

APPLICATION FOR ZONING BY-LAW AMENDMENT, TEMPORARY USE & REMOVAL OF HOLDING BY-LAWS

The Corporation of the Town of Whitby
575 Rossland Road East, Whitby Ontario, L1N 2M8
Telephone: 905.430.4306
<http://whitby.ca>



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 to amend the Town of Whitby Zoning By-law. In the application, "subject land(s)" means the land(s) that is the subject of this application. The information collected on this form and any attached supporting documentation is considered to be a public record as defined by section 27 of the Municipal Freedom of Information and Protection of Privacy Act. Questions about this collection should be directed to the Office of the Town Clerk at 905-430-4315 or clerk@whitby.ca.

There are three Zoning By-laws for the Town of Whitby:

- By-law 2585, as amended, covering the lands in the former Town of Whitby.
- By-law 1784, as amended, covering the lands in the former Township of Whitby, excluding the Oak Ridges Moraine; and
- By-law 5581-05, as amended, covering the lands within the Oak Ridges Moraine.

The Zoning By-laws further stipulate in detail the restrictions and provisions applicable in the various zone categories. An application may require in excess of six months to process to enable Council to review and analyze the necessary studies related to the application and to obtain the necessary approvals. It is only after the necessary approval(s) is given that a particular application may proceed, following approval of an amending by-law.

Pre-consultation:

A pre-consultation is required prior to the acceptance of an application for a Zoning By-Law Amendment. The pre-consultation request is circulated electronically by the Planning and Development Department and may include representatives from various Town Departments or external agencies, as required.

The pre-consultation process will be comprised of two stages:

Stage 1: Preliminary Pre-Consultation for the purpose of identifying information and materials required for a complete application. A review fee is required at this Stage 1.

Stage 2: Pre-Submission Review of the supporting information and materials identified at Stage 1. Further revisions may be required to the supporting documents. A review fee is required at Stage 2.

Applications will not be processed when pre-consultation has not occurred in accordance with By-law 5967-07.

Procedure for Processing Applications for Zoning By-law Amendments:

- 1) An application is made to the Town Council in the appropriate form attaching the required number of copies of Plans and other material as provided for in the application.
- 2) The application together with the appropriate fee is deposited with the Planning and Development Department and when presented to Council, it is forwarded to the Committee of the Whole for report and recommendation.
- 3) The applicant is required to post a sign on the subject property advising the public of the application. The specifications and procedures for the posting of the sign are attached to the application form. The Planning and Development Department will provide the applicant with the required sign wording and location of the sign(s).

- 4) The applicant is advised of the time and date the application will be presented to the Committee of the Whole for information and will be invited to attend in person and/or virtually to express his/her views about the application or to be represented by Counsel for this purpose, and also provide the Committee with an opportunity to question the applicant. At this meeting, all assessed persons including tenants within 120 metres (400 feet) will be invited to also express their views on the application in accordance with Sections 34(12), (13) and (14) of the *Planning Act*, 1990. They will also be afforded one additional week to submit their views in writing to the Planning and Development Department.
- 5) The applicant is advised of the time and date the application will come before the Committee of the Whole for a recommendation to Council. At this meeting, the Committee will have before it any staff reports making a recommendation on the matter. The applicant will be invited to this meeting to express his/her views, as will any persons to whom the Committee may direct that notice be circulated.
- 6) When the Committee of the Whole is satisfied that all matters have been considered, it may recommend to Council that the application be referred, reserved, refused, approved or approved subject to certain conditions.
- 7) Council may then act on the Committee of the Whole's recommendation.
- 8) Where an application is refused by Council, the applicant has the right of appeal to the Ontario Land Tribunal (OLT) as provided by Section 34 of the *Planning Act*, 1990.
- 9) Where an application is approved by Council, Council will direct that the necessary amendments to the Zoning By-law be prepared.

Once the Amendment By-law is passed, notice of its passing is given within 15 days of the date of passing. If no notice of appeal is filed within 20 days after the day that notice was given as required by the *Planning Act*, it is deemed to have come into force on the date it was passed.
- 10) If any objections are received, the Amendment By-law, together with the objections will be forwarded to the Ontario Land Tribunal (OLT). The OLT may appoint a date for the public hearing to consider the proposed amendment by-law and may at such hearing signify its approval or otherwise of the by-law. The Ontario Land Tribunal (OLT) issues a formal order detailing its decision. Such order is final and binding and is the effective authority for the zoning change or other amendment to become law.

Temporary Use By-Law:

Council may in a by-law passed under Section 34 of the Planning Act, 1990 authorize the temporary use of land, buildings or structures for any purpose set out in the by-law that is otherwise prohibited.

The processing of a temporary use by-law shall include steps 1 through 10 above, wherein subject to Council's approval, the area and prescribed period of time for which the authorization shall be in effect shall not exceed twenty (20) years from the day of passing the by-law for a garden suite or three years from the day of passing of a by-law in all other cases. Council may grant further periods of not more than three years each during which the temporary use is authorized. Where a zoning application is submitted to extend a temporary use by-law that is in full force and effect, steps 3 and 4 above may be deleted.

Holding By-Law:

Council may in a by-law passed under Section 34 of the Planning Act, 1990, use the holding symbol "H" in conjunction with any zone designation, specifically restricting the use of the lands, buildings or structures until such time in the future as the holding symbol is removed by amendment to the by-law.

The processing of a holding by-law shall include steps 1 through 10 as noted above. Council may consider an application for an amendment to the by-law to remove the holding symbol subject to all requirements being satisfied. To remove the "H" symbol the posting of a sign and a public meeting is not required, steps 3 and 4. Where an application for amendment to remove the "H" symbol is refused by Council, only the applicant may appeal to the Ontario Land Tribunal.

Submission of Application:

Policies contained in the Whitby Official Plan, Durham Regional Official Plan, Provincial Policy Statement, and/or Provincial Statutes or Plans may require the preparation and submission of additional technical information or reports that will assist the Town and others in their evaluation of the proposed amendment. The nature of the information and/or reports will vary with the type of land uses proposed and the existing land use and topographic features. Please refer to the text of the Whitby Official Plan for the complete policies in their proper context.

