

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 21, 2023

CASE NO(S):

OLT-22-001975

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Shimvest Investments Limited
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of a six-storey purpose-built rental residential building containing 155 dwelling units
Reference Number: OPA-2021-04
Property Address: 271 Holladay Drive
Municipality/UT: Town of Aurora/ Regional Municipality of York
OLT Case No.: OLT-22-001975
OLT Lead Case No.: OLT-22-001975
OLT Case Name: Shimvest Investments Limited v. Aurora (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Shimvest Investments Limited
Subject: Application to amend the Zoning By-law – Neglect to make a decision
Description: To permit the development of a six-storey purpose-built rental residential building containing 155 dwelling units
Reference Number: ZBA-2021-05
Property Address: 271 Holladay Drive
Municipality/UT: Town of Aurora/ Regional Municipality of York
OLT Case No.: OLT-22-001976
OLT Lead Case No.: OLT-22-001975

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	Shimvest Investments Limited
Subject:	Site Plan
Description:	To permit the development of a six-storey purpose-built rental residential building containing 155 dwelling units
Reference Number:	SP-2021-10
Property Address:	271 Holladay Drive
Municipality/UT:	Town of Aurora/ Regional Municipality of York
OLT Case No.:	OLT-22-001977
OLT Lead Case No.:	OLT-22-001975

Heard: June 22, 2023, by Video Hearing

APPEARANCES:

Parties

Shimvest Investments Limited

Town of Aurora

Region of York

Counsel

Meaghan McDermid

Chantal deSereville

Samantha Whalen

MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON JUNE 22, 2023 AND INTERMIN ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION AND BACKGROUND

[1] The matter before the Tribunal concerns three Appeals filed by Shimvest Investments Limited (the “Appellant”) pursuant to s. 22(7), s. 34(11), and s. 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the “Act”), against the Town of Aurora (“Town”) for its failure to make a decision on an application for an Official Plan Amendment (“OPA”), an application for a Zoning By-law Amendment (“ZBA”), and an

application for Site Plan Approval (“SPA”) (collectively the “Applications”) within the time frames prescribed in the Act.

[2] The lands that are the subject of the Appeals are known municipally as 271 Holladay Drive (the “Subject Property”). The Applications will give effect to the Appellant’s proposal to redevelop the Subject Property with a six-storey purpose-built rental apartment building.

[3] The Subject Property is located at the southwest corner of Leslie Street and Holladay Drive and is within an approved and recently built-out plan of subdivision. The Subject Property is irregular in shape, has an area of 0.525 hectares, has street frontage on all sides, and is currently vacant. York Regional Transit service is accessible on Leslie Street with connections to the Aurora GO Train Station and an area secondary school. Within a ten-minute walk from the Subject Property are amenities including a public park, a community recreation centre, a medical clinic and retail services including a grocery store, pharmacy, restaurants, and financial services.

[4] To the north of the Subject Property, on the north side of Holladay Drive, is a natural heritage feature. Across Leslie Street, to the east, is a forested property on the edge of a future business park development. South and west of the Subject Property, across Badgerow Way, are townhomes and single detached dwellings in a subdivision developed by the Appellant.

[5] The Applications were filed with the Town on July 21, 2021, together with numerous supporting reports and documentation including a Planning Justification Report, a Functional Servicing Report (“FSR”), and a Traffic Impact Study (“TIS”). The Applications contemplated a six-storey purpose-built rental residential building containing 155 units, a rooftop mechanical penthouse and amenity space, 194 vehicle parking spaces, 32 bicycle parking spaces, a gross floor area of 14,006 square metres (“m²”), and a density of 295.2 units per net residential hectare. The Applications were deemed complete on July 28, 2021. The Applications were considered by the Town’s

Urban Design Review Panel on October 4, 2021, in advance of a Public Information Meeting held by the Town Council on November 9, 2021. The Applications were appealed to the Tribunal on December 13, 2021.

[6] The Appellant, the Town, and the Region of York (“Region”) continued discussions concerning the Applications and prior to the commencement of the hearing, the Appellant advised the Tribunal that the Parties have negotiated a settlement of the Appeals. The Tribunal convened the proceedings as a Settlement Hearing.

[7] The Settlement Proposal before the Tribunal proposes a reduction in the total number of units to 147 comprised of 79 one-bedroom units, 49 two-bedroom units, and 19 three-bedroom units. The mechanical penthouse is shifted easterly with the rooftop indoor and outdoor amenity area maintained. An additional pedestrian access at the north-easterly corner of the building is added and the vehicular access to Badgerow Way is maintained. The total amenity space has been increased from 2,937 m² to 3,808 m² and the total parking supply of 194 parking spaces has remained unchanged, however the ratio between resident and visitor spaces has been revised to provide 147 resident spaces and 47 visitor parking spaces. The gross floor area has been reduced to 12,999.7 m² and the density is reduced to 280 units per net residential hectare.

[8] The Town and the Region attended and advised that they are not opposing the Settlement Proposal and requested that the terms of the Settlement Proposal be incorporated into any Decision of the Tribunal that approves the OPA, ZBA, and SPA.

EVIDENCE AND SUBMISSIONS

[9] The Tribunal qualified David McKay, a Registered Professional Planner, to provide opinion evidence as an expert in land use planning. Mr. McKay provided an affidavit, sworn on June 12, 2023, in support of the Settlement Proposal and the approval of the OPA, ZBA, and SPA (Tribunal Exhibit 1).

[10] Mr. McKay reviewed the revised site and elevation plans in support of the Settlement Proposal (“Settlement Plans”) found in Exhibit L to Tribunal Exhibit 1. Mr. McKay identified the revisions made to address issues raised through the review and circulation of the Applications. The Settlement Plans detail a 147 residential unit rental apartment building having a height of six storeys. The gross floor area has been reduced from the original submission to 12,999.7 m² and the density is reduced to 280 units per net residential hectare. The overall height of the building remains unchanged. The total proposed parking remains at 194, however, the ratio of tenant to visitor parking has been adjusted, increasing the number of visitor parking spaces provided. The amenity space has also increased, resulting in a ratio of 25.9 m² per unit. The setback at the west end of the proposed building has been increased and the step-backs at the westerly end and south-easterly end of the proposed building have been increased to further reduce the massing impacts of the proposed building.

[11] Within the surrounding area along the Leslie Street corridor, Mr. McKay identified other developments of a comparable nature that have been approved or are currently under review by the Town.

[12] Mr. McKay reviewed his affidavit with the Tribunal, in which he addressed s. 2 of the Act and the matters of provincial interest as they apply to the Settlement Proposal. He advised that the Subject Property does not contain any Key Natural Heritage or Hydrological Features, as referenced in s. 2(a). In consideration of s. 2(e), Mr. McKay proffered that the Settlement Proposal incorporates low-impact development and transportation demand management measures, which are intended to make the proposed development become resilient and adaptive to climate change. The FSR and TIS addressed servicing issues, stormwater management and traffic impact within the transportation network in response to the matters set out in s. 2(f). The Settlement Proposal will include waste handling systems that are located and designed in accordance with Provincial legislation and standards, as contemplated in s. 2(g). Mr. McKay proffered that the Settlement Proposal maintains the orderly development of safe and healthy communities and will develop the last remaining block of this

Subdivision in a form of development as contemplated in the Town Official Plan (“TOP”) and Town Zoning By-law No. 6000-17, as amended (“ZBL”). The Settlement Proposal provides a mix of rental units that include one-, two-, and three-bedroom units, contributing to the Town’s housing supply and providing housing options for residents of all ages and needs, addressing the matters outlined in s. 2(j). Mr. McKay proffered that the Subject Property is an appropriate location for growth and development in an existing urban settlement area, as required by s. 2(p). Section 2(q) is addressed by the Settlement Proposal as it is supportive of existing transit infrastructure given the site is located in proximity of an existing public transit route that connects to Downtown Aurora and the Aurora GO Train Station, which will foster a transit supportive development. The primary front entrance to the building has been located towards Holladay Drive with a secondary entrance towards Leslie Street. The proposed entrances will be visible and directly accessible from the public sidewalks orienting the building towards pedestrians. The Settlement Proposal demonstrates an appropriate location and design for a mid-rise building that aligns with the policy direction and urban design goals of the Town, thus having regard for those matters identified in s. 2(r). The Settlement Proposal will support the efficient use of resources and land as it is contributing to an intensified residential community and contributing to the Province, the Region, and the Town in meeting their greenhouse gas emission targets, as identified in s. 2(s).

