

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** December 07, 2023

**CASE NO(S).:**

OLT-21-001950

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

Applicant and Appellant: 2601622 Ontario Inc.  
Subject: Request to amend the Official Plan - Failure of the Town of Aurora to adopt the requested amendment "Promenade General – Special Design Area"  
Existing Designation: "Promenade General – Special Design Area"  
Proposed Designation: To implement a site-specific policy in the existing designation for the purpose on increasing the maximum building height from 5-storeys to 7-storeys and to reduce the size of the Urban Square from 215.35 square metres (2,318 square feet) (3% of the net developable site area) to 50 square metres (538.19 square feet)  
Purpose: To permit the development of a 7-storey mixed-use residential building with 356 units  
Property Address/Description: 26, 30, 32, 34-38 Berczy Street  
Municipality: Town of Aurora  
Town of Aurora File No.: OPA-2020-01  
OLT Case No.: OLT-21-001950  
OLT Lead Case No.: OLT-21-001950  
OLT Case Name: 2601622 Ontario Inc. 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: 2601622 Ontario Inc.  
Subject: Application to amend Zoning By-law No. 6000-17, as amended – Neglect of application by the Town of Aurora  
Existing Zoning: "E1 (10) Employment Zone"  
Proposed Zoning: "PDS1 – Promenade Downtown Shoulder Exception Zone"

Purpose: To permit the development of a 7-storey mixed-use residential building with 356 units  
 Property Address/Description: 26, 30, 32, 34-38 Berczy Street  
 Municipality: Town of Aurora  
 Town of Aurora File No.: ZBA-2020-01  
 OLT Case No.: OLT-21-001951  
 OLT Lead Case No.: OLT-21-001950

**PROCEEDING COMMENCED UNDER** subsection 29(11) of the *Ontario Heritage Act, R.S.O. 1990, c. O.18.*

Appellant: 2601622 Ontario Inc.  
 Subject: Heritage by-law to designate subject property  
 Description: To designate the property as a property of cultural heritage value or interest  
 Reference Number: BL 6439-22  
 Property Address: 34 Berczy Street  
 Municipality/UT: Aurora/York  
 OLT Case No.: OLT-22-004255  
 OLT Lead Case No.: OLT-21-001950

**Heard:** November 21, 2023 by Video Hearing

**APPEARANCES:**

**Parties**

2601622 Ontario Inc.

Town of Aurora

Atria Developments

**Counsel/Representative**

Naomi Mares  
 Eileen Costello (*in absentia*)

Chantal deSereville  
 Denise Baker (*in absentia*)

Max Laskin

**MEMORANDUM OF ORAL DECISION DELIVERED BY G.A. CROSER ON  
 NOVEMBER 21, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

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[Link to Interim Order](#)

## INTRODUCTION

[1] An appeal was made by 2601622 Ontario Inc (the “Applicant”) to the Ontario Land Tribunal after the Town of Aurora (“Town”) failed to make a decision within the statutory timelines for the site-specific Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBLA”) necessary to facilitate the redevelopment of the properties known municipally as 26, 30, 32, 34 – 38 Berczy Street (the “Subject Lands”).

[2] In July 2022, Heritage By-law 6439-22 was adopted by the Town to designate 34 Berczy Street under Part IV, subsection 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18. (“OHA”). This by-law was subsequently appealed by the Applicant to the Tribunal. At the second Case Management Conference held on the Appeal of the OPA and ZBLA in October 2022, the appeal of the heritage designation of 34 Berczy Street was formerly consolidated with the appeals brought pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (“Act”).

[3] On the eve of the hearing on the merits of this matter, the Town and the Applicant, reached a settlement and entered into Minutes of Settlement (“MOS”). The Tribunal convened to hear the settlement proposal (“Settlement Proposal”) and the uncontested expert evidence from the Applicant’s land use planner, Martin Quarcoopome. While Atria Developments was not a Party to the MOS, it raised no objections to the Settlement Proposal.

[4] The Tribunal was satisfied that the Settlement Proposal was representative of good land use planning and in the public interest. The appeal was allowed subject to conditions.

## SUBJECT LANDS

[5] The Subject Lands are comprised of four separate land parcels located at the corner of the Berczy Street and Mosley Street intersection in central Aurora.

The site has a combined lot area of approximately 0.72 hectares ("ha") with approximately 116 metres ("m") of total frontage along Berczy Street, a major collector street, and 62 m of frontage along Mosley Street. The Aurora GO Transit commuter rail station is on Berczy Street, opposite the Subject Lands. Future improvements contemplated for the Aurora GO Station include an underpass at Wellington Street East near its intersection with Berczy Street. As a result of the underpass' proposed design, prepared by Metrolinx' consulting engineers, Berczy Street is identified for realignment. The proposed redevelopment of the subject lands takes into consideration the Berczy Street realignment.

[6] The Subject Lands are surrounded by a mix of uses, including commercial and residential lots to the north, an industrial yard across Mosley Street to the south and a residential neighbourhood of single detached dwellings to the west. The Aurora GO Station is across Berczy Street to the east. The area is well served by community uses including Aurora Park and Sheppard's Bush, the latter being 26 ha of conservation lands managed by the Town.