The prescribed information and materials, in accordance with the *Planning Act*, as amended, and Ontario Regulation 545/06, as amended, the required information and materials as identified in the Whitby Official Plan, as well as the necessary processing fees are required to be submitted with the application in order to deem it complete. When the prescribed and required information and materials, as well as the applicable application fee(s) have been received by the Town, the submission(s) will be reviewed in order to deem it complete.

If any of the prescribed or requested information and/or application fee(s) is not provided, the Town may return the application or refuse to further consider the request for approval until such information and/or fee(s) has been provided. Additional information may be required in order to assist upon review of the application, prior to deeming the application complete.

The above information will be circulated to public bodies or agencies that may have an interest in the application. All measurements are to be provided in metric units. Submission of this application constitutes tacit consent for authorized Town and Regional staff to inspect the subject lands or premises.

The completed application is to be submitted to:

**Town of Whitby
Planning and Development Department
575 Rossland Road East
Whitby, ON
L1N 2M8**

Fees:

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

Signs:

A sign or signs must be erected on the subject property to notify the public of the application. Sign guidelines are set out in the attached "Procedures and Requirements for Notification Signs" form. Planning and Development Department staff will provide the required wording and location of the sign(s). The form must be signed and accompany this application when submitted to the Town.

Assistance:

For information regarding completing the application form, please refer to the "Citizen's Guide 3: Zoning By-laws" under Land Use Planning which is available on the Ministry of Municipal Affairs and Housing website: www.mah.gov.on.ca, or from Publications Ontario, 880 Bay Street, Toronto, Ontario, M7A 1N8. You may also call the Town of Whitby Planning and Development Department at 905.430.4306 for assistance prior to submission.

Pre-Consultation By-Law



THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 5967-07

BEING A BY-LAW TO REQUIRE APPLICANTS TO CONSULT WITH THE TOWN OF WHITBY PRIOR TO SUBMISSION OF A DEVELOPMENT APPLICATION (PRE-CONSULTATION BY-LAW)

WHEREAS, sections 22(3.1), 34(10.0.1), 41(3.1), and 51 (16.1) of the Planning Act, R.S.O. 1991, c. P.13, as amended provides that a municipality may, by by-law, require applicants to consult with the municipality prior to submission of development applications;

AND WHEREAS, Council for the Corporation of the Town of Whitby deems it appropriate to require pre-consultation with applicants submitting development applications;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. The Director of Planning and his or her designate(s) are authorized to:

(a) conduct pre-consultations; and,

(b) identify the information and materials necessary for processing each application,

(i.) prior to submission and acceptance of development applications, as items necessary for the application to be deemed complete under the Planning Act and Whitby Official Plan; and

(ii.) during the processing of development applications in cases where such information and materials cannot reasonably be provided at the time of submission of the application.

2. Applicants shall pre-consult with municipal staff prior to submission of a development application in order to identify the information and materials necessary to the processing of an application.

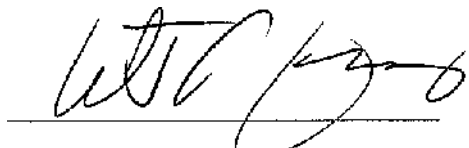
SHORT TITLE

3. This by-law may be referred to as the "Pre-Consultation By-law"

EFFECTIVE DATE

4. This by-law shall come into force and take effect upon the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17TH DAY OF SEPTEMBER, A.D., 2007.

A handwritten signature in black ink, appearing to read 'Paul Jones', written over a horizontal line.

Paul Jones, Clerk

A handwritten signature in black ink, appearing to read 'Patricia Perkins', written over a horizontal line.

Patricia Perkins, Mayor

Application for Zoning By-law Amendment, Temporary Use & Removal of Holding By-laws



The Corporation of the Town of Whitby – Planning and Development Department

575 Rossland Road East, Whitby, Ontario, L1N 2M8

Telephone: 905.430.4306

http://webforms.whitby.ca/Planning/Electronic_Submission_of_Planning_Applications

SHADED AREAS FOR OFFICE USE ONLY		
File No.: Z – –	Date Entered in AMANDA:	Entered By (Initials):
By-law: ☐ 1784 ☐ 2585 ☐ 5581-05		☐ Removal of 'H' – Holding
☐ With Official Plan Amendment	☐ With Plan of Subdivision/Condominium	☐ Temporary Use
☐ With Site Plan	☐ With Revised/Redlined Subdivision	☐ Extension of Temporary Use
Date Received:		

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 company owner(s).

2. Primary Contact:

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

☐ Owner ☐ Applicant ☐ Agent / Solicitor

Part II – Property Information

3. Property Information:

3.1 Location and Description of Subject Land(s):

Municipal Address (Street # and Street Name)		Assessment Roll #	
Registered Plan(s)	Lot(s) / Block(s) #	Reference Plan(s)	Part(s) #
Lot(s)	Concession(s)	Approximate Area (hectares)	

3.2 Complete the following site statistics for the subject lands:

Subject Lands:	Lot Frontage (metres)	Lot Depth (metres)	Approximate Area (m ²)
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3.3 Indicate the location and site statistics of adjoining or nearby land in which the owner has an interest, if any:

Other Lands:	Lot Frontage (metres)	Lot Depth (metres)	Approximate Area (m ²)
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4. Heritage / Easements / Encumbrances / Mortgages:

4.1 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) ☐

4.2 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.:

4.3 Are there any mortgagees, holders of charges or other encumbrances?

Yes ☐ No ☐

If **Yes**, please list the names and addresses of the mortgagees, holders of charges or other encumbrances:

Part III – Details of Application

5. Official Plan Conformity:

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

- 5.2 Please provide an explanation of how the application conforms to the Official Plan:

- 5.3 Is the requested amendment consistent with the Provincial Policy Statement issued under Section 3 of the *Planning Act*?

Yes ☐ No ☐

Explain:

- 5.4 Is the subject land(s) designated under any Provincial Plan(s) (e.g. Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Growth Plan for Greater Golden Horseshoe)?

Yes ☐ No ☐

If **Yes**, does the requested amendment conform to, or not conflict with, the Provincial Plan(s)?

Yes ☐ No ☐

6. Zoning By-law:

- 6.1 By-law: What is the current zone category(s) of the subject land(s)?

☐ 1784 _____

☐ 2585 _____

☐ 5581-05 _____

- 6.2 What uses are permitted under the current zoning?

