



File: B020/21

Applicant: FCHT Holdings (Ontario) Corporation

Address: 9300-9360 Bathurst Street, Maple

Agent: Lino Pellicano - Greenpark Group

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations		
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Real Estate Department	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None.

Background History: B008/19 (see next page for details)

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, October 28, 2021

**Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).*



Consent Application

Agenda Item: 04

B020/21

Ward: 4

Prepared By: Lenore Providence Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Thursday, October 28, 2021 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

Applicant:

FCHT Holdings (Ontario) Corporation

Agent:

Lino Pellicano - Greenpark Group

Property:

9300 - 9360 Bathurst Street, Maple, (Part of Block 23, Plan 65M-3918, Described as Parts 2, 3, 4, 5 & 6 on Plan 65R-36841; and Part 170 on Plan 65R-39343)

Zoning:

The subject lands are zoned RT1, Residential Townhouse Zone, and subject to the provisions of Exception 9 (1217) under By-law 1-88 as amended.

OP Designation:

Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use"

Related Files:

Consent Application B008/19 (Lapsed), Zoning By-law Amendment Z17.017 and Site Plan Application DA17.041

Purpose:

Consent is being requested for the following easements in favour of the lands legally described as Part of Block 23, Registered Plan 65M-3918, Described as Part 1 on Plan 65R-36841 (dominant land):

Part 2 on Plan 65R-38647 for access (vehicular/pedestrian) and servicing purposes (servient land).

Part 3 & 4 on Plan 65R-38647 for access (vehicular/pedestrian) purposes (servient land).

Part 5 & 6 on Plan 65R-38647 for servicing purposes (servient land).

Part 170 on Plan 65R-39343 for (pedestrian) access purposes (servient land).

**The servient land currently supports an existing commercial development (plaza).

**Residential development has been proposed for the dominant land (related files: Zoning By-law Amendment Z17.017 and Site Plan Application DA17.041).

Background (Previous Applications approved by the Committee on the subject land:

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
<p>B008/19</p>	<p>Consent is being requested for the following easements in favour of Part 1 on the draft Reference Plan submitted with the application (dominant land):</p> <p>Part 2 (on the draft Reference Plan submitted with the application) for access (vehicular/pedestrian) and servicing purposes.</p> <p>Part 3 & 4 (on the draft Reference Plan submitted with the application) for access (vehicular/pedestrian) purposes.</p> <p>Part 5 (on the draft Reference Plan submitted with the application) for servicing purposes</p> <p>**The subject lands currently support an existing commercial development (plaza).</p> <p>**Residential development has been proposed for the dominant lands (related files: Zoning By-law Amendment Z17.017 and Site Plan Application DA17.041).</p>	<p>FILE LAPSED</p>

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "B001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on October 06, 2021

Applicant confirmed posting of signage on October 04, 2021

Existing Building or Structures on the subject land:

The servient land currently supports an existing commercial development (plaza).

Residential development has been proposed for the dominant land (related files: Zoning By-law Amendment Z17.017 and Site Plan Application DA17.041).

Committee of Adjustment recommended conditions of approval:

1. That the applicant’s solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies only to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment.
2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted.
3. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.

Adjournment Request / File Review History: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit No. 18-000104 for ign Fixed (DS-OBC-Ground/Pylon) - New, Issue Date: Feb 13, 2018

Building Permit No. 18-000105 for ign Fixed (DS-OBC-Ground/Pylon) - New, Issue Date: Feb 13, 2018

Building Department Staff have no additional comments in respect to this application.

Building Standards Recommended conditions of approval: None.

Development Planning:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use" with a permitted height of 12 storeys and a floor space index (FSI) of 3.5 times the area of the lot.

The Owner is requesting permission to facilitate access and servicing easements in favour of the lands to the north-west.

The Development Planning Department previously supported Consent Application B008/19, which was approved by the Committee of Adjustment, to facilitate easements (access and servicing) in favour of 9370 Bathurst Street, Part 1, Plan 65R-36841.

The Development Planning Department supported Consent Application B008/19 on the basis that the proposed easements were required to facilitate the development of 50 townhouse units through Zoning By-law Amendment File Z.17.017 and Site Development File DA.17.041. Presently, the Owner has received Draft Approval for Draft Plan of Condominium File 19CDM-19V007 and is in the process of satisfying all conditions. It should be noted that an additional easement (Part 170, Plan 65R-39343) not captured through Consent Application B008/19 for pedestrian access and egress, has been identified and warranted by the Development Engineering Department. The Development Planning Department has no objection to the proposed access easement as it facilitates the development approved through Zoning By-law Amendment File Z.17.017 and Site Development File DA.17.041, and is of the opinion that the requested easements maintain the intent of VOP 2010, and the consent criteria stipulated in Section 51(24) of the Planning Act, R.S.O. 1990, c P.13.

The Development Planning Department recommends approval of the applications.

Conditions of Approval: None

Development Engineering:

The Development Engineering (DE) Department does not object to consent application B020/21 subject to the following condition(s):

1. The Owner/applicant shall provide proof of an agreement or easement documents between the property owners of the severed and retained lands including sufficient language to clearly describe the nature of the shared servicing & access easements, all to the satisfaction of Development Engineering.
2. As per the approved Development Application (DA.17.041), there is a pedestrian walkway indicated in connection with the town houses development adjacent to George Kirby Street. Please provide an updated Reference Plan that shows the part as an additional access easement. Please submit a draft reference plan to the Development Engineering Department for review prior to deposit. DE shall be in receipt of the deposited reference plan prior to clearance of said condition.

Parks Development - Forestry:

No comments received to date.

By-Law and Compliance, Licensing and Permit Services:

No comments nor concerns.

Development Finance:

1. That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.
2. That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.
3. That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

4. That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Real Estate:

No comments nor concerns.

Fire Department:

No comments received to date.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Agent Correspondence –Cover Letter

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

Consent Application B008/19

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application considers the following:

- ✓ Conform to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conform to the City of Vaughan Official Plan.
- ✓ Conform to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

Should the Committee **adjourn** this application the following condition(s) is required: None

Should the Committee find it appropriate to approve this application, the following conditions have been recommended:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	<ol style="list-style-type: none"> 1. That the applicant’s solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies only to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted. 3. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.
2	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).
3	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	<ol style="list-style-type: none"> 1. The Owner/applicant shall provide proof of an agreement or easement documents between the property owners of the severed and retained lands including sufficient language to clearly describe the nature of the shared servicing & access easements, all to the satisfaction of Development Engineering. 2. As per the approved Development Application (DA.17.041), there is a pedestrian walkway indicated in connection with the town houses development adjacent to George Kirby Street. Please provide an updated Reference Plan that shows the part as an additional access easement. Please submit a draft reference plan to the Development Engineering Department for review prior to deposit. DE shall be in receipt of the deposited reference plan prior to clearance of said condition.

Warning:

Conditions must be fulfilled within one year from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible.

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

Notice to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting Vaughan.ca/LiveCouncil. To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

