



File: B028/19

Applicant: Shell Canada Limited

Address: 8740 & 8484 Dufferin St Vaughan

Agent: WSP Group Canada Limited

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: N/A

Background History: B035/10 (see next page for details)

Staff Report Prepared By: Pravina Attwala
Hearing Date:Thursday , August 22, 2019



Consent Application

Agenda Item: 10

B028/19

Ward: 4

Prepared By: Pravina Attwala Assistant Secretary Treasurer

Date of Hearing: Thursday, August 22, 2019

Applicant: Shell Canada Limited

Agent: WSP Group Canada Limited

Property: 8470 & 8484 Dufferin St Vaughan

Zoning: The subject lands are zoned C7 Service Commercial and subject to the provisions of Exception No. 9(283) under By-law 1-88 as amended.

OP Designation: VOP 2011: “Prestige Employment”

Related Files: Minor Variance A101/19; DA.15.077; DA.18.098

Purpose: Consent is being requested for an easement over 8470/8484 Dufferin Street, described as Parts D (on the Plan submitted with the application) to accommodate a sanitary service easement in favor of the lands to the west municipally known as 1531 Langstaff Road (dominant land) to facilitate Site Plan Application DA.18.098.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
B035/10	ADDITION to an existing lot taken into the title of the lands to the WEST, being 1531 Langstaff Road.	Approved November 10, 2011
	Zoning By-law Amendment Z.10.017 -	Approved September 7, 2010
	Site Plan DA.15.077 -	Approved by Council March 19, 2019

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 **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on August 07, 2019

Applicant confirmed posting of signage on August 2, 2019

Existing Building or Structures on the subject land: Vacant

Recommended conditions of approval:

1. That the applicant’s solicitor confirm the legal description of the subject lands in writing. 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. That Minor Variance Application(s) A101/19 is approved at the same time as the Consent application and becomes final and binding.
4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

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

Development Planning:

Official Plan: VOP 2011: "Prestige Employment"

The Owner has submitted Minor Variance Application A101/19 which is related to Council Approved Site Development Application DA.15.077 to permit the development Shell Canada Gas bar, including an accessory convenience store and an eating establishment (Starbucks) with vehicular access from the neighboring property to the west (1531 Langstaff Road B027/19). DA.15.077 was approved by Council March 19, 2019.

The Development Planning Department has no objection to the requested variances #1 to #5 associated with DA.15.077. The proposed building setbacks and landscaping are appropriate for a gas station use, optimizing on-site functioning and providing a built form consistent to other approved gas stations. Furthermore, a gateway feature and decorative fencing will be implemented at the intersection of Langstaff Road and Dufferin Street.

The Owner has submitted a Traffic Impact Study dated July 2017, revised by addendum letter dated September 21, 2018, prepared by MMM Group Limited., which concludes that 21 parking spaces are adequate to accommodate the development. The Transportation Division of the Development Engineering Department have reviewed and concur with the final findings of the study.

The Development Planning Department has no objection to the proposed sanitary service easement variances as they facilitate the development Council approved through DA.15.077. The Development Planning Department is of the opinion that the sanitary service easement maintains the intent of VOP 2010, and the consent criteria listed in Section 51(24) of the Planning Act. R.S.O. 1990, c. P.13. The Development Planning is also of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

The Owner of 8470 and 8484 Dufferin Street is requesting permission to facilitate a sanitary service easement in favor of 1531 Langstaff Road.

The Development Planning Department recommends approval of the application, subject to the condition below:

1. The Minor Variance Application A101/19 be approved and the decision be Final and Binding.
2. The Consent Application B027/19 and Minor Variance Application A100/19 be approved and the decision be Final and Binding.

Development Engineering:

The Development Engineering (DE) Department does not object to consent application B028/19 subject to the following condition(s):

1. The Owner shall arrange to prepare and register a reference plan at their expense for the conveyance of the subject lands and 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.
2. The Owner shall provide proof of a mutual servicing & access agreement between the two land owners (1531 Langstaff & 8484 Dufferin) either in the form of a signed letter from the Owner's solicitor or a DRAFT Reciprocal Easement and Operating Agreement (REOA) to be provided to the satisfaction of DE.
3. The Owner shall obtain approval for the related Site Development Application (DA.15.077) from the Development Engineering (DE) Department.

