

Application for Consent

The Corporation of the Town of Whitby

575 Rossland Road East, Whitby Ontario, L1N 2M8

Telephone: 905.430.4306

[http://webforms.whitby.ca/Planning/Electronic Submission of Planning Applications](http://webforms.whitby.ca/Planning/Electronic%20Submission%20of%20Planning%20Applications)



Please read the entire application form prior to completing.

General Information and Procedures

The attached application is to be used by persons or public bodies as an application for Consent. In the application, "subject land(s)" means the land(s) that is the subject of this application. This application and any attached supporting documentation, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours. Personal information on this application is collected under the authority of the Municipal Act, as amended, and the Planning Act, as amended, and will be used for the purposes of processing this application. Questions regarding this collection should be directed to the Office of the Town Clerk at 905.430.4315 or clerk@whitby.ca.

Submission of Application:

Please complete one (1) copy of the application form in full and submit to the Secretary-Treasurer of the Committee of Adjustment with the following:

- a) A minimum of two (2) Copies of the draft 40R Plan, together with a detailed sketch, where required. Plans must be to scale and measured in metric units. Full size plans shall be folded and accompanied by reductions on 8.5" x 14" paper.
- b) The prescribed non-refundable fee(s) paid by cash, debit card or cheque payable to the Treasurer of the Town of Whitby.
- c) One (1) copy of the Town of Whitby Site Screening Questionnaire (see Attachment #2), and Phase 1 or Phase 2 Environmental Assessment, Remedial Work Plan (RWP) or Record of Site Condition (RSC), if required.
- d) Two (2) copies of all other supporting technical and background information and materials, as required upon completion of the relevant sections of the application form and/or attached questionnaire(s).
- e) One (1) USB containing the completed application form, draft reference plan, and any other submission materials in PDF format.
- f) One (1) copy of a current parcel register.

The completed application is to be submitted to:

Town of Whitby Planning and Development Department
575 Rossland Road East
Whitby, Ontario L1N 2M8
(Telephone: 905.430.4306 or planning@whitby.ca)

Fees:

All fees, as detailed in the application, must be submitted with the completed application.

Committee of Adjustment:**Organization**

The Committee of Adjustment of the Town of Whitby is composed of five members who are appointed by the Council of the Municipality. Council may appoint any person to the Committee of Adjustment who they consider appropriate. Committee members, who are not members of Council, hold office for a term concurrent to that of the Council who appointed them, for four years.

Legislation

The Committee of Adjustment is constituted and appointed by a By-law of the Corporation of the Town of Whitby and operates in accordance with the *Planning Act*, 1990 and Ontario Regulation 197/96 as amended.

Function

The primary function of the Committee of Adjustment is to consider applications for minor variances and consent.

Procedure for Processing of Consent Applications

1. The completed application is reviewed to ensure the information contained therein is accurate and complete. If the application is satisfactory, a file is opened.
2. A hearing date is established at the discretion of the Secretary-Treasurer.
3. A mailing list, consisting of the owner, the agent, and all property owners within 60 metres of the subject property is prepared. Each entry on the list is mailed at least fourteen (14) days in advance of the meeting, a Notice of Public Hearing which includes an explanation of the purpose and effect of the application, the location of the property and the date, time and location of the hearing.
4. The applicant is provided with a Notice of Public Hearing sign from the Planning and Development Department, which is required to be posted on the property a minimum of 14 days in advance of the meeting date. If the notice sign is not posted within 14 days of the meeting date, the application will be tabled at the expense of the applicant.
5. A member of the Planning and Development Department carries out a site inspection.
6. The Committee of Adjustment considers the application. The application may be granted, denied or tabled (pending further information). In no case shall the decision be valid unless concurred with by the majority of the members that heard the application.
7. Notice of the Committee of Adjustment decision is sent to the Durham Region Community Growth and Economic Development Department, the applicant, the agent, and each person who requested a copy of the decision when they attended the meeting (interested parties).

