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THE CORPORATION OF THE TOWN OF WHITBY

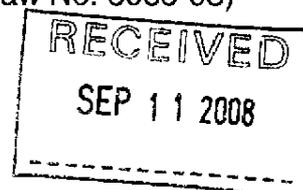
In the Regional Municipality of Durham

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MUNICIPAL BUILDING
575 Rossland Road East
Whitby, Ontario
Canada
L1N 2M8

September 10, 2008
(By-law No. 6086-08)



Ontario Heritage Trust
10 Adelaide Street East
Toronto, ON M5C 1J3

RE: Heritage Designation By-law No. 6086-08

Enclosed is a Clerk's Declaration affirming that notice of the passing of Heritage Designation By-law No. 6086-08 was given as required by Subsection 41(3) of the *Ontario Heritage Act*, R.S. O. 1990, c. O.18 as amended.

As no notice of appeal was filed within the time allowed for appeal, By-law No. 6086-08, is now in force. A Statutory Declaration from the Town Clerk as well as a certified true copy of the By-law has been enclosed for your records. Town staff will register this designation on the title of each property within the designated area.

I assume this matter will receive the Trust's full attention. If you require further information regarding this issue, please contact the Town of Whitby's Planning Department at 905-430-4306.

Yours truly,

A handwritten signature in black ink, appearing to read "Martha A. Pettit".

Martha A. Pettit
Deputy Clerk

Encl.

Copy: B. Short, Director of Planning
S. Pohjola, Town Solicitor
S. Beale, Director of Public Works
J. Taylor, Principal Planner
M. Crowe, Assessment Review Officer

STATUTORY DECLARATION

Canada)
PROVINCE OF ONTARIO) In the Matter of Section 41 of the
) *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended;
)
) - and -
) In the matter of Heritage Designation By-law 6086-08

I, William John Paul Jones, Town Clerk

of the Town of Whitby

in the Regional Municipality of Durham

Solemnly Declare, that

1. I am the duly appointed Town Clerk of the Corporation of the Town of Whitby and, as such, have knowledge of the facts herein deposed to;
2. Notice of the passing of Zoning By-law No. 6086-08 passed by Council of the Corporation of the Town of Whitby on the 7th day of July, 2008, was given in accordance with Subsection 41(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, and in the manner and form and to the persons prescribed by the said Act;
3. No notice of appeal to Zoning By-law No. 6086-08 was filed with me within the time allowed for appeal under the provisions of Section 41(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended; and,
4. By-law No. 6086-08 is therefore deemed to be in full force and effect.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me at the Town)
of Whitby in the Region of Durham)
this 8th day of September, 2008)



A Commissioner, etc.

**Martha A. Pettit, a
Commissioner, etc., Deputy Clerk
for the Corporation of the
Town of Whitby.**

Dated September 8, 2008

In the matter of

Section 41 of the
Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended
and

In the matter of Heritage Designation By-law 6086-08 of
The Corporation of the Town of Whitby

Statutory Declaration
Of

William John Paul Jones,
Town Clerk

THIS PHOTOCOPY IS A TRUE COPY OF THE ORIGINAL BYLAW 6086-08
DOCUMENT WHICH HAS NOT BEEN ALTERED IN ANY WAY.

M. Pettit

MARTHA A. PETTIT, ~~DEPUTY CLERK~~ CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 6086 -08

BEING A BY-LAW TO ADOPT THE BROOKLIN HERITAGE CONSERVATION DISTRICT PLAN

AND WHEREAS the Council of the Town of Whitby by resolution dated December 15, 2005, approved the Brooklin Heritage Conservation District Terms of Reference to initiate the heritage conservation district study;

AND WHEREAS the consulting team of Bray Heritage, Taylor/Hazell Architects Limited and Archaeological Services Inc. in conjunction with the Town of Whitby Planning Department staff undertook the preparation of a District Study and District Plan and held a series of public information meetings between June 14, 2006 and September 13, 2007;

AND WHEREAS a draft Brooklin Heritage Conservation District Plan dated July 30, 2007 was circulated to various departments for comments and has been made available to the public;

AND WHEREAS in accordance with Section 41.1 (5) of the Ontario Heritage Act R.S.O., 1990, c.O.18, as amended, a Heritage Conservation District Plan shall include:

- a) a statement of the objectives to be achieved in designating the area as a heritage conservation district;
- b) a statement explaining the cultural heritage value or interest of the heritage conservation district;
- c) a description of the heritage attributes of the heritage conservation district and of properties in the district;
- d) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
- e) a description of the alterations or classes of alterations that are minor in nature

and that the owner of the property in the ~~heritage conservation district~~ may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under Section 42. 2005, c.6.s.31 of the Ontario Heritage Act R.S.O., 1990, c.O.18, as amended;

AND WHEREAS a public meeting was held with respect to the proposed Brooklin Heritage Conservation District Plan on November 12, 2007 in accordance with Section 41.1 (6) b of the Ontario Heritage Act R.S.O., 1990, c.O.18, as amended;

AND WHEREAS information relating to the proposed Brooklin Heritage Conservation District Plan, including a copy of the Plan, has been made available to the public in accordance with Section 41.1 (6) b of the Ontario Heritage Act R.S.O., 1990, c.O.18, as amended;

AND WHEREAS Notice of the November 12, 2007 public meeting was provided by the Town to all interested parties over 20 days in advance of the public meeting in accordance with Section 41.1 (7) of the Ontario Heritage Act R.S.O., 1990,c.O.18, as amended;

AND WHEREAS copies of the Brooklin Heritage Conservation District Plan have been made available to any person upon request in accordance with Section 41.1 (12) of the Ontario Heritage Act R.S.O., 1990, c. O.18, as amended;

AND WHEREAS all persons attending the November 12, 2007 public meeting were provided an opportunity to make oral presentations with respect to the plan in accordance with Section 41.1 (9) of the Ontario Heritage Act R.S.O., 1990;

AND WHEREAS all persons and bodies have been provided with the opportunity to make written submissions with respect to the proposed Brooklin Heritage Conservation District Plan at any time before the By-law adopting the plan is made in accordance with Section 41.1 (11) of the Ontario Heritage Act R.S.O., 1990;

AND WHEREAS, the Local Architectural Conservation Advisory Committee Heritage Whitby, as established by Council, at its meeting October 16, 2007, reviewed and endorsed the Brooklin Heritage Conservation District Plan in accordance with Section 41.1 (6) c of the Ontario Heritage Act R.S.O., 1990, c.O.18, as amended;

AND WHEREAS, the examination of the Brooklin Heritage Conservation District Study Area has now been completed and the Council of the Town of Whitby by Resolution Number 320-07 has approved the "Brooklin Heritage Conservation District Plan" dated July 30, 2007;

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

1. THAT the "Brooklin Heritage Conservation District Plan" dated July 30, 2007, be adopted

BY-LAW READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF JULY, A.D., 2008.



Paul Jones, Clerk



Patricia Perkins, Mayor

Purpose and Effect

The purpose and effect of By-law 6086-08 is to adopt the 'Brooklin Heritage Conservation District Plan' pursuant to Part V of the Ontario Heritage Act R.S.O. 1990, as amended for the lands indicated as the 'Brooklin Heritage Conservation District' in the 'Brooklin Heritage Conservation District Plan' dated July 30, 2007.