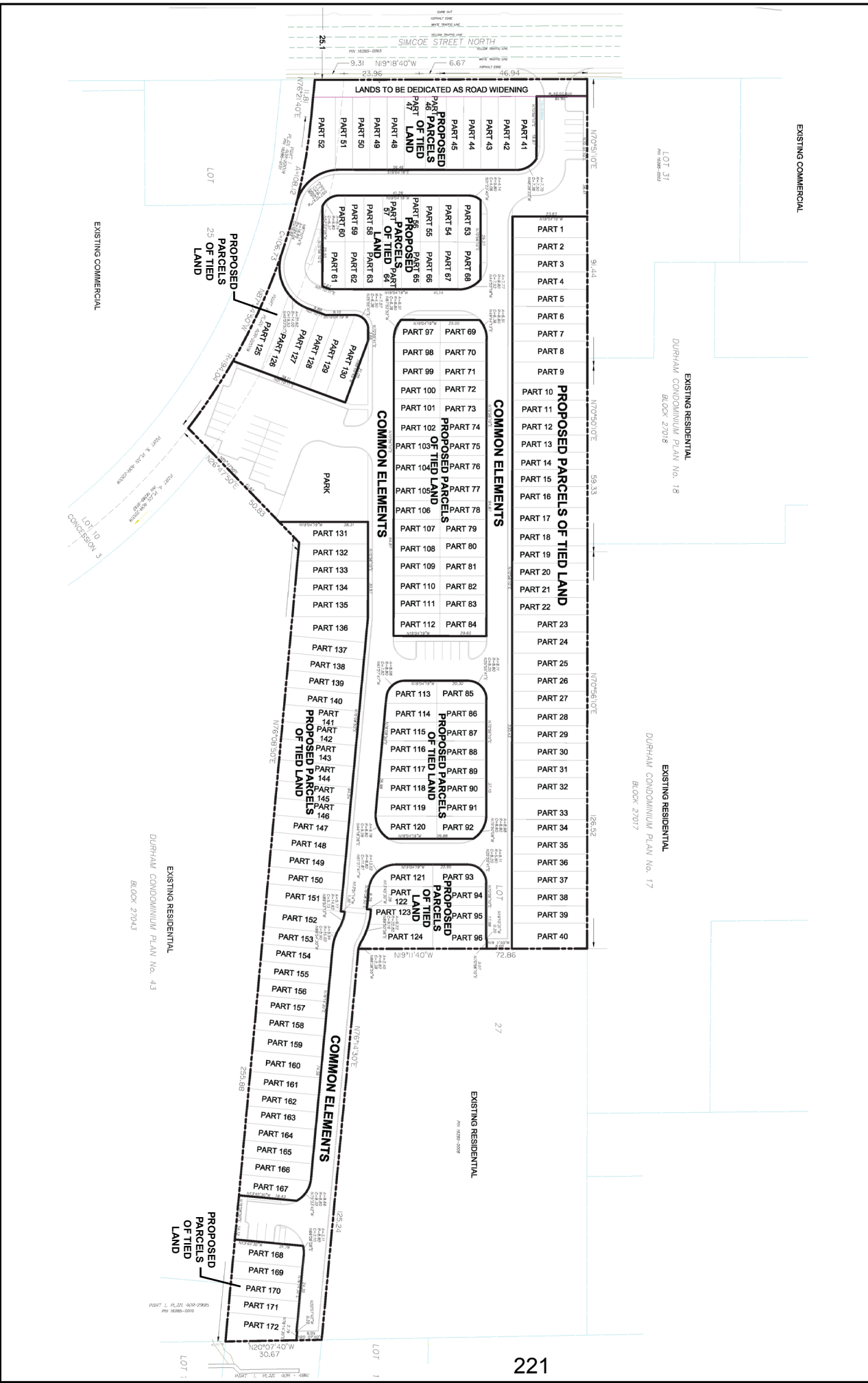
Title: Proposed Draft Plan of Subdivision
Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.
Ward: Ward 2
File: S-O-2022-05, Z-2022-12