8. Within twenty (20) days of the date of the decision, the applicant, a specified person, or any public body may appeal to the Ontario Land Tribunal (OLT) against the decision.
9. If no appeal is received by the Secretary-Treasurer within this twenty (20) day period, the decision of the Committee becomes final and binding. Notices to this effect are sent to the applicant, agent, and any interested parties.
10. Appeals received by the Secretary-Treasurer will be subject to a preliminary screening by the Ontario Land Tribunal. If the appeal is found to be valid, a Notice of Commencement from the OLT Registrar will be issued, and a statutory case management conference (CMC) will be scheduled. Additional information regarding the appeal process can be found on the OLT website at <https://olt.gov.on.ca/appeals-process/>.

Town of Whitby Committee of Adjustment Notification Sign – Posting Instructions

You, the applicant, are responsible for erecting the Committee of Adjustment Notification Sign (Notice of Public Hearing) on the Subject Property in accordance with the following requirements:

1. The sign shall be nailed or firmly stapled to a wooden stake.
2. The sign shall be located on the subject property so that it is visible from the abutting public roadway by the passing public, as well as for the Committee of Adjustment members when they are making inspections of the subject property. The sign shall NOT be posted within a public road allowance, within a sight triangle, or on hydro poles, telephone poles, etc.
3. The sign shall be located on the subject property such that it is not obstructed from the view of the abutting public roadway.
4. The sign shall be located on the subject property a minimum of 1.0 metre from the front property line.
5. The sign shall be posted immediately upon receipt and shall remain in place until the day after the Hearing.

Members of the Committee will be inspecting the properties for which an application has been made. If the sign is not properly posted, your application may be tabled.

If you have any questions regarding the posting of the Committee of Adjustment Notification Sign, please do not hesitate to contact the Secretary-Treasurer of the Committee of Adjustment at 905.430.4306.

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SHADED AREAS FOR OFFICE USE ONLY

File No.: B/___/___	Date Entered in AMANDA:	Entered by
By-law: ☐ 1784 ☐ 2585 ☐ 5581-05	☐ With Site Plan	
Date Received:	Meeting Date:	

Part I – Applicant Information

1. Owner / Applicant / Agent:

Please list the contact information for each of the following (if applicable):

Name	Mailing Address & Postal Code	Contact Information
Applicant*:		Telephone:
		Email:
Agent or Solicitor*:		Telephone:
		Email:
Owner**:		Telephone:
		Email:

* An Owner's Authorization is required if the applicant is not the owner. If the applicant is a prospective purchaser, also attach a copy of the offer to purchase.

** If there is more than one owner, attach a list of each owner. If the owner is a company, provide the name and address of the company owner(s).

2. Primary Contact:

Correspondence relating to this application should be sent to (select one only):

☐ Owner ☐ Applicant ☐ Agent / Solicitor

Part II – Type of Transaction

3. Indicate transaction for which application for consent is being made:

Conveyance: Please select only **one (1)** of the following:

- a) ☐ Creation of a new lot

Are you requesting a Certificate Stamp for both the severed and retained lands?

Yes ☐ No ☐

Please note that if you answered “Yes”, an **additional** Deed Signing Fee of **\$1017.00** is required for the retained lands.

- b) ☐ Addition to a lot – moving/adjusting lot line.

(indicate direction to which the severed parcel will be added):

☐ North ☐ South ☐ East ☐ West

Note: For Lot Line Adjustments only, please also complete the section below:

Name, address, and telephone number of person(s) to whom the land is intended to be transferred:

Name: _____

Mailing address: _____

Phone/Fax: _____

Assessment Roll Number of adjacent property: 18-_____ (15 digits total)

Other transaction types: Please select if applicable:

- ☐ Easement/Right-of-Way (Identify the benefitting lands: North/East/South/West)
- ☐ Lease
- ☐ Correction of Title
- ☐ Mortgage or Charge
- ☐ Partial Discharge of Mortgage
- ☐ Other: e.g. Validation of Title, Approval for Power of Sale/Foreclosure of Mortgage

Part III – Property Information

4. Property Information:

4.1 Location and Description of Subject Land(s)

Municipal Address (Street # and Street Name):	Assessment Roll #:
Legal Description:	List part numbers on draft of Registered 40R-Plan:
Do the parts of the severance application form the entirety of the lot/parcel? Yes ☐ No ☐	