[7] 26, 30 and 32 Berczy Street are currently each occupied by one-storey detached dwellings fronting onto Berczy Street. 34 Berczy Street, which forms part of the same parcel as 38 Berczy Street, is currently occupied by a two-storey commercial building which was formerly part of the T. Sisman Shoe Factory ("Shoe Factory"), which closed around 1978. 38 Berczy Street is currently occupied by a one-storey office building, which was also part of the former Shoe Factory complex.

## **SETTLEMENT PROPOSAL**

[8] The settlement reached between the Town and Applicant proposes the development of a nine-storey, E-shaped, mixed-use building, including 545 residential units and vehicular access via Mosley Street (the "Settlement Proposal"). The proposed building will transition through a series of step backs at the rear of the building, ranging

from a 7.5 m setback at the rear property line to the fourth storey podium, 9 m for the fifth to eighth floor and 25 m to the ninth floor.

[9] Access to the building will be gained from Mosley Street via a rear private driveway and the design includes short term parking, loading areas, underground parking, and bike spaces. In recognition of the adjacency of the Aurora GO Station to the Subject Lands, the parking rate has been reduced from 0.75 spaces per unit to 0.33 spaces per unit.

[10] The building will incorporate design features commemorating the former Shoe Factory, including architectural style, urban design elements, and a commemorative plaque. The Town will repeal the heritage designation by-law on 34 Berczy Street.

## **PLANNING EVIDENCE**

### **Planning Act**

[11] It was the opinion of Mr. Quarcoopome that the Settlement Proposal had appropriate regard for the elements under section 2 of the Act. In particular, he noted that the proposed development leveraged access to existing transit, ensured a variety of housing stock was provided in an area with limited apartment housing, and supported growth in the Town and Region of York.

### **Provincial Policy Statement, 2020**

[12] Mr. Quarcoopome's review of the policies of the Provincial Policy Statement, 2020 ("PPS") concluded that the Settlement proposal was consistent with the PPS. The Planner opined that the proposed compact development was consistent with the PPS as it was within an existing settlement area and was an efficient land use that would accommodate and contribute to a mix of housing types. Furthermore, it would support

the optimization of existing infrastructure and represents transit-supportive development.

[13] Mr. Quarcoopome's Affidavit noted that policy 2.6 of the PPS prohibits development or site alteration of protected heritage property without ensuring that the heritage attributes of the protected heritage property will be conserved. The Planner stated in his written evidence that 34 Berczy had been deemed by the Town not to have heritage value. This was supported by the Applicant's Heritage Impact Study and the statement of the Town's Counsel at the hearing event.

### **Growth Plan for the Greater Golden Horseshoe, 2019 (as amended)**

[14] In the Planner's opinion, the Settlement Proposal conformed with the Growth Plan for the Greater Golden Horseshoe ("Growth Plan") and was an appropriate development of underutilized lands that would contribute to minimum intensification and density targets. Mr. Quarcoopome stated that the Subject Lands could accommodate such higher-density residential use and that existing stormwater, water, and sewage infrastructure would be utilized to accommodate the proposed intensification with site specific stormwater management designed by a qualified professional. Lastly, the Planner noted that the site was located within a strategic growth area and its proximity to existing high-order transit supported the transportation objectives of the Growth Plan.

### **Region of York, Official Plan, 2010**

[15] The York Region Official Plan, 2010 ("YROP 2010") identifies the Subject Lands within the "Urban Area". To Mr. Quarcoopome, the Subject Lands location is where intensification and growth is directed for the Town and that the Settlement Proposal would result in residential intensification within the built-up area near a Regional Corridor. He opined that the built form would add to the range of housing types available in the community and the increased density will increase the ridership base for transit and customer base for surrounding businesses. The Planner also noted that the York

Region Official Plan, 2022 (“YROP 2022”), came into effect after the subject application were submitted and therefore did not apply to the application. However, Mr. Quarcoopome testified that the Settlement Proposal conformed with both the YROP 2010 and the YROP 2022.

### **Town of Aurora Official Plan, 2010**

[16] To the Planner, the Town of Aurora Official Plan, 2010 (the “AOP”) is outdated, in the sense that it does not reflect the latest provincial and regional policy direction, and on this basis a greater degree of intensification than what is described in the AOP is appropriate for the subject site. Mr. Quarcoopome’s testimony was that the Settlement Proposal would provide a mix of housing options and the mixed-use aspect of the development, including the urban public square and at-grade retail use, would contribute to a complete community. In his view, the Settlement Proposal conformed with the AOP and would introduce an appropriate form of residential housing to an area which is predominantly made-up of low-rise detached dwelling units.

### **Zoning By-law 6000-17**

[17] At present, the Subject Lands are zoned ‘Service Employment – E1(10) Zone’ which permits commercial, industrial, and institutional land uses, but does not include permissions for residential uses. Exception 10 permits additional uses consistent with the permitted employment uses. As such, a zoning by-law amendment is required to permit the Settlement Proposal. The amendment would rezone the lands to Promenade Downtown to align with the land use policies of the AOP.

