



**Heritage
Advisory Committee
Meeting Agenda**

**Monday, June 11, 2018
7 p.m.**

**Holland Room
Aurora Town Hall**

Public Release
June 4, 2018



**Town of Aurora
Heritage Advisory Committee
Meeting Agenda**

Date: Monday, June 11, 2018

Time and Location: 7 p.m., Holland Room, Aurora Town Hall

1. Approval of the Agenda

Recommended:

That the agenda as circulated by Legislative Services be approved.

2. Declarations of Pecuniary Interest and General Nature Thereof

3. Receipt of the Minutes

Heritage Advisory Committee Meeting Minutes of May 14, 2018

Recommended:

That the Heritage Advisory Committee meeting minutes of May 14, 2018, be received for information.

4. Delegations

5. Matters for Consideration

**1. HAC18-010 – Heritage Permit Application
60 Fleury Street
File: NE-HCD-HPA-18-05**

Recommended:

1. That Report No. HAC18-010 be received; and
2. That the Heritage Advisory Committee recommend to Council:
 - (a) That Heritage Permit Application NE-HCD-HPA-18-05 be approved to permit the construction of an expanded side gable and construction of a side dormer as shown on the submitted plans.

**2. Memorandum from Manager of Parks and Fleet
Re: Tree Removal Permit Application – 61 Spruce Street**

Recommended:

1. That the memorandum regarding Tree Removal Permit Application for 61 Spruce Street be received; and
2. That the Heritage Advisory Committee provide comment with respect the proposed Tree Removal Permit Application for 61 Spruce Street; and
3. That the Heritage Advisory Committee provide direction to Council.

6. Informational Items

**3. Extract from Council Meeting of May 8, 2018
Re: Heritage Advisory Committee Meeting Minutes of April 9, 2018
and Summary of Committee Recommendations Report No. 2018-05**

Recommended:

1. That the Extract from Council meeting of May 8, 2018, regarding the Heritage Advisory Committee Meeting Minutes of April 9, 2018, and Summary of Committee Recommendations Report No. 2018-05 be received for information.

7. New Business

8. Adjournment



**Town of Aurora
Heritage Advisory Committee
Meeting Minutes**

Date:	Monday, May 14, 2018
Time and Location:	7 p.m., Holland Room, Aurora Town Hall
Committee Members:	Councillor Wendy Gaertner (Chair), Councillor Jeff Thom (Vice Chair), Bob McRoberts (Honorary Member), Neil Asselin, Barry Bridgeford, John Kazilis, Martin Paivio, and Ken Turriff
Members Absent:	James Hoyes
Other Attendees:	Councillor Tom Mrakas, Councillor Michael Thompson, Marco Ramunno, Director of Planning and Development Services, Jeff Healey, Planner/Heritage Planning, and Linda Bottos, Council/Committee Secretary

The Chair called the meeting to order at 7:30 p.m.

1. Approval of the Agenda

Moved by Ken Turriff

Seconded by Councillor Thom

That the agenda as circulated by Legislative Services, with the following additions, be approved:

- Delegation (a) Bob Murphy and Gavin Bailey, representing Aurora United Church and Southbound Developments; Re: Item 1 – HAC18-009 – Aurora United Church – Site Plan Review, 15186 Yonge Street, 12 and 16 Tyler Street, 55 ad 57 Temperance Street
- Delegation (b) William Albino, Resident; Re: Item 2 – HAC18-008 – Yonge Street Building Evaluations

**On a two-thirds vote the motion
Carried as amended**

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2. Declarations of Pecuniary Interest and General Nature Thereof

Bob McRoberts declared a potential pecuniary interest under the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* respecting Item 1 – HAC18-009 – Aurora United Church – Site Plan Review, 15186 Yonge Street, 12 and 16 Tyler Street, 55 and 57 Temperance Street, as he is a financial supporter and member of the Aurora United Church. Mr. McRoberts did not participate in the discussion or voting of this item.

3. Receipt of the Minutes

Heritage Advisory Committee Meeting Minutes of April 9, 2018

Moved by Neil Asselin

Seconded by Bob McRoberts

That the Heritage Advisory Committee meeting minutes of April 9, 2018, be received for information.

Carried

4. Delegations

(a) Bob Murphy and Gavin Bailey, representing Aurora United Church and Southbound Developments

**Re: Item 1 – HAC18-009 – Aurora United Church – Site Plan Review,
15186 Yonge Street, 12 and 16 Tyler Street, 55 and 57 Temperance
Street**

Mr. Murphy, Architect, and Mr. Bailey, of Fotenn Consultants Inc., provided an overview of the efforts to adapt the streetscape along Temperance and Tyler Streets to bring the development more in line with the residential scale and character of the neighbourhood, the incorporation of artefacts retrieved from the heritage houses, and discussions with the ratepayers association.

Moved by Martin Paivio

Seconded by Barry Bridgeford

That the comments of the delegation be received and referred to Item 1.

Carried

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(b) William Albino, Resident

Re: Item 2 – HAC18-008 – Yonge Street Building Evaluations

Mr. Albino expressed concerns regarding the Town's ability to provide heritage protection, emphasizing the need to protect the downtown heritage block, and encouraged the Heritage Advisory Committee to provide strong support in the protection of heritage properties.

Moved by Councillor Thom

Seconded by Ken Turriff

That the comments of the delegation be received and referred to Item 2.

Carried

5. Matters for Consideration

1. HAC18-009 – Aurora United Church – Site Plan Review, 15186 Yonge Street, 12 and 16 Tyler Street, 55 and 57 Temperance Street

Staff provided a brief overview of the report and changes to the proposal. The Committee expressed concern regarding the blank wall on the north elevation, and staff provided clarification on window placement as directed by the Building Code. The Committee expressed further concern regarding the three large, square expanses of white surface area on the wall, and suggested alternatives. Staff agreed to address the Committee's comments with the architect.

Moved by Neil Asselin

Seconded by Martin Paivio

1. That Report No. HAC18-009 be received; and
2. That the Heritage Advisory Committee recommend to Council:
 - (a) That the use of stucco be avoided and that the large white surface areas be addressed.

Carried

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6. Informational Items

2. HAC18-008 – Yonge Street Building Evaluations

The Committee consented to consider Item 2 prior to consideration of Item 1.

Staff provided background and a brief overview of the report. The Committee and staff discussed various aspects of the objective evaluations, designation process, public notice, and timelines.

**Moved by Bob McRoberts
Seconded by Martin Paivio**

1. That Report No. HAC18-008 be received; and
2. That the Heritage Advisory Committee recommend to Council:
 - (a) That the following properties be designated under Part IV of the *Ontario Heritage Act*:
 - (i) 15243B Yonge Street; "Whimster's Store";
 - (ii) 15243A Yonge Street; "Mulock Block";
 - (iii) 15242 Yonge Street; "The Lloyd Building";
 - (iv) 15240 Yonge Street; "The Ashton Building";
 - (v) 15233 Yonge Street; "Medical Hall";
 - (vi) 15229 Yonge Street; "The Willis Building";
 - (vii) 15225 Yonge Street; "Winter's Bakery";
 - (viii) 15222, 15224 and 15226 Yonge Street; "The Faughner Building";
 - (ix) 15221 Yonge Street; "Sterling Bank";
 - (x) 15218-15220 Yonge Street; "The Clift Building";
 - (xi) 15216 Yonge Street; "The Odd Fellows Block";
 - (xii) 15210 Yonge Street; "The Andrews Block";
 - (xiii) 15203 Yonge Street; "The Butcher Building";
 - (xiv) 15199 Yonge Street; "The Grimshaw Bakery"; and
 - (xv) 15195 Yonge Street.

