



# Town of Whitby Policy

---

|                          |   |
|--------------------------|---|
| <b>Policy Title:</b>     | Public Notice Policy  |
| <b>Policy Number:</b>    | G 150   |
| <b>Reference:</b>        | Municipal Act, 2001, Planning Act, Council Resolution #236-16 |
| <b>Date Originated:</b>  | May 9, 2016   |
| <b>Date Revised:</b>     | March 18, 2024  |
| <b>Review Date:</b>      | As required   |
| <b>Approval:</b>         | Council   |
| <b>Point of Contact:</b> | Town Clerk  |

---

## Policy Statement

The Corporation of the Town of Whitby values and encourages public notice and engagement and is committed to open communication to develop and deliver quality programs and services that meet the needs of the Town.

In accordance with Section 270 of the Municipal Act, 2001, the Corporation of the Town of Whitby shall adopt and maintain a policy with respect to the circumstances in which the Town shall provide notice to the public, and if notice is to be provided, the form, manner and time notice shall be given.

## Purpose

The purpose of the policy is to provide notice to the public when required by the Municipal Act, 2001, other legislation, or as otherwise deemed desirable.

## Scope

This policy applies to every notice given by the Town of Whitby, unless otherwise provided for in the Municipal Act or other applicable legislation, as deemed necessary by Council, or as provided for therein.

## Index

|   |                  |   |
|---|------------------|---|
| 1 | Definitions      | 2 |
| 2 | Responsibilities | 2 |
| 3 | General          | 3 |
| 4 | Exception        | 4 |

## 1 Definitions

- 1.1 **Act** means the Municipal Act, 2001, S.O. 2001, c 25 as amended from time to time, and any successor legislation in substitution thereof and included regulation thereunder.
- 1.2 **Council** means the Council of the Corporation of the Town of Whitby.
- 1.3 **Direct Mail** means notice sent via regular mail, pre-paid first-class mail or personal service.
- 1.4 **Department Head** means an officer or employee of the Town who will generally hold the title of 'Commissioner', appointed by the Chief Administrative Officer or Council, as required, to oversee a department, or a person appointed or designated to act in place of the Commissioner when the Commissioner is absent or refuses to act.
- 1.5 **Mayor** means the Head of Council of The Corporation of the Town of Whitby elected or appointed in accordance with the Municipal Act, 2001 and the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched., as amended, or the Deputy Mayor or Acting Mayor as may be appointed or designated by Council from time to time.
- 1.6 **Notice** means a written, printed, published, or posted notification or announcement.
- 1.7 **Town** means the Corporation of the Town of Whitby.
- 1.8 **Website** means the Town's primary location on the World Wide Web.

## 2 Responsibilities

- 2.1 Council to:
  - a) Approve the Public Notice Policy.
  - b) Approve amendments to the Public Notice Policy.
- 2.2 Chief Administrative Officer to:
  - a) Approve amendments to the Public Notice Policy for Council consideration.
  - b) Waive the Public Notice Policy when required in accordance with Section 4.1.
- 2.3 Town Clerk to:
  - a) Recommend and prepare any necessary amendments to the Public Notice Policy.
  - b) Be responsible for collecting concerns or complaints relating to the Public Notice Policy.

- c) Ensure staff prepare and circulate notices within designated timeframes.

**2.4** Department Heads to:

- a) Ensure staff prepare and circulate notices within designated timeframes.

**2.5** Town Staff to:

- a) Prepare notices within designated timeframes.
- b) Coordinate notices to be published (via mail, personal service, website, and/or other electronic media).

### **3 General**

**3.1** Where the Town is required to give notice under the Act or other legislation, the notice shall be given in a form, manner and timeframe as set out in Appendix 1, unless;

- The notice required in the Act or other legislation is greater in scope or timeframe than required by this policy;
- Notice for the subject is provided for in the Act or other legislation and is not referenced in Appendix 1, in which case notice shall be provided in accordance with the Act or other legislation; or,
- Notice for the subject is not provided for in Appendix 1, the Act, or other legislation, and Council, by resolution, or staff determine that notice is desirable, in which case the Department Head responsible for the subject requiring notice shall reference the Public Engagement Guidelines as set out in Appendix 2 when preparing and providing notice.

