



100 John West Way,  
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Planning and Development Services  
Committee of Adjustment

**DECISION**

**FILE NUMBER:** C-2018-07  
**PROPERTY:** 304 Kennedy Street West  
**LEGAL DESCRIPTION:** Con 1 King Pt Lot 79 RP 65R15894 Part 6  
**APPLICANT:** 2656626 Ontario Inc.  
**DATE OF DECISION:** January 10, 2019

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


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

  
Hank Gosar

**CERTIFIED**  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
  
SECY-TREAS  
January 10, 2019  
DATE

## Schedule "A"

### CONDITIONS FOR APPROVAL:

1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Parks Division; that the Applicant has satisfied all concerns below and as noted December 20, 2018 memo by Sara Tienkamp, Manager of Parks and Fleet:
  - That the owner may be 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 current remaining vegetation, The report shall include recommendations and an action plan on the mitigation of negative effects to 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.
  - In addition 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 may 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 Director of Operational Services 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.
  - 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.
  - 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.

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DECISION

2. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Engineering and Capital Delivery Division; that the Applicant has satisfied all concerns below and as noted December 20, 2018 memo by Patrick Ngo, Municipal Engineer:

- The applicant provide to the Secretary-Treasurer, confirmation, in writing, from the Director of Planning & Development Services indicating that satisfactory arrangements have been made with respect to payment of all applicable charges and fees in relation to municipal service connections and disconnection as applicable.
- The applicant provide to the Secretary-Treasurer, confirmation, in writing, from the Director of Planning & Development Services indicating that satisfactory arrangements have been made with respect to the installation of water meter(s) and municipal service connections to render the retained and severed lots independently serviced. Any new services required within the Town's right-of-way shall be done by the Town at the owner's cost. The Owner will verify the existing services location and provide drawings showing location and elevation of existing and new service connections for review and approval of Planning & Development Services.

3. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of the Planning and Development Services; that the Applicant has satisfied all concerns below and as noted January 4, 2019 memo by Katherine Bibby, Planner:

Based on the aforementioned, Staff have no objection to the approval of Consent application File No. C-2018-07 subject to:

- That the applicant obtain a demolition permit and that the existing structures be removed prior to obtaining a certificate of official.
- That the existing easement (Instrument No. R648648 on the Draft Reference Plan) for the existing driveway at 304 Kennedy Street West be removed from title.

4. The Regional Municipality of York has completed its review of the above Consent application and offers the following comment:

- The Town will need to allocate servicing capacity to the new residential lot and account for it in their year-end capacity tracking spreadsheet.

5. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance will lapse requiring reapplication.



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DECISION

## Schedule “B”

### REASONS FOR REFUSAL

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

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*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.*