Parks Development:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

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.

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.

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

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

Recommended conditions of approval:

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).

Fire Department:

Fire hydrants private or public (2) fire route (3) provisions for firefighting shall comply with OBC 3.2.5

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Cover Letter (Agent)
Legal Opinion 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 B035/10

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 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	1. That the applicant's solicitor confirm the legal description of the subject lands in writing. 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. That Minor Variance Application(s) A101/19 is approved at the same time as the Consent application and becomes final and binding. 4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.
2	Development Planning Roberto Simbana 905-832-8585 x 8810 Roberto.simbana@vaughan.ca	1. The Minor Variance Application A101/19 be approved and the decision be Final and Binding. 2. The Consent Application B027/19 and Minor Variance Application A100/19 be approved and the decision be Final and Binding.

	Department/Agency	Condition
3	Development Engineering Brad Steeves 905-832-8585 x 8977 brad.steeves@vaughan.ca	<ol style="list-style-type: none">1. The Owner shall arrange to prepare and register a reference plan at their expense for the conveyance of the subject lands and 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.2. The Owner shall provide proof of a mutual servicing & access agreement between the two land owners (1531 Langstaff & 8484 Dufferin) either in the form of a signed letter from the Owner's solicitor or a DRAFT Reciprocal Easement and Operating Agreement (REOA) to be provided to the satisfaction of DE.3. The Owner shall obtain approval for the related Site Development Application (DA.15.077) from the Development Engineering (DE) Department.
4	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 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

WRITTEN SUBMISSIONS: 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. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio 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 Local Planning Appeal Tribunal (LPAT) 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 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

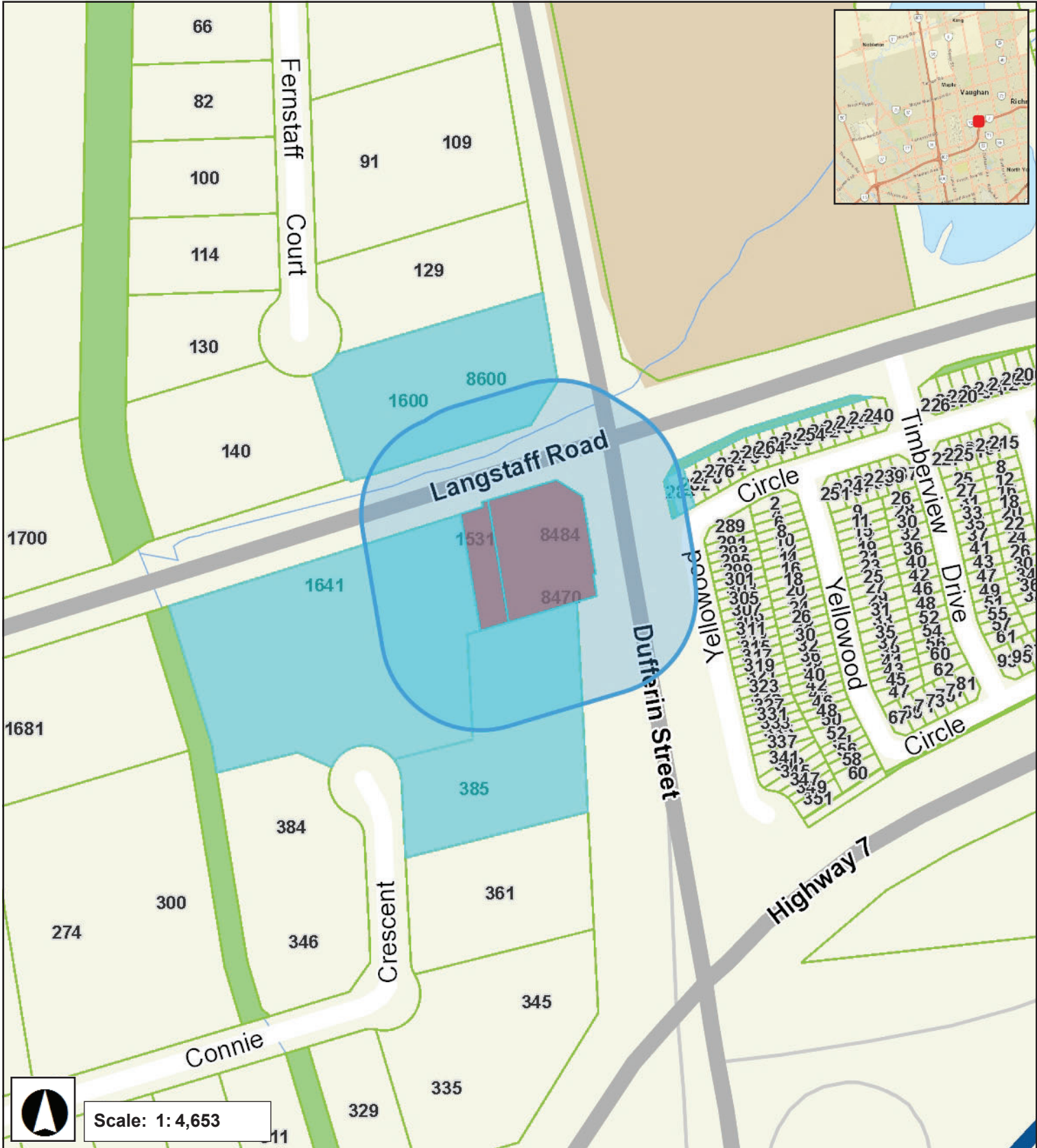
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches

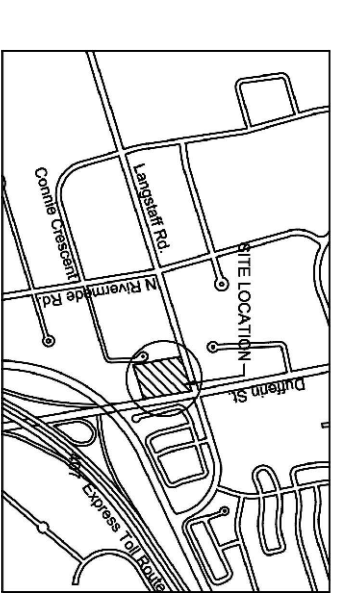


B027/19, B028/19, A100/19 & A101/19

1531 LANGSTAFF ROAD
8470 & 8484 DUFFERIN STREET, VAUGHAN



NO.	DATE	DESCRIPTION
B	2019/04/15	RE-ISSUED FOR SPA
A	2019/01/31	ISSUED FOR SPA
J/R	DATE	DESCRIPTION
DRAWN BY		



60526484

C-014 SHARED EASEMENT PLAN

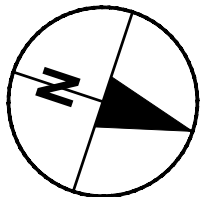
C-014 SHARED EASEMENT PLAN

B028/19

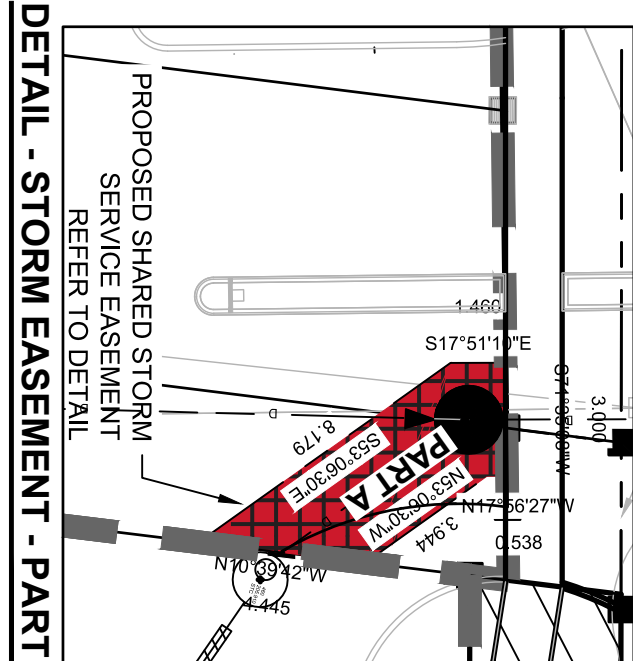
LANGSTAFF ROAD

(ROAD ALLOWANCE BETWEEN LOTS 10 AND 11, CONCESSION 3)
(TRANSFERRED TO THE REGIONAL MUNICIPALITY OF YORK BY ORDER-IN-COUNCIL 00-2098/92 INST. No. R002607)
(PART 1, M.T.O. PLAN P-1716-300)
PIN 033272-0002 (17)

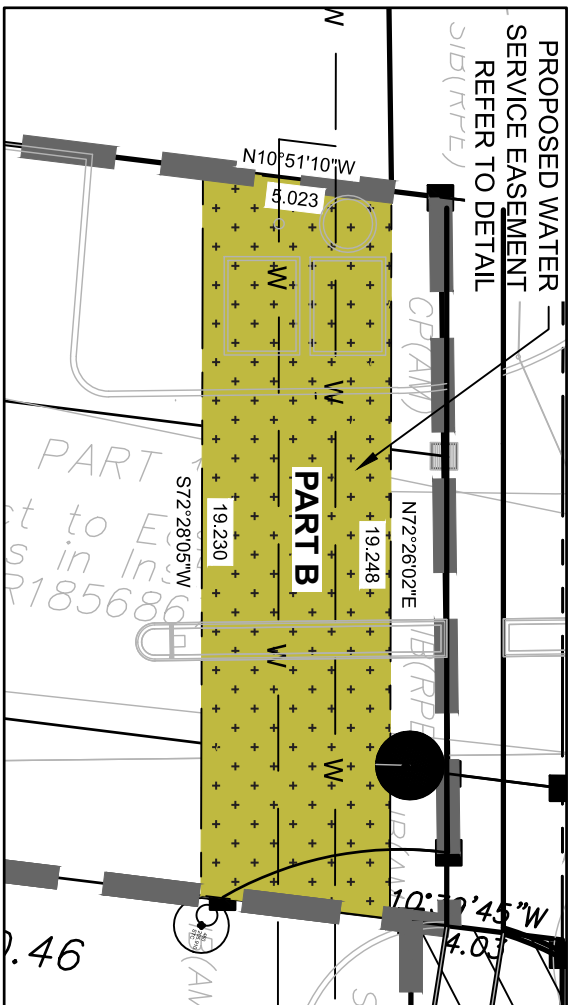
- NOTE
1. EASEMENTS SHOWN ARE PRELIMINARY
 2. PROPOSED EASEMENTS ARE TO BE COORDINATED WITH THE O.L.S. SURVEYOR FOR COMPLETION OF REFERENCE PLANS