**3.2** Notice Content

- Every notice given shall contain the following information, when applicable:
  - a) Identification of the authority under which the notice is given;
  - b) A description of the purpose of the notice (e.g. date, time, and location if applicable) and effect of the proposed action;
  - c) A description of how and where comments can be made, including any submission deadlines;
  - d) Contact information for the purpose of submitting written comments or obtaining additional information; and,
  - e) Where the notice is related to identifiable lands, a key map showing the location of the lands or a sufficient description of the lands so they may be readily identified.

- 3.3** Where Direct Mail is required and the matter is related to identifiable lands, notice by Direct Mail shall be to the abutting property owner(s), unless legislation requires circulation to property owners within a designated radius of the identifiable lands.
- 3.4** Nothing in the policy shall prevent the Town from using more comprehensive methods of notice or for providing for a longer notice period.
- 3.5** No additional notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by Council or by a Committee of Council.

#### **4 Exception**

- 4.1** If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Town of Whitby, or if a state of emergency is declared, or is so advised by the Provincial or Federal government, the notice requirements of this policy may be waived and the Town shall make best efforts to provide as much notice as is reasonable under the circumstances.

#### **Appendices**

**Appendix 1** Minimum Notice Requirements

**Appendix 2** Public Engagement Guidelines

This Policy is hereby approved by Council Resolution #58-24 on this 18th day of March, 2024.

## Appendix 1 - Minimum Notice Requirements

| Legislation Reference and/or Subject of Notice   | Notice Requirements   | Responsibility   |
|--|---|--|
| <b>Highway</b>   |   |  |
| <p>Section 34 – Highway Closing Procedures</p> <p>(Permanent closure of a highway)</p>   | <p>Notice to be published on the website and by Direct Mail to property owner(s) abutting the highway a minimum of 10 days prior to Committee or Council considering a staff report of its intention to pass the by-law.</p> <p>One notice by Direct Mail to property owner(s) abutting the highway upon enactment of the by-law.</p>                                       | <p>Commissioner of Planning and Development</p>  |
| <p>Change/Naming of Highway</p> <p>A local municipality may name or change the name of a highway after giving public notice of its intention to pass the by-law.</p>               | <p>Notice to be published on the website – news and notices section, and by Direct Mail to property owner(s) abutting the highway a minimum of 10 days prior to Committee or Council considering a staff report of its intention to pass the by-law.</p> <p>One notice by Direct Mail to property owner(s) abutting the highway upon enactment of the by-law.</p>           | <p>Commissioner of Planning and Development (review and report)</p> <p>Town Clerk (provide notice)</p> |
| <p>Section 48 – Naming Private Roads</p> <p>A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.</p> | <p>Notice to be published on the website – news and notices section, and by Direct Mail to property owner(s) abutting the private road a minimum of 10 days prior to Committee or Council considering a staff report of its intention to pass the by-law.</p> <p>One notice by Direct Mail to property owner(s) abutting the private road upon enactment of the by-law.</p> | <p>Commissioner of Planning and Development (review and report)</p> <p>Town Clerk (provide notice)</p> |