4.2 Dimensions of Lands in Metric Units

Severed/servient Lands – Part #:	Lot Frontage (metres):	Lot Depth (metres):	Approximate Area (m ²):
Retained Lands – Part #:			

5. Heritage / Easements / Rights-of-Ways or Covenants:

5.1 Is this property Designated under Ontario Heritage Act / Listed on Municipal Heritage Register?

Yes ☐ No ☐ Unknown ☐

If **Yes**, please identify below the Type of designation:

Individual Designation (Part IV) ☐ or District Designation (Part V) ☐
land(s)?

5.2 Are there any easements, rights-of-way, restrictive covenants, etc., affecting the subject land(s)?

Yes ☐ No ☐

If **Yes**, please identify below, and indicate on a site plan, the nature and location of the easement, right-of-way, restrictive covenant, etc.:

Describe Existing Easement:	Severed Lands:	Retained Lands:

Part IV – Details of Application

6. Official Plan:

What is the current Envision Durham Regional Official Plan designation of the subject land(s)?

Severed Land:	Retained Land:

What is the current Town of Whitby Official Plan designation and, if applicable, Secondary Plan designation of the subject land(s)?

Severed Land:	Retained Land:

7. Zoning By-law:

	Severed:	Retained:
By-law Number (1784, 2585 or 5581-05):		
Zoning Category:		
Minimum Frontage:		
Minimum Area:		

8. Oak Ridges Moraine Conservation Plan:

Is the subject land within an area of land designated under the Oak Ridges Moraine Conservation Plan?

Yes ☐

No ☐

If **Yes**, please specify whether the application conforms to or does not conflict with the Oak Ridges Moraine Conservation Plan:

9. Greenbelt Plan:

Is the subject land within the Greenbelt Plan Area?

Yes ☐ No ☐

If yes, please specify whether the application conforms to or does not conflict with the Greenbelt Plan:

10. Provincial Planning Statement:

Is the application consistent with the Provincial Policy Statement?

Yes ☐ No ☐

11. Property Frontage**Severed Land****Retained Land**

- | | | |
|----------------------------|--------------------------|--------------------------|
| a) Open Municipal Road | ☐ | ☐ |
| b) Regional Road | ☐ | ☐ |
| c) Provincial Highway | ☐ | ☐ |
| d) Unopened Road Allowance | ☐ | ☐ |
| e) ROW | ☐ | ☐ |
| f) Other: | ☐ | ☐ |

State name of Road(s): _____

Is access by water:

Yes ☐ No ☐

If yes, what boat docking and parking facilities are available?

Distance of docking and parking facilities from nearest road and from subject property:

12. Services, existing and proposed:

	Severed Land		Retained Land	
	Existing	Proposed	Existing	Proposed
a) Public Water and Public Sewer	☐	☐	☐	☐
b) Public Water and Private Sewage System	☐	☐	☐	☐
c) Well and Public Sewer	☐	☐	☐	☐
d) Well and Private Sewage System	☐	☐	☐	☐
e) Other: Communal, Lake Water, etc.				

If proposed, specify when above will be available: _____

If a private sewage system exists on the proposed severed or retained lands, please provide the following details:

Severed lands: Installation date: _____ Health Dept. File #: _____

Retained lands: Installation date: _____ Health Dept. File #: _____

If applicable, please provide a separate site servicing plan with the application.

13. Date of acquisition of subject land(s):

14. Date of construction of all buildings and structures on subject land(s):

15. Existing use(s) of the subject land(s):

Severed (existing): _____

Severed (proposed): _____

Retained (existing): _____

Retained (proposed): _____

16. Please complete the following table (in metric units) for any existing building(s)/structure(s) on the subject land(s):

Type of Building/Structure	Height (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Building Footprint (m ²)	Gross Floor Area (m ²)

17. Please complete the following table (in metric units) for any proposed building(s)/structure(s) on the subject land(s):

Type of Building/Structure	Height (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Building Footprint (m ²)	Gross Floor Area (m ²)

18. Other Applications:

18.1 Has there ever been an application for consent by the current or previous owners on this parcel of land?

Yes ☐ No ☐

If **Yes**, please describe briefly (including File No., for what use?)