City of Oshawa
 Economic and Development Services



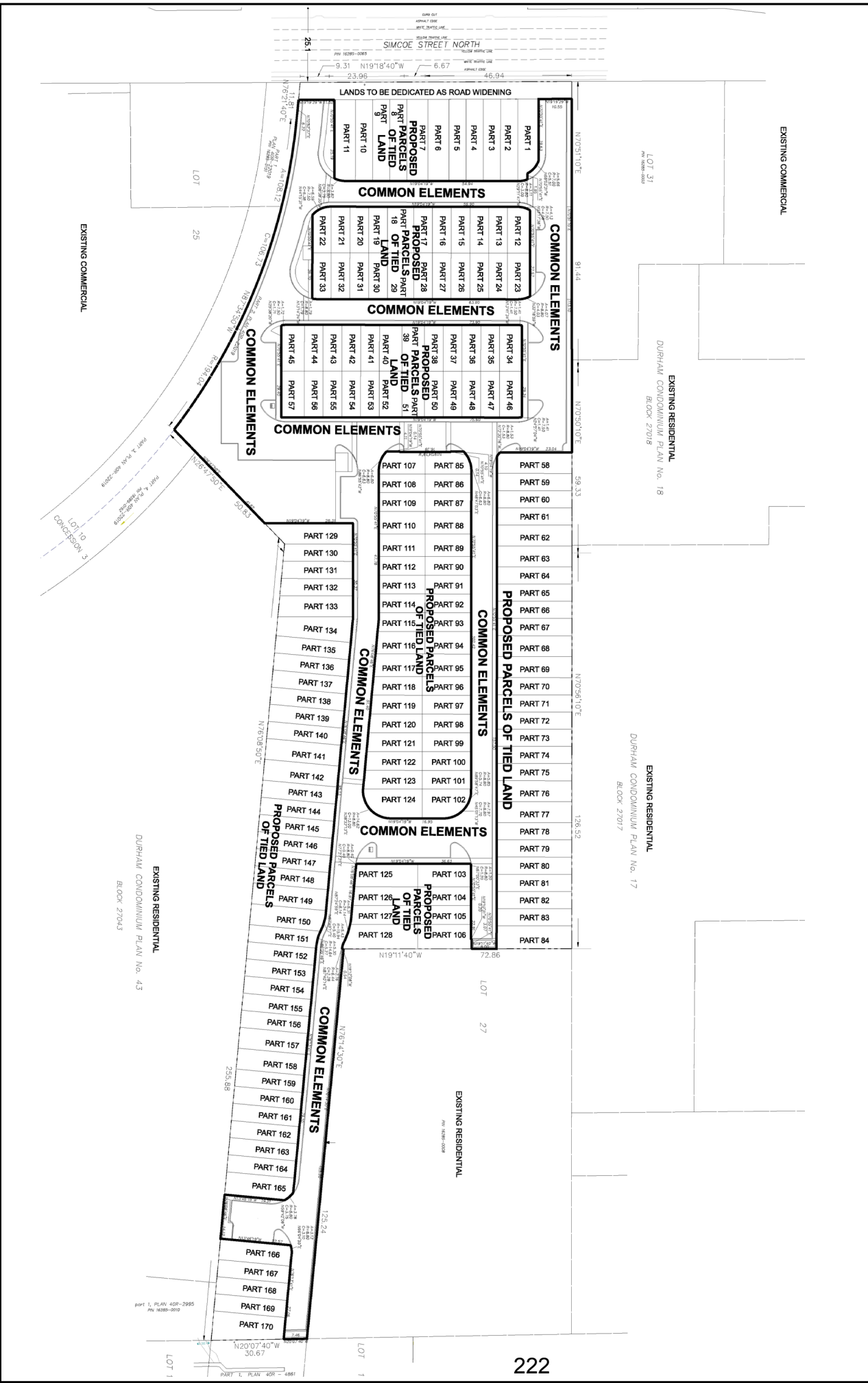
Title: Original Common Elements Draft Plan of Condominium Considered at the January 9, 2023 Public Meeting
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.
 Ward: Ward 2
 File: S-O-2022-05, Z-2022-12

Economic and Development Services
 City of Oshawa




Title: Revised Common Elements Draft Plan of Condominium
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.
 Ward: Ward 2
 File: S-O-2022-05, Z-2022-12

City of Oshawa
 Economic and Development Services



Title: Original Site Plan Considered at the January 9, 2023 Public Meeting
 Subject: Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 1279 Simcoe Street North, Katanna Simcoe Ltd.
 Ward: Ward 2
 File: S-O-2022-05, Z-2022-12

Economic and Development Services
 City of Oshawa




List of Permitted Uses in the PSC-A (Planned Strip Commercial) Zone:

- (a) Animal hospital
- (b) Apartment building
- (c) Art gallery
- (d) Auction establishment
- (e) Automobile rental establishment
- (f) Automobile repair garage
- (g) Automobile sales and service establishment
- (h) Block townhouse
- (i) Brew your own operation
- (j) Church
- (k) Cinema
- (l) Club
- (m) Commercial recreation establishment, except a billiard hall
- (n) Commercial school
- (o) Craft Brewery
- (p) Crisis care residence
- (q) Day care centre
- (r) Financial institution
- (s) Flat
- (t) Funeral home
- (u) Hotel
- (v) Lodging house
- (w) Long Term Care Facility
- (x) Merchandise service shop
- (y) Museum
- (z) Nursing home
- (aa) Office
- (bb) Outdoor storage accessory to a permitted use in the PSC-A Zone
- (cc) Peddle
- (dd) Personal service establishment
- (ee) Printing establishment
- (ff) Private School
- (gg) Restaurant
- (hh) Retail store
- (ii) Retirement home
- (jj) Studio
- (kk) Tavern
- (ll) Taxi establishment
- (mm) Theatre

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on January 9, 2023

Declarations of Pecuniary Interest

None.

Application ED-23-01

Presentation

Weston Consulting - Applications to Amend Zoning By-law 60-94

Jane McFarlane, Planner, Weston Consulting presented an overview of the applications to amend Zoning By-law 60-94 and for approval of Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd.

Moved by Councillor Giberson

That the presentation be extended by two minutes.

Motion Carried

Jane McFarlane continued to address the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd.

Members of the Committee questioned Jane McFarlane.

Delegations

Cynthia Burtney - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Cynthia Burtney addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd. and expressed concerns with increased traffic and disruptive traffic flow in the area and a reduction of recreational areas on the subject site. Cynthia also expressed concern with the reduced set back for the site, the types of businesses that would be permitted in the Live/Work units and the provision of more accessible and smaller units for seniors.

Moved by Councillor Giberson

That the delegation's time be extended by two minutes.

Motion Carried

Cynthia continued to express concerns to the Committee regarding the subject site with respect to traffic and parking.

Cynthia Metas - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Cynthia Metas addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd. and expressed concern with increased traffic in the area and suggested a new traffic study be completed.

Bruce Ottenbright - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Bruce Ottenbright addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd., noting that there is no parking available for businesses operating in the live/work units.

Tim Dobson - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd.

Tim Dobson addressed the Committee concerning the development applications for lands located at 1279 Simcoe Street North submitted by Katanna Simcoe Ltd., expressing concern with a lack of commercial parking for businesses in the live/work units and the safety and adequacy of the proposed permitted parking.

Members of Council questioned Tim Dobson.

Correspondence

None.