## Appendix 1 - Minimum Notice Requirements

| Legislation Reference<br>and/or Subject of Notice  | Notice Requirements                      | Responsibility    |
|--|--|-------------------|
| <b>Municipal Restructuring</b>   |  |                   |
| <p>Section 173 –<br/>Restructuring Proposal</p> <p>The Council of a municipality votes on whether to support or oppose a restructuring proposal.</p>                               | <p>As required by the Municipal Act.</p> | <p>Town Clerk</p> |
| <b>Changing the Name of the Municipality</b>   |  |                   |
| <p>Section 187 (1) – Change of Name</p> <p>Section 187 (3) – Notification</p> <p>Changing the name of a municipality.</p>  | <p>As required by the Municipal Act.</p> | <p>Town Clerk</p> |
| <b>Business Improvement Areas</b>  |  |                   |
| <p>Section 204-210 – Business Improvement Areas</p> <p>A local municipality may designate an area as an improvement area and may establish a board of management.</p>              | <p>As required by the Municipal Act.</p> | <p>Town Clerk</p> |
| <p>Section 211- Business Improvement Areas Repealing By-law</p> <p>Council shall give notice of a proposed by-law to repeal a by-law establishing a business improvement area.</p> | <p>As required by the Municipal Act.</p> | <p>Town Clerk</p> |

## Appendix 1 - Minimum Notice Requirements

| Legislation Reference and/or Subject of Notice   | Notice Requirements   | Responsibility    |
|--|---|-------------------|
| <b>Changes to Council</b>  |   |                   |
| <p>Section 217 to 219 – Council Composition</p> <p>A municipality may change the composition of its Council.</p>   | <p>Website posting – news and notices section, a minimum of ten days prior to Committee or Council meeting at which the matter is being considered.</p> | <p>Town Clerk</p> |
| <b>Wards</b>   |   |                   |
| <p>Section 222 – Establishment of Wards</p> <p>A municipality may pass a by-law to divide or re-divide the municipality into wards or dissolve existing wards.</p>   | <p>Website posting – news and notices section, a minimum of ten days to give notice of the passing of the by-law.</p>                                   | <p>Town Clerk</p> |
| <b>Procedure By-law – Public Notice of Meetings</b>  |   |                   |
| <p>Section 238 (2.1) Notice</p> <p>Public notice to advise of the annual schedule of regular and special meetings of Council and Committee meeting. Also public notice to advise of calling of special meetings or change in meeting time or cancellation.</p> | <p>As required by the Procedure By-law, as may be amended or superseded from time to time.</p>  | <p>Town Clerk</p> |

## Appendix 1 - Minimum Notice Requirements

| Legislation Reference<br>and/or Subject of Notice   | Notice Requirements  | Responsibility   |
|---|--|--|
| <b>Policies</b>   |  |  |
| <p>Sale and Other Disposition of Land</p> <p>Public notice required to advise of the intention to sell or otherwise dispose of municipally-owned land.</p>  | <p>Notice shall be provided in accordance with a policy adopted with respect to the sale and other disposition of land.</p>                        | <p>Commissioner of Financial Services/Treasurer</p>                |
| <b>Financial Administration</b>   |  |  |
| <p>Section 295 (1) – Publications of Financial Statements, etc.</p> <p>Audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review.</p> | <p>Notice provided for through the by-law and/or accompanying staff report being included on a regular or special Council or Committee agenda.</p> | <p>Commissioner of Financial Services/Treasurer and Town Clerk</p> |



## Appendix 1 - Minimum Notice Requirements

| Legislation Reference<br>and/or Subject of Notice  | Notice Requirements               | Responsibility                               |
|--|-----------------------------------|--|
| <b>Municipal Taxation</b>  |                                   |  |
| <p>Section 110 (8) – Tax-Exemption By-Law</p> <p>The municipality may exempt from taxation for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located (under specific conditions).</p> | As required by the Municipal Act. | Town Clerk                                   |
| Section 318 – Phase-in of Tax Changes Resulting from Reassessments   | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| <b>Limitation on Taxes for Certain Property Classes</b>  |                                   |  |
| <p>Section 331 Taxes on Eligible Properties</p> <p>The municipality shall determine the taxes for municipal and school purposes for each eligible property for the year or portion of the year.</p>  | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| <b>Tax Collection</b>  |                                   |  |
| <p>Section 343 – Notice of Tax Bill</p> <p>The treasurer shall send a tax bill to every taxpayer.</p>  | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |

## Appendix 1 - Minimum Notice Requirements

| <b>Legislation Reference and/or Subject of Notice</b>  | <b>Notice Requirements</b>   | <b>Responsibility</b>                               |
|--|--|---|
| <p>Section 348 –<br/>Determination of Tax Status</p> <p>Notification to each taxpayer that owes taxes from a preceding year.</p>   | <p>As required by the Municipal Act.</p>   | <p>Commissioner of Financial Services/Treasurer</p> |
| <p>Section 350 (1) -<br/>Obligations of Tenant</p> <p>Where taxes are owed in respect of land occupied by a tenant.</p>  | <p>As required by the Municipal Act.</p>   | <p>Commissioner of Financial Services/Treasurer</p> |
| <p>Section 351 (7) – Sale<br/>Section 351 (8) – Notice</p> <p>Subject to certain conditions, the treasurer or treasurer's agent may seize and sell personal property to recover the taxes and costs of the seizure.</p>  | <p>Website posting – news and notices section, a minimum of ten days prior to auction.</p> | <p>Commissioner of Financial Services/Treasurer</p> |
| <p>Section 356 – Division Into Parcels</p> <p>Upon application by the treasurer of a municipality or to the treasurer by an owner of land, the municipality may divide land into two or more parcels; apportion unpaid taxes; and direct part payment of taxes to each of the parcels.</p> | <p>As required by the Municipal Act.</p>   | <p>Commissioner of Financial Services/Treasurer</p> |

## Appendix 1 - Minimum Notice Requirements

| <b>Legislation Reference and/or Subject of Notice</b>  | <b>Notice Requirements</b>               | <b>Responsibility</b>                               |
|--|--|---|
| <p>Section 357 – Cancellation, Reduction, Refund of Taxes</p> <p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes levied.</p>   | <p>As required by the Municipal Act.</p> | <p>Commissioner of Financial Services/Treasurer</p> |
| <p>Section 358 – Overcharges Caused by a Gross or Manifest Error</p> <p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll.</p> | <p>As required by the Municipal Act.</p> | <p>Commissioner of Financial Services/Treasurer</p> |
| <p>Section 359 – Increase of Taxes as a Result of any Undercharged Caused by a Gross or Manifest Error</p> <p>Upon receipt of an application by the treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error.</p>                                 | <p>As required by the Municipal Act.</p> | <p>Commissioner of Financial Services/Treasurer</p> |

## Appendix 1 - Minimum Notice Requirements

| <b>Legislation Reference and/or Subject of Notice</b>  | <b>Notice Requirements</b>        | <b>Responsibility</b>                        |
|--|-----------------------------------|--|
| <p>Section 365 (1) – Cancellation, Reduction or Refund of Taxes</p> <p>Section 365 (2) – Notice to Upper Tier Municipality, etc.</p>   | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| Section 365.1 – Cancellation of Taxes and Environmental Rehabilitation   | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| <p>Section 365.2 – Tax Reduction for Heritage Property</p> <p>If a local municipality passes a by-law to provide tax reductions or refunds to eligible heritage property, the Minister of Finance shall be notified within 30 days after the by-law is passed.</p> | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| <b>Sale of Land for Tax Arrears</b>  |                                   |  |
| Section 374 – Notice of Registration of Tax Arrears Certificate  | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| Section 379-380 – Public Sale (Tax Arrears Certificate)  | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |
| Section 386.2 – Tax Sales – Entering to Carry out Inspection without Warrant   | As required by the Municipal Act. | Commissioner of Financial Services/Treasurer |