Date of transfer, name of transferee and land use:

18.2 Has the subject or retained land ever been the subject of a variance, zoning amendment, Minister's Zoning Order or Official Plan amendment application?

Yes ☐ No ☐

If **Yes**, please specify the File number and status of the application:

- 18.3 Has the parcel to be severed or retained ever been or is it part of an application for Plan of Subdivision?

Yes ☐ No ☐

If **Yes**, please specify the Date, File number and status of the application:

19. Agricultural Code of Practice (Minimum Distance Separation – MDS):

- 19.1 Is the subject land(s) within the urban area boundary as identified on Schedule 'A' – Land Use of the Town of Whitby Official Plan?

Yes - Within the urban area boundary ☐ No - Outside of the urban area boundary ☐

- 19.2 Are there one (1) or more livestock barns or manure storage facilities located within 500 metres (1,640 feet) of the boundary of the subject land(s)?

Yes ☐ No ☐

If yes, the attached Minimum Distance Separation Data Sheet (Attachment #1) must be completed and submitted with the completed application. Complete one data sheet for each livestock barn or manure storage facility.

Is the attached Minimum Distance Separation Data Sheet completed?

Yes ☐ No ☐

Part V – Submission of Application

20. Fees:

Submit applicable fee(s) with completed application:

Town of Whitby (Fees effective January 1, 2026; subject to change without prior notice)

- ☐ Application and Planning Review Fee – **\$3,573.00**

The following application fees may also apply after submission:

- ☐ Release Fee **\$1,003.00**
- ☐ Tabling by Applicant **\$907.00**
- ☐ Deed Signing and Finalization of Documents for the Application **\$1,017.00.**
- ☐ Deed Re-signing **\$260.00**

All fees are to be paid by cash, debit card or cheque made payable to the **Town of Whitby**.

Central Lake Ontario Conservation (Fees effective January 1, 2026; subject to change without prior notice)

- ☐ A non-refundable processing fee of **\$1,460.00** paid by separate cheque made payable to **Central Lake Ontario Conservation**, is required where the property is located within lands subject to Ontario Regulation 42/06. Applications requiring a significant amount of technical review will be charged the Technical Review Fee of **\$3,640.00**. A Clearance Letter is **\$330.00**. Consolidated applications will be subject to only the higher application fees, not the aggregate.

Durham Region Community Growth and Economic Development Department (Fees effective January 1, 2026; subject to change without prior notice)

- ☐ A non-refundable commenting fee of **\$1,000.00** per lot paid by separate cheque made payable to the **Regional Municipality of Durham** is required when the application is circulated for their review and comments. Additional costs for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Region but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Region shall notify the applicant to seek approval and payment before proceeding to a third-party review or supporting studies.

Durham Region Health Department (Fees effective April 1, 2026; subject to change without prior notice)

- ☐ A non-refundable Preliminary Analysis fee of **\$629.00** per lot paid by separate cheque made payable to the **Regional Municipality of Durham** is required when the application is circulated for their review and comments as they relate to existing and proposed private servicing (i.e. well and septic). Additional costs for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Town shall notify the applicant to seek approval and payment before proceeding to a third-party review or supporting studies.

The applicant will be required to pay the reasonable legal fees of the Town for the preparation and registration of development agreements when such agreements are required.

