



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

Planning and Development Services  
Committee of Adjustment

## NOTICE OF DECISION

**FILE NUMBER:** C-2018-05  
**PROPERTY:** 190 Kennedy Street West  
**LEGAL DESCRIPTION:** Lot 9, Plan M-50  
**APPLICANT:** The Jessmar Group Ltd.

If you have objections to this Notice of Decision, you may appeal to the Local Planning Appeal Tribunal (the "Tribunal"). Your appeal, together with the reasons for the appeal and the **\$300.00** fee (per Application) as required by the Tribunal, are to be made payable to the Minister of Finance in the form of a certified cheque or money order. An A1 Appeal Form provided by the Tribunal is now on their website at <http://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/> and must be filed with the Secretary Treasurer at 100 John West Way, Box 1000 Aurora, Ontario, L4G 6J1, no later than 4:30 p.m. on or before **August 29, 2018**. (s.45 (12)). Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. Please note an additional fee of **\$592.00**, per Application, payable to the Town of Aurora is required with respect to 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 **currently/not currently** the subject of **another/any other** Application under the *Planning Act*, to our knowledge.

Any inquiries should be directed to the undersigned, at 905-727-3123, extension 4223, Monday to Friday in Planning and Development Services, Aurora Town Hall, 100 John West Way, Aurora, Ontario, L4G 1J6.

DATED at the Town of Aurora, this 13<sup>th</sup> of August, 2018.

Antonio Greco  
Secretary- Treasurer / Planning Technician  
Committee of Adjustment



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**DECISION**

**FILE NUMBER:** C-2018-05  
**PROPERTY:** 190 Kennedy Street West  
**LEGAL DESCRIPTION:** Lot 9, Plan M-50  
**APPLICANT:** The Jessmar Group Ltd.  
**DATE OF DECISION:** August 9, 2018

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

**ABSENT**

Hank Gosar





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## DECISION

### Schedule "A"

#### CONDITIONS FOR APPROVAL:

1. We have reviewed the documentation for the property associated with the above noted application. Comments provided on previous memorandum, dated November 1, 2017 referencing the following file numbers will stand: **C-2017-08, C-2017-09, MV 2017-34, MV 2017-35& MV 2017-36.**

SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Parks, Recreational and Cultural Services; that the Applicant has satisfied all concerns below and as noted August 1, 2018 memo by Sara Tienkamp, Manager of Parks:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.



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- f) 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.
2. Engineering Division has reviewed the above consent application in conjunction with Consent and Minor Variances applications numbers **C-2017-08, C-2017-09, MV-2017-34, MV-2017-35 & MV-2017-36**. We have no concern with the consent application C-2018-05 provided that all conditions as per Sabir Hussain Memo to Secretary-Treasurer of Committee of Adjustment (dated October 27, 2017) remain unchanged as noted July 23, 2018 memo by Patrick Ngo, Municipal Engineer:
    - a) The applicant provide a servicing and grading control plan showing details including but not limited to general grading and drainage; shared driveway locations and access easement; municipal easement and sewers/watermains; service connections locations, inverts and profile; fencing, erosion and sediment controls and storm water management measures as applicable to the satisfaction of Director of Infrastructure & Environmental Services.
    - b) 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 in relation to the proposed service connections to the municipal watermains and sewers.
    - c) 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(s) and service connection(s) to render the severed and retained lots fully serviced independent from each other.

Comment below is not a conditions but just a suggestion to the applicant.

Proposed building footprint at Lot 3 appears on edge of the existing municipal easement on the east side of the proposed building. Footing of the proposed building may encroach into the municipal easement and may also impact the existing watermain close to the easement edge. As such building footprint may need to be revised to provide appropriate offset from the municipal easement.

3. SUBMISSION to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority; that the Applicant has satisfied all concerns below and as noted July 26, 2018 memo by Melinda Bessey, Development Planner:
  - a) That the Owner shall pay the LSRCA Review Fee in accordance with the LSRCA Planning and Development Fees Policy (2017).



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- b) That the Owner shall obtain a permit from the LSRCA for any works within an area governed by Ontario Regulation 179/06 under the Conservation Authorities Act.
- 4. Based on the aforementioned, Planning Staff has no objection to the approval of Consent application file number C-2018-05 subject to final approval of the related consent applications (C-2017-08 and C-2017-09) as noted July 31, 2018 memo by Lawrence Kuk, Manger of Development Planning.
- 5. 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 for (C-2017-08, C-2017-09 and C-2018-05).

**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.*