Carried as amended

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**3. Memorandum from Planner/Heritage Planning
Re: 32 Wellington Street East**

Staff provided a brief overview of the memorandum and alterations occurring on the property. The Committee and staff discussed various aspects of the reconstruction and drawings, and the Committee expressed further concern regarding the builder's continued noncompliance with the approved building permit drawings. The Committee inquired about the approval and oversight process, and staff provided clarification, noting that the guidelines will be included on a future Committee agenda.

**Moved by Ken Turriff
Seconded by Neil Asselin**

1. That the memorandum regarding 32 Wellington Street East be received;
and
2. That the Heritage Advisory Committee recommend to Council:
 - (a) That this item be referred to the Town's Legal staff for affirmation that the builder has not complied with Council's approval related to the development at 32 Wellington Street East, and to provide options for next steps.

Carried as amended

**4. Memorandum from Senior Policy Planner
Re: Library Square Design**

Staff provided a brief overview of the memorandum. The Committee inquired about the new community facility and emergency vehicle access, and staff provided clarification.

**Moved by Bob McRoberts
Seconded by Martin Paivio**

1. That the memorandum regarding Library Square Design be received for information.

Carried

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**5. Memorandum from Planner/Heritage Planning
Re: Doors Open Aurora 2018 Update**

Staff provided a brief overview of the memorandum. The Committee inquired about the policy respecting the inclusion of properties that operate as a business, and staff provided clarification.

**Moved by Bob McRoberts
Seconded by Martin Paivio**

1. That the memorandum regarding Doors Open Aurora 2018 Update be received for information.

Carried

**6. Extract from Council Meeting of April 10, 2018
Re: Heritage Advisory Committee Meeting Minutes of March 5, 2018
and Summary of Committee Recommendations Report No. 2018-04**

**Moved by Bob McRoberts
Seconded by Martin Paivio**

1. That the Extract from Council meeting of April 10, 2018, regarding the Heritage Advisory Committee Meeting Minutes of March 5, 2018, and Summary of Committee Recommendations Report No. 2018-04, be received for information.

Carried

7. New Business

Staff provided an update regarding Monk's Walk.

Staff provided an update regarding the railway station, railway hotel, and Metrolinx expansion project, noting that the railway station holds a Part III (i) designation under the *Ontario Heritage Act* and has been identified as a provincially significant property. The Committee inquired about the railway hotel and Baldwin's property, and staff provided background and confirmed that they are both listed heritage properties. The Committee expressed a desire to begin the designation and evaluation process for the properties. It was noted that an update from Metrolinx would soon be provided to the Town.

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**Moved by Bob McRoberts
Seconded by Neil Asselin**

1. That the Heritage Advisory Committee recommend to Council:
 - (a) That the Evaluation Working Group provide an objective evaluation on each of the following properties:
 - (i) 136 Wellington Street East; "Railroad Hotel"; and
 - (ii) 124 Wellington Street East; "Baldwin's Restaurant"; and
 - (b) That the objective evaluations be submitted to the Heritage Advisory Committee meeting of July 9, 2018, for further review.

Carried

Staff advised that locations would need to be identified for installation of road-side signage indicating entrances to any heritage conservation district in Town, and the matter will be submitted to the Committee for consideration at a future meeting.

The Committee noted that the Prince of Wales award plaque located at the front of Town Hall needs to be refreshed, and staff agreed to follow up with Operations staff.

The Committee observed that the commemorative plaque has been placed directly on the light armoured vehicle (LAV) located at the Aurora Cenotaph site, noting that signage is not usually attached directly to an artefact.

The Committee noted that the plaque at the former Aurora Armoury location requires updating and a number of other plaques in Town need to be repaired or refreshed. Staff agreed to follow up on the matter.

Staff announced that Jeff Healey, Planner/Heritage Planning, will be leaving Aurora on May 25 as he has accepted a position as Senior Planner with the Town of Richmond Hill. Mr. Healey expressed his appreciation of working with the Committee members and for their efforts, and the Committee congratulated Mr. Healey on his new position.

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8. Adjournment

Moved by John Kazilis

Seconded by Barry Bridgeford

That the meeting be adjourned at 10:53 p.m.

Carried

Committee recommendations are not binding on the Town unless adopted by Council.



Town of Aurora

Heritage Advisory Committee Report No.HAC18-010

Subject: Heritage Permit Application
60 Fleury Street
File: NE-HCD-HPA-18-05

Prepared by: Jeff Healey, Planner/ Heritage Planning

Department: Planning and Development Services

Date: June 11, 2018

Recommendation

- 1. That Report No. HAC18-010 be received; and**
- 2. That the Heritage Advisory Committee recommend to Council:**
 - a) That Heritage Permit Application NE-HCD-HPA-18-05 be approved to permit the construction of an expanded side gable and construction of a side dormer as shown on the submitted plans.**

Executive Summary

The purpose of this report is to provide Council with direction from the Heritage Advisory Committee regarding Heritage Permit Application NE-HCD-HPA-18-05 regarding the expansion of an existing side gable on the north (side) elevation and construction of a new dormer on the north (side) elevation located at 60 Fleury Street, designated under Part V of the *Ontario Heritage Act* as part of the Northeast Old Aurora Heritage Conservation District.

- The house on the subject lands was constructed circa 1922 and is commonly known as the Jenkins' House.
- The proposal is found to be in keeping with the policies of the Northeast Old Aurora Heritage Conservation District Plan.

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Report No. HAC18-010

Background

The agent on behalf of the owner of the property located at 60 Fleury Street submitted Heritage Permit Application NE-HCD-HPA-18-05 on April 26, 2018. The house can be described as a two and a half storey, designed in an Edwardian Foursquare architectural style.

The subject property was designated in 2006 under Part V of the *Ontario Heritage Act* as part of the Northeast Old Aurora Heritage Conservation District. Section 42 of the *Act* states that,

No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so: "1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property; 2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.

The Heritage Permit Application was deemed complete by staff on April 30, 2018. Council has 90 days to respond to the Application or else the Application is automatically approved.

Location

The subject property is located on the west side of Fleury Street, midblock between Catherine Avenue and Maple Street (See Attachment 1).

Heritage Features of the Existing Building

The existing building can be described as a 2 ½ storey structure with a front gable roof. Overall, the building is a classic example of an Edwardian (Foursquare) architectural style and is considered a contributing building within the Heritage Conservation District. The façade displays a wrap-around front porch, supported by four wood columns on stone-capped brick piers. The building predominantly features 1 over 1 sash windows in a traditional 2 to 1 proportion. A single paned box window is featured on the north elevation. The original building is clad in red brick, a rear addition and a front facing mudroom are clad in wood board and batten.

Analysis

On April 30 2018, staff issued a Notice of Receipt on behalf of Council as per By-law 5365-11 (being a By-law to delegate certain assigned Council authority under the *Ontario Heritage Act* regarding the power to consent to alterations of designated heritage properties).