Reports

ED-23-01 - Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, 1279 Simcoe Street North, Katanna Simcoe Ltd. (Ward 2)

Moved by Councillor Kerr

That, pursuant to Report ED-23-01 dated January 4, 2023, concerning the applications submitted by Katanna Simcoe Ltd. to amend Zoning By-law 60-94 (File: Z-2022-12) and for approval of a draft plan of subdivision (File: S-O-2022-05) and a common elements draft plan of condominium (File: C-O-2022-08) to permit 12 live/work block townhouses, 88 block townhouses, 72 back-to-back block townhouses, a road widening block and a private parkette at 1279 Simcoe Street North, staff be directed to further review and prepare a report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Motion Carried



P.O. Box 91
Oshawa, ON, L1H 7K8

TO:

City Council – City of Oshawa
50 Centre St. S.
Oshawa, ON L1H 3Z7

Re: In-Kind Grant Request

This letter details a request for an in-kind grant to support the 23rd Annual Rotary Club of Oshawa Ribfest. The City of Oshawa has long been a supporter of the Rotary Club of Oshawa Ribfest. We are grateful for your continued support and request your partnership again in 2024 to make this event a success. All proceeds raised from Ribfest go back into the community supporting local organizations and programs such as Air Cadets, scholarships for high school, and post-secondary students, Durham District School board breakfast programs, holiday turkey donations, Hearth Place and Feed the Need.

The City of Oshawa has provided in-kind grants for the Ribfest for many years. Most recently in 2023, 2022 and 2019. In 2020 & 2021 no in-kind grants were provided or requested because of the Coronavirus. Regrettably, we missed the 2024 grant application deadline, however, comparable with past years, we are requesting the City's approval for an in-kind grant of \$30,000. In-kind grants in the past have included services such as the use of city facilities – Lakeview Park location, garbage removal, special event facing, clean-up, and city staff labor cost.

The Rotary Club of Oshawa Ribfest event is scheduled to be held on August 16 to 18th 2024. Our event starts in the afternoon on Friday the 16th and ends on Sunday, August 18th around 6 – 6:30 pm. Our goal is to continue this fundraising tradition while bringing a fun and safe community event to the City of Oshawa. The Rotary Club of Oshawa is a not-for-profit organization, your support is vital to our success, and we hope that you will continue to support our fundraising initiative. We look forward to hearing from you.

Yours sincerely,

Kennisha Dyer
Rotary Club of Oshawa - Director – Local Committee Service

CNCL-24-16
(Formerly INFO-24-05)

-----Original Message-----

From: <M.F.I.P.P.A 14 (1) >

Sent: Dec 22, 2023 12:25:51 AM

To: service@oshawa.ca

Subject: Request for 33 Simcoe street south Oshawa

Good Day I am requesting permission from Council meeting to erect two larger signs that was approved previously but in need to consideration I'm attaching the new document to be reviewed in the next meeting that is going to be held in January 8th 2024.

I can be reached through my cellphone also

<M.F.I.P.P.A 14 (1) >

Thank you.

ARA

Origin: <https://www.oshawa.ca/Modules/News/en>

This email was sent to you by ara saatjian<M.F.I.P.P.A 14(1)> through
<https://www.oshawa.ca/>.



6.	DEC 5, 2023	ISSUED FOR ENG REVIEW
5.	DEC 1, 2023	ISSUED FOR ENG REVIEW
4.	SEP 21, 2023	ISSUED FOR ENG REVIEW
3.	JAN 30, 2020	ISSUED FOR ENG REVIEW
2.	JAN 27, 2020	ISSUED FOR ENG REVIEW
1.	JAN 21, 2020	ISSUED FOR ENG REVIEW
No.	Date:	Revision / Issued

THIS DRAWING SHALL REMAIN THE PROPERTY OF THE DESIGNER. THE COPYRIGHT OF THIS DRAWING AND WORK EXECUTED FROM THE SAME BEING RESERVED. THE CONTRACTOR MUST VERIFY AND ACCEPT, RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., ENGINEERING INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

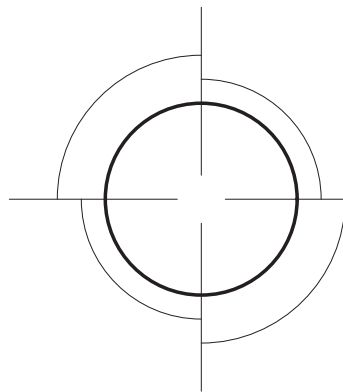
ALL SUBCONTRACTORS TO EXECUTE THEIR WORK ACCORDING TO SHOP DRAWINGS WHICH MUST BE APPROVED BY THE DESIGNER, AND BE KEPT ON SITE AT ALL TIMES.

THIS DRAWING IS NOT TO BE SCALED.