[18] In summary, Mr. Quarcoopome recommended that the Tribunal approve the elements of the Settlement Proposal as, in his opinion, it had appropriate regard for matters of provincial interest and, in general, constituted good land use planning.

## **PARTICIPANT STATEMENTS**

[19] The Tribunal asked Mr. Quarcoopome if he had reviewed the Participant Statements filed on this Appeal. He acknowledged that he had. Mr. Quarcoopome pointed out that the Subject Lands are not located within the area marked 'Stable Neighbourhoods' in the AOP and as such, the Stable Neighbourhoods policies and guidelines did not apply to this application.

[20] Mr. Quarcoopome drew the Tribunal's attention to the fact that the original application was for a fourteen-storey building which had been reduced to nine storeys in the Settlement Proposal. The Planner noted that there would be no windows at the rear of the proposed building from the fifth to ninth storey in order to mitigate overlook and privacy impacts for the low-rise residential area located behind the Subject Lands. The rear setbacks from the fourth to ninth storey were also designed to provide an appropriate transition to the lower-density residential neighbourhood located along Larmont Street. In addition, the Planner pointed out that the balconies at the rear of the building from the original design were removed and the roof top amenity space would utilize green roof elements and other screening and separation design elements so that the focus of the roof top terrace is towards Berczy Street and not Larmont Street.

## **ONTARIO HERITAGE ACT**

[21] The repeal of Heritage By-law 6439-22 is governed by the OHA, as it read on June 30, 2021, pursuant to O.Reg 385/21. The criteria for determining cultural heritage value or interest ("CHVI") are set out in O.Reg 9/06. The case law on the repeal of a designation is well-established and the appropriate test for the Tribunal to apply is "whether the property retains cultural heritage value or interest, as described in the designating by-law, and as prescribed by O. Reg 9/06." (*Trothen v. Sarnia (City)*, 2016 CanLII 29998 at para 53 and *Ferron v. Niagara Falls (City)*, 2021 CanLII 23950 at para 24).



[22] As noted by Member Nelson in *Chisholm v South Stormont (Township)*, 2022 CanLII 32470 (para 25), the jurisdiction of the Tribunal in such matters is limited to the consideration of whether a property has CHVI. The Tribunal's report must be considered by a municipality, but the municipality is not bound by it. As such, a municipality is free to consider many other issues in relation to the designation or repeal of designation of a property.

[23] The Applicant submitted a Heritage Impact Assessment, as part of its original development application, with a request to remove the lands from the Town's heritage registry. On June 7, 2021, the Town's Heritage Planning staff provided a report to the Heritage Advisory Committee recommending the removal of the lands from its heritage designation. The heritage designation was removed from 26, 32, and 38 Berczy Street in July 2022, however, Heritage By-law 6439-22 was passed for 34 Berczy Street, placing it on the Aurora Register of Properties of Cultural Value or Interest.

[24] Chantal DeSereville, Counsel for the Town, stated at the hearing that the Town had reconsidered its position on the heritage value of 34 Berczy Street and deems it to be in the public interest to remove the designation, given the fact that a settlement had been reached with the Applicant.

## **FINDINGS**

[25] The Tribunal has considered the totality of the evidence before it and accepts the uncontroverted expert land use planning evidence and opinions of Mr. Quarcoopome. The Tribunal is satisfied that the OPA and ZBLA have due regard for matters of provincial interest, are consistent with the PPS, and conforms with the Growth Plan, YROP 2010, and AOP.

[26] The Tribunal finds that the Settlement Proposal leverages existing and planned investments in transportation infrastructure and that the increase in residential density on a site located adjacent to a GO Station is an appropriate location for redevelopment.

The setbacks from the fourth storey podium, fifth to eight floor and ninth storey pull the massing away from the rear of the building and will mitigate overlook and privacy concerns raised in the Participant Statements. In summation, this is an appropriate redevelopment of the land with a compact built form that meets the general intent and purpose of the applicable official plans and represents good land use planning that is in the public interest.

[27] As it was provided with no evidence to the contrary, the Tribunal is satisfied that 38 Berczy Street has no cultural heritage value or interest and as such it is appropriate for the Town to repeal Heritage By-law 6439-22.

[28] With respect to the proposed conditions and the withholding of the Tribunal's Final Order, Mr. Quarcoopome opined that there were appropriate measures to ensure that the development was built as envisioned by the Settlement Proposal. There were no other comments or concerns raised with respect to the conditions. The Tribunal finds that it is appropriate to withhold the Final Order until the conditions outlined in paragraph [30] have been fulfilled to its satisfaction.

## **INTERIM ORDER**

[29] **THE TRIBUNAL ORDERS THAT** the appeal is allowed on an interim basis, contingent upon receipt of those pre-requisite matters identified in paragraph [30] below, and that the draft Official Plan Amendment and draft Zoning By-law Amendment set out in Attachments 1 and 2 to this Interim Order are hereby approved in principle.