[13] Mr. McKay opined that the Settlement Proposal has regard for the relevant matters of provincial interest set out in s. 2 of the Act.

[14] In consideration of the Provincial Policy Statement, 2020 (“PPS”), Mr. McKay opined that the Settlement Proposal is consistent with the PPS.

[15] Mr. McKay reviewed the policies set out in Policy 1.1.1 and proffered that the Settlement Proposal represents an efficient development and land use pattern, as it promotes residential infill within a settlement area, as defined in the PPS, and will provide much-needed rental apartments with a variety of unit sizes. The Settlement Proposal is a compact urban residential development within a settlement area, where

growth is to be focused, and represents intensification and transit-supportive development, which will optimize the use of the Subject Property, municipal services, transit investments and infrastructure available to the Subject Property.

[16] The Settlement Proposal efficiently utilizes land by developing an underutilized, vacant site that will serve to connect with the surrounding neighbourhood. It will optimize existing infrastructure, public service facilities, and will support active transportation through the development's proximity to bicycle lanes, trails and pedestrian walkways. These elements will be balanced by providing an appropriate transition and compatibility to the surrounding residential and open space uses. The Settlement Proposal is in proximity to commercial uses and open space within the area, thereby promoting minimal travel distance and reduced carbon emissions. The Settlement Proposal is supportive of existing transit infrastructure given the site is located in proximity to an existing public transit route that connects to Downtown Aurora and the Aurora GO Train Station, which will foster a transit-supportive development. Mr. McKay proffered that the Settlement Proposal addresses, and is consistent with, the relevant policies contained in 1.1.3, 1.4.3, and 1.6 of the PPS.

[17] Mr. McKay directed the Tribunal to his affidavit, wherein he proffered that the Settlement Proposal conforms to the relevant policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), as amended ("Growth Plan"), setting out that the Settlement Proposal proposes an appropriate built-form within the urban settlement area to contribute to the creation of a complete community through its proximity to recreational amenity space and transit facilities that connect to Downtown Aurora and the Aurora GO Train Station. It will broaden the range and mix of residential options within an existing residential community for residents of all ages and needs, including providing rental housing. Further, the proposal is located along a Region transit route and will access existing water, wastewater, and stormwater infrastructure available to the Subject Property, thereby, efficiently using existing infrastructure and services. The Settlement Proposal provides an appropriate level of intensification in a compact urban form within the urban settlement area. The Settlement Proposal is compatible with

surrounding land uses through the use of appropriate performance standards to control the built form and building siting. The Settlement Proposal demonstrates an appropriate location and design for a mid-rise building that aligns with the policy direction and urban design goals of the Town. The Settlement Plans establish an urban built form that is massed, designed, and oriented to people, and creates an active and attractive entrance to the surrounding community providing efficient connections to public streets and nearby multi-use trails, thereby reinforcing sustainable mobility options and providing active transportation opportunities, which will result in a more accessible and sustainable environment for all.

[18] Mr. McKay opined that the Settlement Proposal conforms to the Growth Plan.

[19] Mr. McKay advised that the Subject Property is located within the watershed boundary that is regulated under the Lake Simcoe Protection Plan (“LSPP”). The LSPP outlines policy themes such as water quality, water quantity, and natural heritage and details policies to address the potential impacts of development on the Lake Simcoe Watershed. In support of the Applications, several reports have been prepared to address LSPP matters relating to stormwater management for the proposed development. Appropriate implementation measures will continue to be refined through the SPA conditions and implemented accordingly through construction. Mr. McKay opined that the Settlement Proposal conforms to the LSPP.

[20] The Applications are subject to the 2010 Region Official Plan (“ROP”) which identifies the Subject Property as being designated “Urban Area”. Urban Areas are intended to accommodate the majority of the planned growth in the Region. Mr. McKay opined that the Settlement Proposal conforms to the relevant ROP policies as the Settlement Proposal will facilitate the efficient use of the Subject Property by permitting an appropriate level of development, which is compatible with surrounding land uses. The Settlement Proposal will provide for rental residential uses in an apartment-style built form on underutilized lands, thus supporting the housing intensification objectives set forth by the ROP. The Settlement Proposal will contribute to a diversity of housing

options assisting with making Aurora a complete community including a range of apartment units. The Settlement Proposal will make efficient use of the Subject Property by optimizing available infrastructure including municipal water and sewage services, utilities, public streets, and public transit. The Settlement Proposal will incorporate low-impact development measures, transportation demand management measures and other sustainable measures to assist the Region and the Town in becoming resilient to climate change. The Settlement Proposal will incorporate green design measures, such as passive and active energy conservation measures, to minimize the development's energy consumption and greenhouse gas emissions

[21] Mr. McKay, in his affidavit, and through his *viva voce* testimony, reviewed the TOP and proffered that the Subject Property is identified in a "Neighbourhood" and specifically designated "Urban Residential Two" ("UR2") on Schedule A – Land Use Plan to the TOP. The Subject Property is located within the Aurora 2C Secondary Plan ("2CSP") area of the TOP. Neighbourhoods are the fundamental structural element of the 2CSP and contain a mix of housing types, density, land uses and activities. It is a requirement of the 2CSP that the residential community west of Leslie Street achieves an average minimum density of 50 residents and jobs combined per developable hectare, with higher densities located along major streets, such as Leslie Street. Mr. McKay opined that the Settlement Proposal addresses the Neighbourhood policies and objectives by providing for a broad range and mix of residential options within this existing residential community by including additional one-, two-, and three-bedroom rental apartment units. The Settlement Proposal will provide for a population density that exceeds the minimum required density of 50 residents and jobs per developable hectare. He continued by proffering that the existing low-rise residential uses west and south of the Subject Property are protected through setbacks and step-backs which provide for appropriate transitioning to these areas. The Settlement Proposal intensifies an underutilized site where there are existing transit services and infrastructure to address the growth management policies of the TOP while balancing this with high-quality building and landscape design to address the urban design policies within the TOP.

[22] Mr. McKay advised that the Subject Property is located along Leslie Street, which has been identified by the 2CSP as one of the streets along which the highest densities shall occur. Further, he advised that Section 3.3.2 of 2CSP contains the UR2 policies and proffered that the intent of UR2 designation is to promote well-designed and transit-supportive medium-density housing forms in proximity to community recreational and convenience commercial facilities. The UR2 designation permits a variety of uses including residential apartments with a maximum building height of six storeys or 20 metres (“m”). Further, a maximum density of 125 units per net residential hectare is permitted for small-scale/low-rise apartment developments. The 2CSP restricts direct vehicular access to Leslie Street. With the exception of the permitted height and density, Mr. McKay proffered that the Settlement Proposal meets the intent of this UR2 designation as it provides for high-quality building design at an appropriate density which is transit-supportive and in proximity to community recreational and convenience commercial facilities.