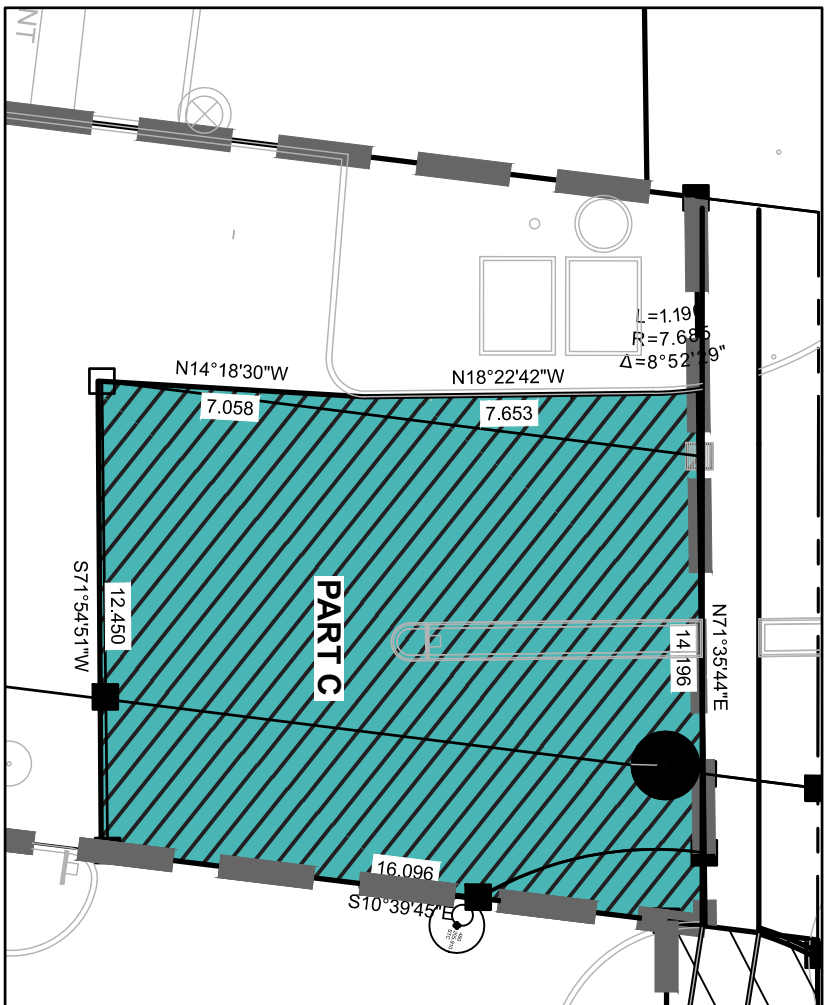
PART 1
EXPROPRIATION PLAN 7451
(DEDICATED AS PUBLIC HIGHWAY
BY BY-LAW 207-89, INST. No. R514911)



Scale 1:200



Scale 1:200



Scale 1:200

LEGEND:

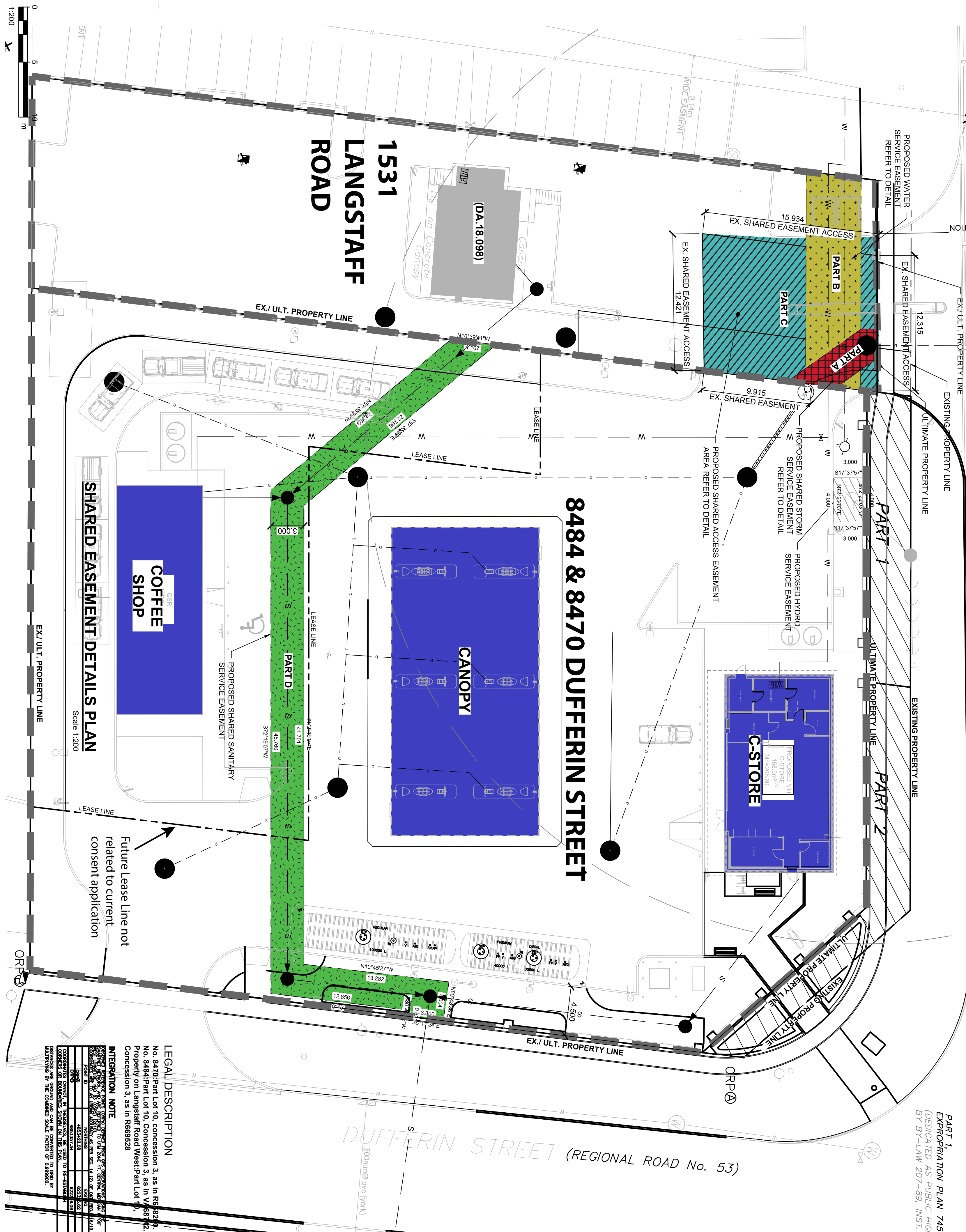
ULTIMATE PROPERTY LINE	PROPOSED WATER SERVICE EASEMENT - PART B - FOR SHELL THRU DEACOUR
EXISTING PROPERTY LINE	PROPOSED STORM SERVICE EASEMENT - PART A - FOR SHELL THRU DEACOUR
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PROPOSED WATER	PROPOSED SHARED ACCESS EASEMENT - PART C
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PROPOSED STORM MANHOLE	
PROPOSED STORMCEPTOR	
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PROPOSED STRUCTURES	
PROPOSED SHARED ACCESS EASEMENT - PART C	
EXISTING STRUCTURES	

