



100 John West Way  
 Box 1000  
 Aurora, Ontario  
 L4G 6J1  
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 www.aurora.ca

TOWN OF AURORA  
 Planning and Building Services

Committee of Adjustment

**NOTICE OF DECISION**

**FILE NUMBER:** C-2017-01  
**PROPERTY:** 11 Kennedy Street East  
**LEGAL DESCRIPTION:** Lot 2 Plan 346  
**APPLICANT:** Artcrest Inc.

**CONTACT:**

Additional information may be obtained from Justin Leung of the Planning and Building Services department at 905-727-3123 extension 4226, or emailed to jleung@aurora.ca. Please quote the File Name and Number.

If you have objections to this Notice of Decision, you may appeal to the Ontario Municipal Board for consideration. Your appeal, together with the reasons for the appeal and the \$ 125 fee (per Application) as required by the Ontario Municipal Board, can be made payable to the Minister of Finance in the form of a certified cheque or money order. An (A1) "Appellant Form" provided by the Board is now on their website at [www.omb.on.ca](http://www.omb.on.ca) and must be filed with the Town Clerk at 100 John West Way, Box 1000 Aurora, Ontario, L4G 6J1, no later than 4:30 p.m. on or before **March 29, 2017**. Should this date fall on a holiday or weekend, you will have until 4:30pm of the next business day to file your appeal. Please note an additional fee (which can be found in the Fee By-law on our website, [www.aurora.ca](http://www.aurora.ca)), per Application, payable to the Town of Aurora is required with respect to Ontario Municipal Board appeal submissions.

In accordance with the *Planning Act*, only individuals, corporations and public bodies may appeal a By-law to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice may be filed in the name of an individual who is a member of the association or the group on its behalf.

Should no appeal be filed within the applicable time period, this Notice of Decision, subject to any conditions imposed by the Committee of Adjustment, becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer. For your information, the lands, which are the subject of this Application, are not currently the subject of any other Application under the *Planning Act*, to our knowledge.

ADDITIONAL INFORMATION relating to this Decision is available from the Committee of Adjustment staff, Planning and Building Services department, Aurora Town Hall located at 100 John West Way.

DATED at the Town of Aurora, this 10<sup>th</sup> day of, March 2017.

Justin Leung  
 Secretary- Treasurer,  
 Committee of Adjustment/ Planning Technician

<b>CERTIFIED</b>	
COMMITTEE OF ADJUSTMENT TOWN OF AURORA	
SECY-TREAS.	
Mar. 10, 2017	
DATE	



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TOWN OF AURORA  
Planning and Building Services

Committee of Adjustment

### DECISION

**FILE NUMBER:** C-2017-01  
**PROPERTY:** 11 Kennedy Street East  
**LEGAL DESCRIPTION:** Lot 2 Plan 346  
**APPLICANT:** Artcrest Inc.  
**DATE OF DECISION:** March 9, 2017

PURSUANT to Section 53 of the Planning Act with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:

It hereby ~~does~~ **does not** grant Provisional Consent with regard to the Application as submitted. Where Consent has been granted, it is subject to and entirely conditional upon fulfilment (by the Applicant, to the satisfaction of the Committee) of the conditions (if any), attached hereto as Schedule "A". Where Consent has been refused, the decision is based upon the reasons attached hereto as Schedule "B".

Concurring Members:

Grace Marsh, Chair

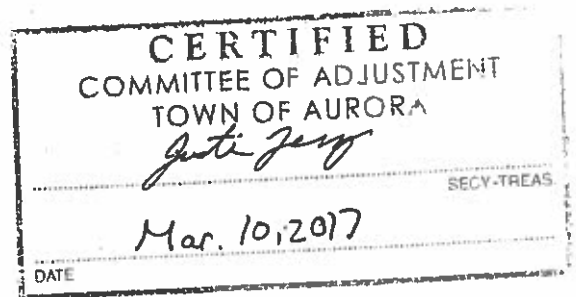
Tom Plamondon, Vice Chair

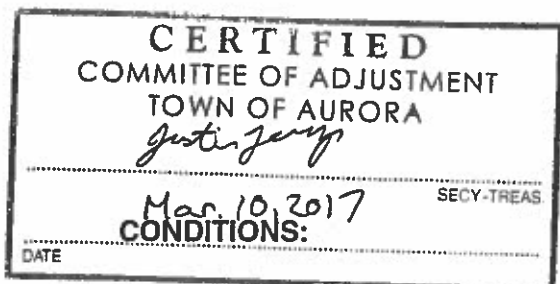
Roy Harrington

David Mhango

**ABSENT**

Nick Racanelli





Schedule "A"