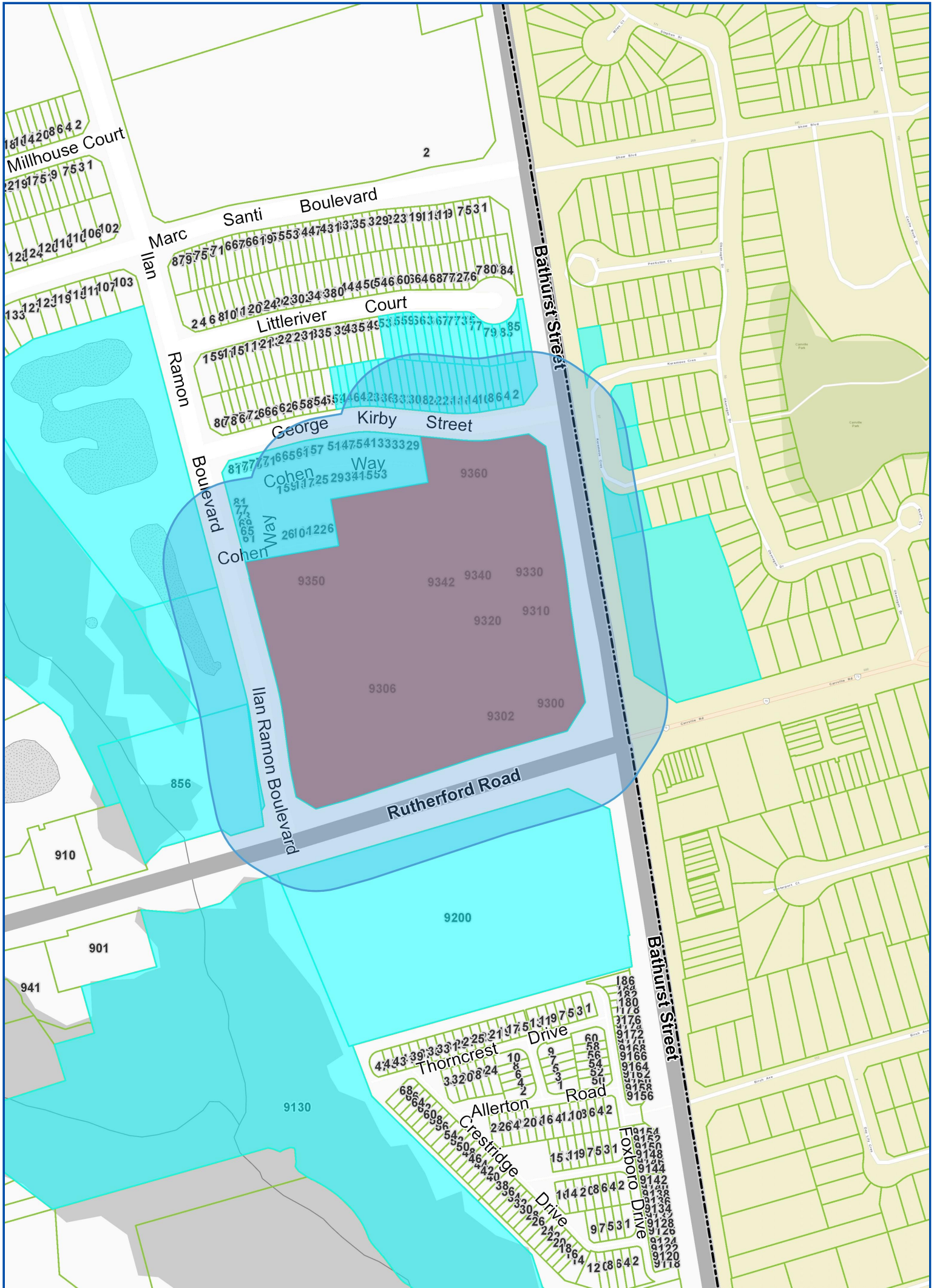
For more information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

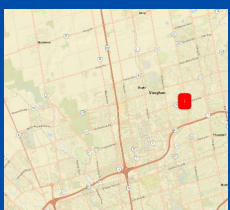
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

**Location Map
Plans & Sketches**



Map Information:



Title 9300-9600 BATHURST STREET, MAPLE

NOTIFICATION MAP - B020/21

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.

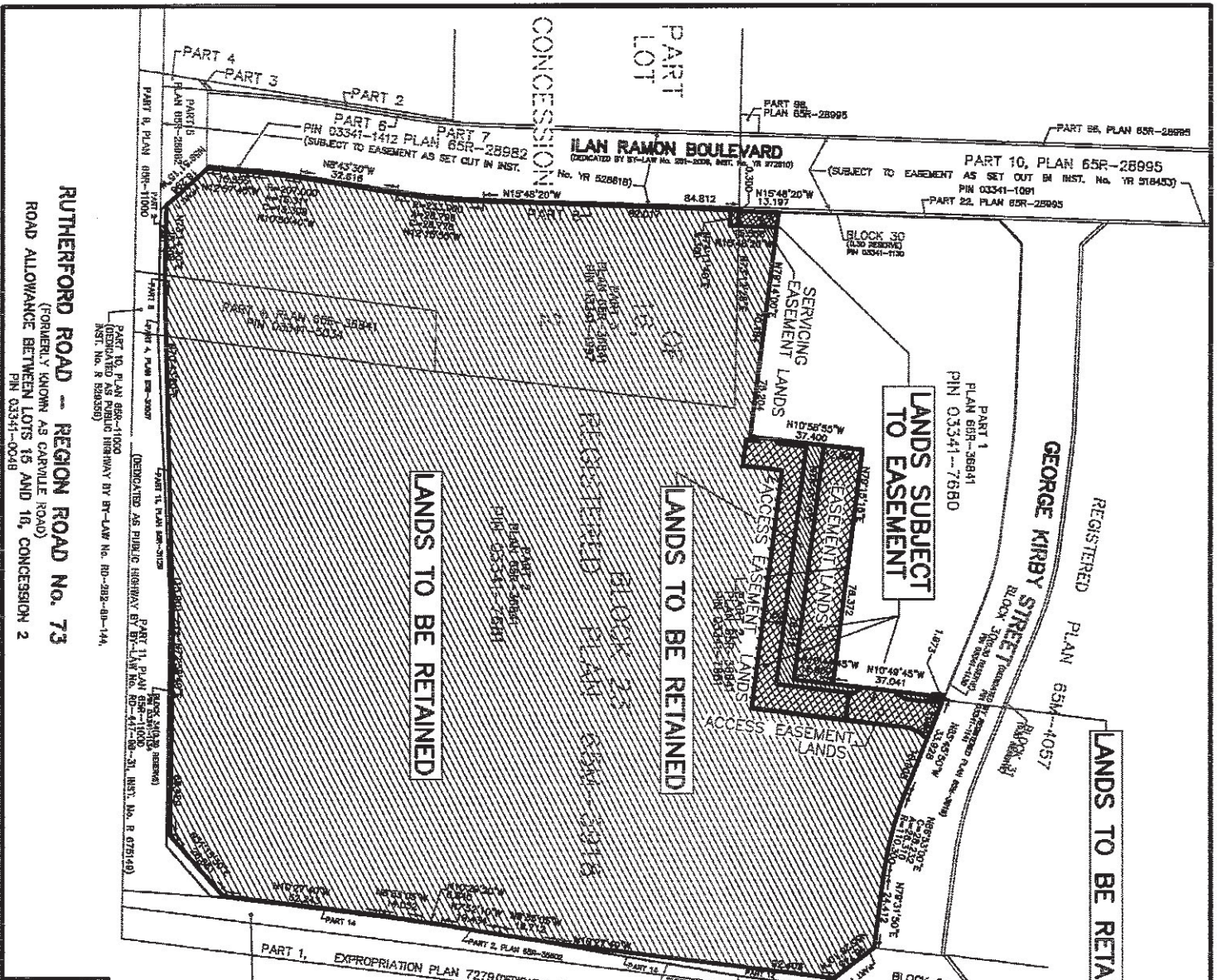


Scale: 1:3,877
0 0.06 km



Created By:
Infrastructure Delivery
Department
October 12, 2021 11:39 AM

Projection:
NAD 83
UTM Zone
17N



RUTHERFORD ROAD - REGION ROAD No. 73
 (FORMERLY KNOWN AS CARVILLE ROAD)
 ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 2
 PIN 03341-0048



BATHURST STREET - REGION ROAD No. 38
 ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2
 PART 2, PLAN 65R-11001 (DEDICATED AS PUBLIC HIGHWAY BY BY-LAW No. 80-60-88-3L, INST. No. R 878140)
 PIN 03152-0001




SCHAEFFER DZALDOV BENNETT LTD.
 64 JARDIN DRIVE
 ONTARIO LAND SURVEYORS
 CONCORD, ONTARIO L4K 3P3 TEL.(416)987-0101
 DRAWN ROAD/LAW CHECKED SCALE 1:2000 JOB NO. 09-144-028
 APRIL 2, 2019

CAUTION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

-  **LANDS TO BE RETAINED = 51986.4 m²**
-  **LANDS SUBJECT TO EASEMENT = 2351.6 m²**

SKETCH OF EASEMENT OF PART OF BLOCK 23 REGISTERED PLAN 65M-3916 AND PART OF LOT 16 CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF VAUGHAN)
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:2000



© COPYRIGHT SCHAEFFER DZALDOV BENNETT LTD.