6.3 Is the subject land(s) within an area where zoning with conditions applies?

Yes ☐ No ☐

If **Yes**, how does the application conform to the Official Plan policies relating to zoning with conditions?

6.4 What is the nature and extent of the requested Zoning Amendment?

6.5 Why is a Zoning By-law Amendment being requested?

7. Previous, Current & Proposed Land Uses/Buildings/Structures:

7.1 What was the previous use(s) of the subject land(s)?

7.2 What is the existing use(s) of the subject land(s)?

7.3 Are there any existing buildings/structures on the subject land(s)?

Yes ☐ No ☐

If **Yes**, please complete the following table (in metric units) for any existing buildings/structures:

Type of Building/ Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback	Ground Floor Area

7.4 What is the date of construction of any existing buildings/structures on the subject land(s)?

7.5 What is the length of time the existing uses have continued on the subject land(s)?

7.6 What is the date the subject land(s) was acquired by the current owner?

7.7 What is the proposed use(s) of the subject lands?

7.8 Are there any proposed buildings/structures on the subject land(s)?

Yes ☐ No ☐

If **Yes**, please complete the following table (in metric units) for any *proposed* building(s)/structure(s):

Type of Building/ Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback	Ground Floor Area

8. Settlement Area:

Does the application propose to implement an alteration to the boundary of a settlement area or to implement a new settlement area?

Yes ☐ No ☐

If **Yes**, please provide the details of the Official Plan or Official Plan Amendment that deals with the matter:

9. Area of Employment:

Does the application propose to remove land from an area of employment?

Yes ☐ No ☐

If **Yes**, please provide the details of the Official Plan or Official Plan Amendment that deal with the matter:

10. Preliminary Concept Plan:

Has a preliminary conceptual development plan been prepared in support of the application?

Yes ☐ No ☐

If **Yes**, is the plan attached?

Yes ☐ No ☐

11. Other Applications:

- 11.1 Please indicate if the applicant or owner is also submitting any of the following applications under the *Planning Act* for the subject land(s):

Other Applications	Subject Lands	
	Yes	No
Durham Regional Official Plan Amendment	☐	☐
Whitby Official Plan Amendment	☐	☐
Plan of Subdivision	☐	☐
Plan of Condominium	☐	☐
Zoning By-law Amendment	☐	☐
Consent to Sever	☐	☐
Site Plan Approval	☐	☐
Minor Variance	☐	☐
Minister's Zoning Order	☐	☐

If **Yes** was answered to any of the questions above, the Other Applications Table **must** be completed.

- 11.2 If known, has the subject land(s) ever been subject of a **previous** application under the *Planning Act* for:

(a) Plan of Subdivision/Consent (b) Zoning By-law Amendment (c) Minister's Zoning Order
 Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐

If **Yes**, please specify (i.e. Applicant, File No.(s), year, status, effect):

- 11.3 Does the proposed use(s) require any approval(s) from other agencies/levels of government (i.e. Conservation Authority, Provincial Ministry, Federal Agency, Oshawa Airport and the Oshawa Planning Department)?

Yes ☐ No ☐ Uncertain ☐

If **Yes**, please specify:

12. Servicing and Access:

The attached Proposed Servicing and Access Questionnaire regarding the proposed type of servicing and access for the subject land(s) **must** be completed and submitted with the completed application.

Is the attached Proposed Servicing and Access Questionnaire completed?

Yes ☐ No ☐

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

- 13.1 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 ☐ No ☐

- 13.2 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 **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 ☐

14. Site Screening Questionnaire:

The attached Region of Durham Site Screening Questionnaire for identifying potentially contaminated sites must be completed and submitted with the completed application.

Is the attached Region of Durham Site Screening Questionnaire completed?

Yes ☐ No ☐

15. Signs:

The attached Procedures and Requirements for Notification Signs form **must** be completed and submitted with the completed application.

Is the attached Procedures and Requirements for Notification Signs form completed?

Yes ☐ No ☐

16. Other Information & Materials:

The Official Plan includes policies, and pre-consultation may identify, that additional information and materials may be required in support of the application. The application may not be deemed complete without the submission of the required information and materials (see attached Required Information and Materials table).

Are there any reports or additional information and materials in support of the application that may be useful to the Town or agencies in reviewing this application?

Yes ☐ No ☐

If **Yes**, is the additional information attached?

Yes ☐ No ☐

Please list the title(s), author(s) and date(s) of reports(s) or additional information and/or materials (if applicable):

17. Pre-consultation:

Did the owner / applicant consult with the Whitby Planning and Development Department prior to submission of the application?

Yes ☐ No ☐

If **No**, please contact the Whitby Planning and Development Department to arrange a **mandatory pre-consultation meeting** in accordance with By-law 5967-07, prior to submission of this application.

18. Public Consultation Strategy

Is the owner/applicant proposing a public consultation strategy beyond the minimum requirements of the *Planning Act*?

Yes ☐ No ☐

If **Yes**, please provide a description of your proposed public consultation strategy.

Part IV – Submission of Application**19. Fees:**

Select the type of application and submit applicable fee(s) with completed application:

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

- ☐ Zoning By-law Amendment (Simple) - **\$30,510.00** (includes preparation of By-law)
- ☐ Zoning By-law Amendment (Complex)² - **\$50,850.00** (includes preparation of By-law)
- ☐ Lifting of 'H' – Holding Symbol - **\$10,170.00** (includes preparation of By-law)
- ☐ Temporary Use - **\$14,876.00** (includes preparation of By-law)
- ☐ Temporary Use for Second Residence - **\$7,437.00** includes preparation of By-law)
- ☐ Extension of a Temporary Use - **\$6,973.00** (includes preparation of By-law)

Notes:

- ² Complex Amendment – associated with an Official Plan Amendment, Plan of Subdivision Application, an application that requires the review of technical support documents or studies or any amendment deemed to be complex by the Commissioner of Planning and Development.

A fee for an “Annual Administrative Review” will be applied at a rate of **\$1,813.00 per year**, each year that the application has been approved by Council, but has not been secured by a By-law.

The above fees are non-refundable and payable by cash, debit card or cheque made payable to the **Town of Whitby**.