LEGAL DESCRIPTION

No. 8470: Part Lot 10, concession 3, as in R683270, No. 8484: Part Lot 10, Concession 3, as in V/683272, Property on Langstaff Road West Part Lot 10, Concession 3, as in R689528

INTERSECTION NOTE

THE INTERSECTION OF THE PROPOSED SHARED EASEMENT WITH THE EXISTING SHARED EASEMENT IS TO BE COORDINATED WITH THE O.L.S. SURVEYOR FOR COMPLETION OF REFERENCE PLANS



SCALE 1 : 250

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
ONTARIO LAND SURVEYORS

C THE EXTENSIONAL ALTERNATIVE USE OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF SEYMAT, VAN HOUTSTED & GORDON LIMITED IS STRICTLY PROHIBITED.

ELEVATION NOTE

ELEVATIONS ARE BASED ON THE CANADIAN GEODETIC DATUM AND WERE DERIVED FROM CITY OF VAUGHAN BENCH MARK 17-4, HAVING A PUBLISHED ELEVATION OF 206.210 metres.

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY
UNIT OF OVERTURN STREET AS SHOWN ON PLAN BSR-310069.

LEGEND

1	WIT	SURETY MONUMENT FUND
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SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, AND THE SURVEYORS ACT, AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON MAY 3, 2013.

DATE : MAY 0, 2013

D. A. WILTON
CENTRAL LAND SURVEYOR

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED

 ONTARIO LAND SURVEYORS
750 OAKDALE ROAD, L1H 6S6 & 6M

TEL 416 749-SANG(7864) FAX 416 749-7886

E-MAIL: torento@cing.ca

DRAWN BY :	F. P. B.	FILE NAME :	A1300100.DWG
DATE :	12-11-2011	PLT CODE :	11111111

CHECKED : D. A. W.	PILOT SCALE : MET. 14026
JOB No. : 130-0100	PILOTED : May 6, 2013

REF. No. 1	85-Cen. 5 Vaughan	UPDATED 2
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[illegible]