[23] Addressing the OPA, Mr. McKay advised that the proposed building has a height of six storeys which meets the maximum building height permitted in the UR2 designation. He explained that the additional building height of approximately 5 m, required for the enclosed rooftop amenity area and mechanical penthouse, will exceed the permitted height of 20 m. Mr. McKay opined that the proposed height is appropriate given that the proposed height increase is marginal and only relates to the small component of the rooftop amenity area and mechanical penthouse. The small protrusion above 20 m is significantly setback from any adjacent residential properties resulting in no shadow or privacy impacts. Further, he opined that through the articulation and fenestration incorporated into the building, including step-backs, the overall massing of the built form is reduced and any shadow impacts on the adjacent low-rise residential properties are acceptable. With respect to the proposed density of 280 units per net residential hectare, which exceeds the maximum permitted density of 125 units per net residential hectare, Mr. McKay opined that the increase is appropriate given the identified need for additional housing, including rental housing, which is specifically called for by the TOP through policies 6.1(c), 6.2(d) and 6.3(a)(i) and (ii).

The Subject Property is unique and suitable for additional density as it is bordered on all sides by arterial or local streets and is not located immediately adjacent to any other properties. Further, Mr. McKay opined that the overall increase in density represents intensification and transit-supportive development, which will optimize the use of the Subject Property, municipal services, transit investments, and available infrastructure which is encouraged by the TOP.

[24] Mr. McKay concluded that the increased density can be appropriately accommodated on the Subject Property with no adverse planning impacts and proffered that the Settlement Proposal and the OPA conform to the policies in the TOP, except as is proposed to be amended, with such amendment being appropriate and reasonable as outlined in his submissions.

[25] Mr. McKay advised the Tribunal that he has reviewed the Participant Statements received in response to these proceedings and summarized the concerns into seven areas. He responded to each as follows:

1. Density and Building Location on the Subject Lands

[26] The TOP directs that density be located in proximity to major streets, including Leslie Street. Providing density as proposed on the Subject Property meets the intent of the TOP for focusing intensification in locations where higher densities should be located. Further, the provision for rental housing on the Subject Property is supported by Policy 6.2(d) of the TOP, with the building located in an appropriate location along a major street (Leslie Street).

2. Traffic Safety, Access and Parking

[27] The traffic safety, access location, and parking supply concerns have been addressed in the TIS, prepared in support of the Applications, and which has been accepted by the Town and the Region, with no substantive issues raised regarding traffic safety or concerns with the vehicular access point. The TIS reviewed the

proposed development under the existing and future conditions and confirmed that no substantive impacts to the abutting road network would occur. No traffic safety or capacity concerns have been raised by either the Town or the Region as a result of the proposed development, with the Region having specifically stated that an entrance directly from Leslie Street is not permitted. With respect to parking supply, the proposed parking ratio represents a slight reduction from the current zoning standard but continues to meet the visitor requirements. This parking supply is appropriate and balances the current need for parking with the desire for residents and visitors to take alternative modes of travel (active transportation and transit).

3. Servicing Constraints

[28] The Consulting Engineers for the project prepared an FSR that concluded that water and sanitary servicing for the proposed development can be accommodated by the existing services. The FSR reviewed the capacity from the sewage pumping station previously constructed for this area and confirmed that sufficient capacity is available to accommodate the additional population that would result from the proposed development. Further, Mr. McKay noted that neither the Region, nor the Town Engineering staff raised any concerns with the analysis undertaken by the Appellant's Consulting Engineers.

4. Precedent Setting

[29] Development applications are to be considered on their own merits. Mr. McKay opined that the Settlement Proposal is appropriate for the Subject Property in consideration of the surrounding context. The Subject Property is unique in that it is bordered on all sides by roads. Mr. McKay proffered that every new development is considered in its own unique context.

5. Lack of Amenity Space

[30] The ZBL requires 18 m² of amenity space per unit of which 50% is to be interior amenity space. The Settlement Proposal is therefore required to provide 2,646 m² of total amenity space, with 1,323 m² being interior amenity space. The Settlement Proposal proposes 3,695 m² of amenity space with 614 m² being interior amenity space. Mr. McKay proffered that this ratio of amenity space is similar to many other recent developments in the Town, where interior amenity space has been reduced, and proffered that the proposed amenity space is appropriate, as the overall combined amenity space exceeds the zoning requirement by more than 1,000 m² and will result in a ratio of 25.9 m² of amenity space per unit.

6. Building Design, Setbacks, Massing, and Height

[31] The revisions filed with the Town and the Tribunal in support of the Settlement Proposal included modifications to address massing, which include increased step-backs or the introduction of step-backs, the reduction of the rooftop mechanical penthouse and amenity area configuration and the shifting of this element away from the nearby low-density residential uses, and the addition of articulation of the northerly façade. Mr. McKay opined that the Settlement Proposal represents an appropriate design for the Subject Property, incorporating reasonable setbacks, step-backs, articulation and fenestration, to create an appropriate massing on the Subject Property. The proposed setbacks provide for an urban streetwall condition that better frames the street through the step-backs and articulation and enhances the pedestrian experience along Holladay Drive and Leslie Street. Appropriate landscape treatment around the Subject Property, including the use of private terraces, is provided for within the street yards.

7. Compatibility with Surrounding Land Uses

[32] Mr. McKay proffered that “compatible” means, in the context of development, that a proposal can co-exist in harmony within its existing and planned context. Compatible

does not mean “the same as” or “similar to”. He opined that the Settlement Proposal can co-exist in harmony and will not cause unacceptable adverse impacts of a planning nature on neighbouring lands or the public realm. He continued that no adverse shadow impacts are caused by the Settlement Proposal and that the step-backs at the south and west ends of the building provide for an appropriate transition to the existing low-rise residential uses. The location of the building on the Subject Property and step-backs incorporated into the building design reduce overlook and negate privacy issues noting the building faces towards the front yards of adjacent buildings.

[33] Mr. McKay reviewed the requested conditions for the SPA and proffered that the conditions are typical and standard for a development of this nature. The conditions are appropriate and not onerous for attachment to an approval, should the Tribunal allow the Appeal.

[34] Mr. McKay reviewed the proposed amendment to the TOP found in Exhibit N of Tribunal Exhibit 1. He advised that the proposed instrument has been reviewed with the Town and that they have indicated that it is acceptable. Mr. McKay then reviewed the proposed amendment to the ZBL found in Exhibit O of Tribunal Exhibit 1, identifying the site-specific provisions contained within the draft instrument addressing the building envelope and capturing the specific setbacks, step-backs, and the maximum heights for the proposed building.

[35] Mr. McKay concluded opining that the Settlement Proposal and requisite OPA, ZBA, and SPA to implement the Settlement Proposal represent good planning and are in the public interest. He recommended that the Tribunal allow the Appeals and approve the revised OPA and ZBA, as per the amending documents, as set out in Exhibit N and Exhibit O to Tribunal Exhibit 1. Further, he recommended that the Tribunal grant the SPA in accordance with the drawings set out in Exhibit L to Tribunal Exhibit 1 and that the approval of the SPA be subject to the Site Plan Conditions set out in Exhibit P to Tribunal Exhibit 1.

ANALYSIS AND FINDINGS

[36] The Tribunal accepts the uncontroverted testimony and affidavit evidence of Mr. McKay.