Please submit the following additional fees with the application (if applicable):

Durham Region Community Growth and Economic Development Department (Fees effective July 1, 2021; subject to change without prior notice)

- ☐ A non-refundable commenting fee of **\$1,500.00** paid by separate **certified cheque** made payable to the **Regional Municipality of Durham** or **via e-transfer (contact Region of Durham at planning@durham.ca to arrange e-transfer)** for the evaluation of zoning by-law applications and zoning by-laws that are not related to any other applications requiring Regional review.

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

- ☐ If applicable, a Preliminary Analysis fee of **\$313.00**, paid by separate cheque made payable to the **Durham Region Health Department**, when the application is circulated for their review and comments.

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

- ☐ A Preliminary Analysis fee of **\$2,250.00** paid by separate cheque made payable to the **Central Lake Ontario Conservation** (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**. Consolidated applications will be subject to only the higher application fees, not the aggregate.

20. Forms, Information and Materials:

- ☐ Three (3) original completed application form, including the prescribed information in accordance with the *Planning Act*, as amended, and Ontario Regulation 545/06, as amended, any additional information and materials as required by the Whitby Official Plan
- ☐ One (1) digital version of the plan(s) in .dwg format (correctly geo-referenced in North American Datum 1983 (NAD83) Zone 17 North Projection and using UTM grid bearing reference)
- ☐ One (1) copy of a survey or conceptual development plan, if applicable, **folded** to 8½" X 11" (letter size), illustrating the boundaries and dimension of the subject land, and the following information:
 - a) The location, municipal address, size and type of all existing and proposed buildings/structures and all yard setback distances including the lot area and full dimensions of the lands
 - b) The approximate location of all natural and artificial features on the subject land (buildings, railways, roads, above ground services [hydrants, hydro poles], watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) and that which is adjacent to the subject land which may affect the application
 - c) The current uses on the land adjacent to the subject land
 - d) The location, width and name of any roads within or abutting the subject land, and indicate whether it is an unopened road allowance, public travelled road, a private road or a right of way
 - e) The location and nature of any easement affecting the subject land
- ☐ One (1) copy of a survey or conceptual development plan, if applicable, **reduced** to 8½" X 11" (letter size) paper
- ☐ Hard copies of all supporting technical and background information and material as specified on the Record of Pre-consultation and attached questionnaire(s)
- ☐ Owner's authorization, if applicable
- ☐ Completed and signed Other Applications Table
- ☐ Completed and signed Proposed Servicing and Access Questionnaire
- ☐ Completed and signed Minimum Distance Separation Data Sheet (if applicable)
- ☐ Completed and signed Site Screening Questionnaire
- ☐ Completed and signed Other Information and Materials form
- ☐ Completed and signed Procedures and Requirements for Notification Signs form
- ☐ Digital copies of plan(s), information and materials.

21. Proponent'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 or digital copies of any submitted materials will be made available to the public upon request 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 545/06, 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, CLOC 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 of 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);
- that a fee for the "Annual Administrative Review" will be applied at a rate as noted above in Section 19 – Fees per year, each year that the application has been approved by Council, but has not been secured by a By-law; 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;

DISCLAIMER: The documents and information attached are related to a planning application that was submitted to the Town of Whitby under the Planning Act. Pursuant to s.1.0.1 of the Planning Act, the Town is required to make such material available to the public. The attached material is being provided solely for the purpose of allowing the recipient to undertake a review and examination of the planning application and supporting material. The Town of Whitby does not have the authority to grant permission for any other use of the attached material and requests that recipients respect all copyright, trademarks or other personal/property rights in the material that remain unprotected. Any misuse of the material or violation of such personal/property rights is strictly prohibited. Should a member of the public wish to use the attached materials for purposes other than what is prescribed in this disclaimer, then the author of the material should be contacted directly.

The Town of Whitby takes no responsibility and bears no liability for the content of the attached materials, or any errors, omissions or conclusions contained therein.

Questions about the collection and inspection of this information should be directed to: **Commissioner of Planning & Development, Town of Whitby, 575 Rossland Road East, Whitby, Ontario, L1N 2M8, Telephone: 905.430.4306, email: planning@whitby.ca.**

22. 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, _____, am the owner of the land that is the subject of this application and
(Please print)

I authorize _____ to prepare and submit this application on my behalf.
(Please print)

Signature of Owner

Date

23. Declaration:

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

in the _____, make oath and say (or solemnly
(e.g. Region of Durham)
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 year _____.
(e.g. Region of Durham)

Applicant

Commissioner of Oaths

Applications will not be processed where application forms and/or fees are incomplete and when pre-consultation has not occurred in accordance with By-law 5967-07.

Other Applications



If there are other applications for the subject lands, the table below **must** be completed and submitted with the completed application form.

Subject Land(s)						
Other Applications	File No.	Approval Authority	Lands Affected	Purpose of Application	Effect of Application	Status of the Application
Durham Regional Official Plan Amendment						
Plan of Subdivision / Condominium						
Zoning By-law Amendment						
Consent to Sever						
Site Plan Approval						
Minor Variance						
Minister's Zoning Order						
Other (Describe)						

Prepared By:

Name: _____ Signature: _____
(Please Print)

Date: _____

Proposed Servicing and Access Questionnaire



This form must be completed and submitted with the attached development application. Please refer to the table on the next page when completing the following questions. Please check the corresponding letter for the proposed type of servicing and access:

1. What is the proposed type of sewage disposal system:

- ☐ A. Municipal piped sewage system
☐ B. Municipal or private communal septic system
☐ C. Individual septic systems
☐ D. Privy
☐ E. Other (please specify) _____

Is the required information / report attached? ☐ Yes ☐ No ☐ Not Applicable

2. What is the proposed type of water supply system:

- ☐ A. Municipal piped water system
☐ B. Municipal or private communal wells
☐ C. Individual wells
☐ D. Communal surface water
☐ E. Individual surface water
☐ F. Lake
☐ G. Other (please specify) _____

Is the required information / report attached? ☐ Yes ☐ No ☐ Not Applicable

3. What is the proposed type of storm drainage system:

- ☐ A. Sewers
☐ B. Ditches or swales
☐ C. Other (please specify) _____

Is the required information / report attached? ☐ Yes ☐ No ☐ Not Applicable

4. What is the proposed type of road access:

- ☐ A. Provincial Highway
☐ B. Municipal road maintained all year
☐ C. Municipal road maintained seasonally
☐ D. Right-of-way
☐ E. Water

Is the required information / report attached? ☐ Yes ☐ No ☐ Not Applicable

5. Does the requested amendment propose development on a privately owned and operated individual or communal septic system and would more than 4500 litres of effluent be produced per day as a result of the development being completed?