Project:
TV ADVERTISEMENT SIGN

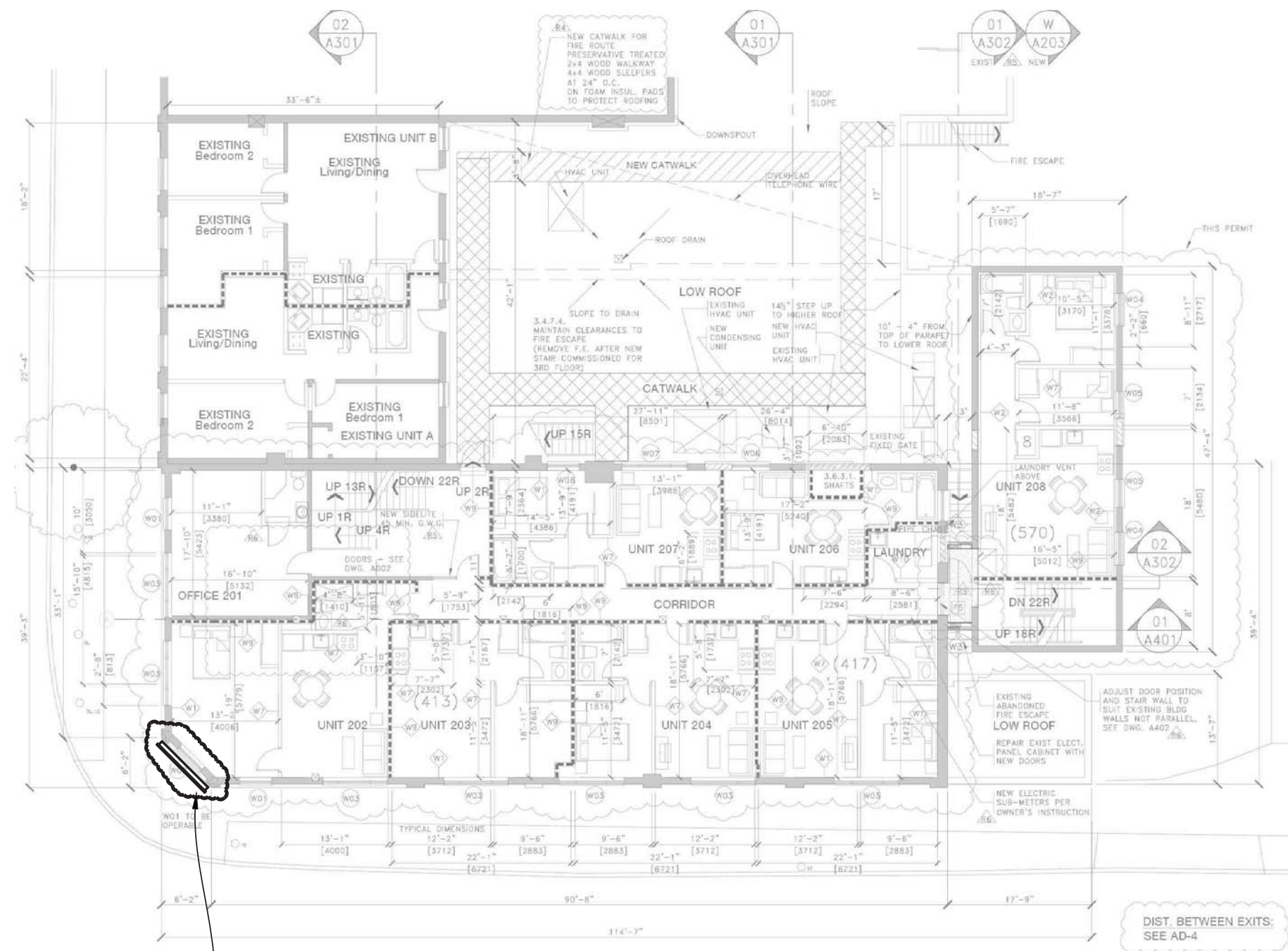
Address:
 33 SIMCOE STREET S,
 OSHAWA, ON. L1H 4G1

Plot Date:
 DEC 5, 2023



33 Simcoe Street S

TV ADVERTISEMENT SIGN



THIS PERMIT
SEE A2, A3

FOR REFERENCE ONLY

6.	DEC 5, 2023	ISSUED FOR ENG REVIEW
5.	DEC 1, 2023	ISSUED FOR ENG REVIEW
4.	SEP 21, 2023	ISSUED FOR ENG REVIEW
3.	JAN 30, 2020	ISSUED FOR ENG REVIEW
2.	JAN 27, 2020	ISSUED FOR ENG REVIEW
1.	JAN 21, 2020	ISSUED FOR ENG REVIEW
No.	Date:	Revision / Issued

THIS DRAWING SHALL REMAIN THE PROPERTY OF THE DESIGNER. THE COPYRIGHT OF THIS DRAWING AND WORK EXECUTED FROM THE SAME BEING RESERVED. THE CONTRACTOR MUST VERIFY AND ACCEPT, RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., ENGINEERING INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. ALL SUBCONTRACTORS TO EXECUTE THEIR WORK ACCORDING TO SHOP DRAWINGS WHICH MUST BE APPROVED BY THE DESIGNER, AND BE KEPT ON SITE AT ALL TIMES.

THIS DRAWING IS NOT TO BE SCALED.