According to the Plan for the Northeast Old Aurora Heritage Conservation District, "No. 60 [Fleury Street] has the full width front gable of Edwardian Classicism."

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Report No. HAC18-010

Proposed Concept Plan

The agent on behalf of the owner proposes to remove the existing side gable located at the northwest corner of the original home. A new side gable is proposed in its place, which will extend 1.2 metres (4 feet) higher than the existing gable. The altered side gable will measure approximately 15.8 m² larger than the previous side gable. The height has been extended to match the existing main ridge of the original structure. This side gable is intended to retain the roofline of the existing dormer. Building materials for the side gable are to include board and batten wood siding and cedar shakes. The cedar shakes are consistent material to the existing side gable. A new window is proposed, and will incorporate a 1 over 1 sash window, consistent with the rest to the structure.

A new dormer is also proposed on the north elevation, located east of the proposed side gable, closer to the front elevation. This dormer is proposed above the roofline, measured at 1.2 metres (4 feet) in width. The dormer will measure approximately 2.8 m² in area. The agent has requested the dormer in order to provide additional headroom for a staircase located directly below the proposed dormer. Building materials for the dormer are to include board and batten wood siding and cedar shakes. A new window is proposed, which will incorporate a 1 over 1 sash box window

Since the house is designated under Part V of the *Act* any additions or alterations should be in compliance with the Northeast Old Aurora Heritage Conservation District Plan (the Plan). Several policies were considered in reviewing the Application.

Section 4.3.2 addresses alterations and additions to existing Heritage Buildings. The proposed works will conserve the heritage character of the existing building. It is noted that should the side gable be removed in the future, it will be impossible to recover the original side gable roofline.

Section 9.2.5 of the District Plan addresses windows. The agent is proposing 1 over 1 sash windows to fit proportionately within the proposed dormers. The proposed windows are in keeping with the District Plan.

Section 9.2.7 of the Plan speaks to Dormers. The Plan states that "*Care should be taken to use window shapes and glazing appropriate to the architectural style*". The proposed dormer measures 2.3 metres x 1.2 metres. The new dormer is proposed to be clad in wood board and batten and cedar shakes, which is consistent with the gable rooflines on the building. The location of the proposed dormer is appropriate provided that it is a minor architectural addition to the home and is consistent with dormers of Edwardian Architectural Style. Although in view of the street, the dormer will not negatively impact the heritage character of the home and is considered an appropriate placement to the home. The dormer could easily be removed should a future owner determine to remove this architectural feature.

Section 9.3.6 of the Plan speaks to appropriate siting and placement of additions/alterations. The alteration is consistent with the architectural style of the home. The agent is utilizing building materials which are appropriate to the District Plan. The height

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Report No. HAC18-010

of the side gable will match the height of the front gable, which remains appropriate to the Edwardian Architectural style. The alteration keeps the building within the scale of the Heritage Conservation District Plan.

Design Review Panel

Not required.

Financial Implications

There are no financial implications.

Communications Considerations

No Communication Required.

Link to Strategic Plan

The conservation of heritage resources supports the Strategic Plan goal of Supporting an Exceptional Quality of Life for All through its accomplishment in satisfying requirements in objective Celebrating and Promoting our Culture.

Alternatives to the Recommendation

None.

Conclusions

It is recommended that Heritage Application Permit located at 60 Fleury Street be approved, for the alteration of the existing side gable and the construction of a dormer on the side (north) elevation. The works will not negatively impact the heritage character of the building. Building materials utilized will be in keeping with the home and the Heritage Conservation District Plan. It is noted that should the altered side gable be removed in the future, it will be impossible to recover the original side gable roofline. Once a Heritage Permit Application is received, Council has ninety (90) days from the date of issuing a Notice of Receipt to: consent to the application with or without terms and conditions, or refuse the application.

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Report No. HAC18-010

Attachments

Attachment #1 – Location Map
Attachment #2 – Heritage Resource Brief (2010)
Attachment #3 – Proposed Elevations

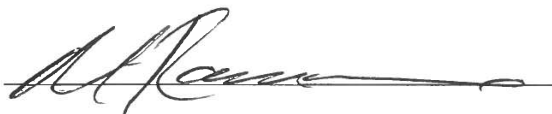
Previous Reports

None

Pre-submission Review

Agenda Management Team Meeting review on May 31, 2018.

Departmental Approval



Marco Ramunno
Director, Planning and Development Services

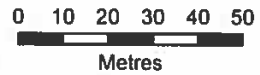


LOCATION PLAN

HAC18-010
60 FLEURY STREET





SUBJECT LANDS



ATTACHMENT 1

Map created by the Town of Aurora Planning and Development Department, May 17, 2018. Base Data Provided by York Region.

**AURORA REGISTER OF PROPERTIES OF CULTURAL
HERITAGE VALUE OR INTEREST (Updated 2017)**

SITE	<p>Address: 60 Fleury Street</p> <p>Former Address:</p> <p>Legal Description: PLAN: 116 PART LOTS: 1, 2, 3</p>
STATUS	<p>Current Use: Residence Original use: Residence</p> <p>Heritage Status: Listed & Designated Pt V By-law No. & Date: 4804-06.D</p> <p>Official Plan: Stable Neighbourhood Residential Zoning: R7 (Special mixed density)</p> <p>HCD: NE Old Aurora Plaques: Wooden Plaque</p>
PHOTOGRAPH	
KEY MAP	

**AURORA REGISTER OF PROPERTIES OF CULTURAL
HERITAGE VALUE OR INTEREST (Updated 2017)**

ARCHITECTURE

GENERAL INFORMATION:

Address: 60 Fleury Street
Construction Date: 1922
Architectural Style: Foursquare House
Heritage Easement:

Builder:
Architect:
Original Owner:
Historical Name: Jenkins' House

GENERAL DESCRIPTION:

Floor Plan: **Storey:** 2 ½
Foundation Materials:
Exterior Wall Materials: Red brick
Roof Type: Gable; pedimented front gable **Windows:** Main window patterned glass
Entrance: **Bays:**

UNIQUE FEATURES:

Chimney (s): **Special Windows:**
Dormers: **Porch/Verandah:** Corner verandah
Roof Trim: **Door Trim:**
Window Trim: **Other:**

HISTORY

Historical Society files include:

Town of Aurora files include:

PHOTOS:

HISTORICAL PHOTO

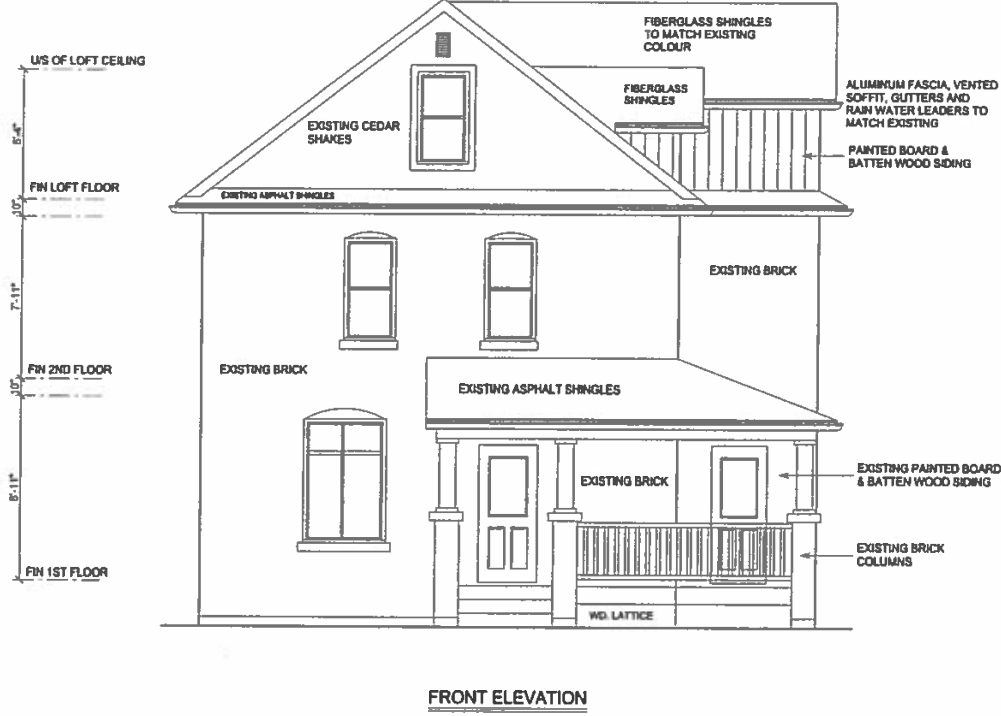
Photo date: 1981

INVENTORY PHOTO

Photo date



The Aurora Inventory of Heritage Buildings was compiled by the Aurora Heritage Advisory Committee (LACAC) between 1976 and 1981. The completed inventory was adopted by Council and released in 1981. On September 26, 2006 Aurora Council at its meeting No. 06-25, has officially changed the name of the Aurora Inventory of Heritage Building to the "Aurora Register of Property of Cultural Heritage Value or Interest" and all property included in the Inventory were transferred to the Register.



LOFT GABLE ADDITION

PROVINCIAL DRAFTING & DESIGN LTD.
 PHONE: (905) 854-1802

The undersigned has prepared & taken responsibility for this design & has the qualifications & meets the requirements set out in the Ontario Building Code to be a designer.
 NAME: [Signature]
 PROFESSIONAL DRAFTING & DESIGN LTD.
 11175
 1000 #
 1000 #

SCALE 3/16"=1'-0"

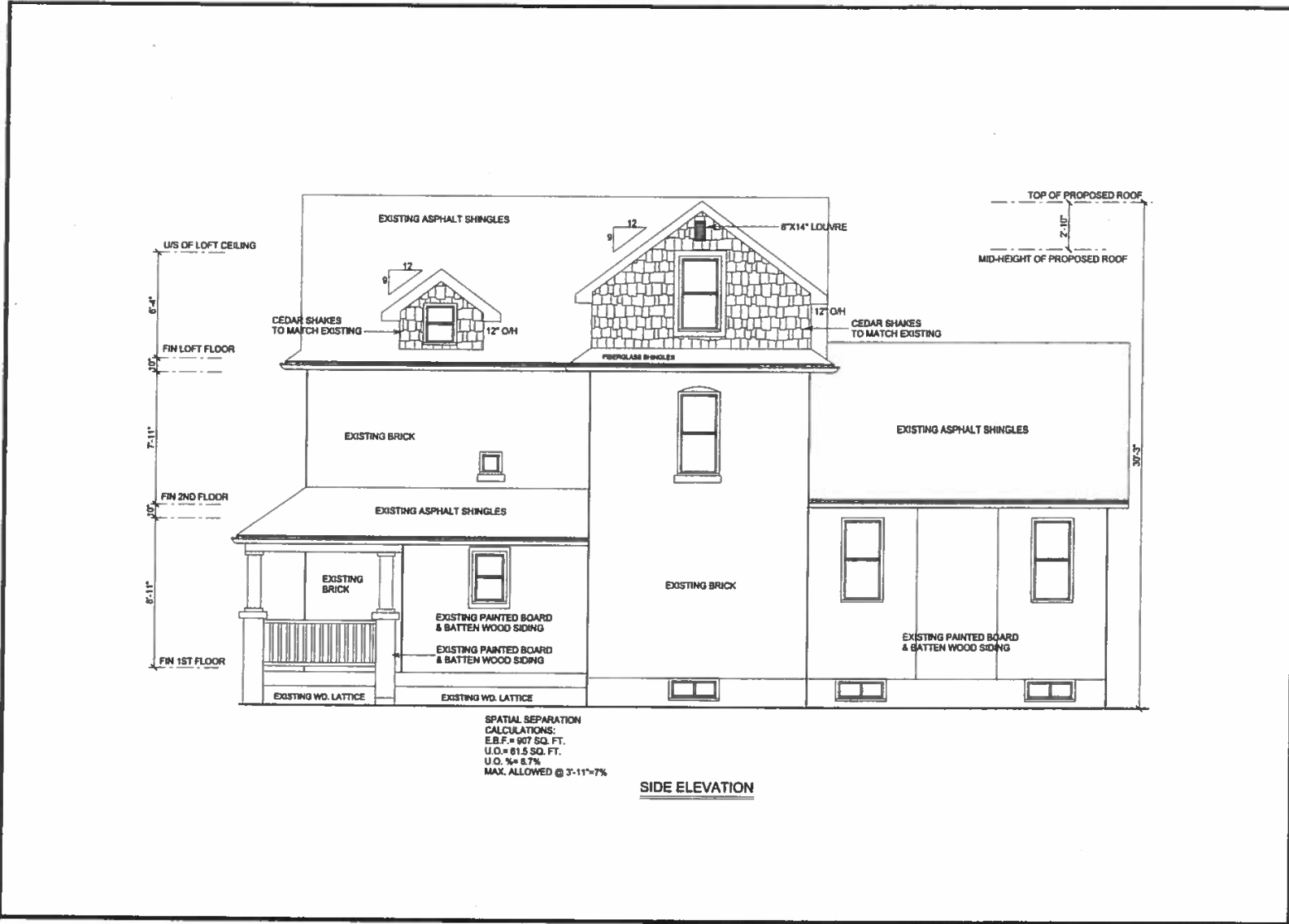
CLIENT PANET RESIDENCE

DATE MARCH 2018

ADDRESS 81 FLEURY STREET
 AURORA

DWG. NO.