☐ Yes ☐ No

If **Yes**, a servicing options report and a hydrogeological report are required.

The information above was prepared by:

Name: _____
(Please Print)

Signature: _____

Date: _____

Proposed Servicing and Access Information Requirements	
1. Sewage Disposal	Action or Required Information / Reports
A. Municipal piped sewage system	None at this time. Durham Region will determine if sewage plant capacity is available.
B. Municipal or private communal septic system	More than 4500 litres of effluent produced per day: a servicing options statement ¹ , a hydrogeological report ² .
C. Individual septic systems	For more than 5 lots/units: a servicing options statement ¹ and a hydrogeological report ² . For up to 5 lots/units each generating less than 4500 litres per day effluent: a hydrogeological report ² .
D. Other	Please Describe
2. Water Supply	Action or Required Information / Reports
A. Municipal piped water system	None at this time. Durham Region will determine if water treatment plant capacity is available.
B. Municipal or private communal wells	For more than 5 lots/units: a servicing options statement ² , a hydrogeological report ² and an indication whether a public body is willing to own and operate the system ³ . For non-residential development where water will be used for human consumption: a hydrogeological report².
C. Individual wells	For the development of more than 5 lots/units: a servicing options statement ¹ and a hydrogeological report ² .
D. Communal surface water	A "water taking permit" under Section 34 of the Ontario Water Resources Act.
E. Individual surface water	MNR clearance should accompany the servicing options report submitted to MOECP.
F. Other	Please Describe:
3. Storm Drainage	Action or Required Information / Reports
A. Sewers	A preliminary stormwater management report is recommended, and should be prepared concurrent with any hydrogeological reports for submission with the application. A storm water management plan will be needed prior to final approval of a plan of subdivision or a site plan.
B. Ditches or swales	
C. Other	
4. Access	Action or Required Information / Reports
A. Provincial Highway	Application to MTO for an access permit should be made at the time of submission of this application as an access permit is required prior to development.
B. Municipal road maintained all year	None at this time. The Town will indicate acceptance of road alignment and access when the application is reviewed.
C. Municipal road maintained seasonally	Development is not usually permitted on seasonally maintained roads.
D. Right-of-way	Access by right-of-way on a private road is not usually permitted, except as part of a condominium.
E. Water Access	Information on the capacity of the proposed docking facility to accommodate the proposed development and the approximate distance of the facilities from the subject land and the nearest public road will assist the review.

¹ Written confirmation that the Ministry of Environment, Conservation and Parks (MOECP) and the Region concur with the servicing options statement will facilitate the review of the application.

² All development on individual or communal septic tanks requires a hydrogeological report. Before undertaking such a report, consult MOECP and the Region's Health Department about the type of hydrogeological assessment that is expected based on the nature and location of the proposal.

³ Where communal services are proposed (water and/or sewage), it is Provincial policy that the Region must own these services, unless otherwise permitted by MOECP. Current Regional policy does not provide for the Region to own communal services.

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 #	Manure System (Place an "X" in one box only)			
			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: _____ Telephone: _____ Fax: _____
(Please Print)

Proponent'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:

Required Information and Materials



The table below **must** be completed and submitted with the completed application form.

In addition to the information contained in an application form, the table below identifies additional information and/or reports that may be required as identified in the Town of Whitby Official Plan. Proponents should also review the Durham Region Official Plan, Provincial Statutes and the *Provincial Policy Statement*. The submission of supporting documentation will assist in the evaluation of an application.

Required Information and Materials	Does Any Official Plan Policy Apply?		Is the Required Information and Materials Attached?	
	Yes *	No	Yes	No
Planning Considerations:				
Planning Rationale Report	☐	☐	☐	☐
Settlement Capacity Study	☐	☐	☐	☐
Social Impact Assessment	☐	☐	☐	☐
Engineering Considerations:				
Functional Servicing Report	☐	☐	☐	☐
Servicing Options Report	☐	☐	☐	☐
Grading and Drainage Plan	☐	☐	☐	☐
Stormwater Management Plan	☐	☐	☐	☐
Hydrogeology Report	☐	☐	☐	☐
Well Impact Study	☐	☐	☐	☐
Soils and Slope Stability Report(s)	☐	☐	☐	☐
Geotechnical Report	☐	☐	☐	☐
Noise Study (including but not limited to vehicular and stationary noise)	☐	☐	☐	☐
Vibration Study	☐	☐	☐	☐
Construction Management Plan	☐	☐	☐	☐
Environmental Considerations:				
Environmental Impact Study	☐	☐	☐	☐
Phase 1 Environmental Site Assessment Report	☐	☐	☐	☐
Phase 2 Environmental Site Assessment Report	☐	☐	☐	☐
Record of Site Condition	☐	☐	☐	☐
Natural Heritage Evaluation	☐	☐	☐	☐
Hydrological Evaluation / Hydrogeological Study	☐	☐	☐	☐
Contaminant Management Plan	☐	☐	☐	☐
Natural Hazard Study	☐	☐	☐	☐
Coastal Engineering Study	☐	☐	☐	☐
Watershed Study	☐	☐	☐	☐
Subwatershed Study	☐	☐	☐	☐
Tree Inventory and Preservation Study	☐	☐	☐	☐
Contour information incl. Conservation Authority regulatory lines	☐	☐	☐	☐
Refuse/Recyclable Storage and Pick-up Plan	☐	☐	☐	☐
Edge Management Plan	☐	☐	☐	☐
Air Quality Study	☐	☐	☐	☐
Mineral Aggregate Extraction Study	☐	☐	☐	☐
Sustainability Rationale Report	☐	☐	☐	☐
Whitby Green Standard Checklist for Site Plan Application	☐	☐	☐	☐
Whitby Green Standard Checklist for Subdivision Application	☐	☐	☐	☐
Agricultural Considerations:				
Agricultural Assessment	☐	☐	☐	☐
Conformity with Minimum Distance Separation Formula	☐	☐	☐	☐