Project:
TV ADVERTISEMENT SIGN

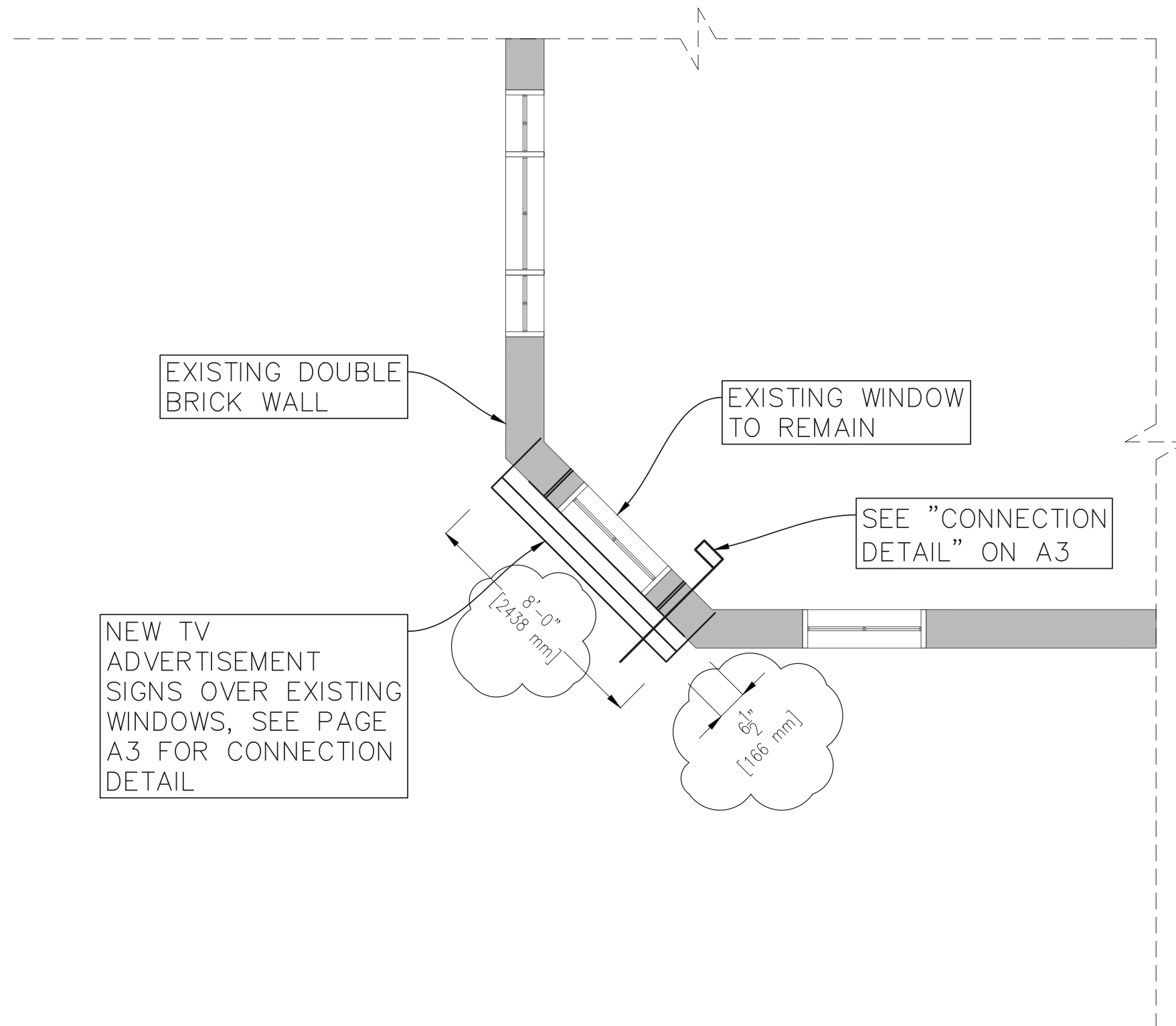
Address:
33 SIMCOE STREET S,
OSHAWA, ON. L1H 4G1

Plot Date:
DEC 5, 2023

SCALE: 1:200

2ND & 3rd
FLOOR PLAN

A-1



6.	DEC 5, 2023	ISSUED FOR ENG REVIEW
5.	DEC 1, 2023	ISSUED FOR ENG REVIEW
4.	SEP 21, 2023	ISSUED FOR ENG REVIEW
3.	JAN 30, 2020	ISSUED FOR ENG REVIEW
2.	JAN 27, 2020	ISSUED FOR ENG REVIEW
1.	JAN 21, 2020	ISSUED FOR ENG REVIEW
No.	Date:	Revision / Issued

THIS DRAWING SHALL REMAIN THE PROPERTY OF THE DESIGNER. THE COPYRIGHT OF THIS DRAWING AND WORK EXECUTED FROM THE SAME BEING RESERVED. THE CONTRACTOR MUST VERIFY AND ACCEPT, RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., ENGINEERING INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

ALL SUBCONTRACTORS TO EXECUTE THEIR WORK ACCORDING TO SHOP DRAWINGS WHICH MUST BE APPROVED BY THE DESIGNER, AND BE KEPT ON SITE AT ALL TIMES.

THIS DRAWING IS NOT TO BE SCALED.