## Appendix 1 - Minimum Notice Requirements

| <b>Legislation Reference and/or Subject of Notice</b>  | <b>Notice Requirements</b>  | <b>Responsibility</b>                        |
|--|---|--|
| Section 386.3 – Tax Sales – Entering to Carry out Inspection with Warrant  | As required by the Municipal Act.   | Commissioner of Financial Services/Treasurer |
| <b>Fees and Charges</b>  |   |  |
| Section 391 – Fees and Charges<br>To impose fees and charges.  | Notice provided for through the by-law and/or accompanying staff report being included on a regular or special Council or Committee agenda. | Town Clerk                                   |
| Section 400 – Regulations Local Improvement Charges – Priority Lien Status<br>Under Section 400, the Minister may make regulations regarding fees and charges.   | As required by the Municipal Act.   | Commissioner of Financial Services/Treasurer |
| <b>Debt, Investment and Municipal Capital Facilities</b>   |   |  |
| Section 110 (1) – Agreements for Municipal Capital Facilities<br>A municipality may enter into agreements for the provision of municipal capital facilities by any person, including another municipality. | As required by the Municipal Act.   | Town Clerk                                   |

## Appendix 1 - Minimum Notice Requirements

| <b>Legislation Reference and/or Subject of Notice</b>   | <b>Notice Requirements</b>  | <b>Responsibility</b>  |
|---|---|--|
| <p>Section 402 – Notice of Debt</p> <p>Upon receipt of an application of a municipality to incur a debt, the Ontario Land Tribunal may direct the municipality to give notice of the application to such persons and in such manner as the Tribunal determines.</p> | As required by the Municipal Act.   | Commissioner of Financial Services/Treasurer   |
| <b>Enforcement</b>  |   |  |
| <p>Section 435 – Conditions Governing Power of Entry</p> <p>A municipality may exercise a power of entry under the Municipal Act.</p>   | As required by the Municipal Act.   | Relevant Department Head   |
| <p>Section 441 – Collection of Unpaid Licensing Fines</p> <p>A municipality may authorize the treasurer or his or her agent to give the notice.</p>   | As required by the Municipal Act.   | Commissioner of Legal and Enforcement Services/Town Solicitor and Commissioner of Financial Services/Treasurer |
| <b>Planning</b>   |   |  |
| <p>Notice of Public Meeting, enactment of planning policies or approval of planning applications in accordance with the Planning Act, Official Plan or other relevant legislation or municipal by-law.</p>  | As required by the Planning Act, Official Plan or other relevant legislation or municipal by-law. | Commissioner of Planning and Development   |

## Appendix 1 - Minimum Notice Requirements

| <b>Legislation Reference<br/>and/or Subject of Notice</b>   | <b>Notice Requirements</b>       | <b>Responsibility</b> |
|---|----------------------------------|-----------------------|
| Notice of Passing once<br>by-law has been enacted<br>for approved applications<br>under the Planning Act<br>such as Zoning By-law<br>Amendments, Official<br>Plan Amendments,<br>Interim Control By-law<br>and Temporary Use By-<br>laws. | As required by the Planning Act. | Town Clerk            |

## Appendix 2 – Public Engagement Guidelines

| Types of Public Engagement   | Public Notice Options  | Minimum Recommended Timeframe of Public Notification |
|--|--|--|
| For issues or initiatives that relate to identifiable lands or a limited geographic area.              | <p>Recommended public notice:</p> <ul style="list-style-type: none"> <li>• Town website – News and Notices Section</li> <li>• Email to registered interested parties</li> <li>• Social media</li> </ul> <p>Optional public notice:</p> <ul style="list-style-type: none"> <li>• Direct Mailing</li> <li>• Mobile sign(s) on identifiable lands</li> </ul>  | 10 calendar days                                     |
| For issues or initiatives that relate to a broad geographic area or are of general community interest. | <p>Recommended public notice:</p> <ul style="list-style-type: none"> <li>• Town website – News and Notices Section</li> <li>• Email to registered interested parties</li> <li>• Posters in Town facilities</li> <li>• TV screens or electronic signs at Town facilities</li> <li>• Social media</li> </ul> <p>Optional public notice:</p> <ul style="list-style-type: none"> <li>• Other electronic media</li> </ul> | 10 calendar days                                     |