A3



SIDE ELEVATION

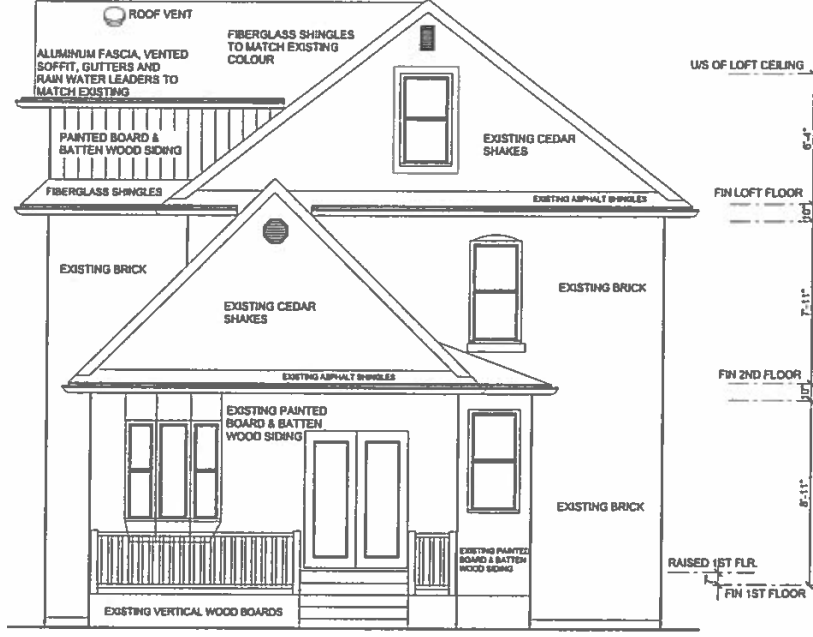
LOFT GABLE ADDITION
 PROVINCIAL DRAFTING & DESIGN LTD.
 PHONE: (905) 854-1802

The undersigned has reviewed & taken responsibility for this design & has the qualifications & means to be a designer set out in the Ontario Building Code to be a designer
 NAME: FRUITVUE INC. # 31179 BCR #
 SIGNATURE: [Signature]

SCALE: 3/16"=1'-0"
 CLIENT: PANET RESIDENCE

DATE: MARCH 2018
 ADDRESS: 81 FLEURY STREET
 AURORA

DWG. NO. **A4**



REAR ELEVATION

LOFT GABLE ADDITION

PROVINCIAL DRAFTING & DESIGN LTD.
 PHONE: (905) 854-1802

The undersigned has reviewed & taken responsibility for this design & has the qualifications & meets the requirements set out in the Ontario Building Code to be a designer
 NAME: PROVINCIAL DRAFTING & DESIGN LTD.
 REG. NO.: 31179
 SIGNATURE: [Signature]

SCALE: 3/16"=1'-0"

CLIENT: PANET RESIDENCE

DATE: MARCH 2018

ADDRESS: 811 ELMURY STREET
 AURORA

DWG. NO.

A5



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 ext. 3223
Email: stienkamp@aurora.ca
www.aurora.ca

**Town of Aurora
Operational Services
Parks Division**

Memorandum

Date: June 11, 2018
To: Heritage Advisory Committee
From: Sara Tienkamp, Manager of Parks and Fleet
Copy: Marco Ramunno, Director of Planning and Development Services
Re: **Tree Removal Permit Application – 61 Spruce Street**

Recommendation

- 1. That the memorandum regarding Tree Removal Permit Application for 61 Spruce Street be received; and**
- 2. That the Heritage Advisory Committee provides comment with respect to the proposed Tree Removal Permit Application for 61 Spruce Street; and**
- 3. That the Heritage Advisory Committee provide direction to Council.**

Background

The subject property is listed within the heritage conservation district as designated under, Part V of the OHA. Under Tree Protection Bylaw 5850-16, Section 9 (1) (b) states: If a tree subject to an application is found by the Director to be a Heritage Tree, the Director shall not issue a permit unless the injury, destruction or removal is approved by Council following a review by the Town's Heritage Advisory Committee.

On May 25, 2018, the Parks Department received a Tree Removal Permit Application from the forestry company Alpine Arborist, for the removal of an American Elm located on the property of 61 Spruce Street.

The removal application completed by Alpine Arborist's consulting arborist, describes the health and structural integrity of the existing tree as fair, with a Diameter at Breast Height (DBH) of 21cm. The application lists the following reasons for the removal of the tree:

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Tree Removal Permit Application
61 Spruce Street

- Tree is dead, dying or hazardous
- Tree is interfering with utilities/dwelling/foundation
- Tree growing on a severe lean over house

Parks Forestry staff attended site to confirm the content of the information included on the application for removal. It was found that the tree is in fair condition, both in health and structure. From our inspection, it appears the Elm has been growing on this lean for all of its life as it strived to find proper light out from under the canopy of another large adjacent Sugar Maple tree. It is not structurally unsound in our opinion. The tree is over the roof due to its lean. Additionally it was noted that the tree is in close proximity to the house but we are not able to confirm whether it is interfering with the house foundation.

This tree could be defined as a nuisance tree as it has more than likely just grown from a seed from the other large adjacent Elm tree in a neighbouring yard and with the location and lean, it not a favorable specimen.

While it is structurally sound, in time the integrity of the tree could become compromised as the diameter and weight of the tree increases with age.

Attachments

Attachment #1 – Tree Removal Permit Application

Attachment #2 – Tree Protection Bylaw 5850-16

Attachment #1

TREE PERMIT APPLICATION

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APPLICATION # _____



Application to Permit the
Injury or Destruction
Of Trees on Private Property

Town of Aurora
Municipal Drive
Box 1000
Aurora, Ontario L4G 6J1
Phone 905-727-3123

ext.3223

The personal information on this form is collected under Bylaw 5850-16 and will be used for the purposes of this application only. Questions should be directed to the Freedom of Information Co-ordinator, Office of the Town Clerk, 1 Municipal Drive Box 1000, Aurora, Ontario L4G 6J1, Tel. 905-727-3123 ext. 3223

THIS IS NOT A PERMIT

Instructions for Completion of Application:

1. Application form to be completed by applicant. Please type or print CLEARLY. Incomplete applications will delay approval.
2. Municipal address: Street name and number must be included for applications to be considered complete.
3. Provide an Arborist Report completed by an Arborist as defined in the by-law, at the direction of the Parks Manager.
4. If replanting, provide 2 copies of the replanting plan or landscape plan.
5. Payment of the required fees: See item 12 on page 2 for fee requirements. Written consent is necessary from an adjacent property owner where the base of a tree straddles a property line.
6. If this application is signed by an applicant other than the owner, or by an agent, the written authorization of the owner is required.
7. File this application and other supporting documentation to the Operational Services Department, 100 John West Way, Aurora, Ontario L4G 6J1.
8. Applications submitted after 3:30 p.m. local time will not be processed until the next business day.

I am applying for a permit to remove tree/s on private property (please check one)

Three (3) or more trees 20cm (8 inches) in diameter (measured at 1.37 m high) in a 12 month period

Two (2) trees have already been removed between 20cm (8 inches) in diameter (measured at 1.37 m high) in a 12 month period and require a permit for the removal of the third (3rd) or more tree/s in the same 12 month period

One (1) or more tree/s larger than 70cm (30 inches) in diameter measured at 1.37 m high