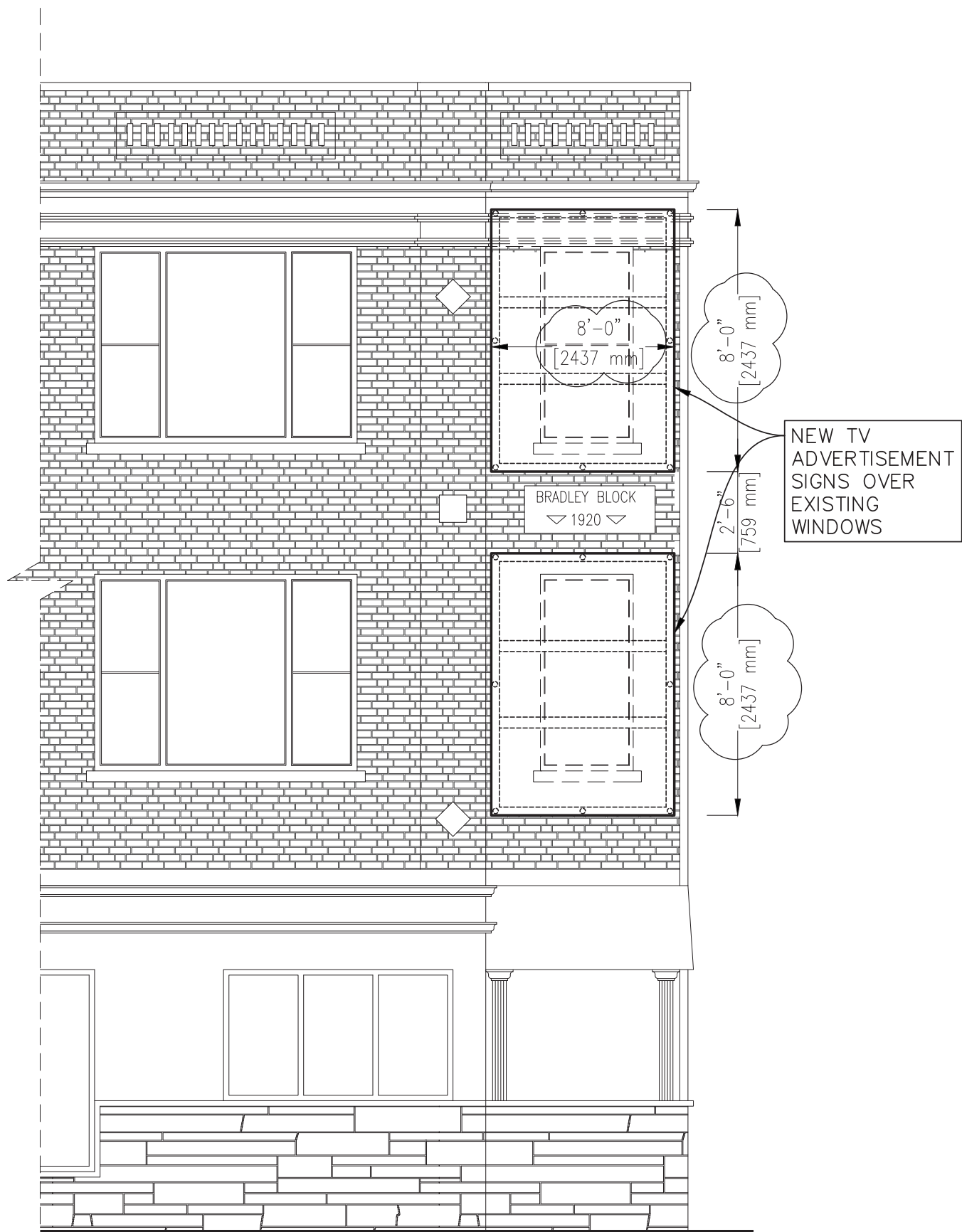
Project:
TV ADVERTISEMENT SIGN

Address:
33 SIMCOE STREET S,
OSHAWA, ON. L1H 4G1

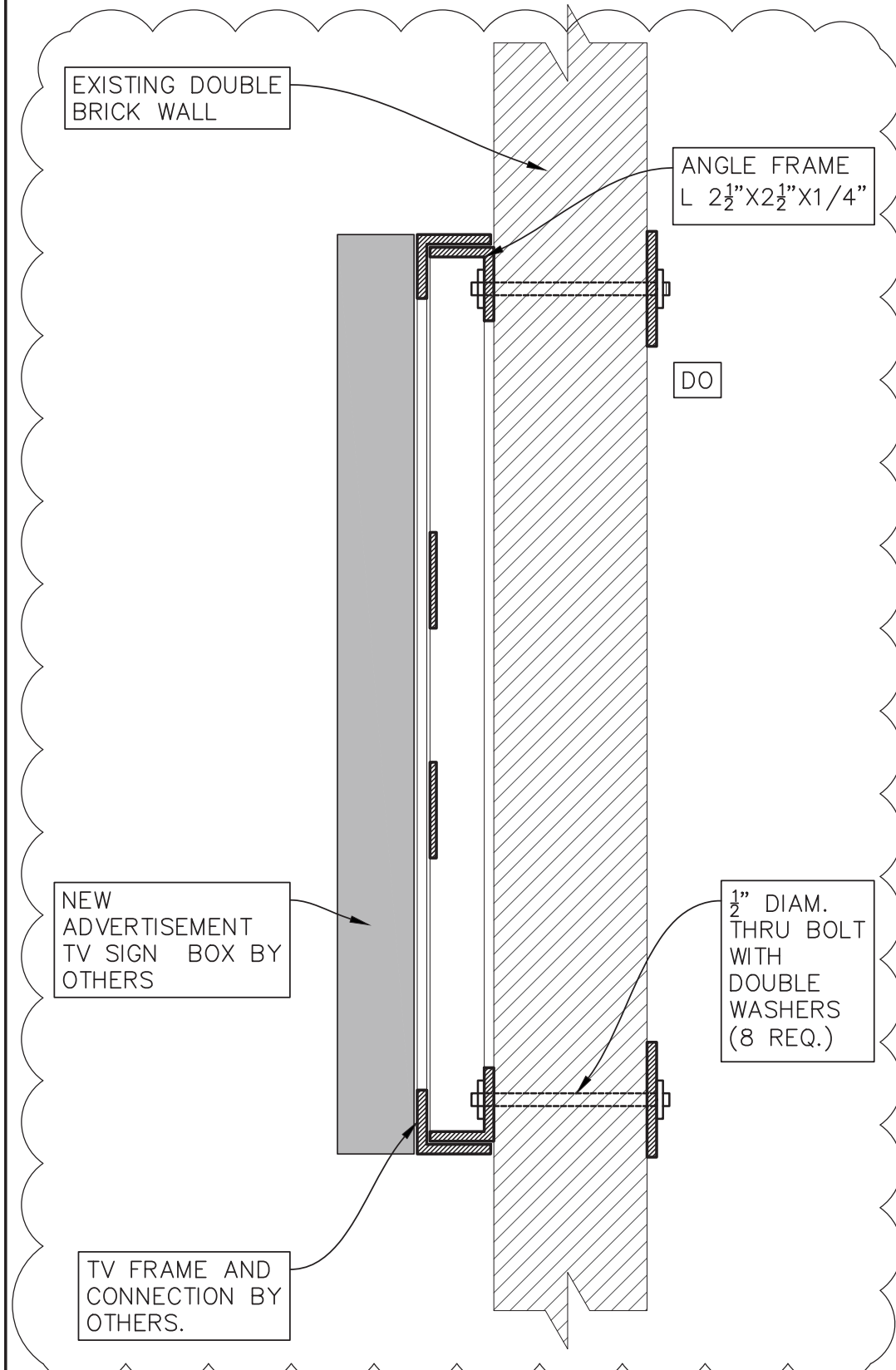
Plot Date:
DEC 5, 2023

SCALE : 1 : 50

CALLOUT PLAN **A-2**



ELEVATION



CONNECTION DETAIL



1800A AVENUE ROAD, TORONTO, ON M5M-4A3
TEL: 416-781-3136, www.hskdesign.ca



6.	DEC 5, 2023	ISSUED FOR ENG REVIEW
5.	DEC 1, 2023	ISSUED FOR ENG REVIEW
4.	SEP 21, 2023	ISSUED FOR ENG REVIEW
3.	JAN 30, 2020	ISSUED FOR ENG REVIEW
2.	JAN 27, 2020	ISSUED FOR ENG REVIEW
1.	JAN 21, 2020	ISSUED FOR ENG REVIEW
No.	Date:	Revision / Issued