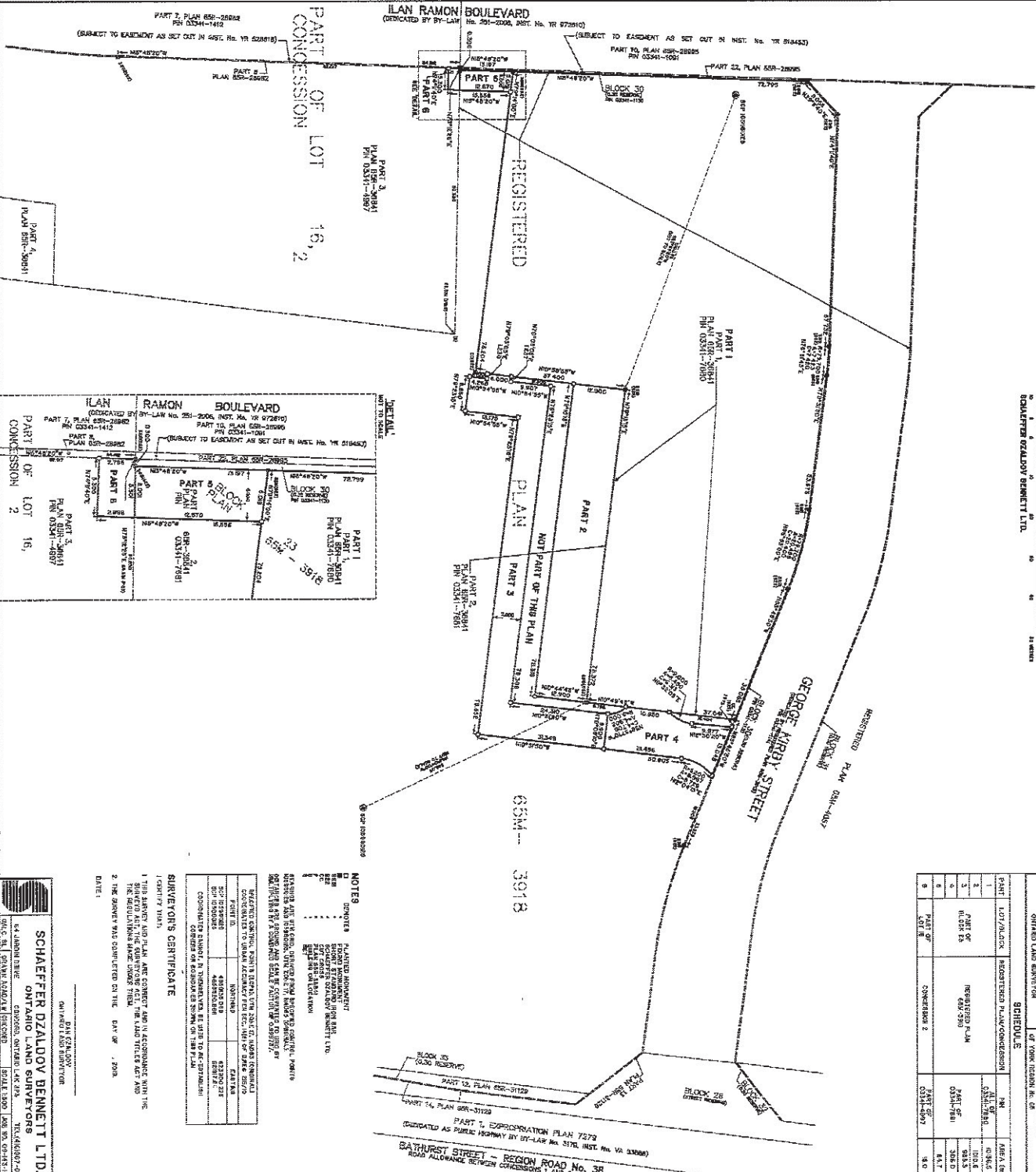
METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLAN OF SURVEY OF
PART OF BLOCK 23
REGISTERED PLAN 65M-3918 AND
PART OF LOT 16, CONCESSION 2
 OF THE CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:600

REGISTERED PLAN 65M-3918



REGISTER THE PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 65R-	
DATE: 2019	RECEIVED AND DEPOSITED	DATE: _____	
JAN DZALUDY ONTARIO LAND SURVEYOR		FROM THE LAND TITLES DIVISION OF YORK REGION, R.O.	
SCHEDULE			
PART	LOT/BLOCK	REGISTERED PLAN/CONCESSION	AREA (sq. ft.)
1	PART OF	REGISTERED PLAN 65M-3918	638.5
2	PART OF	REGISTERED PLAN 65M-3918	704.4
3	PART OF	CONCESSION 2	583.5
4	PART OF	CONCESSION 2	326.0
5	PART OF	CONCESSION 2	84.7
6	PART OF	CONCESSION 2	84.0



NOTES

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGISTERED ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS THERE UNDER THERE.
2. THE SURVEY WAS COMPLETED ON THE DAY OF 2019.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGISTERED ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS THERE UNDER THERE.
2. THE SURVEY WAS COMPLETED ON THE DAY OF 2019.

DATE: _____

SCHAFFER DZALUDY BENNETT LTD.
 ONTARIO LAND SURVEYORS
 14 JAMON DRIVE
 GEORGINA, ONTARIO L4R 0Y4
 TEL: (705) 765-3333
 FAX: (705) 765-3333
 REG. NO. 10000
 REG. NO. 10000

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLAN OF SURVEY OF PART OF BLOCK 23 REGISTERED PLAN 65M-3918 AND PART OF LOT 16, CONCESSION 2 (GEOGRAPHIC TOWNSHIP OF VAUGHAN) CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK SCALE 1 : 500 SCHAEFFER DZALDOV BENNETT LTD.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 65R-38647

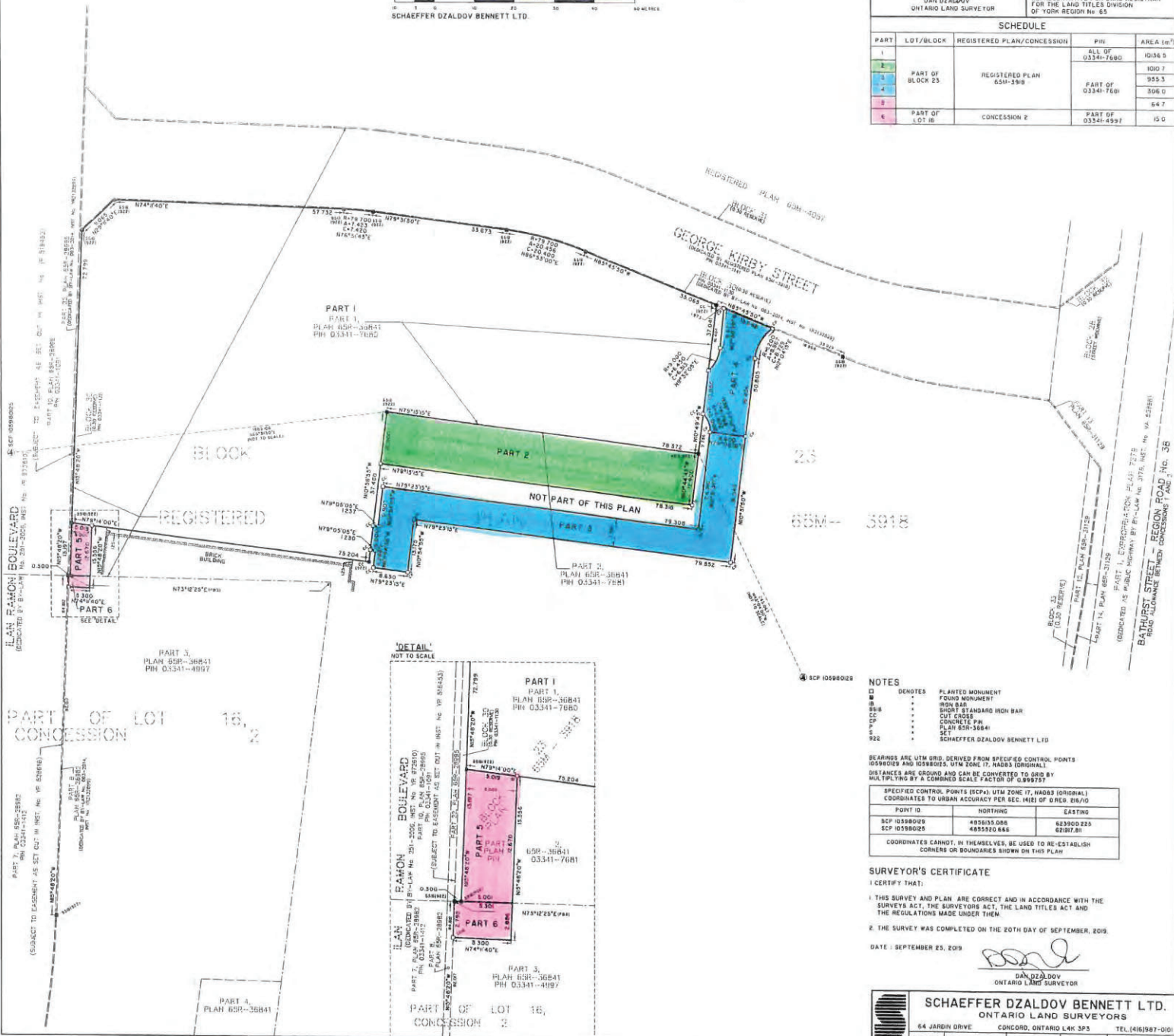
DATE SEPTEMBER 25, 2019

RECEIVED AND DEPOSITED DATE SEPT 27, 2019

DAN DZALDOV ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION No. 65

SCHEDULE				
PART	LOT/BLOCK	REGISTERED PLAN/CONCESSION	PIV	AREA (m ²)
1			ALL OF 03341-7680	1036.5
2	PART OF BLOCK 23	REGISTERED PLAN 65M-3918		1000.7
3			PART OF 03341-7681	955.3
4				306.0
5				64.7
6	PART OF LOT 16	CONCESSION 2	PART OF 03341-4997	15.0



NOTES

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- DENOTES IRON BAR
- DENOTES SHORT STANDARD IRON BAR
- ▲ DENOTES CUT CROSS
- DENOTES CONCRETE PIV
- DENOTES PLAN 65R-38647
- DENOTES SET
- DENOTES SCHAEFFER DZALDOV BENNETT LTD.

