



Town of Whitby Policy

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

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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.