[30] The Tribunal will withhold issuance of its Final Order contingent upon confirmation from the Town of Aurora of the following pre-requisite matters:

- a. The Tribunal shall be in receipt of confirmation from the Town of Aurora that the Applicant has provided an updated Transportation Impact Study to reflect the increased density in the Settlement Proposal; and

- b. The Tribunal shall be in receipt of confirmation from the Town of Aurora that the Applicant has provided an updated Functional Servicing Report to reflect the increased density in the Settlement Proposal;
- c. The Applicant and Town of Aurora shall submit to the Tribunal, on consent, the final form of the Official Plan Amendment and Zoning By-law Amendment necessary to facilitate the Settlement Proposal.

[31] If the Parties do not submit the final form of the Official Plan Amendment and Zoning By-law Amendment(s), and provide confirmation that the contingent pre-requisites to the issuance of the Final Order, set out in paragraph [30], have been satisfied, and do not request the issuance of the Final Order, by **Friday, May 31, 2024**, then the Applicant and the Town shall provide a written status report to the Tribunal by that date as to the timing of the expected confirmation and submission of the final form of the Official Plan Amendment and Zoning By-law Amendment(s) and request for issuance of the Final Order by the Tribunal. In the event the Tribunal fails to receive the required status report, and/or in the event that the contingent pre-requisites are not satisfied by the date indicated above, or by such other deadline as the Tribunal may impose, then the Tribunal may then dismiss the Appeal.

[32] The Member will remain seized for the purposes of reviewing and approving the final form of the Official Plan Amendment and Zoning By-law Amendment and the issuance of the Final Order.

[33] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instrument and the satisfaction of the contingent pre-requisites to the issuance of the Final Order.

*“G.A. Croser”*

G.A. CROSER  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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.

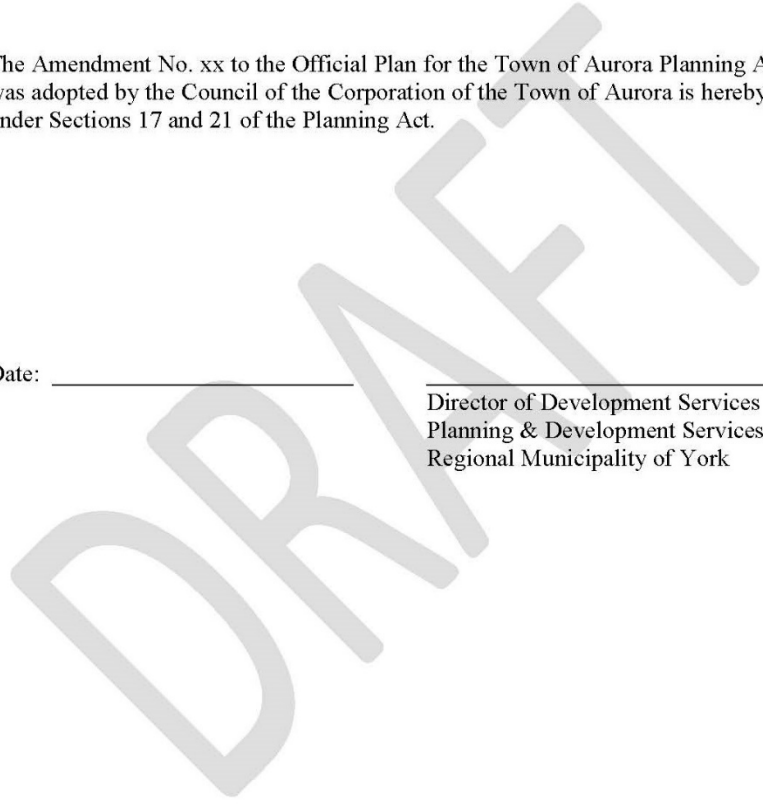
# Attachments 1

**AMENDMENT NO. xx**  
**TO THE**  
**OFFICIAL PLAN FOR THE**  
**TOWN OF AURORA PLANNING AREA**

The Amendment No. xx to the Official Plan for the Town of Aurora Planning Area which was adopted by the Council of the Corporation of the Town of Aurora is hereby approved under Sections 17 and 21 of the Planning Act.

Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Development Services  
Planning & Development Services Department  
Regional Municipality of York



**THE CORPORATION OF THE TOWN OF AURORA****By-law Number XX-2023****BEING A BY-LAW to adopt Official Plan Amendment No. xx**

The Council of the Corporation of the Town of Aurora, under Section 17 (6) of the Planning Act, RSO 1990 Chapter P. 13 as amended, hereby enacts as follows:

1. Official Plan Amendment No. xx for the Town of Aurora, consisting of the attached explanatory text and schedules, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Regional Municipality of York for approval of Official Plan Amendment No. xx for the Town of Aurora.
3. This By-law shall come into force and take effect on the day of the final passage thereof.