[37] The Tribunal finds that the Settlement Proposal represents an appropriate intensification of an underutilized site well served with municipal infrastructure, including public transit, that is in an area identified for growth.

[38] The Settlement Proposal has regard for those matters of provincial interest as set out in s. 2 of the Act. The Tribunal finds that the Settlement Proposal will support the orderly development of safe and healthy communities, will provide an appropriate range of housing types, is an appropriate location for growth, promotes development that is designed to support public transit and pedestrians, be sustainable, and represent a well-designed built form.

[39] The Tribunal finds that the Settlement Proposal is consistent with the PPS as it will result in efficient development and will provide rental housing that is not prevalent in this area thereby contributing to providing a range of housing types. The Settlement Proposal will efficiently use resources, infrastructure, and services, is transit-supportive, and promotes active transportation.

[40] In consideration of the Growth Plan, the Tribunal finds that the Settlement Proposal conforms to the policies of the Growth Plan as it will support the achievement of the Town's density targets, represents intensification within a built-up urban area, and is an efficient use of the land. The Settlement Proposal will contribute to the creation of a complete community with the creation of purpose-built rental residential development.

[41] The Tribunal is satisfied that the conditions of SPA will appropriately address the stormwater management requirements arising from the LSPP and that the Settlement Proposal conforms to the policies of the LSPP.

[42] In consideration of the ROP, the Tribunal accepts the opinion of Mr. McKay and finds that the Settlement Proposal conforms to the ROP as it supports the housing intensification objectives of the Region with an appropriate and compatible apartment style development that contributes to the provision of diversity in housing options.

[43] The Tribunal finds that the Settlement Proposal conforms to the TOP as it proposes increased density along Leslie Street and achieves the housing goals and density objectives of the TOP. The Settlement Plans address the urban design considerations and have reduced the impacts of the proposed building by using a combination of setbacks, step-backs, and exterior treatments to the elevation plans to provide a compatible transition to the surrounding neighbourhood. The Tribunal is satisfied that the shadowing and massing impacts have been appropriately mitigated through the proposed design.

[44] The Tribunal finds that the OPA conforms with the direction and policies of the TOP, with the exception of those to be amended, and such amendments are appropriate. The Tribunal finds that the ZBA conforms with the TOP and the OPA required to implement the Settlement Proposal. In reviewing the Settlement Plans and the recommended conditions for the SPA, the Tribunal finds that the SPA conforms to the TOP and implements the OPA and ZBA to achieve the goals and objectives of the TOP.

[45] Having reviewed the Participant Statements filed with the Tribunal, the Tribunal is satisfied that the issues and concerns raised have been appropriately addressed through the Settlement Proposal and as addressed by Mr. McKay in his testimony.

[46] The Tribunal finds that the Settlement Proposal represents good planning and that the approval of the OPA, ZBA, and SPA is in the public interest.

[47] The Tribunal allows the Appeals, in part, approves the OPA as set out in the instrument found at Exhibit N of Tribunal Exhibit 1 and approves the ZBA as set out in the instrument found at Exhibit O of Tribunal Exhibit 1. The Tribunal approves the SPA

in accordance with the Settlement Plans and subject to the conditions set out in Exhibit P to Tribunal Exhibit 1.

ORDER

[48] **THE TRIBUNAL ORDERS THAT** the appeal filed pursuant to s. 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, is allowed in part and the Official Plan for the Town of Aurora is amended as set out in Attachment 1 to this Order. The Tribunal authorizes the municipal clerk of the Town of Aurora to assign a number to this amendment for record-keeping purposes.

[49] **AND THAT** the appeal filed pursuant to s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, is allowed and By-law No. 6000-17 of the Town of Aurora is hereby amended as set out in Attachment 2 to this Order. The Tribunal authorizes the municipal clerk of the Town of Aurora to assign a number to this by-law for record-keeping purposes.

[50] **AND THAT** the appeal filed pursuant to s. 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, is allowed and the site plan drawings prepared by BNKC Architects Inc. referenced as Project no. 20016 and having a plot date of May 19, 2023, are approved subject to the conditions set out in Attachment 3 to this Order.

[51] **AND THAT** the Tribunal shall be provided with a written status report from the Appellant and the Town on or before **Friday, March 29, 2024**, advising of the status of the fulfilment of the conditions of Site Plan Approval as set out in Attachment 3 to this Order. In the event the Tribunal fails to receive the required status report, and/or in the event the conditions of Site Plan Approval are not satisfied by the date indicated above, or by such other deadline as the Tribunal may impose, the Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to address the outstanding conditions of the Site Plan Approval to be fulfilled.

“David Brown”

DAVID BROWN
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Now therefore the Official Plan for the Town of Aurora is amended by the Ontario Land Tribunal as follows:

1. Introduction

The Amendment, consisting of the following text and attached as Schedule A, constitutes Amendment No.## to the Official Plan of the Town of Aurora Planning Area.

The effect of this Amendment is to amend the Town of Aurora Official Plan to permit the development of a six (6) storey (25 m) residential building (with amenity floor space and mechanical penthouses over the sixth floor) with a total of 147 units.

2. Details of the Amendment

Item (1): Schedule "H", Site Specific Policy Areas, being part of the Town of Aurora Official Plan, identifies Site Specific Policy XX over the Subject Lands, as shown on Schedule "A" of this Amendment.

Item (2): Notwithstanding any policies to the contrary as outlined in OPA 73 respecting development policies, Section 16.0, "Site Specific Policies" of the Town of Aurora Official Plan be and is hereby amended by adding to the end thereof, the following subsection as it pertains to the Subject Lands as shown on Schedule "A" of this Amendment:

"Section 16.##

The following policies apply to the lands designated "Urban Residential 2" on Block 140, Registered Plan 65M-4519, Town of Aurora, Regional Municipality of York, as shown on Schedule "H" attached hereto and forming part of this plan.

- a. The Subject Lands are permitted to be used for a residential apartment building with a total of 147 residential units.
- b. A maximum net density of 280 units per net hectare, or 114 units per net acre is permitted.

- c. A maximum height of six (6) storeys or 25 m is permitted. Mechanical penthouses and amenity floor space above the 6th floor shall be permitted.
- d. The implementing Zoning By-law amendment will establish site specific provisions by incorporating appropriate development standards for the Subject Lands.

3. Interpretation and Implementation

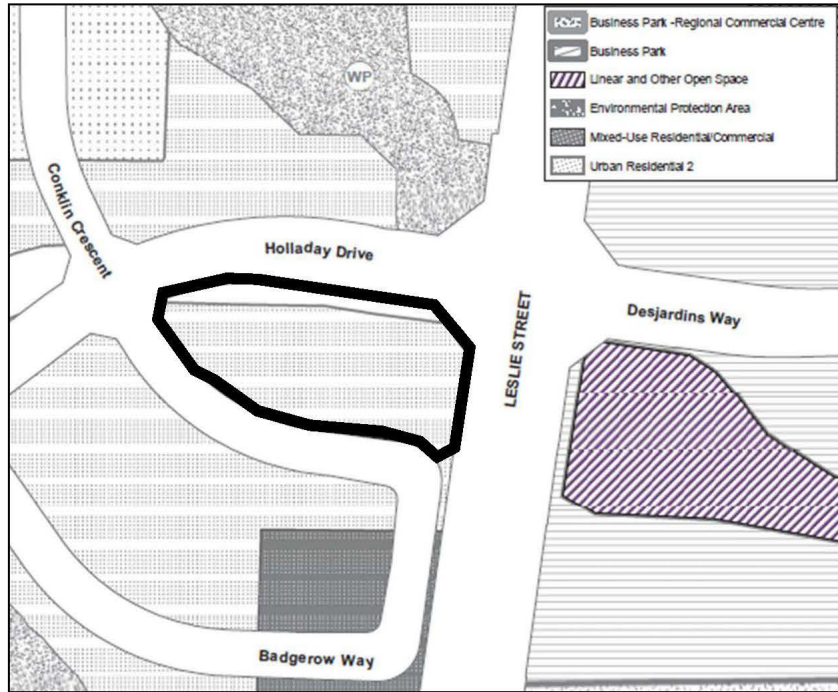
This Amendment has been considered in accordance with the provisions of the Official Plan. The implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan.