THIS DRAWING SHALL REMAIN THE PROPERTY OF THE DESIGNER. THE COPYRIGHT OF THIS DRAWING AND WORK EXECUTED FROM THE SAME BEING RESERVED. THE CONTRACTOR MUST VERIFY AND ACCEPT, RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., ENGINEERING INFORMATION SHOWN ON THIS DRAWINGS. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. ALL SUBCONTRACTORS TO EXECUTE THEIR WORK ACCORDING TO SHOP DRAWINGS WHICH MUST BE APPROVED BY THE DESIGNER, AND BE KEPT ON SITE AT ALL TIMES.

THIS DRAWING IS NOT TO BE SCALED.

Project:
TV ADVERTISEMENT SIGN

Address:
33 SIMCOE STREET S,
OSHAWA, ON. L1H 4G1

Plot Date:
DEC 5, 2023

SCALE: 1:50

WEST ELEVATION
& CONNECTION DETAIL

A-3

Hello, Please note the following response to Delegation Request Form has been submitted at Tuesday February 13th 2024 4:07 PM with reference number 2024-02-13-073.

- **First Name:**
Tony
- **Last Name:**
Trinidad
- **Telephone:**
<M.F.I.P.P.A. Sec. 14(1)>
- **Email Address:**
<M.F.I.P.P.A. Sec. 14(1)>
- **If you know who you wish to address, please select.**
City Council
- **In order to address City Council, you must first appear before the Standing Committee responsible for your issue. Have you appeared before the appropriate Standing Committee?**
No
- **Please provide an overview of the issue you wish to speak about.**
Hello ...
I have been transparently in contract with city staff (clerks) and planning PM and one our councillors wanting to provide some feedback gathered from numerous neighbours impacted by the planned Harmony Creek Trail Extension.

I have not been informed what standing committee we would need to first work with and possibly present and as such am submitting this request at the general council level.

The feedback I've gathered so far from neighbours stem from simply requesting for an extension on the consultation deadline as the feedback period was very small , all the way to actual concerns on the impacts of the proposed trail from a safety, security and ecological perspective..

This group of neighbours is excited and supportive of the Active Lifestyle mandate but is hoping to look at all options available to promote this while addressing concerns regarding the ecological concerns of the Harmony Creek ravine system.
- **Will you provide a PowerPoint Presentation? You must submit your slides by noon on the business day prior to the meeting.**
Yes

From: Melissa Mcaslan <M.F.I.P.P.A. Sec. 14(1)>
Sent: Tuesday, February 13, 2024 4:32 PM
To: Melissa Mcaslan; clerks <clerks@oshawa.ca>
Subject: Harmony Creek extension project

To whom it may concern,

I am writing to express my concerns regarding the Harmony Creek Extension project, specifically the proposed construction of the bridge connecting the Arborwood Parkette to Esterbrook Drive and the proposed path around the storm retention pond.

As a resident deeply invested in the environment and the welfare of our community, I urge you to consider the potential risks and impacts of this proposed development. While I applaud the desire to create accessible pathways for recreational purposes, it is crucial to acknowledge the environmental and safety implications of such projects.

A project of this magnitude needs to ensure that it does not contribute to destroying sensitive ecosystems by exacerbating flooding and disrupting wildlife habitats. The proposed area is extremely prone to flooding. In fact, the area where the bridge is to be constructed has been flooded for the last five years, and the stormwater retention pond required extensive city maintenance this fall to remove blockages, which caused the water to rise so high that it encroached on the residential properties on the east side of the pond. Moreover, the disturbance caused by construction activities can lead to soil erosion, loss of vegetation, and degradation of water quality, further compromising the ecological integrity of the ecosystem.

I know this project has been made possible through a generous grant provided by the federal government. I am also aware that there is a timeline in which the funds must be used. With that information, I respectfully request a SHORT extension in the decision-making process, allowing for actual community input. This brief extension would allow for thorough consideration of alternative solutions and mitigation measures to minimize environmental and safety concerns while still achieving the project's objectives.

Together, we can ensure that our actions align with our commitment to environmental stewardship and the well-being of our city. We have a delegation of community members who would be pleased to meet to discuss this proposal anytime.

Thank you for your attention to this matter. I'm looking forward to working towards a satisfactory solution for all of us.

Sincerely,

Melissa McAslan

From: noreply@oshawa.ca <noreply@oshawa.ca> On Behalf Of Neda Safvati agius
Sent: Tuesday, February 13, 2024 4:31 PM
To: clerks <clerks@oshawa.ca>
Subject: Extension

I am writing to express my concerns regarding the Harmony Creek Extension project, specifically the construction of the path within the ravine. As a resident deeply invested in the welfare of our community and environment, I urge you to consider the potential risks and impacts associated with this development.

While I understand the desire to create accessible pathways for recreational purposes, it is crucial to acknowledge the environmental implications of such projects. Research indicates that paths constructed in sensitive ecosystems like ravines can exacerbate flooding and disrupt wildlife habitats.

Flooding poses a significant threat to both property and public safety, and the construction of pathways in flood-prone areas can exacerbate these risks. Moreover, the disturbance caused by construction activities can lead to soil erosion, loss of vegetation, and degradation of water quality, further compromising the ecological integrity of the ravine ecosystem.

Additionally, the presence of human activity in these areas can disrupt wildlife behavior and lead to habitat fragmentation, endangering the diverse species that call the ravine home. As stewards of our environment, it is our responsibility to prioritize the preservation and protection of these natural spaces for current and future generations.