**READ A FIRST AND SECOND TIME THIS    DAY OF    , 2023.**

**READ A THIRD AND FINAL TIME AND FINALLY PASS THIS    DAY OF    , 2023.**

\_\_\_\_\_  
**TOM MRAKAS, MAYOR**

\_\_\_\_\_  
**MICHAEL DE ROND, TOWN CLERK**

**THE CORPORATION OF THE TOWN OF AURORA****By-law Number XX-2023****BEING A BY-LAW to adopt Official Plan Amendment No. xx**

The Council of the Corporation of the Town of Aurora, under Section 17 (22) of the Planning Act, RSO 1990 Chapter P. 13 as amended, hereby enacts as follows:

1. Official Plan Amendment No. xx for the Town of Aurora, consisting of the attached explanatory text and schedules, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Regional Municipality of York for approval of Official Plan Amendment No. xx for the Town of Aurora.
3. This By-law shall come into force and take effect on the day of the final passage thereof.

**READ A FIRST, SECOND AND THIRD TIME THIS    DAY OF    , 2023.**

\_\_\_\_\_  
**TOM MRAKAS, MAYOR**

\_\_\_\_\_  
**MICHAEL DE ROND, TOWN CLERK**

Note: In accordance with Regional Official Plan Amendment # XX, as approved by By-law XX-2023, this amendment is exempt from regional approval. In this regard, the Town of Aurora is the signing authority.



**AMENDMENT NO.**

**TO THE**

**OFFICIAL PLA**

**FOR THE TOWN OF A**



**AMENDMENT NO. XX  
TO THE  
OFFICIAL PLAN FOR THE  
TOWN OF AURORA PLANNING AREA**

The Amendment No. XX to the Official Plan for the Town of Aurora Planning Area which was adopted by the Council of the Corporation of the Town of Aurora is hereby approved under Sections 17 and 21 of the Planning Act, R.S.O. 1990.

Date: \_\_\_\_\_

\_\_\_\_\_  
Tom Mrakas, Mayor

\_\_\_\_\_  
Michael de Rond, Town Clerk

**AMENDMENT NO. XX  
TO THE OFFICIAL PLAN FOR THE TOWN OF AURORA  
STATEMENT OF COMPONENTS**

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## PART 1 – THE PREAMBLE

### 1.0 INTRODUCTION

This part of the Amendment entitled Part 1 – the Preamble, introduces the Amendment and describes the context and planning process leading to the document's preparation. It is for explanatory purposes only and does not form part of the Amendment.

### 2. PURPOSE

The purpose of this amendment is to change the land use designation on the subject lands shown on Schedule A, attached hereto and forming part of this amendment from “Aurora Promenade” to “Aurora Promenade - Site Specific Policy” and to establish the site-specific policies to permit the use of the lands for a 9-storey building, with 545 residential units.

### 3. LOCATION

The subject lands are located on the west side of Berczy Street, north side of Mosley Street, and south side of Wellington Street East. The subject lands are legally described as follows:

- LT 4 W/S BERCZY ST PL 68 AURORA;
- LT 5 W/S BERCZY ST PL 68 AURORA;
- LT 6 W/S BERCZY ST PL 68 AURORA;
- LT 7 W/S BERCZY ST PL 68 AURORA;
- LT 8 W/S BERCZY ST PL 68 AURORA;
- LT 9 W/S BERCZY ST PL 68 AURORA; AND
- LT 10 W/S BERCZY ST PL 68 AURORA, SAVE AND EXCEPT PT 1 PL 65R34291 TOWN OF AURORA

### 4. BASIS OF THE AMENDMENT

Council has enacted this amendment in response to an application by 2601622 Ontario Inc. for the following reasons:

- 4.1 The proposed uses are compatible with surrounding land uses and respond to Provincial Policy mandates and growth targets.
- 4.2 The application conforms with the Oak Ridges Moraine Conservation Plan (ORMCP) as the proposed development is within a Settlement Area where disturbances of sensitivities such as landforms and permeable surfaces have been kept to a minimum. The ORMCP intends for the province to direct growth towards Settlement Areas within the ORMCP area, while protecting the environmentally sensitive features found on the Oak Ridges Moraine (ORM).

4.3 The application conforms with the Region of York Official Plan and is within the Urban Area.

4.4 The application generally conforms with the Town of Aurora Official Plan identifying the highest forms of intensification to be located within the Aurora Promenade.

## PART 2 – THE AMENDMENT

### 1.0 INTRODUCTION

All of this part of the document entitled Part 2 – the Amendment, consisting of the following text and attached maps (Schedules A, B and C), constitutes Amendment No. xx to the Official Plan for the Town of Aurora.

### 2.0 DETAILS OF THE AMENDMENT

The Official Plan of the Town of Aurora is hereby amended as follows:

- Item (1): Schedule “B1” – The Aurora Promenade Secondary Plan Area, is amended by changing the land use designation from “Promenade General” to “Promenade General-Subject to Site Specific Amendment” as shown on Schedule “A” attached hereto, and forming part of this Amendment.
- Item (2): Schedule “H” – Site Specific Policy Areas, is amended to identify the subject lands as a Site Specific Policy Area, as shown on Schedule “B” attached hereto, and forming part of this Amendment.
- Item (3): Section 16 is hereby amended by adding the following as Section 43:
- “Notwithstanding any policies of section 11.6.2, the following special site-specific uses and policies apply to the to the lands designated as “Aurora Promenade – Site Specific Policy” as marked on Schedule “A” OPA XX-2023:
- a) Within the “Aurora Promenade - Site Specific Policy” designation, the following provisions shall apply:
    - i) The maximum building height limits shown on “The Aurora Promenade Schedule B2 Building Heights” forming part of the Official Plan shall not apply to the Subject Lands, provided that the maximum building height does not exceed the lesser of 9 storeys or 30.0 metres.