Schedule "A"

Location: 271 Holladay Drive; Block 140, Registered Plan 65M-4519, Town of Aurora, Regional Municipality of York



Lands subject to Site Specific Exception 16.##



ATTACHMENT 2

Now therefore the Town of Aurora Zoning By-law No. 6000-17 is amended by the Ontario Land Tribunal as follows:

1. The Zoning By-law be and is hereby amended to replace the “Mixed Residential Commercial C6 (421) Exception Zone” applying to the lands shown on Schedule “A” attached hereto and forming part of this By-law with “Second Density Apartment Residential RA2 (XX) Exception Zone”.
2. The Zoning By-law be and is hereby amended to add the following:

24.XX Second Density Apartment Residential RA2 (XX) Exception Zone

Parent Zone:	RA2
Exception No.:	(XX)
Map:	No. 8
Previous Zone:	C6 (421)
Previous By-laws:	5764-15
Municipal Address:	271 Holladay Drive
Legal Description:	Block 140, Registered Plan 65M-4519

24.XX.1 Permitted Uses

Notwithstanding Section 7.3 of Comprehensive Zoning By-law 6000-17, the following uses are permitted:

- One apartment building with a maximum of 147 units.

24.XX.2 Zone Requirements

24.XX.2.1 Lot Specifications

Lot area (minimum) per dwelling: 35.0 square metres

24.XX.2.2 Siting Specifications

Leslie Street, or a reserve abutting Leslie Street, shall be deemed the front lot line. Holladay Drive and Badgerow Way, or a reserve abutting these streets, shall be deemed exterior side lot lines. The intersecting portion of Holladay Drive and Badgerow Way, as the western extent of the lot, or a reserve abutting these streets, shall be deemed the rear lot line.

Reference to the Siting Specification Figure under Section 24.##.3 of this By-law shall be used to determine all appropriate site specifications and setbacks including but not limited to the following:

Front Yard (minimum): (to Leslie Street)	3.0 metres
Exterior Side Yard (minimum): (to Holladay Drive and Badgerow Way)	3.0 metres
Rear Yard (minimum):	14.8 metres
Setbacks to the Daylight Triangle (minimum): (to Leslie Street and Holladay Drive)	1.5 metres

Yard Setbacks for Below Grade Structures (minimum): 0.4 metres

24.XX.2.3 Building Specifications

Lot Coverage (maximum):	47%
Gross Floor Area (maximum):	13,000 square metres
Building Height (maximum):	6 storeys (maximum 25.0 metres). For the purposes of this By-law, mechanical penthouse and amenity room floor space above the 6 th storey shall be permitted and shall not constitute a storey provided the total GFA for the amenity room does not exceed 61 square metres.

24.XX.2.4 Parking Standards

Total Resident and Visitor Parking Spaces (minimum):	1.3 spaces per dwelling unit
Of which, Resident Parking Spaces (minimum):	1.0 space per dwelling unit
Of which, Visitor Parking Spaces (minimum):	0.3 space per dwelling unit

24.XX.2.5 Amenity Area

Notwithstanding the provisions of Section 7.5.2.2 (Amenity Area) of Comprehensive Zoning By-law 6000-17, the following standards shall apply:

- A minimum of 23% of the required Amenity Area is to be provided as interior amenity space.

24.XX.2.6 Landscaping Strip

Notwithstanding Section 4.8.1 of Comprehensive Zoning By-law 6000-17, the minimum landscape strip shall be 3 metres provided between the building's exterior walls and the rear (west) and exterior side yard (south and west), except as required for vehicular driveways and turning movement areas, and may include private amenity space such as walkways and gated / fenced in terraces and hydro transformers.

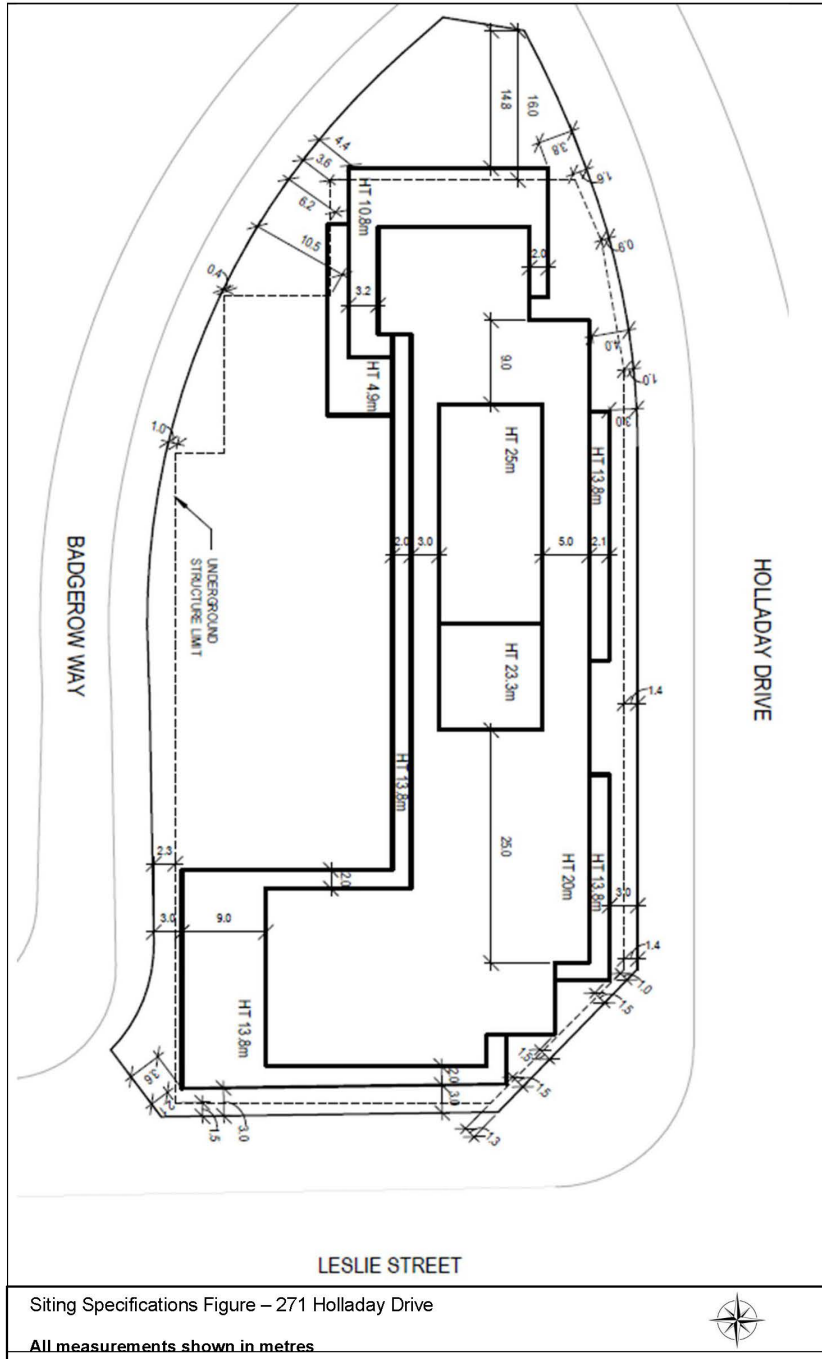
24.XX.2.7 Encroachments

The following additional encroachments into a required yard are permitted:

Structure or Feature	Applicable Yard	Maximum Encroachment into a Minimum Yard
Terraces	Exterior Side Yards	2.5 metres
	Front Yards	1.0 metres
Steps, Landings	Front Yards	Steps, Landings shall not encroach into the minimum Front Yard no closer than 2 metres from the Front Lot Line

24.XX.3 Siting Specifications Figure

A Siting Specifications Figure is included below as an operable part of this By-law.