In light of these concerns, I respectfully request an extension in the decision-making process for the Harmony Creek Extension project. This will allow for thorough consideration of alternative solutions and mitigation measures to minimize environmental harm while still achieving the project's objectives.

I am more than willing to collaborate with the city and other stakeholders to explore sustainable and environmentally conscious approaches to enhancing recreational opportunities in our community. Together, we can ensure that our actions align with our commitment to environmental stewardship and the well-being of our city.

From: Jackie Graham <M.F.I.P.P.A. Sec. 14(1)>

Sent: Tuesday, February 13, 2024 4:29 PM

To: clerks <clerks@oshawa.ca>

Subject: Request of extension in timeline for the Harmony Creek extension

I am writing to formally request an extension to the harmony creek extension plan due to multiple concerns from the community regarding flooding and safety.

I am writing to express my concerns regarding the Harmony Creek Extension project, specifically the proposed construction of the bridge connecting the Arborwood Parkette to Esterbrook Drive and the proposed path around the storm retention pond.

As a resident deeply invested in the environment and the welfare of our community, I urge you to consider the potential risks and impacts of this proposed development. While I applaud the desire to create accessible pathways for recreational purposes, it is crucial to acknowledge the environmental and safety implications of such projects.

A project of this magnitude needs to ensure that it does not contribute to destroying sensitive ecosystems by exacerbating flooding and disrupting wildlife habitats. The proposed area is extremely prone to flooding. In fact, the area where the bridge is to be constructed has been flooded for the last five years, and the stormwater retention pond required extensive city maintenance this fall to remove blockages, which caused the water to rise so high that it encroached on the residential properties on the east side of the pond. Moreover, the disturbance caused by construction activities can lead to soil erosion, loss of vegetation, and degradation of water quality, further compromising the ecological integrity of the ecosystem.

I know this project has been made possible through a generous grant provided by the federal government. I am also aware that there is a timeline in which the funds must be used. With that information, I respectfully request a SHORT extension in the decision-making process, allowing for actual community input. This brief extension would allow for thorough consideration of alternative solutions and mitigation measures to minimize environmental and safety concerns while still achieving the project's objectives.

Together, we can ensure that our actions align with our commitment to environmental stewardship and the well-being of our city. We have a delegation of community members who would be pleased to meet to discuss this proposal anytime.

Thank you for your attention to this matter. I'm looking forward to working towards a satisfactory solution for all of us.

Sincerely,

Jackie Graham

From: Jay B <M.F.I.P.P.A. Sec. 14(1)>
Sent: Tuesday, February 13, 2024 4:28 PM
To: clerks <clerks@oshawa.ca>
Subject: Fwd: Harmony Creek Extension Project

I wanted to draft this note to express my request for reconsideration of the Harmony Creek Extension project to Conlin Rd due to the many unresolved issues.

As a new resident to the area, I'm deeply invested in the welfare of our community and environment, and am a bit concerned with the lack of transparency around this project, specifically details around potential risks and impacts associated with this development. While I understand the desire to create accessible pathways for recreational purposes, it is crucial to acknowledge the environmental and operational implications of such projects. Research indicates that paths constructed in sensitive ecosystems like ravines can exacerbate flooding and disrupt wildlife habitats. As someone who backs onto the ravine, I have concerns around the potential for flooding, which poses a significant threat to both property and public safety, and the construction of pathways in flood-prone areas can exacerbate these risks.

Moreover, the disturbance caused by construction activities can lead to soil erosion, loss of vegetation, and degradation of water quality, further compromising the ecological integrity of the ravine ecosystem. Additionally, the presence of human activity in these areas can disrupt wildlife behavior and lead to habitat fragmentation, endangering the diverse species that call the ravine home. As stewards of our environment, it is our responsibility to prioritize the preservation and protection of these natural spaces for current and future generations. I am more than willing to collaborate with the city and other stakeholders to explore sustainable and environmentally conscious approaches to enhancing recreational opportunities in our community. Together, we can ensure that our actions align with our commitment to environmental stewardship and the well-being of our city. I was actively engaged in a similar construction project, the Carruthers Creek Trail, which fronted my previous home in Ajax, so I'm more than open to discussion, however again there's been no communication aside from the one post on the city website. In light of these concerns, I respectfully request an extension in the decision-making process for the Harmony Creek Extension project. This will allow for thorough consideration of alternative solutions and mitigation measures to minimize environmental harm while still achieving the project's objectives. Thank you for your attention to this matter. I look forward to discussing these concerns further and working towards a mutually beneficial solution. Sincerely

Jason Barham

<M.F.I.P.P.A. Sec. 14(1)>

From: Mark Bronny <M.F.I.P.P.A. Sec. 14(1)>

Sent: Tuesday, February 13, 2024 4:24 PM

To: clerks <clerks@oshawa.ca>

Subject: Harmony Creek Trail Extension concerns for next information package

Hello,

Please add the following to the next available information package for council's consideration:

Regarding the Esterbrook/Arborwood/Woodstream/Conlin Rd E. area Harmony Creek Trail extension project, I am concerned that the currently proposed location of the walking trail on the east side of Harmony Creek between Woodstream Ave. and Conlin Rd. is not feasible. This is because it would be located far too close to the Harmony Creek river which floods every spring. This segment of the proposed trail would be at great risk of being eroded away by the flood waters, and this risk would be further exacerbated by the removal of the existing trees whose root systems are vital in reinforcing the river bank. The solution is to build the walking trail on the west side of Harmony Creek.

I believe this issue is real and significant enough that it warrants a Council reconsideration for correspondence and delegations to be placed on the public meeting agenda.

Please let me know if you have any questions or need any additional information.

Thank you,

Mark

<M.F.I.P.P.A. Sec. 14(1)>