Required Information and Materials	Does Any Official Plan Policy Apply?		Is the Required Information and Materials Attached?	
	Yes *	No	Yes	No
Transportation Considerations:				
Traffic Impact Study	☐	☐	☐	☐
Transit Study	☐	☐	☐	☐
On-site Traffic Management Plan	☐	☐	☐	☐
Parking Study	☐	☐	☐	☐
Parking Management Plan	☐	☐	☐	☐
Haul Route Plan	☐	☐	☐	☐
Financial Considerations:				
Retail Market Impact Study	☐	☐	☐	☐
Retail Market Capacity Study	☐	☐	☐	☐
Financial Impact Study	☐	☐	☐	☐
Municipal Financial Impact Study	☐	☐	☐	☐
Housing Market Study	☐	☐	☐	☐
Rental Housing Study	☐	☐	☐	☐
Heritage/Cultural Considerations:				
Heritage Impact Assessment	☐	☐	☐	☐
Cultural Heritage Assessment	☐	☐	☐	☐
Archaeological Assessment	☐	☐	☐	☐
Any requirements of a Heritage Conservation Plan	☐	☐	☐	☐
Design Considerations:				
Site Plan	☐	☐	☐	☐
Landscape Plans/Analysis	☐	☐	☐	☐
Open Space and Parks Plan	☐	☐	☐	☐
Urban Design Study	☐	☐	☐	☐
Exterior Building Colour Sample Board	☐	☐	☐	☐
Sun/Shadow Study	☐	☐	☐	☐
Wind Study	☐	☐	☐	☐
Lighting Plan	☐	☐	☐	☐
Signage Study	☐	☐	☐	☐
Any requirements of a Heritage Conservation Plan	☐	☐	☐	☐
Pedestrian accessibility/walkability	☐	☐	☐	☐
Regard for accessibility for persons with disabilities	☐	☐	☐	☐
Migratory Bird Impact Study	☐	☐	☐	☐
Other:				
Any other study in support of the application(s) (please specify: _____ _____	☐	☐	☐	☐

* If **Yes**, the supporting information and materials **must** be attached. Please list the title, author and date of all reports:

The information above was prepared by:

Name: _____ Signature: _____
(Please Print)

Date: _____

PROCEDURES AND REQUIREMENTS FOR NOTIFICATION SIGNS



This form **must** be completed, signed by the owner or authorized agent and submitted to the Planning and Development Department with the required planning application(s).

Requirements:

In conjunction with applications for approval of Plans of Subdivision, Zoning By-law amendments or Whitby Official Plan amendments, the applicant shall erect a non-illuminated sign(s) on the subject property at his/her cost. The sign(s) shall be professionally prepared and erected twenty days prior to the Public Information Meeting and shall be removed within seven days of the approval, denial or closing of the file(s) by Whitby Town Council, or withdrawal of the application(s). Where more than one application requiring a sign is made for the same site, one sign may be erected giving notice of all applications unless otherwise instructed by the Planning and Development Department.

Sign Specifications:

- a) **Size:** 1.2 metres (4 feet) wide; 1.5 metres (5 feet) high; 0.62 metres (2 feet) ground clearance.
- b) **Acceptable Materials:** 12.5 mm (½ inch) exterior grade plywood panel, two (2) 89 mm X 89 mm (4 inch X 4 inch) wood Materials posts or steel posts installed a minimum of 1.2 metres (4 feet) below grade.
- c) **Paint:** Sign panels and all wooden structural members shall be painted on all sides and edges with two coats of exterior type matte finish alkyd paint over a suitable primer. Lettering is to be black inscribed on a white background.
- d) **Lettering:** The sign shall be professionally lettered or silk-screened using Helvetica medium typeface sizes: 38 mm, 100 mm, and 38 mm as shown on the attached sketch, in sentence case except for the word NOTICE.
- e) **Wording:** The sign shall contain the wording provided by the Planning and Development Department and shall be in the format outlined above and as shown on the attached sketch.
- f) **Location:**
 - For interior lots having frontage on one street, the required sign shall be located approximately midway between the side lot lines at a minimum setback of 1 metre (3 feet) from the street line(s) and a maximum setback of 2 metres (6 feet) from the street line(s).
 - For lots with street line(s) that abut two streets (i.e. corner lots, through lots), a separate sign shall be required facing each street, located approximately midway between the opposing lot lines at a minimum setback of 1 metre (3 feet) from the street line(s) and a maximum setback of 2 metres (6 feet) from the street line(s).
 - The sign(s) must not be located within a 9 metre (30 foot) corner site triangle.
- g) **Maintenance:** With the signing of this form, the applicant agrees that the sign will be maintained both in structure and paintwork to the satisfaction of the Town.

Exemptions / Deviations:

Exemptions and/or deviations from the requirements of these procedures and specifications shall be at the discretion of the Commissioner of Planning.

The undersigned hereby agrees to construct and maintain the proposed sign(s) in accordance with the specifications contained herein to the satisfaction of the Town. The undersigned further agrees to remove the sign(s) within seven (7) days of the approval, denial or closing of the file(s) by the Town of Whitby, Commissioner of Planning & Development, or the withdrawal of the planning application(s).

☐ Owner

☐ Aroponent / Primary Consultant

☐ Agent / Solicitor

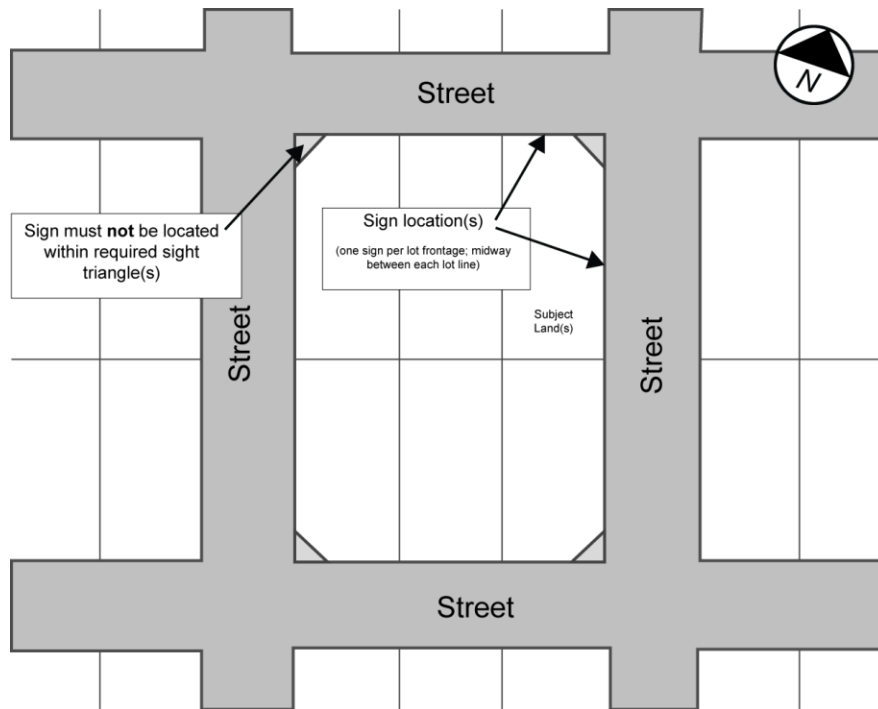
Name: _____
(Please Print)