Siting Specifications Figure – 271 Holladay Drive

All measurements shown in metres



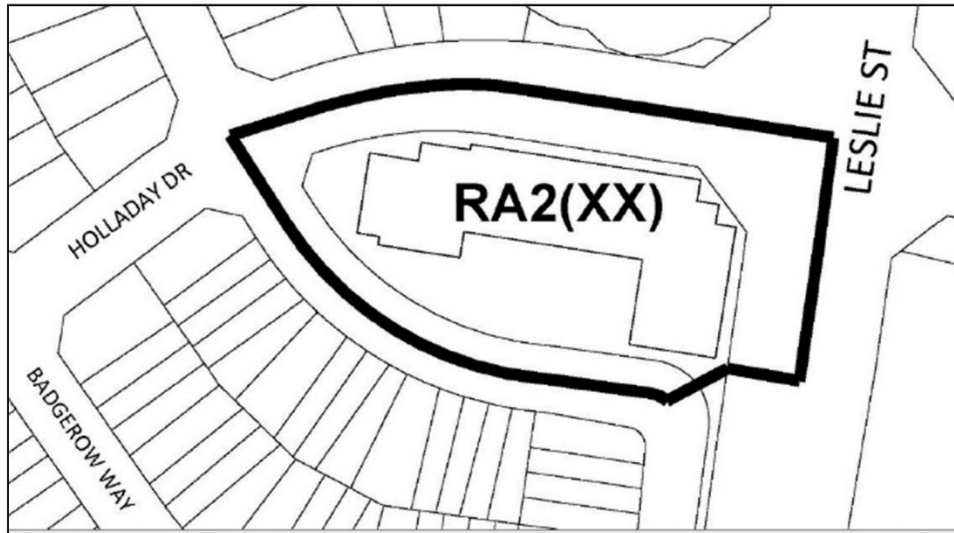
- 3. This By-law shall come into full force subject to compliance with the provisions of the Planning Act and subject to compliance with such provisions, this By-law will take effect from the date of the Order.

Schedule "A"

Location: 271 Holladay Drive; Block 140, Registered Plan 65M-4519, Town of Aurora, Regional Municipality of York



Lands to be rezoned from the "Mixed Residential Commercial C6 (421) Exception Zone" to "Second Density Apartment Residential RA2 (##) Exception Zone"



Explanatory Note

The purpose and effect of this amendment is to amend Zoning By-law 6000-17, as amended, being the Zoning By-law in effect in the Town of Aurora, to rezone the subject lands from "Mixed Residential Commercial C6 (421) Exception Zone" to "Second Density Apartment Residential RA2 (XX) Exception Zone" and facilitate the development of a residential apartment building consisting of 147 units at the property currently known as 271 Holladay Drive.

ATTACHMENT 3**The Town of Aurora's Conditions of Site Plan Approval****SITE PLAN APPLICATION (SP-2021-10)****Shimvest Investments Ltd.****PLAN 65M4519 BLK 140, 271 Holladay Drive (the "Lands")**

SITE PLAN APPROVAL AND THE FOLLOWING CONDITIONS LAPSE AT THE EXPIRATION OF TWO YEARS FROM THE DATE THAT THE SITE PLAN HAS BEEN APPROVED. PROVIDED THAT THE SITE PLAN APPROVAL HAS NOT LAPSED, THE TOWN MAY, AT ITS SOLE DISCRETION, EXTEND THE APPROVAL.

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE OWNER OF THE LANDS (THE "OWNER") PRIOR TO THE RELEASE FOR REGISTRATION OF THE SITE PLAN (THE "PLAN").

Planning Division

1. That the Owner develop and maintain the site in compliance with the final Site Plan prepared by BNKC Architects Inc., with respect to the creation of a 6-storey purpose-built rental residential building with a total of 147 units, and the associated conditions of Site Plan Approval to the satisfaction of the Planning Division. If revisions are required to implement any recommendations as a result from satisfying the related conditions of approval, minor redline revisions to the Site Plan may be required to the satisfaction of the Planning Division.
2. Prior to the execution of the Site Plan Agreement, the lands shall be appropriately zoned by a zoning by-law that has come into effect in accordance with the provisions of the *Planning Act R.S.O. 1990, c. P.13*, as amended, to the satisfaction of the Planning Division.

3. The Owner shall enter into a Site Plan Agreement including all documents and requirements referenced in this Conditions of Approval and including any ancillary agreements required to give effect to same to the satisfaction of the Town.
4. A clause be added to the site plan agreement, to acknowledge the assigned Servicing Allocation of 147 residential apartment units for the proposed development. In the event the conditions of approval lapse, the servicing allocation will revert back to the Town. If the Tribunal's decision results in an increase in servicing capacity requirements, the Owner will be required to request the additional servicing capacity to the satisfaction of the Town.
5. Prior to the execution of the Site Plan Agreement, the Owner agrees to provide a detailed report addressing all outstanding comments as provided by the Town and external agencies, dated August 27, 2021, September 21, 2021, and October 14, 2021 and shall carry out recommendations contained in plans and reports to the satisfaction of the Planning Division.

Accessibility

6. Prior to the commencement of the Site Plan Agreement, the Owner agrees to address all comments and technical matters and update plans and drawings to incorporate accessibility features to the satisfaction of the Town.

Development Engineering

7. Prior to the commencement of the Site Plan Agreement, the Owner agrees to address all comments and technical matters to the satisfaction of the Planning Division.
8. Prior to the execution of the Site Plan Agreement, the Owner shall finalize all reports, cost estimates, and plans, including but not limited to final Engineering Plans,

construction management plan, preconstruction survey, cost estimates for the purposes of calculating fees and securities, including the cost of the bulk water meter fees, to the satisfaction of the Town.

Legal Services

9. Prior to the execution of the Site Plan Agreement, the Owner shall comply with all necessary legal requirements relating to the proposed development, to the satisfaction of the Town's Legal Division.

Operations – Public Works

10. Prior to the commencement of the Site Plan Agreement, the Owner shall provide final servicing drawings, provide backflow prevention for the proposed development and address all comments and technical matters to the satisfaction of the Town.
11. A clause be added to the Site Plan Agreement, that the Owner acknowledge that no securities be released until Operations Division has inspected the works to ensure benching (for both Storm and Sanitary) and water connections have been completed to the satisfaction of the Town's Operations Division.
12. A clause be added to the Site Plan Agreement, that the Owner acknowledges to comply with the Town's Backflow Prevention By-law to the satisfaction of the Town's Operations Division.