21. Forms, Information and Materials:

- ☐ One (1) original completed application form, including the prescribed information in accordance with the *Planning Act*, as amended, and Ontario Regulation 197/96, as amended.
- ☐ One (1) copy of a current parcel register.
- ☐ Minimum of two (2) copies of the draft 40R-Plan together with a detailed sketch, where required. The draft 40R-Plan and/or sketch, where applicable, must show the following information:
 - a) abutting lands owned by the owner showing the boundaries and dimensions;
 - b) the distance between the owner's land and the nearest township lot line or appropriate landmark (i.e. bridge, railway crossing, etc.);
 - c) the boundaries and dimensions of the severed and the retained parcels and the location of all land previously severed;
 - d) the boundaries and dimensions of easements, rights-of-way, leases, mortgages, etc., existing and being applied for on the subject land and the boundaries and dimensions of any easements, rights-of-way, leases, mortgages, etc., existing or being applied for on the retained land;
 - e) the approximate location of all natural and artificial features on the subject land (i.e. buildings, railways, roads, watercourses, drainage ditches, rivers or stream banks, slopes, wetlands, wooded areas, wells and septic tanks) and on adjacent lands which may affect the application;
 - f) the use of adjacent lands (i.e. residential, agricultural, cottage, commercial, etc.);
 - g) the location, width and names of all road allowances, streets, rights-of-way, highways within or abutting the property, indicating whether they are public travelled roads, private roads or right-of-ways or unopened road allowances;
 - h) the location and nature of any right-of-way or easement affecting the subject land; and
 - i) if access to the subject land is by water only, the location of the parking and boat docking facilities.
- ☐ Two (2) copies of all supporting technical and background information and materials, as required upon completion of the relevant sections of the application form and/or attached questionnaire(s).
- ☐ One (1) copy of the Town of Whitby Site Screening Questionnaire (Attachment #1), and Phase 1 or Phase 2 Environmental Assessment, Remedial Work Plan, or Record of Site Condition if required.
- ☐ One (1) USB containing the completed application form, draft reference plan, and any other submission materials in a PDF format.

22. Finalization of Consent:

Once all of the conditions contained in the Committee's Decision are fully satisfied, the applicant's solicitor must prepare and forward the legal document(s) with the applicable fee to the Whitby Planning and Development Department, to the attention of the Secretary-Treasurer.

For most applications (lot line adjustments and/or new lots), the legal documents, as prepared by a Solicitor, shall include the following documents in triplicate:

1. Draft of the complete Transfer/Deed of Land (including the Land Transfer Tax Affidavit);
2. Acknowledgement and Direction document signed by all owners; and
3. Schedule "A" Certificate of Official, in accordance with Ontario Regulation 197/96. The legal document(s) is/are to contain a registrable description satisfactory to the Registrar in keeping with the current requirements of the Registry Act. A minimum of ten (10) working days are required for the review and signing of the legal document(s) indicating the Committee's consent.

The documents will be returned to the solicitor for registration purposes.

23. Applicant's Acknowledgements:

The Applicant hereby acknowledges:

- that this application and the attached supporting documentation, information and materials, if any, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act;
- that personal information on this application is collected under the authority of the Municipal Act, as amended, the Planning Act, as amended, and Ontario Regulation 197/96, and will be used for the purpose of processing the application and to determine compliance with the policies and by-laws of the Town of Whitby;
- that conceptual development plans and/or drawings submitted with this application are not reviewed for compliance with the Ontario Building Code (O.B.C.) and/or related regulations;
- that submission of this application constitutes tacit consent for authorized Town staff representative(s) to inspect the subject lands or premises, and to carry out any inspections, tests and investigations as may be required;
- that all vegetation on the subject land(s) must be maintained and no filling, grading or excavating is permitted on the subject land(s) during the processing of this application;
- that additional approvals from the Town and/or other agencies (e.g. building permit, site plan approval, CLOCA permit) may be required;
- that additional fees and/or charges (e.g. building permit fees, parkland dedication fees, development charges) associated with any development approved in conjunction with this application may be required;

- that the applicant will be required to pay reasonable legal fees to the Town for the preparation and registration of agreements when such agreements are required;
- that additional costs for the processing of the application may be charged where studies, reports, information and/or materials in support of the application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study (e.g. traffic, marketing, environmental, noise, servicing); and,
- that additional information and/or materials may be required, and therefore the application may not be deemed complete, nor processed unless the additional information and/or materials are submitted.

Questions about the collection and inspection of this information should be directed to:

**Commissioner of Planning and Development
Town of Whitby
575 Rossland Road East
Whitby, Ontario
L1N 2M8
Telephone: 905.430.4306.**

24. Owner's Authorization:

If the applicant is not the owner of the land that is the subject of this application, then written authorization by the owner, authorizing the applicant to prepare and submit the application must be attached, or the owner must complete the authorization set out below.