### 3.0 IMPLEMENTATION AND INTERPRETATION

- 3.1 The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Aurora Official plan and Zoning By-law, any required Subdivision/Site Plan Agreements and a Private Shared Facilities Agreement.

DRAFT

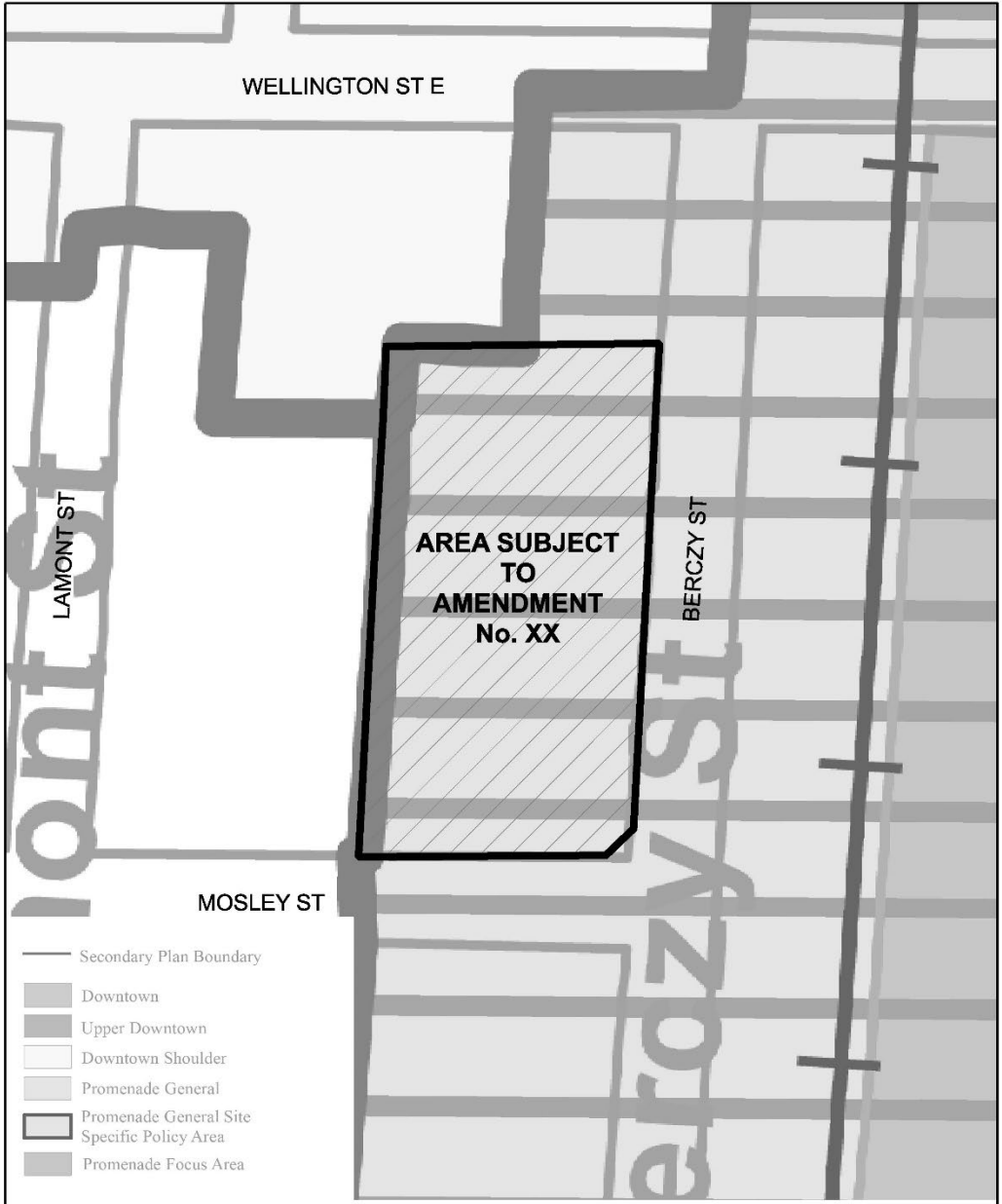
**EXPLANATORY NOTE**

Re: Official Plan Amendment XX.2023

Official Plan Amendment No. xx has the following purpose and effect:

The lands affected by this Amendment are municipally known as 26, 30, 32, 34 and 38 Berczy Steet located at the northwest corner of Berczy Street and Mosley Street, legally described as LT 4 W/S BERCZY ST PL 68 AUROA; LT 5 W/S BERCZY ST PL 68 AURORA; LT 6 W/S BERCZY ST PL 68 AURORA; LT 7 W/S BERCZY ST PL 68 AURORA; LT 8 W/S BERCZY ST PL 68 AURORA; LT 9 W/S BERCZY ST PL 68 AURORA; AND PART OF LT 10 W/S BERCZY ST PL 68 AURORA, SAVE AND EXCEPT PT 1 PL 65R34291 TOWN OF AURORA.