Operations - Waste Management

13. Prior to the commencement of the Site Plan Agreement, the Owner agrees to address all comments and technical matters relating to the proposed development, and shall ensure appropriate manoeuvrability for any garbage/recycling collection, to the satisfaction of the Town.

Parks Division

14. Prior to the commencement of the Site Plan Agreement, the Owner agrees to address all comments and technical matters to the satisfaction Parks Division.
15. Prior to the execution of the Site Plan Agreement, the Owner shall finalize all landscape drawings, plans, and cost estimates for purposes of calculating fees and securities relating to the proposed development, with matters including but not limited to the addition of two boulevard trees to Holladay Drive east of the existing trees to the satisfaction of the Parks Division.
16. A clause be added to the Site Plan Agreement, that the Owner shall undertake an appraisal at their own cost for purposes of determining the amount of cash-in-lieu of parkland dedication for the proposed development. Furthermore, the Owner shall enter into a Memorandum of Understanding to specify the amount of parkland dedication payment, recognizing that the determination of the amount of parkland for which cash-in-lieu will be required will include any applicable reductions for prior dedications or payments made in respect of the site in accordance with s.42(7) and (9) of the *Planning Act R.S.O. 1990, c. P.13*, as amended, and agrees to make payments prior to the issuance of any building permits for the lands, to the satisfaction of the Parks and Planning Divisions.

Traffic

17. Prior to the commencement of the Site Plan Agreement, the Owner agrees to address all comments and technical matters to the satisfaction of the Town.
18. Prior to the execution of the Site Plan Agreement, the Owner shall provide final reports, cost estimates, and plans, including but not limited to a detailed Transportation Demand Management Checklist and Cost Estimate, and a Traffic Management Plan relating to the proposed development to the satisfaction of the

Town.

External Agencies:

Central York Fire Services

19. Prior to the commencement of the Site Plan Agreement, the Owner agrees to address all comments and technical matters relating to the proposed development, to the satisfaction of Central York Fire Services.

Lake Simcoe Conservation Authority (LSRCA)

20. Prior to the execution of the Site Plan Agreement, the Owner shall pay any applicable development fees to the LSRCA in accordance with an approved Fees Policy under the Conservation Authorities Act.

21. Prior to the execution of the Site Plan Agreement, the following shall be undertaken to the satisfaction of the LSRCA, in accordance with the Phosphorus Offsetting Policy:

- a) Phosphorus budget, and
- b) Compensatory measures, if required.

22. Prior to the execution of a Site Plan Agreement, the following shall be undertaken to the satisfaction of the LSRCA, in accordance with the South Georgian Bay Lake Simcoe Source Protection Plan:

- a) Detailed Hydrogeological Report / Water Balance, and
- b) Compensatory Measures, if required.

23. That the owner shall agree in the Site Plan Agreement to carry out, or cause to be carried out, the recommendations and requirements contained within the plans and

reports as approved by the LSRCA and the Town.

24. That the owner shall agree in the Site Plan Agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans and reports as approved by the LSRCA and the Town.
25. That the owner shall agree in the Site Plan Agreement to grant any easements required for stormwater management purposes to the Town.
26. That the Owner shall agree in the Site Plan Agreement to indemnify and save harmless the Town and LSRCA from all costs, losses, damages, judgments, claims, demands, suits, actions, or complaints resulting from any increased flooding or erosion to property and people as a result of the approved stormwater management scheme. The Owner shall obtain and maintain in full force and effect during the term of this Agreement general liability insurance with respect to the stormwater management works and system.

Region of York

27. Prior to the execution of the Site Plan Agreement, the Owner shall satisfy all the conditions listed under Schedule A.1 below to the satisfaction of York Region.

SCHEDULE A.1
The Regional Municipality of York's
Schedule of Site Plan Conditions

1. The Owner shall provide a letter to the Regional Municipality of York ("York Region") explaining how each condition has been satisfied.

2. The Owner must submit the following information:
 - a) Cost Estimate for works in the York Region's right-of-way
 - b) Erosion Control Plan including Construction Access Details
 - c) Dewatering Management Plan(s) including supporting assessment/documentation
 - d) Cross-sections at 20m Intervals along Leslie Street fronting the site
 - e) Traffic/Construction Management
 - f) Crane Swing Plan, Hoarding/Fencing Plan & Shoring/Tiebacks Plans
 - g) Excavation Plans, if applicable

3. Prior to construction, the Owner must obtain a Road Occupancy Permit from Corridor Control and Safety with the Roads and Traffic Operations Branch, prior to commencing any work on Leslie Street. The Road Occupancy Permit will be released once the contractor has supplied proof that the Region is in receipt of securities and the Certificate of Insurance to the satisfaction of the Commissioner of Finance.

4. The Owner must follow the minimum requirements for working within a York Region Road allowance unless dictated otherwise on the Traffic/Construction Management Plan and Road Occupancy Permit:
 - a) No lane closures are permitted on weekdays between the hours of 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:00 p.m.;
 - b) Any lane closures or lane encroachments that occur must be signed in

- accordance with the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions";
- c) Safe pedestrian access must be maintained at all times by the Owner's contractors. As such, safe passage for all pedestrians, including pedestrians with disabilities (blind, hearing impaired, on wheelchairs, etc.), must be ensured by the Owner's contractors;
 - d) 24-hour contacts must be available throughout the duration of the project;
 - e) The characteristic and placement of all signs and traffic control or management shall conform to the standards of the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions" and as per the Occupational Health and Safety Act;
 - f) The manufacture and the erection of all signs for the Traffic Management Plan shall be the responsibility of the Contractor; and
 - g) Paid Duty officers will be required for proposed or existing signalized works within intersections.
5. The Owner shall satisfy York Region's financial requirements for this project which will include review fees, securities and insurance. Note: this application is subject to payment of York Region's development review fees identified in York Region Fee By-law 2020-04, as amended. The fee for application review is \$9,200.00 minimum or 7% of the estimated cost of works on the York Region road allowance, whichever is greater. Please forward a cheque in the amount of \$9,200.00 to the Community Planning and Development Services Branch, payable to "The Regional Municipality of York" to the attention of the Development Review Coordinator.
6. The Owner must submit applicable Construction Hoarding/Fencing plans to York Region's satisfaction. The approved Construction Hoarding/Fencing within the Regional right-of-way will require an encroachment agreement between York Region and the owner.
7. If a construction crane will swing over the ultimate right-of-way of Leslie Street, the Owner must submit Crane Swing Plans, certified by a qualified professional

- engineer, to the Region, Approved Crane Swing over the York Region right-of-way will require an encroachment agreement/permit between York Region and the Owner.
8. The Owner must submit Shoring Anchor/Tie Back System plans, certified by a qualified professional engineer, to York Region. The approved Shoring/Tie Back System within the York Region right-of-way will require an encroachment agreement between York Region and the owner.
 9. The Owner agrees that no portion of the building structure above or below ground or associated footings and construction shoring system shall encroach within the York Region right-of-way and or 0.3 metres reserve. Any unauthorized encroachment of the building structure above or below ground or associated footings and construction shoring system shall be removed at the owner's expense.
 10. All exterior walls of building(s) shall be set back a minimum of 2 metres from the ultimate York Region right-of-way in order to avoid steps, retaining walls or doorways that may encroach onto the York Region right-of-way. A setback of 1.5 metres is permitted in the area of the daylight triangle at the corner of Leslie Street and Holladay Drive, provided there are no encroachments into the York Region right-of-way.
 11. York Region is protecting a 36.0 metres right-of-way for this section of Leslie Street. As such, all municipal setbacks be referenced from a point 18.0 metres from the centreline of construction of Leslie Street.
 12. The Owner shall provide confirmation from the electrical authority to York Region of the appropriate clearances required between the face of proposed buildings and their associated features and the electrical transmission poles and lines.
 13. The Owner shall provide a TDM Checklist as per the Region's Transportation Mobility

Plan Guidelines for New Developments (Table 13) and shall include a TDM Communication Strategy Outreach which shall identify a physical location for transit incentive distribution and sustainable transportation information. An associated cost of a rental venue for the outreach shall be provided if an on-site space is not available (e.g. condo lobby, meeting room) this can include a local community centre – a line item estimate of \$400 is recommended. The Owner is responsible for the coordination and for providing a venue for the distribution of incentives. Each event, approximately 4 hours of staff time, can serve approximately 150 residential units. The applicant shall coordinate specific event details with York Region/York Region Transit staff allowing a minimum of 2 months' notice.