Is written authorization attached?

Yes ☐ No ☐

If **No**, then the following Owner's Authorization for the Agent to prepare and submit the Application **must** be completed:

I, _____ (Please print), am the owner of the land that is the subject of this application, and I authorize _____ (Please print) to prepare and submit this application on my behalf.

Signature of Owner

Date

25. Declaration:

I, _____, of the _____
(Please print) (e.g., Town of Whitby)

in the _____, make oath
(e.g., Region of Durham)

and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the Sections above is true.

Sworn (or declared) before me at the _____, in the
(e.g., Town of Whitby)

_____, this _____ day of _____, in the
(e.g., Region of Durham)

Year _____.

Applicant

Commissioner of Oaths

**Applications will not be processed
where application forms and/or fees are incomplete**

Attachment #1 - Minimum Distance Separation (MDS) Data Sheet



This form must be completed and submitted with a development application when applying for a new non-farm use within 500 metres (1,640 feet) of an existing livestock facility. Complete one (1) sheet for each different set of buildings used for housing livestock.

What is the closest distance from livestock facility to the property boundary of the subject lands?
_____ metres.

What is the closest distance from manure storage to the property boundary of the subject lands?
_____ metres.

How many tillable hectares where a livestock facility is located? _____ hectares.

Type of Livestock		Existing Housing Capacity #	Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
Dairy	☐ Milking cows Heifers					
Beef	☐ Cows (Barn Confinement)					
	☐ Cows (Barn with Yard)					
	☐ Feeders (Barn Confinement)					
	☐ Feeders (Barn with Yard)					
Swine	☐ Sows					
	☐ Weaners					
	☐ Feeder Hogs					
Poultry	☐ Chicken Broiler/Roasters					
	☐ Caged Layers Chicken					
	☐ Breeder Layers Pullets					
	☐ Meat Turkeys (>10 kg)					
	☐ Meat Turkeys (5-10 kg)					
	☐ Meat Turkeys (<5 kg)					
	☐ Turkey Breeder Layers					
Horses	☐ Horses					
Sheep	☐ Adult Sheep					
	☐ Feeder Lambs					
Mink	☐ Adults					
Veal	☐ White Veal Calves					
Goats	☐ Adult Goats					
	☐ Feeder Goats					
Other						

Owner of Livestock Facility: _____ (Please Print)

Telephone: _____ Fax: _____

Applicant's Signature: _____ Date: _____

Shaded Areas for Office Use Only

Minimum Distance Separation: _____
metres

Does the Application Comply with MDS
Requirements?

Yes ☐ No ☐

Prepared by:

Date:

Site Screening Questionnaire Form

Town of Whitby
Planning and Development Department
575 Rossland Road East
Whitby, ON L1N 2M8
Telephone: 905.430.4300
www.whitby.ca

Site Screening Questionnaire for Identifying Potentially Contaminated Development Sites in the Town of Whitby

This form must be completed for all planning applications unless a digital copy of the applicable Environmental Site Assessment (ESA) work prepared in accordance with Ontario Regulation (O.Reg.) 153/04, as amended, is submitted to the approval authority in support of this development proposal. If you have any questions about this questionnaire, please contact the Town of Whitby Planning and Development Department as identified above.

Landowner Name: _____

Mailing Address (Street No. and Name): _____

Location of Subject Lands (Municipal Address): _____

Lot(s): _____ Concession(s): _____ Registered Plan #: _____

Former Township: _____ Municipality: _____

Related Planning Application(s) and File Number(s) _____

1. What is the current use of the property? Check the appropriate use(s):

Category 1: ☐ Industrial ☐ Commercial ☐ Community

Category 2: ☐ Residential ☐ Institutional ☐ Parkland

Category 3: ☐ Agricultural ☐ Other

Note: daycare facilities and a property that contains a religious building(s) are considered institutional uses. See Ontario Regulation 153/04, as amended, for definitions.