Signature: _____

Date: _____

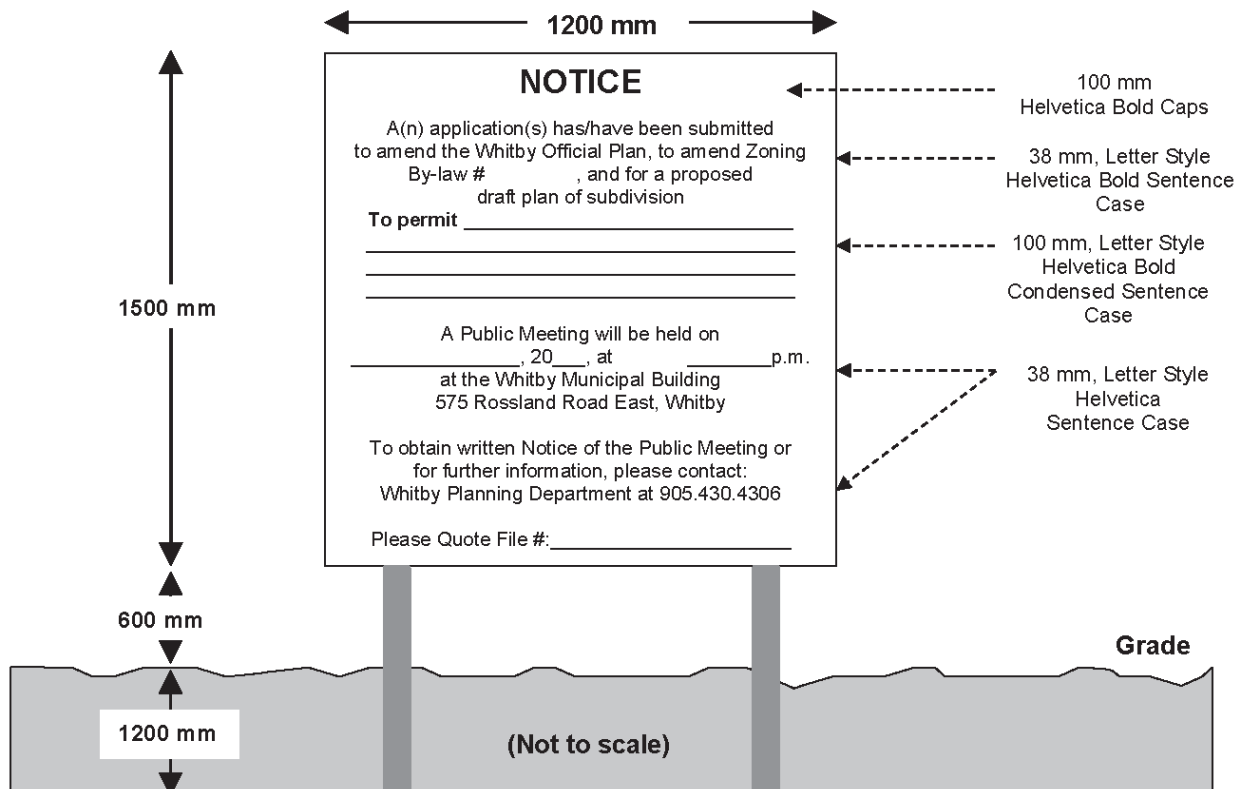
Sign Location:

The sign location(s) are shown below.



Sign Dimensions and Content:

The appropriate sign wording will be provided by the Planning and Development Department and a copy of this form will be returned to the owner; applicant/primary consultant; or agent/solicitor.





Whitby Green Standard

As of September 28, 2020, the Town approved the [Whitby Green Standard](#). All new Site Plan and Plan of Subdivision Applications are required to follow the Whitby Green Standard and meet at a **minimum** Tier 1- Mandatory Performance Criteria as outlined in the respective **Site Plan Checklist** and **Plan of Subdivision Checklist**. This checklist will need to be completed and submitted as part of a complete Development application in addition to a stand-alone **Sustainability Rationale Report**.

It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

[Sustainability Rationale Report](#)

To support compliance of the Whitby Green Standard, we recommend that the Sustainability Rationale be submitted in the following format:

1. **Executive Summary:** Overview of the project and declaration of performance tier commitment.
2. **Purpose of the Application:** Detailed description of the project.
3. **Sustainability Overview:** Summary of the project's sustainability vision and objectives.
4. **Sustainability Declaration:** Provide the performance tier that will be achieved by the project.
5. **Mandatory Performance Measures:** List all mandatory performance measures and their related reference document(s) in a table format.
6. **Voluntary Performance Measures:** Where a higher performance tier is being pursued, list all core, voluntary performance measures, and their related reference document(s) in a table format.
7. **Innovation:** If applicable, provide an overview of any innovation performance.

Appendix C

Site Screening Questionnaire Form



Regional Municipality of Durham
Planning and Economic Development Department
605 Rossland Road East
Whitby, ON L1N 6A3
Telephone: 905.668.7711
Toll Free: 1.800.372.1102
www.durham.ca

Site Screening Questionnaire for Identifying Potentially Contaminated Development Sites in the Regional Municipality of Durham

This form must be completed for all planning applications unless two original copies and 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 Regional Municipality of Durham 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 two hard copies and 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 Region'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 Region'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 Region must be granted third party reliance on all ESA work through the completion of its Reliance Letter and Certificate of Insurance. Regional 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 Region 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 Region of Durham Planning Department.