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 10SBR06 AND 10SBR05, UTM ZONE 17, MAGN. (ORIGINAL). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A CORRECTED SCALE FACTOR OF 0.999797.

POINT ID	NORTHING	EASTING
SCP 10SBR02	495635.086	663900.220
SCP 10SBR05	4855920.666	621977.811

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20TH DAY OF SEPTEMBER, 2019.

DATE: SEPTEMBER 25, 2019

DAN DZALDOV
ONTARIO LAND SURVEYOR

SCHAEFFER DZALDOV BENNETT LTD.
ONTARIO LAND SURVEYORS
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL: (416) 967-1011
CALC. BY: DRAWN ACAD/LW CHECKED WMF SCALE 1:500 JOB NO. 09-143-HOC

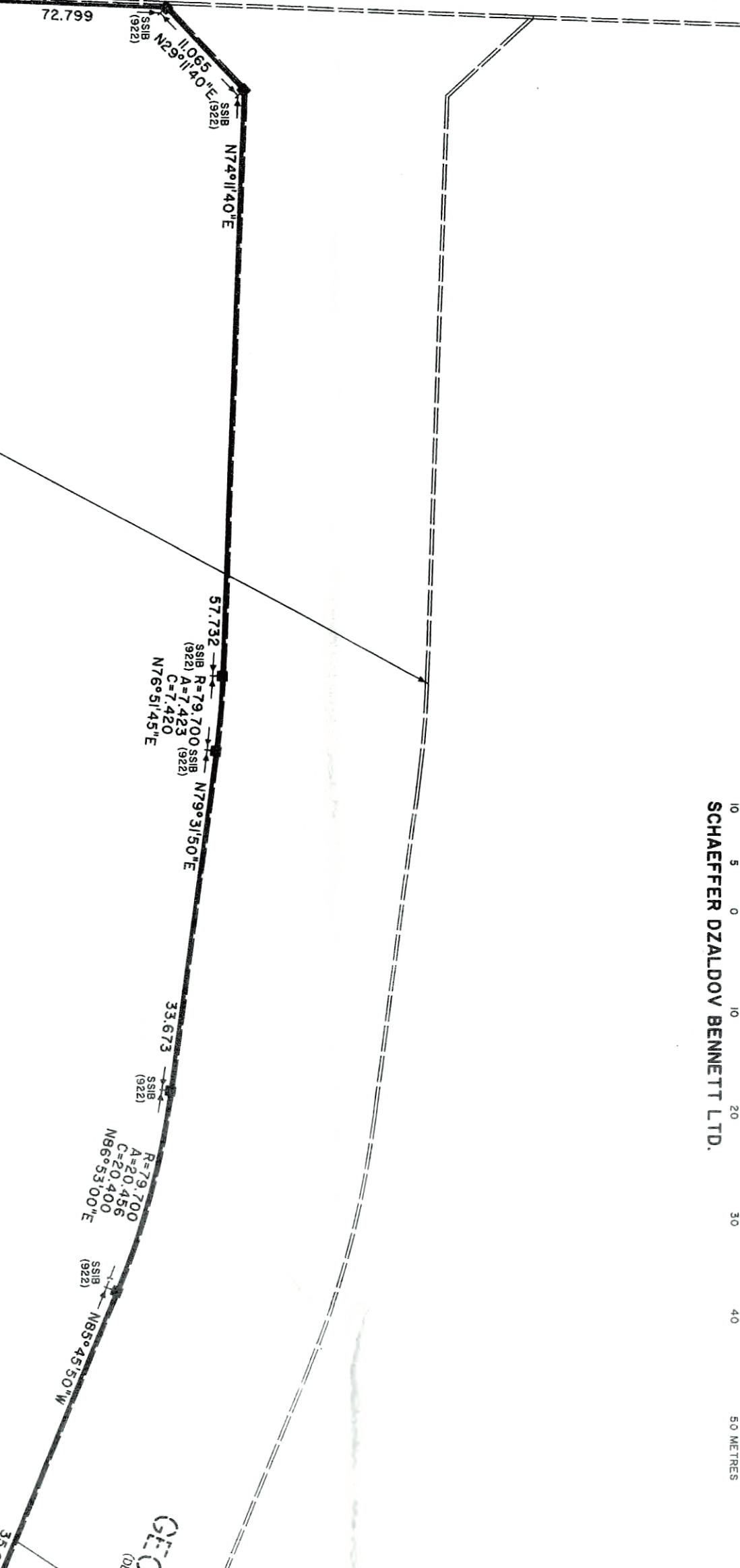
- PEDESTRIAN ACCESS/EGRESS EASEMENT
- VEHICULAR ACCESS/EGRESS EASEMENT
- SERVICING EASEMENT

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

B020/21

T. No. YR 518453)

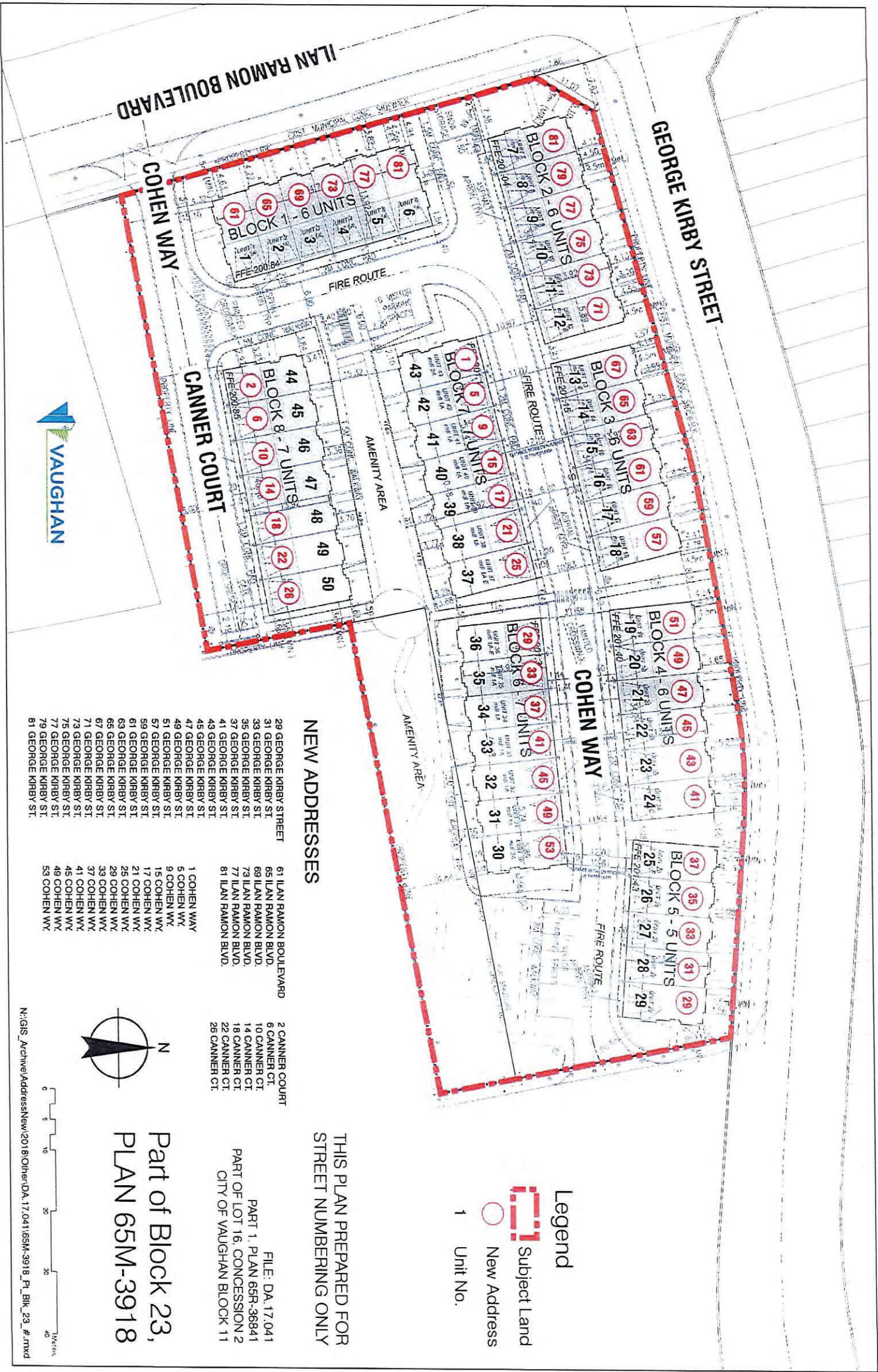
PLAN 65R-28995
BY BY-LAW No. 063-2014, INST. No. YR2132899)