2. Does this development proposal require a change in property use that is prescribed under the *Environmental Protection Act* and O.Reg. 153/04 (e.g. a change to a more sensitive use from Category 1 to 2; 2 to 3; or 1 to 3 as identified under Question 1)?

☐ Yes ☐ No

If yes to Question 2, a Record of Site Condition must be filed on the Provincial Environmental Site Registry.

3. Has the property or any adjacent lands ever been used as an Enhanced Investigation Property (e.g. industrial uses; chemical warehousing; automotive repair garage; bulk liquid dispensing facility, including a gasoline outlet and/or a dry-cleaning equipment)?

☐ Yes ☐ No

4. Has fill (earth materials used to fill in holes) ever been placed on the property?

☐ Yes ☐ No

5. Is the property or any adjacent lands identified as a wellhead protection zone? (Please review the Ministry of the Environment, Conservation and Parks [Source Protection Information Atlas](#) to confirm)

☐ Yes ☐ No

6. Is the property within 250 metres from an active or decommissioned landfill/dump, waste transfer station or Polychlorinated Biphenyl (PCB) storage site?

☐ Yes ☐ No

7. Has the property ever stored/generated/accepted hazardous materials requiring Hazardous Waste Information Network (HWIN) registration or other permits?

☐ Yes ☐ No

8. Does the subject lands or lands abutting it previously or currently support one or more of the Potentially Contaminating Activities identified in Table 2 of Schedule D of O.Reg 153/04, as amended (see attachment)?

☐ Yes ☐ No

If Yes was selected in any of the questions above, a Phase One ESA (and possibly a Phase Two ESA) at a minimum prepared in accordance with O.Reg. 153/04, is required. Please submit a digital copy of the Phase One and/or a Phase Two ESA that satisfies the requirements of O.Reg 153/04, as amended.

ESA's may be waived at the Town's discretion provided that the Applicant/Qualified Person (QP) can demonstrate that the response(s) does not pose a risk to human health and the environment to the Town's satisfaction (e.g. consent applications relating to easements, leases, mortgages, correction of title as well as location of off-site Potentially Contaminated Activities; and direction of surface and groundwater flow etc.).

The Town must be granted third party reliance on all ESA work through the completion of its Reliance Letter and Certificate of Insurance. Town third-party reliance is not required if a Record of Site Condition is filed on the Environmental Site Registry for the proposed property use and/or the Ministry of the Environment, Conservation and Parks (MECP) issues a notice of a Certificate of Property Use where applicable.

Note: The Town may scope the Environmental Site Assessment requirements for minor development proposals on Enhanced Investigation Properties (e.g. accessory structures) or determine if additional environmental work is required.

Declarations:

This form must be completed and signed by both a Qualified Person and the property Owner(s) or Authorized Agent for all development applications made under the *Planning Act* and reviewed by the Town of Whitby Planning and Development Department.

A QP sign-off may be waived by the Town for the following application types: leases; mortgages; title corrections; re-establishment of lot lines (where title inadvertently merged); minor lot line adjustments (at the discretion of the Town); as well as minor variances; minor zoning by-law amendments (e.g. where there is no physical development, the addition of a new non-sensitive land use), and/or part lot control applications where site contamination was recently addressed by a related planning application. For a full list of QP exemptions, please see the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.

Where a QP sign-off is required on this form, the completion of a Town Reliance Letter and Certificate of Insurance may be waived.

To the best of my knowledge, the information provided in this questionnaire is true, and I do not have any reason to believe that the subject property contains contaminants at a level that would interfere with the proposed property use. I am a Qualified Person in accordance with Ontario Regulation 153/04 and carry the required liability insurance in accordance with the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.