A QP sign-off may be waived by the Region for the following Land Division Committee application types: leases; mortgages; title corrections; re-establishment of lot lines (where title inadvertently merged); minor lot line adjustments (at the discretion of the Region); 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 Appendix B of 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 Regional 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 Appendix F of 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: _____

Regional File Number: _____

Area Municipal File Number: _____

Appendix F:

Regional Municipality of Durham Reliance Letter



Reliance Letter
Regional Municipality of Durham
Planning and Economic Development Department
605 Rossland Road East
Whitby, ON L1N 6A3
Telephone: 905.668.7711
Toll Free: 1.800.372.1102
www.durham.ca

Reliance Letter (to be presented on each company's unique letterhead)

At the request of Property Owner or Developer's Name and for other good and valuable consideration, [ABC Engineering Ltd.] represents and warrants to the Regional Municipality of Durham ("Region") that the reports and work are completed in accordance with Ontario Regulation 153/04 (O.Reg.153/04), unless stated otherwise in the documents, for the purposes of filing a Record of Site Condition in accordance with O.Reg. 153/04 and was completed by or under the supervision of a Qualified Person within the meaning of the *Environmental Protection Act* and O.Reg. 153/04, as amended from time to time.

[ABC Engineering Ltd.] agrees that the Region may rely upon the reports listed herein referenced by the Region as [File # xxx], including the representations, assumptions, findings, and recommendations contained in the reports:

- Phase One Environmental Site Assessment, date, report type, author (QP), company (mandatory)
- Phase Two Environmental Site Assessment, date, report type, author (QP), company (if applicable)
- Other Environmental Site Assessment Documentation, PSF, RA (if applicable)

[ABC Engineering Ltd.] further agrees that that in the case of any inconsistency between this Reliance Letter and any limitations set out in the aforementioned reports, this letter shall take priority.

[ABC Engineering Ltd.] understands and agrees that it is appropriate to extend reliance to the Region in relation to the reports listed herein so as to assist the Region in its assessment of the environmental suitability of the site and/or request to use non-potable groundwater standards.

[ABC Engineering Ltd.] further agrees that it will promptly notify the Region upon receipt of notice by the Ministry of the Environment, Conservation and Parks that the Ministry intends to audit any report listed herein and if so, to provide the Region with written confirmation of the results of the audit (Only applicable if filing the report as part of RSC or RA).

[ABC Engineering Ltd.] represents and warrants that it complies with all applicable insurance provisions contained within O.Reg. 153/04, as amended.

[ABC Engineering Ltd.] shall provide the Region with proof of insurance and maintain a minimum Professional Liability insurance coverage of \$2,000,000 per claim and \$4,000,000 aggregate.

[ABC Engineering Ltd.] agrees that its liability to the Region shall not be limited to an amount less than the Region's minimum insurance requirements set out immediately above.

[ABC Engineering Ltd.] shall indemnify and save harmless the Region and its elected officials, officers, employees and agents from and against all claims actions, causes of action, losses, expenses, fines, costs, interest or damages of every nature and kind whatsoever, arising out of or allegedly attributable to the negligent acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the Consultant/Company, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of the work and reports provided to the Region that is subject to this Reliance Letter. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Consultant/Company in accordance with this reliance letter.

Signed and Sealed by Qualified Person:

_____ Date: _____

Signed by person authorized to bind Consulting Firm:

_____ Date: _____

Signed by Property Owner or Authorized Officer: _____

Name (please print): _____

Name of Company (if applicable): _____

Title of Authorized Officer: _____

Address: _____

Telephone: _____

Fax/Email: _____

Date: _____

Note: Edits to this document are only permitted in areas within the square brackets e.g.
[ABC Engineering Ltd.]

Appendix G

Regional Municipality of Durham Certificate of Insurance



**The Regional Municipality of
Durham**

**Finance – Insurance and Risk
Management**

Certificate of Insurance

**Proof of liability insurance will be
accepted on this form only.**

**This form must be completed and signed
by your agent, broker or insurer.**

**All insurers shown must be licensed to
operate in Canada**

This is to certify that the Named Insured hereon is insured as described below

Named Insured:

Address of the Named Insured

Location and operations of the Named Insured for which Certificate is issued: All
operations performed for the Region of Durham

Insuring company	Policy numbers	Limit of coverage	Effective date	Expiry date
	Commercial General Liability	Per Claim / Annual Aggregate Deductible, if any	D/M/Y	D/M/Y
	Excess Liability (if applicable)	Per Claim / Annual Aggregate	D/M/Y	D/M/Y

Provisions of Amendments or Endorsements of Listed Policy(ies)

Professional Liability – Claims Made Basis – ☐ Yes ☐ No

Insuring company	Policy numbers	Limit of coverage	Effective date	Expiry date
	Professional Liability	Per Claim / Annual Aggregate Deductible, if any	D/M/Y	D/M/Y
	Excess Professional Liability (if applicable)	Per Claim / Annual Aggregate	D/M/Y	D/M/Y

Is the limit inclusive of indemnity and claims expenses - ☐ Yes ☐ No

If the policy is on a claims made basis have there been any claims notices given for this policy term – ☐ Yes ☐ No

Commercial General Liability is issued on an 'occurrence' basis form and is extended to include Personal Injury Liability, Contractual Liability, Non-Owned Automobile Liability, Owner's and Contractor's Protective Coverage, Products/Completed Operations, Contingent Employer's Liability, Cross Liability Clause and Severability of Interest Clause.

With respect to Commercial General Liability Insurance, The Regional Municipality of Durham is added as an Additional Insured but only with respect to its liability arising out of the operations of the Named Insured.

The policy(ies) identified above shall apply as primary insurance and not excess to any other insurance available to The Regional Municipality of Durham.

If cancelled or changed so as to reduce the coverage as outlined on this certificate, during the period of coverage as stated herein, thirty (30) days, prior written notice by registered mail will be given by the Insurer(s) to: The Regional Municipality of Durham, Attention: Insurance and Risk Management, Finance Department, 605 Rossland Road East, Whitby, ON, L1N 6A3

I certify that the insurance is in effect as stated in this certificate and that I have authorization to issue this certificate for and on behalf of the insurer(s).

Date

Name, Address, Fax and
Telephone Number of
Certifying Party

Print Name of above
Authorized Representative
or Official

Signature of Authorized
Representative or Official