PLAN OF SURVEY OF
PART OF BLOCK 23
REGISTERED PLAN 65M-3918 AND
PART OF LOT 16, CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF VAUGHAN)
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
SCALE 1 : 500

10 5 0 10 20 30 40 50 METRES
SCHAEFFER DZALDOV BENNETT LTD.

GEO (01)



GEORGE KIRBY STREET

ILAN RAMON BOULEVARD

COHEN WAY

CANNER COURT

COHEN WAY

NEW ADDRESSES

- 29 GEORGE KIRBY STREET
- 31 GEORGE KIRBY ST.
- 33 GEORGE KIRBY ST.
- 35 GEORGE KIRBY ST.
- 37 GEORGE KIRBY ST.
- 41 GEORGE KIRBY ST.
- 43 GEORGE KIRBY ST.
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- 75 GEORGE KIRBY ST.
- 77 GEORGE KIRBY ST.
- 79 GEORGE KIRBY ST.
- 81 GEORGE KIRBY ST.

- 1 COHEN WAY
- 5 COHEN WY.
- 9 COHEN WY.
- 15 COHEN WY.
- 17 COHEN WY.
- 21 COHEN WY.
- 25 COHEN WY.
- 29 COHEN WY.
- 33 COHEN WY.
- 37 COHEN WY.
- 41 COHEN WY.
- 45 COHEN WY.
- 49 COHEN WY.
- 53 COHEN WY.

- 2 CANNER COURT
- 6 CANNER CT.
- 10 CANNER CT.
- 14 CANNER CT.
- 18 CANNER CT.
- 22 CANNER CT.
- 26 CANNER CT.

FILE: DA.17.041
 PART 1, PLAN 65M-36841
 PART OF LOT 16, CONCESSION 2
 CITY OF VAUGHAN BLOCK 11

THIS PLAN PREPARED FOR
 STREET NUMBERING ONLY

Legend

- Subject Land
- New Address
- Unit No.

Part of Block 23,
PLAN 65M-3918



PLAN OF SURVEY OF
 PART OF BLOCK 23
 PLAN 65M-3018
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK

THIS PLAN IS THE PROPERTY OF THE CITY OF VAUGHAN AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CITY ENGINEER.

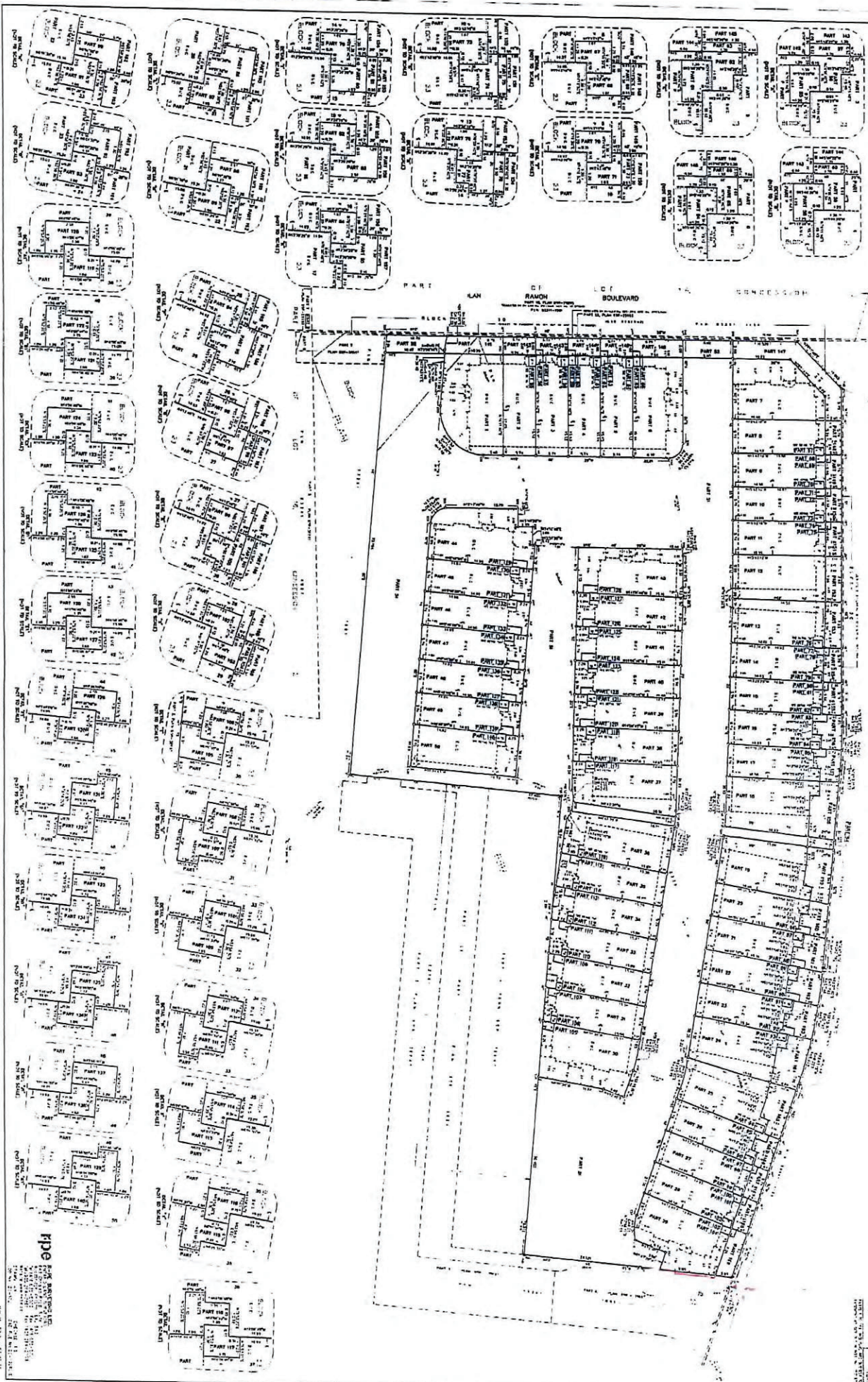
DATE OF SURVEY: 1981

NOTES:
 1. ALL DIMENSIONS ARE IN METERS.
 2. ALL CORNERS ARE TO BE MARKED WITH IRON PIPES.
 3. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR ALONG THE CENTERLINE OF THE LOT.
 4. ALL DISTANCES ARE TO BE MEASURED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
 5. ALL DISTANCES ARE TO BE MEASURED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
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 7. ALL DISTANCES ARE TO BE MEASURED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
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 9. ALL DISTANCES ARE TO BE MEASURED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
 10. ALL DISTANCES ARE TO BE MEASURED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.

STATIONERS CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the above is a true and correct copy of the original plan as filed in my office, and that the same has been compared with the original plan and found to be a true and correct copy thereof.

