



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

Planning and Development Services
Committee of Adjustment

NOTICE OF DECISION

FILE NUMBER: C-2018-03
PROPERTY: 36 Mark Street
LEGAL DESCRIPTION: Lot 11 Plan 215
APPLICANT: Saadat
CONTACT:

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 1st, 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 16 day of, July 2018.

Antonio Greco
Secretary- Treasurer / Planning Technician
Committee of Adjustment



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FILE NUMBER: C-2018-03
PROPERTY: 36 Mark Street
LEGAL DESCRIPTION: Lot 11 Plan 215
APPLICANT: Saadat
DATE OF DECISION: July 12, 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:

ABSENT

Grace Marsh, Chair

Tom Plamondon, Vice-Chair

Roy Harrington

David Mhango

Hank Gosar

CERTIFIED
COMMITTEE OF ADJUSTMENT
TOWN OF AURORA

SECY.-TREAS.
July 12, 2018
DATE



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Schedule "A"

CONDITIONS FOR APPROVAL:

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. Once copy of the Deposited Reference Plan must be submitted prior to the issuance of the Certificate of Official.
3. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Parks, Recreational and Cultural Services; that the Applicant has satisfied all concerns below and as noted July 3, 2018 memo by Sara Tienkamp, Manager of Parks:
 - That the owner may be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and current remaining vegetation, The report shall include recommendations and an action plan on the mitigation of negative effects to vegetation , during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.
 - In addition the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.
 - The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the 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.



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- The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 -16 prior to the removal of any trees on the property.
 - The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.
 - All of the above shall be included as terms and conditions in a tree protection Agreement that the Owner shall enter with the Town of Aurora.
4. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Engineering and Capital Delivery Division; that the Applicant has satisfied all concerns below and as noted in the June 25, 2018 memo by Glen McArthur:
- THAT the comments made by Engineering & Capital Delivery Division for consent application C-2017-04 be addressed as part of this consent application with any reference to the Infrastructure & Environmental Services department and any reference to the Director of Infrastructure and Environmental Services now being referred to as the Director of Planning and Development Services . Resubmission of any previous documents shall include the current consent application number.
 - The owner shall provide a Letter of Undertaking with the Town to address various site issues such as general grading, driveway locations, drainage system, fencing, sedimentation control, municipal services, servicing easement, curb cut and etc. Detail design plans as well as site servicing plan are required prior to Building Permit Application. Technical review comment shall be provided at time of the development application stage with full submission of detail design plans.
 - The storm water management plan and report shall be reviewed by the Town. Any additional storm runoff generates from this site to the Town storm system along Mark Street and Spruce Street shall be to the satisfactory of the Infrastructure and Environmental Services Department.
 - Applicant shall demonstrate that the existing municipal services have sufficient capacity for the proposed severed and retained lots.
 - The applicant provide confirmation, in writing, from the Director of Infrastructure and Environmental Services indicating that satisfactory arrangements have been made with respect to payment of all applicable charges and fees in relation to municipal service connections.



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- The applicant provide to the Secretary-Treasurer, confirmation, in writing, from the Director of Infrastructure and Environmental Services indicating that satisfactory arrangements have been made with respect to the installation of water meter and connection for municipal services as well as road restoration. It is in the Town's interest to make certain that any new services constructed have the capacity, and are in the proper location and at the proper elevation, to service the conveyed lot. The construction of any new services within the Town's right-of-way shall be done by the Town at the owner's cost. The applicant shall be responsible for the actual costs plus 10% for administration and inspection by the Town and shall provide security in the amount of 100% of the estimated cost of installation of said services. It shall be incumbent upon the applicant to provide an estimate of the cost of these works for review by the Infrastructure and Environmental Services Department. The applicant shall maintain the original grading and drainage pattern at property limits.
 - In the alternative, the applicant shall register a restrictive covenant/development agreement on title to the lands to bind successors in title to this obligation. The applicant/owner shall be entitled to a release from this restrictive covenant/development agreement upon satisfaction of this condition.
5. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Solicitor or designate of Legal Services; that the Applicant has satisfied all concerns below and as noted in the July 5, 2018 memo by Nicole Trudeau, Law Clerk:
- THAT the Owner be required to execute a Memorandum of Understanding respecting cash-in-lieu of parkland dedication to the satisfaction of the Town's Legal Services Division.
6. The Regional Municipality of York has completed its review of the above consent application. The Regional conditions are as follows:
- Residential development requires servicing capacity allocation prior to final approval. If the Town of Aurora does not grant this development allocation from the existing capacity assignments to date, the development may require additional Regional infrastructure based on conditions of future capacity assignment, which may include:
- Duffin Creek WPCP Outfall Modification – 2017 pending the outcome of the Class EA
 - Interim Solutions for Aurora, Newmarket and East Gwillimbury – 2021 anticipated commissioning



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- Upper York Sewage Solutions – 2024 expected completion
- Other projects as may be identified in future studies.

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only. A site servicing plan is required showing how the development is serviced by way of wastewater and water.

7. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Planning and Development Services; that the Applicant has satisfied all concerns below and as noted in the July 5, 2018 Internal Memorandum by Lawrence Kuk:

THAT the applicant obtain a demolition permit and that the existing structure be removed prior to obtaining a Certificate of Official.

Schedule "B"

REASONS FOR DECISION

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:

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.