1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Treasurer or designate; that all outstanding financial commitments have been satisfied, if any, to the Town.
2. SUBMISSION to the Secretary-Treasurer of two copies of a Draft Reference Plan (for review), showing that the subject lands substantially conform to the Application as submitted. One copy of the Deposited Reference Plan must be submitted prior to the issuance of the Certificate of Official.
3. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Planning and Building Services; that the Applicant has satisfied all concerns below and as noted in the March 2, 2017 memo by Lawrence Kuk, Planner:
  - That the Applicant/Owner enters into a development agreement to review the following but not limited to the massing, height, primacy façade, architectural elements and materials, landscaping and tree preservations, driveways and walkways to the satisfaction of the Director of Planning and Building Services.
  - That the related variance application MV-2017-05 be approved, thereby ensuring the compliance with the minimum lot frontage.
4. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Parks, Recreation and Cultural Services; that the Applicant has satisfied all concerns below and as noted in the March 9, 2017 memo by Jim Tree, Manager of Parks:
  - That the owner is required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and remaining vegetation, The report shall include a site plan showing the location of all trees and vegetation that will be impacted and or preserved both on or adjacent to the site. The report shall also include recommendations and an action plan on the mitigation of negative effects to preserved vegetation ,during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.
  - Should it be determined by the Arborist /Forester that trees and vegetation warrants preservation and protection then the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site Visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit. The owner shall agree to provide copies of the Arborist / Foresters site visit reports to the Town following each visit

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**COMMITTEE OF ADJUSTMENT**  
**TOWN OF AURORA**

*Justin J. [Signature]*

Mar. 10, 2017

DATE

- The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners' Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.
- The owner will be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Direction of Parks and Recreation as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.
- The owner shall agree to comply with the Aurora Tree Permit By-law # 5850-16-prior to the removal of any trees on the property.

All of the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works

5. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Solicitor or designate of Legal Services; that the Applicant has satisfied all concerns below and as noted in the February 23, 2017 memo by Janet Van Scheyndel, Law Clerk (Real Property):

- THAT the Owner be required to execute a Memorandum of Understanding respecting cash-in-lieu of parkland dedication to the satisfaction of the Town's Legal Services section.

6. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director of Infrastructure and Environmental Services or designate ; that the Applicant has satisfied all concerns below and as noted in the February 29, 2017 memo by Patrick Ngo, Municipal Engineer:

- The owner shall provide a Letter of Undertaking with the Town to address various site issues such as general grading, driveway locations, drainage system, fencing, sedimentation control, municipal services, servicing easement, curb cut and etc. Detail design plans as well as site servicing plan are required prior to Building Permit Application. Technical review comment shall be provided at time of the development application stage with full submission of detail design plans.
- The stormwater management plan and report shall be reviewed by the Town. Any additional storm runoff generates from this site to the Town storm system along Kennedy Street shall be to the satisfactory of the Infrastructure and Environmental Services Department.
- Applicant shall demonstrate that the existing municipal services have sufficient capacity for the proposed severed and retained lots.
- The applicant provide confirmation, in writing, from the Director of Infrastructure and Environmental Services indicating that satisfactory arrangements have been made with

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TOWN OF AURORA

*Justin J. [Signature]*

respect to payment of all applicable charges and fees in relation to municipal service connections.  
Mac 10, 2017  
SECY-TREAS

- The applicant provide to the Secretary-Treasurer, confirmation, in writing, from the Director of Infrastructure and Environmental Services indicating that satisfactory arrangements have been made with respect to the installation of water meter and connection for municipal services as well as road restoration. It is in the Town's interest to make certain that any new services constructed have the capacity, and are in the proper location and at the proper elevation, to service the conveyed lot. The construction of any new services within the Town's right-of-way shall be done by the Town at the owner's cost. The applicant shall be responsible for the actual costs plus 10% for administration and inspection by the Town and shall provide security in the amount of 100% of the estimated cost of installation of said services. It shall be incumbent upon the applicant to provide an estimate of the cost of these works for review by the Infrastructure and Environmental Services Department. The applicant shall maintain the original grading and drainage pattern at property limits.
- In the alternative, the applicant shall register a restrictive covenant/development agreement on title to the lands to bind successors in title to this obligation. The applicant/owner shall be entitled to a release from this restrictive covenant/development agreement upon satisfaction of this condition.

*NOTE: Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting, held under the Planning Act, have been-taken into consideration by the Committee of Adjustment in its Decision on this matter.*

**CERTIFIED**  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
*Justin J. J...*  
SECRETARY  
Mar. 10, 2017  
DATE  
**REASONS FOR REFUSAL**

**Schedule "B"**

The Committee has based its decision on the legislative framework of the *Planning Act* and are in agreement with the comments provided by Planning & Development Services (attached herein); any additional rationale is noted below:

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