DATE: 1981

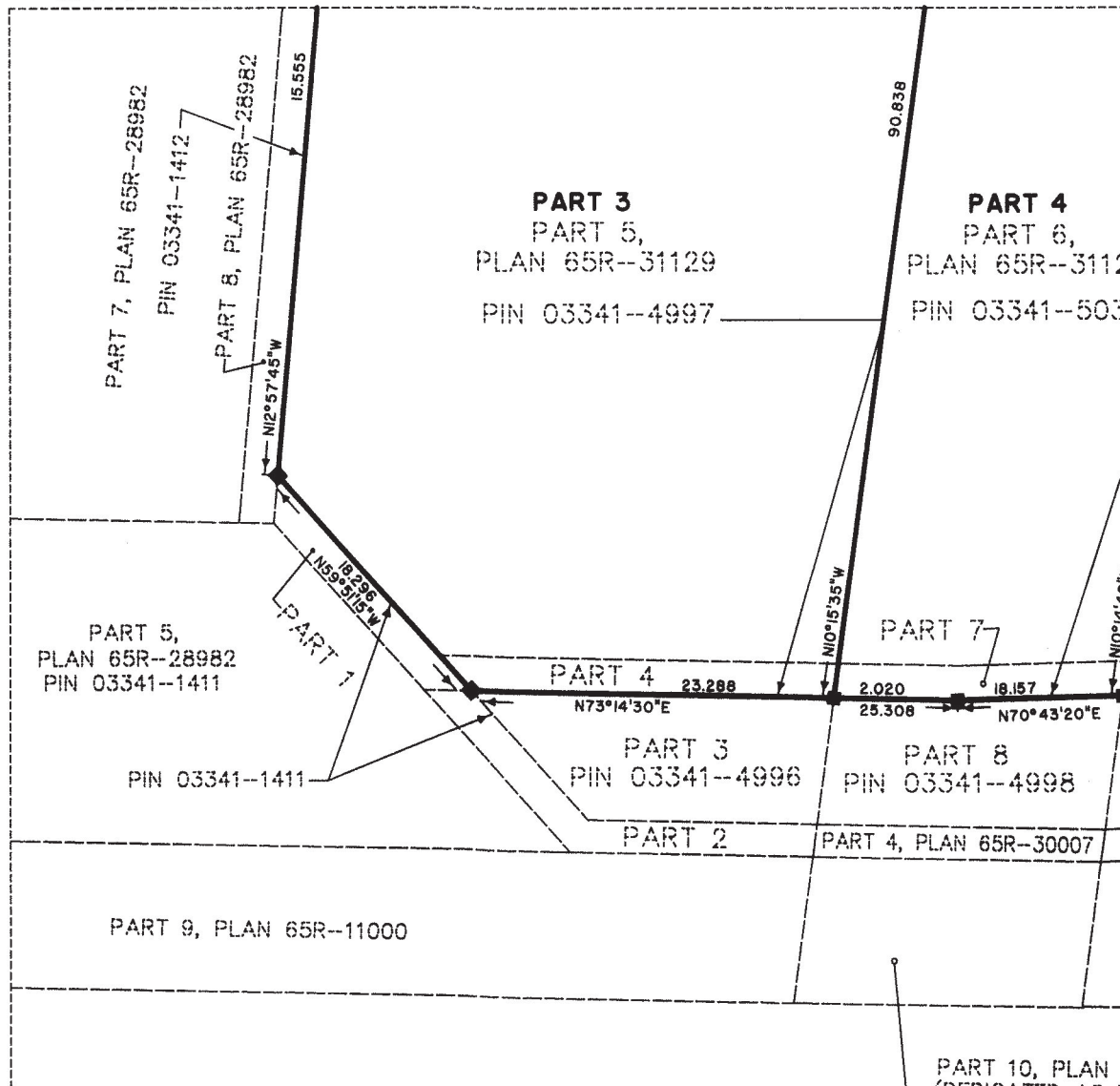
PLAN 65M-3018



PLAN 65M-3018

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

'DETAIL'
NOT TO SCALE



Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

Agent Correspondence –Cover Letter

September 15, 2021

City of Vaughan
Office of the City Clerk
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan ON L6A 1T1

Attn: Christine Vignealut, AMO ACST
Manager, Development Services & Secretary-Treasurer
Committee of Adjustment

Re: **FCHT Holdings (Ontario) Corporation - (Rutherford Market Place Plaza)**
9370 Bathurst St, City of Vaughan
Part of Block 23, Registered Plan 65M-3918
City File No. DA. 17.041
Related Files Z.17.017
Consent for the creation of easements

Dear Ms. Vignealut,

Please accept this application for consent at the above noted property. The application was submitted to grant easements to Part 1 on plan 65R-38647 (Firstgreen Corp.) for the following:

1. Part 2 on plan 65R-38647 for the purposes of pedestrian and vehicular access and servicing purposes
2. Parts 3 & 4 on 65R-38647 for pedestrian and vehicular access purposes
3. Parts 5 & 6 on 65R-38647 for servicing purposes

This application was previously submitted and approved by the committee. The conditions were not satisfied and the consent has lapsed.

We are resubmitting the application and supporting documents for consideration at the earliest committee date.

Please find enclosed the following:

- a fully executed copy of the completed application

Previously provided:

- A cheque in the amount of \$3,759 representing the required fee
- Full size copies of plans 65R-38647, 65R-36841 and 65R-39343

I trust this satisfies your requirements. Please let me know if you have any questions or require any additional information.

Thank you
Firstgreen Corp.



Per Lino Pellicano (Agent)

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

TRCA – comments with conditions



Discover the possibilities

COMMENTS:

- We have reviewed the proposed Consent Application and have no comments or objections to its approval.
- We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Consent Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Lenore Providence

Subject: FW: B020/21 - REQUEST FOR COMMENTS (Action Required)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: October-01-21 9:26 AM

To: Lenore Providence <Lenore.Providence@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: B020/21 - REQUEST FOR COMMENTS (Action Required)

Good morning Lenore,

The Regional Municipality of York has completed its review of the above consent for an easement and has no comment.

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York | 1-877
464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

Schedule D: Previous Approvals (Notice of Decision)

Consent Application B008/19



Committee of Adjustment
 2141 Major Mackenzie Drive, Vaughan, ON L6A
 1T1
 T 905 832 8585
 E CofA@vaughan.ca

NOTICE OF DECISION
Consent Application B008/19
 Section 53 of the Planning Act, R.S.O. 1990, c.P.13

- Date of Hearing:** Thursday, April 18, 2019
- Applicant:** FCHT Holdings (Ontario) Corporation
- Agent:** Greenpark Group
- Property:** 9300 - 9370 Bathurst St. Maple
- Zoning:** The subject lands are zoned RT1, Residential Townhouse Zone, and subject to the provisions of Exception 9 (1217) under By-law 1-88 as amended.
- OP Designation:** VOP 2010: "Mid-Rise Residential" with a maximum permitted height of 12-storey and a floor space index (FSI) of 3.5.
- Related Files:** None
- Purpose:** Consent is being requested for the following easements in favour of Part 1 on the draft Reference Plan submitted with the application (dominant land):
- Part 2 (on the draft Reference Plan submitted with the application) for access (vehicular/pedestrian) and servicing purposes.
- Part 3 & 4 (on the draft Reference Plan submitted with the application) for access (vehicular/pedestrian) purposes.
- Part 5 (on the draft Reference Plan submitted with the application) for servicing purposes
- **The subject lands currently support an existing commercial development (plaza).**
- **Residential development has been proposed for the dominant lands (related files: Zoning By-law Amendment Z17.017 and Site Plan Application DA17.041).**
- Sketch:** A sketch illustrating the request has been attached to the decision.

Having regard to the written and oral submissions related to this application as required by Section 53(18), the requirements of Section 51(24) as required by Section 53(12) and matters of Provincial interest (Provincial Policy Statement) as required by Section 3(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, it is the decision of the Committee that provisional consent of the application:

THAT Application No. B008/19 on behalf of FCHT Holdings (Ontario) Corporation be **APPROVED**, in accordance with the sketches attached and subject to the following conditions:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That the applicant's solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies only to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the

		entire land which conforms substantially with the application as submitted. 3. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.
2	Development Engineering Brad Steeves 905-832-8585 x 8977 brad.steeves@vaughan.ca	1. The Owner shall arrange to prepare and register a reference plan at their expense for the consent of the subject lands showing all existing and proposed easements to the satisfaction of DE. The Owner/applicant shall submit a draft reference plan to the Development Engineering Department for review prior to deposit. DE shall be in receipt of the deposited reference plan prior to clearance of said condition. 2. That development application DA.17.041 be reviewed and approved by DE. 3. Proof of a mutual access and servicing agreements including any easement documents and drawings shall be provided to the satisfaction of DE.
3	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

WARNING:

Conditions must be fulfilled within one year from the date of the giving of the Notice of Decision, failing which this application shall be deemed to be refused. *Section 53(41), The Planning Act R.S.O., 1990*


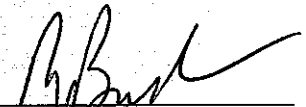

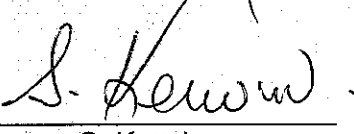

For the following reasons:

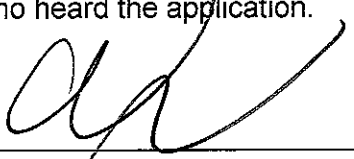
1. The proposal conforms to Section 51(24) as required by Section 53(12) of the Planning Act.
2. The proposal conforms to the City of Vaughan Official Plan.
3. The proposal conforms to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