One (1) or more tree/s in the designated heritage district

One (1) or more designated heritage tree/s

APPLICANT INFORMATION

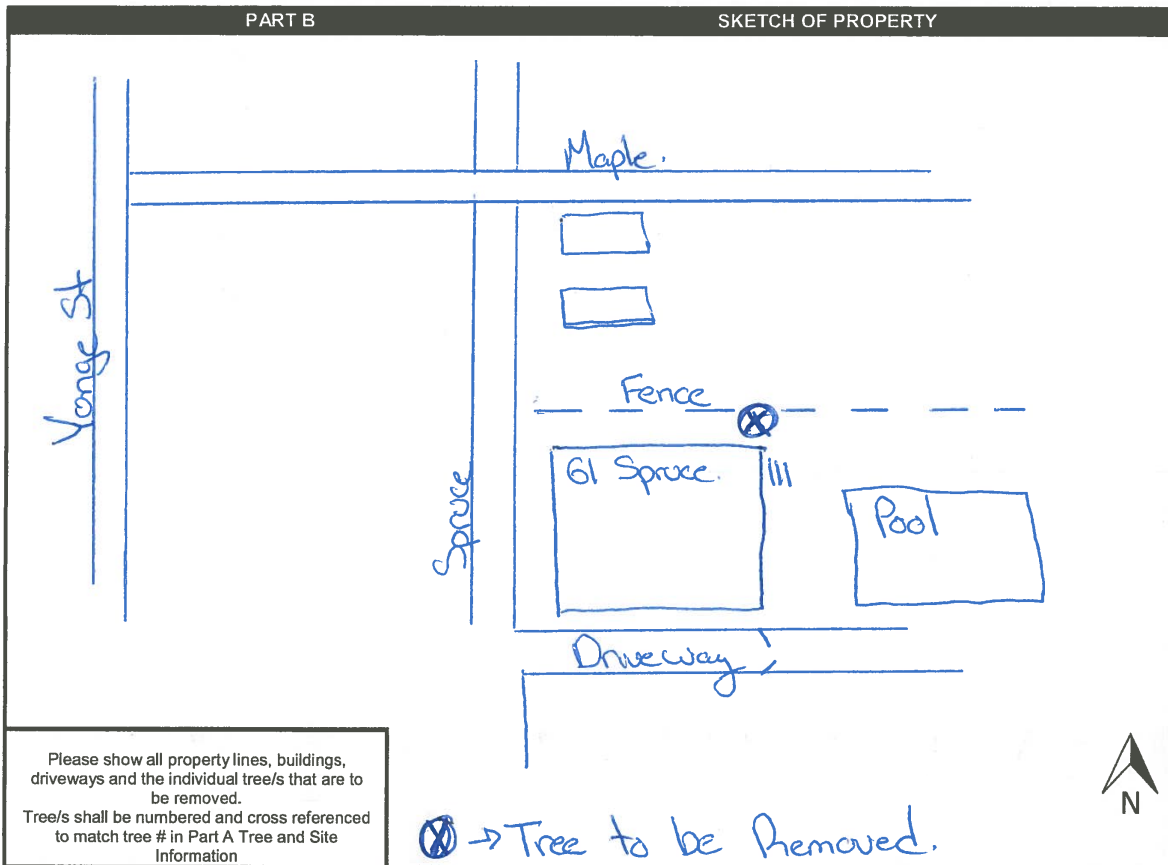
1. Municipal address of subject property: 61 Spruce Street, Aurora, ON, L4G 1R9
2. Name of Applicant/Agent: Alpine Arborist
3. Mailing Address of Applicant: _____
4. Telephone: 416 509 2665 Work No.: _____ Fax: _____
5. Name of Registered Owner (if different from above): Jody Shuttleworth
6. Mailing address of Owner (if different from above): 61 Spruce Street, Aurora, ON, L4G 1R9
7. Existing Land Use: Home / Residential
9. Are the tree(s) located on or near any neighbouring property line resulting in the joint ownership of the tree/s. Yes No
10. If yes, do you have authorization from the neighbouring property owner to act as their representative in this application to injure or remove tree(s). Yes No
11. Reason why trees are being injured or removed. Please circle letter:

A. trees interfere with proposed construction	B. Landscaping on the property
<input checked="" type="radio"/> C. all trees are dead, dying or hazardous	<input type="radio"/> D. trees are interfering with utilities/dwelling/foundation
E. installing pool	<input type="radio"/> F. other (please specify): <u>Growing over house</u> <u>Severe lean.</u>

TREE PERMIT APPLICATION

PART A Tree and Site Information									
TREE #	TREE SPECIES	TREE DIA. IN CM. MEASURED AT 1.37M	DRIP LINE	HEALTH			STRUCTURAL INTEGRITY		
				POOR	FAIR	GOOD	POOR	FAIR	GOOD
1	American Elm	21 DBH cm	15 FT		✓			✓	
2									
3									
4									
5									

(IF MORE THAN 5 ATTACH ADDITIONAL PAGES)

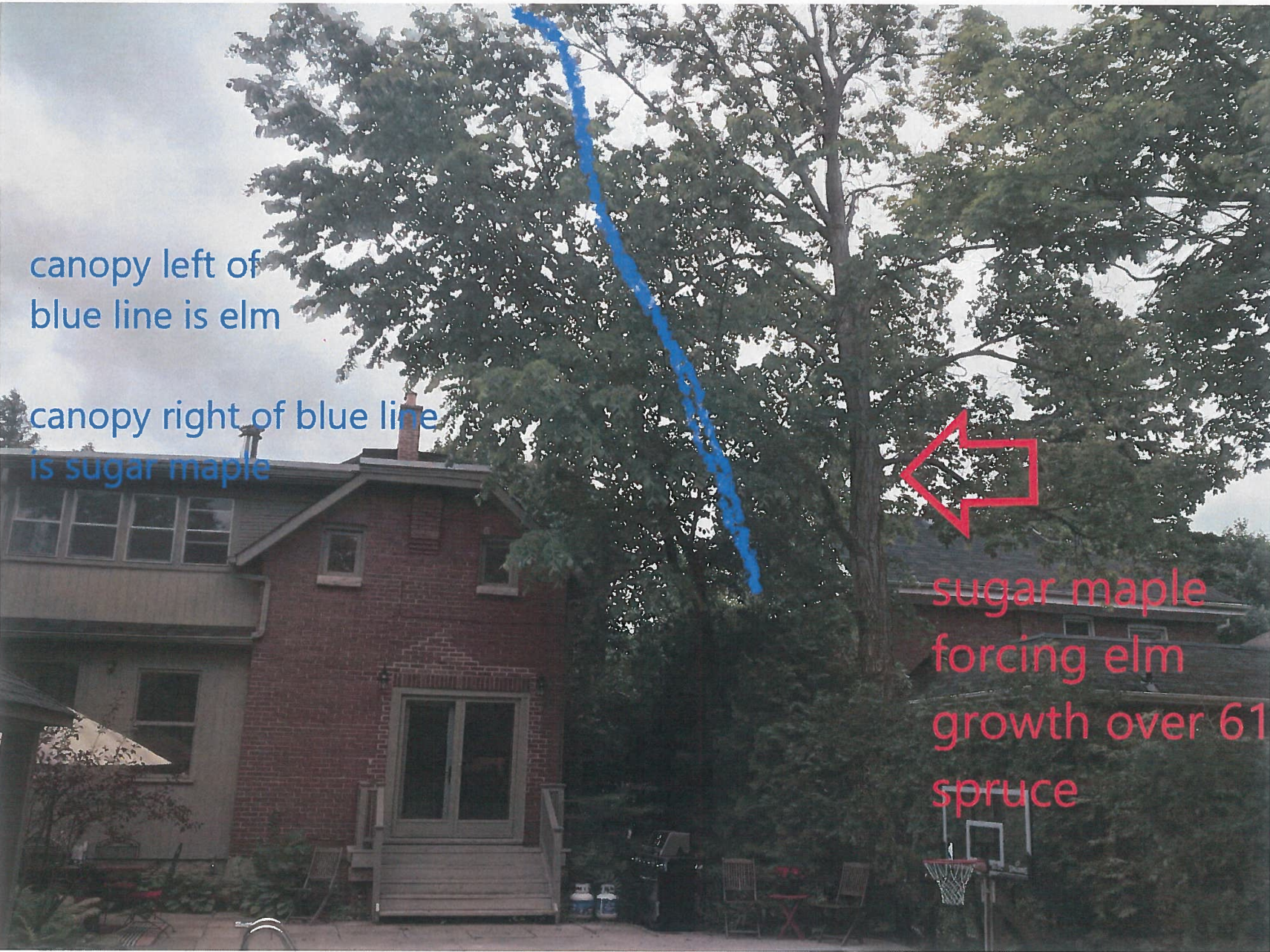


PART C ARBORIST CONFIRMATION

I/WE Spencer Jakobson - Alpine Arborist CERTIFY THAT THE INFORMATION IN PARTS A, B & C IS CORRECT
PLEASE PRINT