The purpose of this Amendment is to re-designate the subject lands from “Aurora Promenade” to “Aurora Promenade - Site Specific Policy” to allow for the development of a 9-storey building.



EXTRACT OF AURORA OFFICIAL PLAN - SCHEDULE B1



- BOUNDARY OF SUBJECT LANDS
- AREA SUBJECT TO AMENDMENT No. XX

**THIS IS SCHEDULE 'A'  
TO OFFICIAL PLAN AMENDMENT \_\_\_\_ -23**

PASSED THE \_\_\_\_ DAY OF \_\_\_\_, 2023

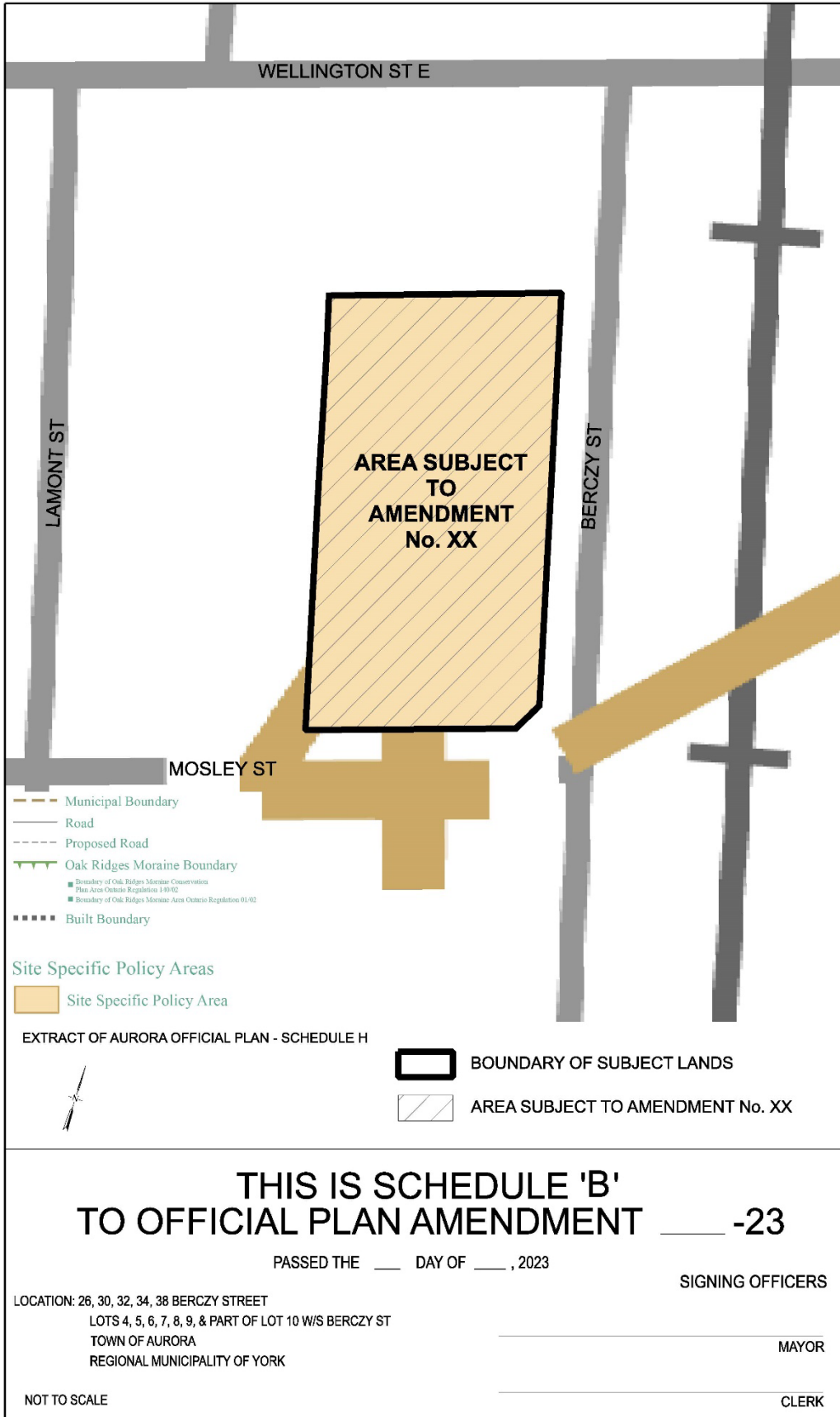
SIGNING OFFICERS

LOCATION: 26, 30, 32, 34, 38 BERCZY STREET  
 LOTS 4, 5, 6, 7, 8, 9, & PART OF LOT 10 W/S BERCZY ST  
 TOWN OF AURORA  
 REGIONAL MUNICIPALITY OF YORK