14. The Owner shall submit updated landscape plans, tree protection plans, and arborist report to York Region's satisfaction. Note: York Region planted street trees along Leslie Street in June 2021 as part of York Region's Capital Roads Project for Leslie Street that are not captured in the submitted Arborist Report and Tree Inventory and Preservation Plan. Please update the report and ensure it is prepared in accordance with York Region's Street Tree and Forest Preservation Guidelines. The Arborist Report shall be complete with photographic evidence, compensation table, condition rating system and tree protection zones as set forward in the guidelines. Any tree which falls within the York Region's Leslie Street road allowance based on the ultimate right-of-way line is considered a Regional asset and is to be identified as such. Failure to prepare the documents in accordance with the Region's guidelines will result in a default condition rating of 100% applied to all trees marked for removal.
15. The Owner shall provide York Region street tree planting within the area of the access removal between the sidewalk and road curb. Tree species and spacing to match existing species and layout already on site.
16. The following notes are to be included on the Planting Plan which shows York Region street tree planting:

Trees planted within the Regional road allowance shall conform to the following requirements:

- a) All trees shall be planted in accordance with the York Region Street Tree Preservation and Planting Design Guidelines.
- b) York Region Natural Heritage and Forestry Staff (NHF) shall be provided with 2 weeks notification notified to schedule a site meeting to review the planting layout as well as notification at the completion of tree planting. York Region NHF may inspect the trees post planting and annually to ensure that the trees are planted and maintained in accordance with York Region standards. The developer shall be responsible for correcting all identified deficiencies.
- c) All tree planting shall occur only during the first appropriate planting season immediately following the completion of construction between April 1st and June 30th.
- d) Trees shall be subject to a two (2) year warranty period. During that time the developer shall warranty the trees against mortality from any biotic and abiotic factor, and/or as a result of incorrect planting or maintenance procedures.
- e) All trees shall be watered a minimum of fourteen (14) times per year throughout the growing season for the duration of the two-year warranty period.
- f) At the end of the two (2) year warranty, all gator bags and stakes are to be removed and the mulch is to be added in accordance with specifications.

17. The owner is advised of the presence of a York Region 750mm CPP watermain on the west side of Leslie Street. The Owner shall add this note to servicing plan C-101: "The owner and their respective construction contractor shall maintain the integrity of the Regional 750mm watermain during all phases of construction.

18. As part of the servicing design, the owner shall daylight the 750mm CPP pipe to verify the depth and horizontal location. The excavation shall be backfilled with sand to 300mm above the pipe and unshrinkable fill to subgrade. The York Region

construction staff must be present on site during the work, please contact ENVassetapprovals@york.ca. Forty-eight hours advanced notice is required.

19. The Owner shall provide to York Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the Town of Aurora:
 - a) A copy of the Council resolution confirming that the Town of Aurora has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this site plan.
 - b) A copy of an email confirmation by a Town of Aurora staff member stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
20. The York Region construction inspection staff ENVassetapprovals@york.ca shall be notified by the Owner, two weeks in advance of a pre-construction meeting for works to be carried out in close proximity to York Region infrastructure.
21. The Owner shall acknowledge the property is within the WHPA-Q (Recharge Management Area). As such the SGBLS Source Protection Plan water quantity recharge maintenance policy will apply. The Owner is required to maintain recharge as demonstrated through a hydrogeological study that shows the existing (i.e. pre proposed development) water balance can be maintained in the future (i.e. post proposed development). The contact person for the scoping and review of the water balance is Shelly Cuddy at LSRCA. The approving body for compliance with the policy will be the local municipality.
22. The Owner shall conduct and submit a Source Water Impact and Assessment Mitigation Plan (SWIAMP), to the satisfaction of York Region, to identify and address any potential water quality and water quantity threats to the municipal groundwater supplies. The SWIAMP shall be prepared by a qualified professional, to the satisfaction of York Region Environmental Services staff in the Water Resources

group. The SWIAMP must follow the York Region document Guidance for Proposed Developments in Wellhead Protection Areas in York Region (October 2014). A SWIAMP is required for any of the activities listed below if they will occur on the site for the storage or manufacture of: petroleum-based fuels and or solvents;

- a) pesticides, herbicides, fungicides or fertilizers;
- b) construction equipment;
- c) inorganic chemicals;
- d) road salt and contaminants as identified by the Province;
- e) the generation and storage of hazardous waste or liquid industrial waste, and waste disposal sites and facilities;
- f) organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials; and,
- g) snow storage and disposal facilities.

If a SWIAMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above-noted activities will not be occurring.

23. The Owner shall arrange, to the satisfaction of the Water Resources group of York Region, for the proper assessment, design, and supervision of temporary construction dewatering on the subject property. The assessment, design and construction of the construction dewatering system(s) shall be based on conservative estimates of groundwater levels given that current groundwater levels may be influenced by third-party groundwater control systems in the area.
24. The owner shall arrange, to the satisfaction of the Water Resources group of York Region, for the proper assessment, design, and supervision of permanent groundwater control (including dewatering and/or drainage) on the subject property. The assessment, design and construction of the permanent groundwater control system(s) shall be based on conservative estimates of groundwater levels given that current groundwater levels may be influenced by third-party groundwater control systems in the area.

25. The Owner shall provide confirmation to the Water Resources group of York Region that they have received, where necessary, from the Ontario Ministry of the Environment, Conservation and Parks (MECP), Permits to Take Water for the groundwater withdrawals associated with the temporary and permanent dewatering systems on the subject property as well as any discharge permitted associated with the subject property.
26. The Owner shall undertake a Hydrogeologic Assessment for the design of the temporary and permanent groundwater control systems on the Subject Lands, to the satisfaction of the Water Resources group of York Region, to determine the adequacy of the existing proposed systems under conditions where third party groundwater control systems are not in place. The design of the groundwater control systems shall be based on true static groundwater levels, and shall not rely on third-party groundwater control. The hydrogeologic assessment shall include an assessment of the local and regional hydrogeology of the area, including all relevant aquifer units.
27. The Owner shall reassess the geotechnical recommendations for the subject site, based on the Hydrogeologic Assessment in the above condition, and submit an Addendum Geotechnical Report to the Water Resources group of York Region for review and approval.
28. The Owner shall submit detailed Engineering drawings for the building and permanent groundwater control system(s) to the York Region for review and approval.
29. The Owner shall provide a dewatering management plan for review. If the temporary dewatering discharge is proposed to the Regional or local infrastructure, then a dewatering discharge permit is required from the York Region Environmental Service Department. A temporary dewatering permit application is available online at www.york.ca/seweruse; or by contacting 905-830 4444 x 5097.