SIGNATURE (INCLUDES PROFESSIONAL DESIGNATION WHERE APPLICABLE) Stadman
(INCLUDE PROFESSIONAL DESIGNATION and # WHERE APPLICABLE)

NOTE: COMPLETION OF PARTS A, B & C WILL BE RECOGNIZED AS AN ARBORISTS REPORT DATE May 14th, 2018

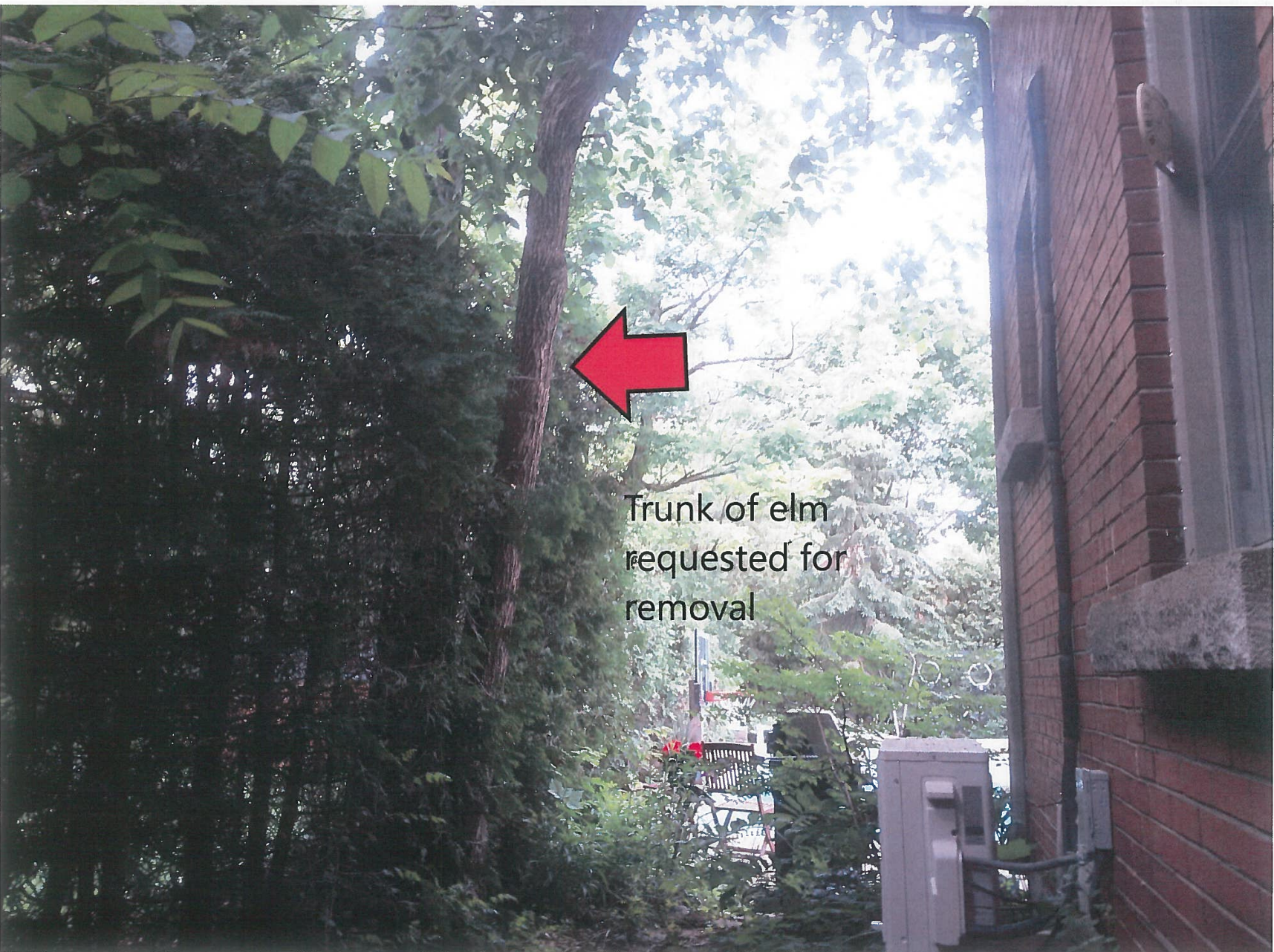


canopy left of
blue line is elm

canopy right of blue line
is sugar maple



sugar maple
forcing elm
growth over 61
spruce



Attachment #2

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5850-16

**BEING A BY-LAW to prohibit
and/or regulate the Injury or
Destruction of Trees on Private
Property in the Town of Aurora.**

WHEREAS subsection 135(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS trees provide real value in the ecological, social, economic and communal fabric of the community;

AND WHEREAS trees are among the most important living organisms in their ability to absorb air pollutants, expel life giving oxygen and provide a host of other environmental goods and services;

AND WHEREAS subsection 135(7) of the Act provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Council of The Corporation of the Town of Aurora (the "Town") desires to repeal By-law Number 4474-03.D, as amended, and enact a new replacement by-law to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

1.(1) The following words as set out in this by-law shall have the following meanings:

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner or an authorized agent of the Owner who submits an Application under the provisions of this by-law;
- (c) "Application" means an application for a Permit on a form prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes:
 - (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities;
 - (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience;
 - (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture;
 - (iv) a consulting arborist registered with the American Society of Consulting Arborists;
 - (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or
 - (vi) such other person with other similar qualifications as approved by the Director;

By-law Number 5850-16

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- (viii) any other means resulting from neglect, accident or design;
- (p) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
- (q) "Municipal Law Enforcement Officer" means an individual appointed by the Town by by-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, for the administration and enforcement of Town by-laws;
- (r) "Nursery Stock" means coniferous or hardwood seedlings, transplants, grafts, or trees propagated or grown in a nursery and with the roots attached, and includes cuttings with or without the roots attached;
- (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (t) "Owner" means the person having the right, title, interest or equity in the land containing a subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Town's Fees and Charges By-law, as may be amended from time to time;
- (w) "Person" and/or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Property" means a parcel of real property under registered ownership;
- (z) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one-quarter ($\frac{1}{4}$) of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement, providing clearance and eliminating interference with utility lines, buildings, pedestrians or vehicles, or eliminating dead, hazardous or diseased wood;
- (aa) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended;
- (bb) "Region" means The Regional Municipality of York;
- (cc) "Town" means The Corporation of the Town of Aurora;
- (dd) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least four and a half (4.5) meters at physiological maturity and having its trunk located wholly on private property;
- (ee) "Tree Farm" means a property on which Trees are grown and maintained for the dominant purpose of commercial sale;

