



100 John West Way  
Box 1000  
Aurora, Ontario  
L4G 6J1  
Phone: 905-727-3123 Ext. 4223  
Email: jleung @ aurora.ca  
www.aurora.ca

TOWN OF AURORA  
Planning and Building Services

Committee of Adjustment

## NOTICE OF DECISION

**FILE NUMBER:** C-2017-07  
**PROPERTY:** 497 Wellington Street West  
**LEGAL DESCRIPTION:** Plan 102 Pt Lot 1 and Part of Forty Acre Reserve  
**APPLICANT:** 2419059 Ontario Inc

### CONTACT:

Additional information may be obtained from Justin Leung of the Planning and Building Services department at 905-727-3123 extension 4223, 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 **October 4, 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.

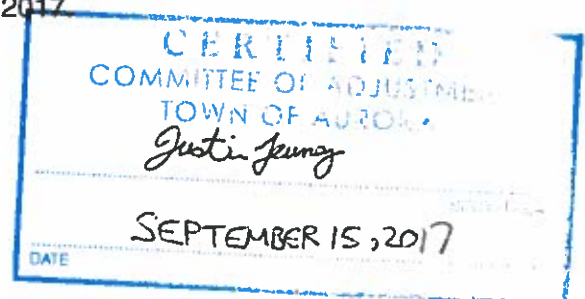
In accordance with the *Planning Act*, only individuals, corporations and public bodies may appeal a By-law to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice may be filed in the name of an individual who is a member of the 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 also subject to a Plan of Condominium Application (file NO CDM-2017-03) and an Ontario Municipal Board (OMB) Case File (Case NO PL151051).

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 15<sup>th</sup> day of, September 2017.

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





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### DECISION

**FILE NUMBER:** C-2017-07  
**PROPERTY:** 497 Wellington Street West  
**LEGAL DESCRIPTION:** Plan 102 Pt Lot 1 and Part of Forty Acre Reserve  
**APPLICANT:** 2419059 Ontario Inc  
**DATE OF DECISION:** September 14, 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:

ABSENT

Grace Marsh, Chair

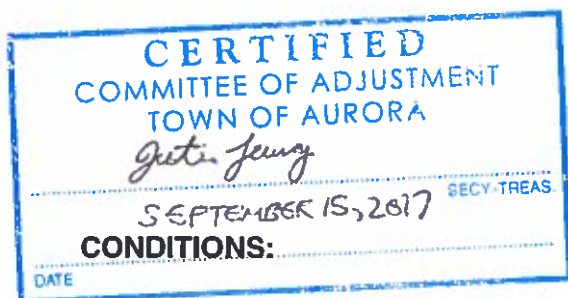
Tom, Plamondon, Vice Chair

Roy Harrington

David Mhango

Hank Gosar

**CERTIFIED**  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
*Justin Jeung*  
SEPTEMBER 15, 2017



## 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 Director of Planning and Building Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the September 14, 2017 memo by Jeff Healey, Planner:
  - THAT the Applicant/Owner receive final approval of zoning by-law amendment for subject lands by the Ontario Municipal Board.
  - THAT the Applicant/Owner execute a Site Plan Agreement for the proposed development as submitted to the Town.
4. SUBMISSION to the Secretary-Treasurer of written confirmation from Director of Infrastructure and Environmental Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the August 25, 2017 memo by Patrick Ngo, Municipal Engineer:
  - THE owner shall enter into a development agreement with 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 development application stage with full submission of detail design plans.
  - THE stormwater management plan and report shall be reviewed by the Town. Any storm runoff generates exceeding the pre-development level from this site shall be to satisfaction of Infrastructure and Environmental Services Department and the Region of York.
  - THE applicant shall obtain approval from Region of York in relation to acceptability of proposed Wellington Street entrance to the development site.

- THE applicant shall provide a proposal, acceptable to Director of Infrastructure and Environmental Services and Region of York, for the provision of municipal services to the eleven lots. It is in 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 all 11 lots being created. The construction of any new services in the Region's right-of-way shall be done by the Town at owners cost. The Owner shall provide drawings showing location and elevation of the new service connections for review and approval by the Region and the Town.
- 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 payment of all applicable charges and fees of the proposed municipal service connections.
- THE applicant provides to Secretary-Treasurer, confirmation indicating that satisfactory arrangements have been made with respect to installation of water meter(s) and connection(s) for each of the parcels to full municipal services as well as road restoration. The applicant shall be responsible for the actual security in amount of 100% of the estimated cost of installation of said services and shall agree to have said services installed by the Town. It shall be incumbent upon the applicant to provide an estimate of the cost of these works for review by the Town.