Written & oral submissions were received from the following:

Public Written Submissions	Public Oral Submissions
* Public Correspondence received and considered by the Committee in making this decision	*Please refer to the approved Minutes of Thursday , April 18, 2019 meeting for submission details.
Name: Lynne & Andrew Howard Address: 29 Littleriver Court, Maple Nature of Correspondence: Letter of Objection	Name: Address:

SIGNED BY ALL MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

		
H. Zheng Member	R. Buckler Chair	A. Perrella Vice Chair
		
S. Kerwin Member		A. Antinucci Member

DATE OF HEARING:	Thursday, April 18, 2019
DATE OF NOTICE:	April 26, 2019
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	May 16, 2019 4:30 p.m.
LAST DAY FOR FULFILLING CONDITIONS:	April 26, 2020 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan Hill Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  <hr/> Christine Vigneault, ACST Manager Development Services & Secretary-Treasurer Committee of Adjustment	

Appealing to The Local Planning Appeal Tribunal
 The *Planning Act*, R.S.O. 1990, as amended, Section 53

The applicant, the Minister or any other person or public body who has an interest in the matter may within **20 days after** the giving of notice appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (A1 Appeal Form) setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal under the *Local Planning Appeal Tribunal Act*.

Note: A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days after the giving of notice the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Appeal Fees & Forms

Local Planning Appeal Tribunal: The LPAT appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The LPAT Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (A1 Appeal Form – Minor Variance) can be obtained at www.elfto.gov.on.ca or by visiting our office.

City of Vaughan LPAT Processing Fee: \$817.00 per application

*Please note that all fees are subject to change.

Important Information

Conditions of Approval: It is the applicant's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision and the last day for fulfilling conditions (by 4:30 p.m.). Contact information has been provided for each respective department and agency to assist you with completing these conditions. Please note that some conditions may require two to three months to process.

No extension to the last day for fulfilling conditions is permissible and no further notice will be provided regarding the lapsing of your consent application.

Notice of Changes to the Provisional Consent: The Committee of Adjustment may change the conditions of a provisional consent at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Lapsing of the Consent: If the conditions of approval are not satisfied within the prescribed time period (as provided in Section 53(41) of the Planning Act), the consent is deemed refused for failure to fulfill the conditions and has lapsed.

Final Approval: Final approval of the application will be issued in the form of a Certificate (pursuant to Section 53(42) of the Planning Act) once all conditions of the provisional consent have been satisfied.

Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

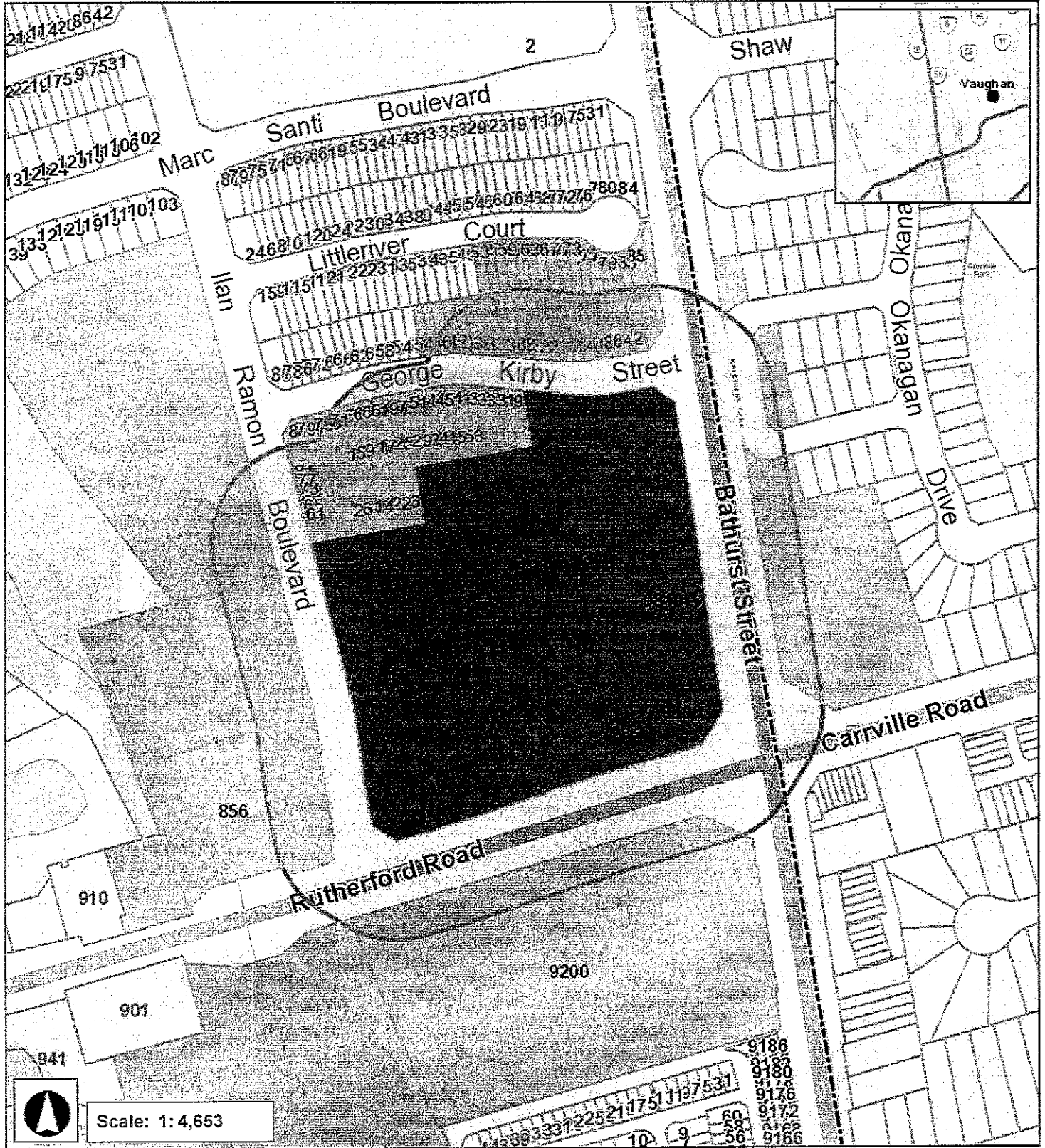
For further information please contact the City of Vaughan, Committee of Adjustment