- (h) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (i) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of an site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement, including a site plan agreement and a subdivision agreement, entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (j) the Injuring or Destroying of Trees imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (k) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (l) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;
- (m) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - (i) that has not been designated under the *Aggregate Resources Act* or predecessor legislation; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;

4. PERMIT REQUIREMENT

- 4.(1) Unless otherwise exempted under this by-law, no person shall permit or cause the Injury or Destruction of:
 - (a) more than two (2) Trees on any one Property less than 0.25 hectares in area within any twelve (12) month period having a trunk diameter of more than twenty (20) centimetres DBH and less than seventy (70) centimeters DBH;
 - (b) on Properties greater than 0.25 hectares in area, more than two (2) Trees per every 0.25 hectares of area on a given Property within any twelve 12 month period having a trunk diameter of more than twenty (20) centimeters DBH and less than seventy (70) centimeters DBH
 - (c) any Tree having a trunk DBH greater than seventy (70) centimeters; or
 - (d) any Heritage Tree;without first obtaining a Permit pursuant to this by-law.
- 4.(2) Where a Permit has been issued under this by-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit and any other supporting documentation relevant to the issuance of the Permit.
- 4.(3) Despite subsection (1), a Permit is not required:
 - (a) to Injure, Destroy or remove any Tree, or a part of a Tree, as a necessary part of Emergency Work pursuant to section 6;

Enforcement

- 7.(3) The Director and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections of Tree(s) pursuant to the exercise of their authority under this by-law and any other enacted Town by-law or legislation.

Fees

- 7.(4) All fees and charges pursuant to this by-law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-law.

8. PERMIT APPLICATIONS

Permit Application Requirements

- 8.(1) Where an Applicant applies for a Permit for the Injury or Destruction of a Tree(s), he/she shall submit the following to the Director:
- (a) an Application form completed to the satisfaction of the Director;
 - (b) the name, address and telephone number of the Owner;
 - (c) Application fee;
 - (d) description of the purpose for which the Permit is required;
 - (e) an Arborist's Report, if deemed to be required by the Director;
 - (f) where the trunk of a Tree straddles a property line, the written consent to the Permit issuance from the property owner(s) on whose property the affected Tree is partially located; and
 - (g) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application;
 - (h) any other information deemed necessary by the Director.

Director's Authority to Refund and Waive Fees

- 8.(2) Notwithstanding 8(1)(c), should the Director determine that a Permit is not required for an activity, matter or Tree subject to an Application or that such activity, matter or Tree is exempt from this by-law, any application fee submitted as part of such an Application shall be refunded to the Applicant, unless it is determined by the Director, at his/her discretion, that Town staff had expended considerable time and resources to process such Application due to an error on the part of the Applicant.
- 8.(3) Notwithstanding 8(1)(c), the Director is authorized to reduce or waive the Application fee if deemed appropriate, at his/her discretion.

False or Misleading Information

- 8.(4) No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, the Director will have the authority to refuse any such Application under consideration by the Town and to revoke any Permit issued by the Town on the basis of any such false or misleading information.

9. ISSUANCE OF A PERMIT

Permit Approval Process

Subdivision Not Yet Draft Approved

- 9.(5) Where an Application is made with respect to a Tree that is located on land that is subject to an application for a subdivision approval or a consent that has not received a draft approval or a provisional consent, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Planning Application Not Approved

- 9.(6) Where an Application is made with respect to a Tree that is located on land that is subject to a re-zoning application, an application for site plan approval, or an application to amend the official plan that has not received final approval, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Permit Approved Subject to Conditions

- 9.(7) The issuance of a Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:
- (a) submission of a Vegetation Management Plan ("VMP"), satisfactory of the Director, prepared by a certified Landscape Architect and, if required by the Director or Council, an Arborist and the VMP may include, but not be limited to, the following:
 - (i) a vegetation inventory and assessment, including species size and condition, identifying all vegetation greater than 80mm DBH for individual Tree assessments, the perimeter at canopy of woodlands, groups or stands of vegetation, and trees and vegetation on adjacent properties that may be impacted;
 - (ii) identification of all vegetation removals and protection measures for vegetation designated to be preserved, including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture ("ISA") Guide for Plant Appraisal or approved equivalent completed by an Arborist and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed; and
 - (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years or where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town's Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
 - (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
 - (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

Tree(s) on such private property of the Owner, in accordance with the said legislation.

Contravention Orders

12.(5) Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this by-law or a Permit has occurred, such Director or Municipal Law Enforcement Officer may make an order requiring that the person who caused or permitted such contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention.

12.(6) An order pursuant to subsection (5) shall set out the following:

- (a) the municipal address and/or the legal description of the land or property on which the contravention occurred;
- (b) reasonable particulars of the contravention;
- (c) what is required of the person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
- (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
- (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the Town will have the work done at the expense of the person directed or required to do it; and
- (f) information regarding the Town's contact person.

12.(7) An order issued pursuant subsection (5) may be served:

- (a) personally on the person that is subject to the order; or
- (b) by sending it by prepaid registered mail to the last known address of the Owner or occupier of the land on which the contravention occurred or, if the person subject to the order is not the Owner or occupier, to the last known address of such person subject to the order.

12.(8) Where service of an order is made by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

12.(9) In the event that service of an order cannot be effected under subsection (7), the Director or a Municipal Law Enforcement Officer may place a placard containing the terms of the order in a conspicuous place on the property subject to the order and the placing of the placard shall be deemed sufficient service of the order on the Owner and/or occupier of such subject property.

12.(10) Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of Director or a Municipal Law Enforcement Officer at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

12.(11) For the purposes of taking remedial action under subsection (10), the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

13. OFFENCES

13.(1) Any person who contravenes any provision of this by-law or an order issued pursuant to this by-law or the Act, or fails to comply with an order issued pursuant to this by-law or the Act, is guilty of an offence.



**Extract from
Council Meeting of
Tuesday, May 8, 2018**

5. Consent Agenda

Moved by Councillor Thompson

Seconded by Councillor Thom

C1. General Committee Meeting Report of May 1, 2018

1. That the General Committee meeting report of May 1, 2018, be received and the following recommendations carried by the Committee approved:

(C4) Heritage Advisory Committee Meeting Minutes of April 9, 2018

1. That the Heritage Advisory Committee meeting minutes of April 9, 2018, be received for information.

(R7) Summary of Committee Recommendations Report No. 2018-05

1. That Summary of Committee Recommendations Report No. 2018-05 be received; and
2. That the Committee recommendations contained within this report be approved.

Carried

**Approved Recommendations from Heritage Advisory Committee Meeting
Minutes of April 9, 2018:**

1. **HAC18-007 – Request to Designate under Part IV of the Ontario Heritage Act, 83 Temperance Street “Ireland-Moore House”**
 - (a) That the House located at 83 Temperance Street be designated under Part IV of the *Ontario Heritage Act* as a property of cultural heritage value or interest; and
 - (b) That the Town Clerk be authorized to publish and serve Council’s Notice of Intention to Designate as per requirements of the Act; and

- (c) That the designation by-law be brought before Council for passing if no objections were received within the thirty (30) day objection period as per requirements of the Act; and
- (d) That the owners of 83 Temperance Street be thanked for their support of the designation of the subject heritage property.