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CLERK

NOT TO SCALE





## Attachments 2

### The Corporation of the Town of Aurora

#### By-law Number XXXX-23

**Being a By-law to amend By-law Number 6000-17, as amended, respecting the lands municipally known as 26, 30, 32, 34 and 38 Berczy Street (2601622 Ontario Inc.).**

**Whereas** under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “Planning Act”), zoning by-laws may be passed by the councils of local municipalities to prohibit and regulate the use of land, buildings and structures;

**And whereas** on June 27, 2017, the Council of the Town enacted By-law Number 6000-17 (the “Zoning By-law”), which Zoning By-law was appealed to the Ontario Municipal Board (the “OMB”);

**And whereas** on January 29, 2018, the OMB made an order, in accordance with subsection 34(31) of the Planning Act, providing that any part of the by-law not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed;

**And whereas** the OMB is continued under the name Local Planning Appeal Tribunal (the “LPAT”), and any reference to the Ontario Municipal Board or the OMB is deemed to be a reference to the LPAT;

**And whereas** the Council of the Town deems it necessary and expedient to further amend the Zoning By-law;

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

1. The Zoning By-law be and is hereby amended to replace the “Service Employment (E1-10) Exception 10” category applying to the lands shown in hatching on Schedule “A” attached hereto and forming part of this By-law with “Promenade Downtown Exception (PD1 - XX Zone)”.
2. The Zoning By-law be and is hereby amended to add the following:

<b>Parent Zone: Promenade Downtown (PD1)</b>	<b>Map: Schedule “A” Map No. 5</b>	<i>Previous Zone:</i> E1(10)	<i>Previous By-laws:</i> 2495-82
<b>Municipal Address: 26, 30, 32, 34, 38 Berczy Street</b>			

<b>Legal Description:</b> Lots 7-10, Plan 68
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<b>24.XX.1 Permitted Uses</b>
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Notwithstanding the Promenade Downtown (PD1) Zone permitted uses, the following additional uses are permitted:
--

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Apartment Building;</li> <li>• Adult Day Centre;</li> <li>• Laboratory;</li> <li>• Group Home;</li> <li>• Multi-Unit Development;</li> <li>• Long Term Care Facility;</li> <li>• Nursing Home;</li> <li>• Retirement Home;</li> <li>• Supportive Housing;</li> <li>• Private Home Daycare;</li> <li>• Private School; and</li> <li>• Accessory uses to the above.</li> </ul> |
|---|

Notwithstanding Section 4.4.2, a <i>Dwelling Unit</i> may be permitted on the first storey of a building.
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<b>24.XX.2 Building Standards</b>
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Standard	Promenade Downtown Exception (PD1 - XX Zone)
Minimum Rear Yard	5.5 m
Minimum Interior Side Yard at Ground Level to Fourth Storey	7.5 m
Minimum Interior Side Yard at Fifth Storey	9.0 m
Minimum Interior Side Yard at Roof	25.0 m
Maximum Height	30.0 m

<b>24.XX.3 Parking Standards</b>
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Standard	Promenade Downtown Exception (PD1 - XX Zone)
Residential Parking Ratio	0.32 spaces/unit
Visitor/Non-Residential Parking Ratio	0.01 spaces/unit

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 final passage hereof.

Enacted by the Town of Aurora Council this \_\_\_\_\_ of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Tom Mrakas, Mayor**

\_\_\_\_\_  
**Michael de Rond, Town Clerk**

DRAFT



**THIS IS SCHEDULE 'A'  
TO BY-LAW \_\_\_\_ -23**

PASSED THE \_\_\_\_ DAY OF \_\_\_\_, 2023

LOCATION: 26, 30, 32, 34, 38 BERCZY STREET  
 LOTS 4, 5, 6, 7, 8, 9, & PART OF LOT 10 W/S BERCZY ST  
 TOWN OF AURORA  
 REGIONAL MUNICIPALITY OF YORK

SIGNING OFFICERS

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

NOT TO SCALE



**CORRECTION NOTICE**

**OLT CASE NO(S):** OLT-21-001950  
**DECISION ISSUE DATE(S):** December 07, 2023  
**CORRECTION NOTICE ISSUE DATE:** December 14, 2023  
**RE:** 2601622 Ontario Inc. v. Aurora (Town)

**Correction to: The address in paragraph [27], to correct from 38 Berczy Street to 34 Berczy Street.**

Originally:

[27] As it was provided with no evidence to the contrary, the Tribunal is satisfied that **38 Berczy Street** has no cultural heritage value or interest and as such it is appropriate for the Town to repeal Heritage By-law 6439-22.

Corrected to:

[27] As it was provided with no evidence to the contrary, the Tribunal is satisfied that **34 Berczy Street** has no cultural heritage value or interest and as such it is appropriate for the Town to repeal Heritage By-law 6439-22.

*“Euken Lui”*

**EUKEN LUI  
REGISTRAR**

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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.