In alternative, 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.

5. SUBMISSION to the Secretary-Treasurer of written confirmation from Director of Parks, Recreation and Cultural Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the September 6, 2017 memo by Sara Tienkamp, Acting 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.

*Justin Jones* JUSTMENT RORA

- 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

- 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

6. SUBMISSION to the Secretary-Treasurer of written confirmation from Regional Municipality of York; that the Applicant has satisfied all concerns below and as noted in the August 29, 2017 memo by Gabrielle Hurst, Associate Planner:

- NOTWITHSTANDING any lands that may have previously been expropriated by the Region, the Owner shall convey sufficient property to the Region for public highway purposes along the full frontage of the site(s) where it abuts Wellington Street West to provide a 36 metre(s) right-of-way, free of all costs and encumbrances. Conveyance of sufficient property shall be referenced from a point 18 metre(s) from the centerline of construction of Wellington Street West.
- THE Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to York Region. Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by York Region.

JUSTICE JURY  
SEPTEMBER 15, 2017  
SECRET

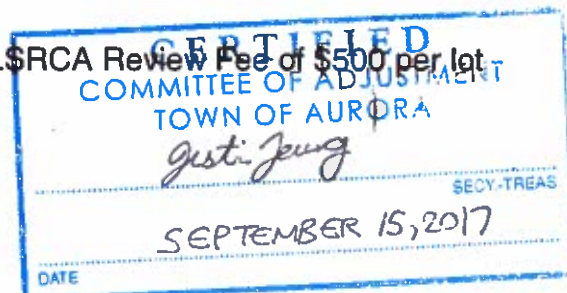
SEPTEMBER 15, 2017

- THE Owner shall arrange for the preparation, review and deposit on title of a reference plan describing the lands to be conveyed to the Region, as described above, to the satisfaction of the Regional Planning and Economic Development Branch.
- THE Region requires the Owner to submit to it, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I Environmental Site Assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II Environmental Site Assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to "The Regional Municipality of York"; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.
- THE Owner shall also provide the Region with a certified written statement from the Owner or the Owner's authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

SEPTEMBER 15, 2017

- THE preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner's certified written statement shall be provided at no cost to the Region.
  - THE Owner understands and agrees that any proposed access to Wellington Street West shall be provided at the sole discretion of the Region and at a location also determined by the Region on the existing or newly created lots of the subject lands. Such access (if allowed) is subject to detailed design and the Region will not be responsible for any cost associated with the access. Please contact [permits@york.ca](mailto:permits@york.ca) for inquiries for permitting new development accesses on regional roads
  - THIS application is subject to York Region's development applications processing fee as identified in By-law No. 2010-15. The review fee for Consent to Sever is \$800 for the first lot (severed + new lots) and \$150 for each additional lot created and the fee for Review and Approval of Environmental Site Assessment Report fee is \$1,500. These fees are required to proceed with the review.
  - PLEASE note that all payments shall be in the form of a certified cheque and made payable to "The Regional Municipality of York" and forwarded to the Development Review Coordinator, Planning and Economic Development Branch.
  - PRIOR to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-6 have been met to its satisfaction.
7. SUBMISSION to the Secretary-Treasurer of written confirmation from Director of Corporate Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the September 6, 2017 memo by Nicole Trudeau, Law Clerk:
- THAT the Owner be required to execute Memorandum of Understanding respecting cash-in-lieu of parkland dedication to satisfaction of Town's Legal Services Division.
8. SUBMISSION to the Secretary-Treasurer of written confirmation from Lake Simcoe Region Conservation Authority; that the Applicant has satisfied all concerns below and as noted in the September 6, 2017 memo by Melinda Bessey, Development Planner:

THAT the Owner pays the prescribed LSRCA Review Fee of \$500 per lot



*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.*

**Schedule "B"**

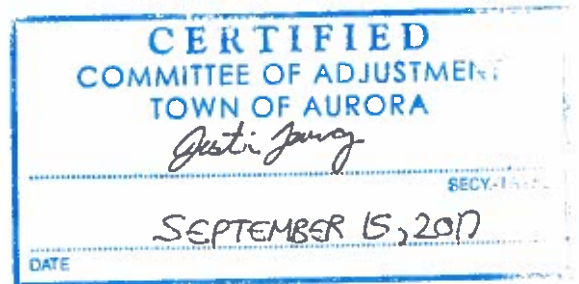
**REASONS FOR REFUSAL**

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

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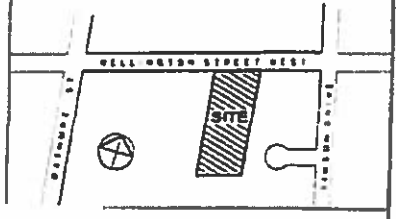
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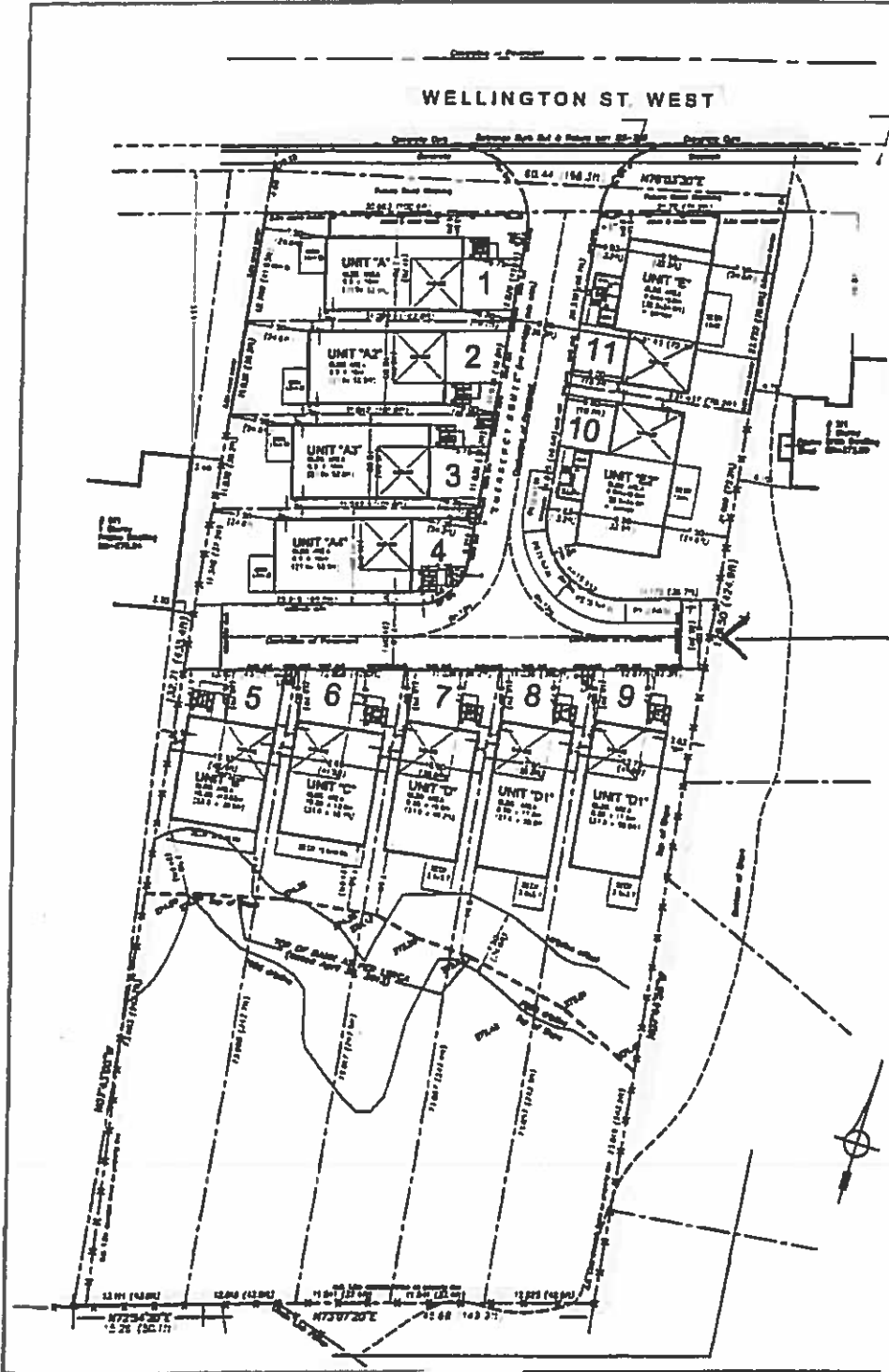




SITE LOCATION PLAN (NTS)



WELLINGTON ST WEST



PROPOSED RESIDENTIAL DEVELOPMENT  
(PART OF PLAN OF CONDOMINIUM  
FILE NO COM-2017-03)

PROPOSED CONSENT: To sever portion  
of subject property to create a  
total of 11 lots.

497 WELLINGTON STREET WEST