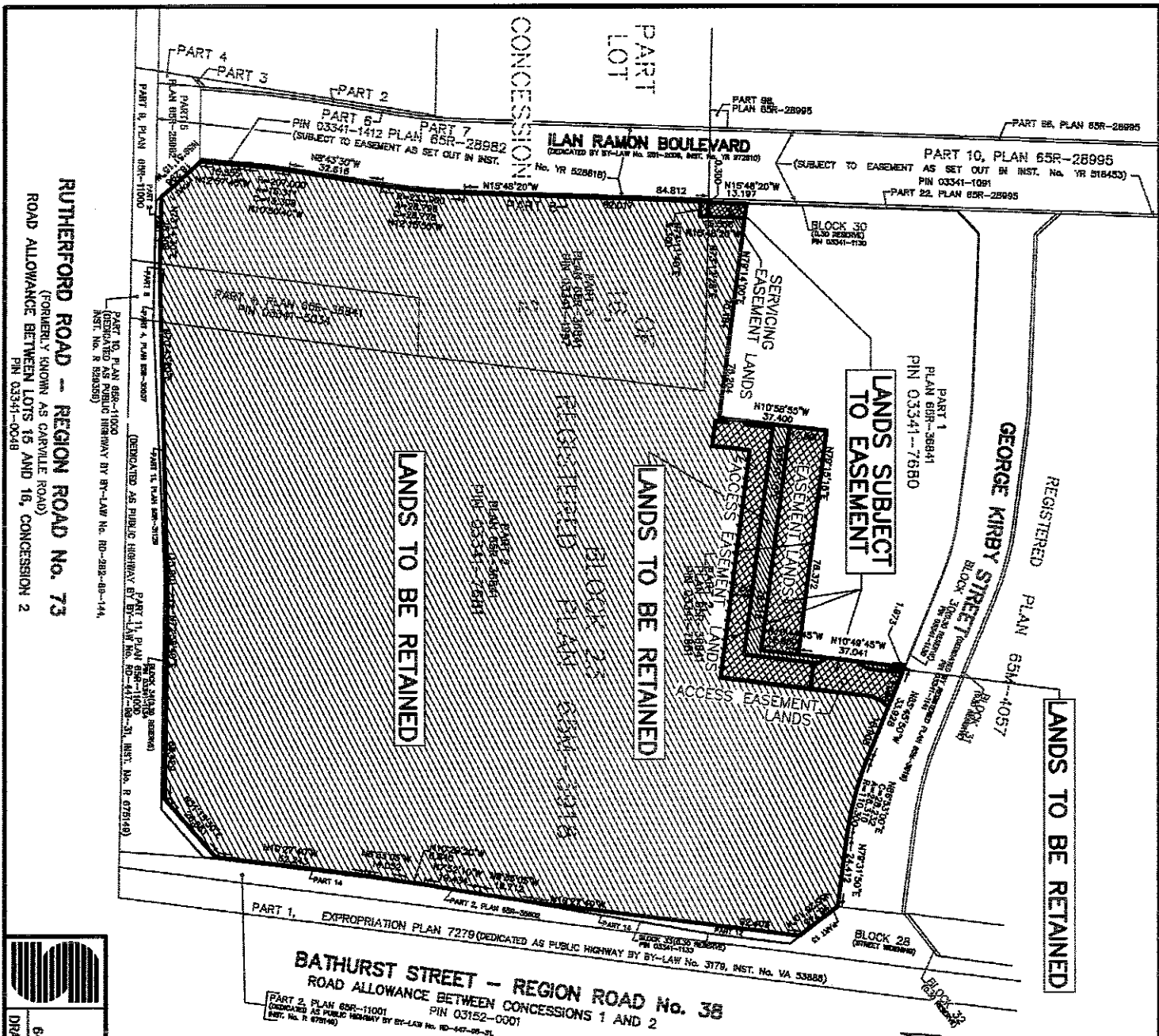
T 905 832 8585 x 8002
E CofA@vaughan.ca



VAUGHAN LOCATION MAP - B008/19


9300-9370 BATHURST STREET, MAPLE






BATHURST STREET - REGION ROAD No. 38
 ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2

RUTHERFORD ROAD - REGION ROAD No. 73
 (FORMERLY KNOWN AS CARVILLE ROAD)
 ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 2





SCHAEFFER DZALDOV BENNETT LTD.
 64 JARDIN DRIVE
 ONTARIO LAND SURVEYORS
 CONCORD, ONTARIO L4K 3P3 TEL: (416) 987-0101
 DRYAN ACAD/LW CHECKED SCALE 1:2000 JOB NO. 09-144-028

SKETCH OF EASEMENT OF
 PART OF BLOCK 23
 REGISTERED PLAN 65M-3916 AND
 PART OF LOT 16
 CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF VAUGHAN)
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:2000



© COPYRIGHT SCHAEFFER DZALDOV BENNETT LTD.

-  LANDS TO BE RETAINED = 51986.4 m²
-  LANDS SUBJECT TO EASEMENT = 2351.6 m²

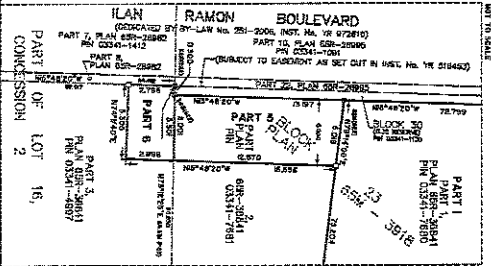
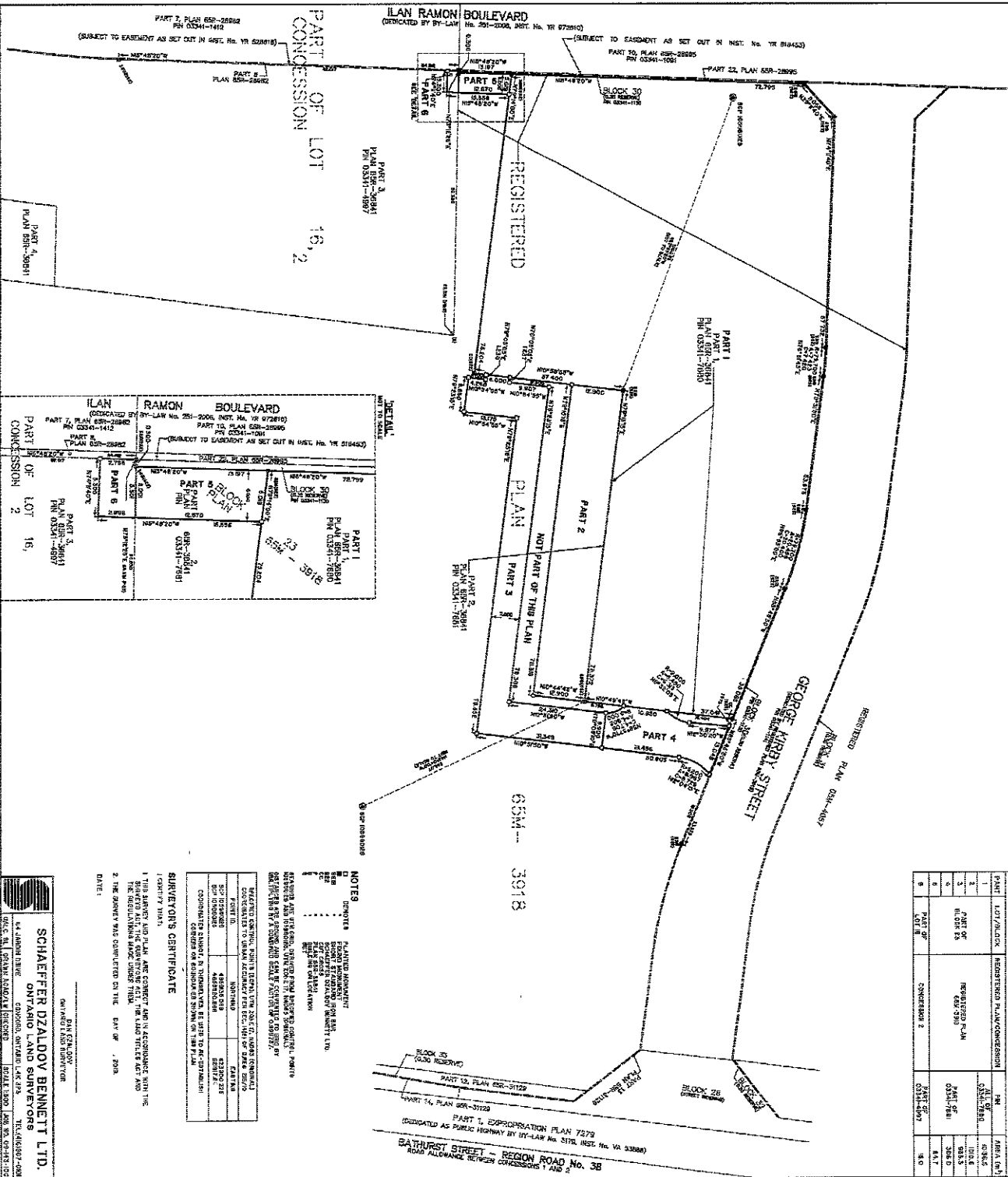
CAUTION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

METRIC DISTANCES AND COORDINATES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN OF SURVEY OF
PART OF BLOCK 23
REGISTERED PLAN 65M-3918 AND
PART OF LOT 16, CONCESSION 2
 OF THE TOWNSHIP OF VAUGHAN
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:500

SCHAFFER DZALDOV BENNETT LTD.



REGISTERED PLAN		CONCESSION 2	
PART	LOT/BLK.	REGISTERED PLAN/CONCESSION	AREA (M ²)
1	PART OF BLOCK 23	REGISTERED PLAN 65M-3918	1,234.56
2	PART OF LOT 16	CONCESSION 2	567.89
3	PART OF LOT 16	CONCESSION 2	123.45
4	PART OF LOT 16	CONCESSION 2	67.89
5	PART OF LOT 16	CONCESSION 2	34.56
6	PART OF LOT 16	CONCESSION 2	12.34

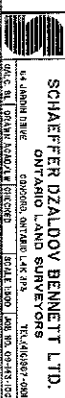
NOTES

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE QUANTITIES ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE DAY OF 2008.

SURVEYOR'S CERTIFICATE

I, **SCHAFFER DZALDOV BENNETT LTD.**, being the Surveyor, do hereby certify that the above is a true and correct copy of the original plan and map as shown to me by the client, and that the same is in accordance with the provisions of the Survey Act, the Quantities Act, the Land Titles Act and the Regulations made under them.

DATE: 2008



SCHAFFER DZALDOV BENNETT LTD.
 14 LANCASTER
 GERRARD, ONTARIO, CANADA
 SCALE 1:500
 DATE: 2008