Qualified Person:

Name (Please Print) _____

Signature: _____

Name of Firm: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Date: _____

Professional Seal:

Property Owner, or Authorized Officer:

Name (Please Print) _____

Signature: _____

Name of Company (if Applicable): _____

Title of Authorized Officer: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Date: _____

Town File Number: _____

Town File Number: _____

List of Potentially Contaminating Activities

Table 2 – Ontario Regulation 153/04

Records of Site Condition – Part XV.1 of the *Environmental Protection Act*

Ministry of the Environment, Conservation and Parks

Item	Potentially Contaminating Activity (PCAs)
1.	Acid and Alkali Manufacturing, Processing and Bulk Storage
2.	Adhesives and Resins Manufacturing, Processing and Bulk Storage
3.	Airstrips and Hangars Operation
4.	Antifreeze and De-icing Manufacturing and Bulk Storage
5.	Asphalt and Bitumen Manufacturing
6.	Battery Manufacturing, Recycling and Bulk Storage
7.	Boat Manufacturing
8.	Chemical Manufacturing, Processing and Bulk Storage
9.	Coal Gasification
10.	Commercial Autobody Shops
11.	Commercial Trucking and Container Terminals
12.	Concrete, Cement and Lime Manufacturing
13.	Cosmetics Manufacturing, Processing and Bulk Storage
14.	Crude Oil Refining, Processing and Bulk Storage
15.	Discharge of Brine related to oil and gas production
16.	Drum and Barrel and Tank Reconditioning and Recycling
17.	Dye Manufacturing, Processing and Bulk Storage
18.	Electricity Generation, Transformation and Power Stations
19.	Electronic and Computer Equipment Manufacturing
20.	Explosives and Ammunition Manufacturing, Production and Bulk Storage
21.	Explosives and Firing Range

Item	Potentially Contaminating Activity (PCAs)
22.	Fertilizer Manufacturing, Processing and Bulk Storage
23.	Fire Retardant Manufacturing, Processing and Bulk Storage
24.	Fire Training
25.	Flocculants Manufacturing, Processing and Bulk Storage
26.	Foam and Expanded Foam Manufacturing and Processing
27.	Garages and Maintenance and Repair of Railcars, Marine Vehicles and Aviation Vehicles
28.	Gasoline and Associated Products Storage in Fixed Tanks
29.	Glass Manufacturing
30.	Importation of Fill Material of Unknown Quality
31.	Ink Manufacturing, Processing and Bulk Storage
32.	Iron and Steel Manufacturing and Processing
33.	Metal Treatment, Coating, Plating and Finishing
34.	Metal Fabrication
35.	Mining, Smelting and Refining; Ore Processing; Tailings Storage
36.	Oil Production
37.	Operation of Dry-Cleaning Equipment (where chemicals are used)
38.	Ordnance Use
39.	Paints Manufacturing, Processing and Bulk Storage
40.	Pesticides (including Herbicides, Fungicides and Anti-Fouling Agents) Manufacturing, Processing, Bulk Storage and Large-Scale Applications
41.	Petroleum-derived Gas Refining, Manufacturing, Processing and Bulk Storage
42.	Pharmaceutical Manufacturing and Processing
43.	Plastics (including Fibreglass) Manufacturing and Processing
44.	Port Activities, including Operation and Maintenance of Wharves and Docks
45.	Pulp, Paper and Paperboard Manufacturing and Processing
46.	Rail Yards, Tracks and Spurs

Item	Potentially Contaminating Activity (PCAs)
47.	Rubber Manufacturing and Processing
48.	Salt Manufacturing, Processing and Bulk Storage
49.	Salvage Yard, including automobile wrecking
50.	Soap and Detergent Manufacturing, Processing and Bulk Storage
51.	Solvent Manufacturing, Processing and Bulk Storage
52.	Storage, Maintenance, Fueling and Repair of Equipment, Vehicles, and Material used to Maintain Transportation Systems.
53.	Tannery
54.	Textile Manufacturing and Processing
55.	Transformer Manufacturing, Processing and Use
56.	Treatment of Sewage equal to or greater than 10,000 litres per day
57.	Vehicles and Associated Parts Manufacturing
58.	Waste Disposal and Waste Management, including thermal treatment, landfilling and transfer of waste, other than use of biosoils as soil conditioners
59.	Wood Treating and Preservative Facility and Bulk Storage of Treated and Preserved Wood Products

Note: the above-noted PCAs may change from time-to-time. Please refer to the Provincial Brownfields Regulation O.Reg.153/04 for the official list of PCAs.