METRIC:

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

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. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

Cover Letter (Agent)
Legal Opinion Letter



B028/19
A101/19

July 9, 2019

Attention: Development Planning Department
City of Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Subject: Application for Consent
8484 & 8470 Dufferin Street, Vaughan, ON
Related City SPA File: DA.15.077
Related Regional File: SP-V-007-16
Shell Canada Limited

On behalf of Shell Canada Limited, WSP Canada Group Limited (WSP) is pleased to submit the enclosed Consent Application for 8484 & 8470 Dufferin Street (Subject Property), located at the southwest corner of the Langstaff Road and Dufferin Street intersection, in the City of Vaughan.

This application is being filed concurrently with an application for Minor Variance.

Request

We are seeking consent to create a sanitary service easement across the Subject Property in favour of the adjacent neighbour at 1531 Langstaff Road for the purpose of servicing both the Subject Property and the adjacent property at 1531 Langstaff Road. The sanitary service line will enter the Subject Property from Dufferin Street and will travel across the property, entering the 1531 Langstaff Road property to service the existing commercial office building, as per Part D on the attached Easement Plan (C-014).

DESCRIPTION OF LANDS

The 8484 & 8470 Dufferin Street property is located on the southwest corner of Langstaff Road and Dufferin Street intersection, within the City of Vaughan. The property is vacant at present with a net lot area of 4,595.8 m² and an approximate frontage of 65 metres along the south side of Langstaff Road, and 77 metres on the west side of Dufferin Street Road.

The area surrounding the property, specifically on the north and south side of Langstaff Road, are primarily comprised of a mix of industrial and commercial buildings and uses. Uses to the east include residential dwellings and a wood lot.

The 8484 & 8470 Dufferin Street property is comprised of three PINs, but is one parcel of land. The registered owner of each PIN is the same, and none of the PINs are the whole of a lot on a registered plan of subdivision, or meet any other exception to the subdivision control provisions of the Planning Act.



The four PINS on this parcel are:

PIN	LEGAL DESCRIPTION
03274-0268 (LT)	PT LT 10 CON 3 VAUGHAN, PT 4 65R31588; TOGETHER WITH AN EASEMENT OVER PT LT 10 CON 3, PTS 1 & 2 65R33644 AS IN YR1856867; CITY OF VAUGHAN
03274-0266 (LT)	PT LT 10 CON 3 VAUGHAN, PT 5 65R31588; TOGETHER WITH AN EASEMENT OVER PT LT 10 CON 3, PTS 1 & 2 65R33644 AS IN YR1856867; CITY OF VAUGHAN
03274-0270 (LT)	PT LT 10 CON 3 VAUGHAN, PT 6 65R31588; TOGETHER WITH AN EASEMENT OVER PT LT 10 CON 3, PT 1 65R31588 AS IN YR1846136; TOGETHER WITH AN EASEMENT OVER PT LT 10 CON 3, PTS 1 & 2 65R33644 AS IN YR1856867; CITY OF VAUGHAN
03274-0264 (LT)	PT LOT 10, CON 3(VGN), PTS 7 & 8, PL 65R31588; TOGETHER WITH AN EASEMENT OVER PT LT 10 CON 3, PTS 1 & 2 65R33644 AS IN YR1856867; CITY OF VAUGHAN

BACKGROUND

The following summarizes applications that have been completed or are currently circulating at the City of Vaughan that affect the Subject Site.

Site Plan Application (City File DA-15.077, Regional File: SP-V-007-16)

On March 5, 2019, the Committee of the Whole approved the Site Plan Application, subject to conditions. Council endorsed the conditional approval on March 19, 2019.

SUMMARY

The requested consent is to create a sanitary service easement across the Subject Property in favour of the adjacent neighbour at 1531 Langstaff Road, for the purpose of servicing both the Subject Property and the adjacent property a 1531 Langstaff Road.

It is our opinion that the requested consent is desirable and satisfies the consent criteria outlined within the City of Vaughan Official Plan, as well as Section 53 of the Planning Act. The proposed consent is for the creation of an easement over an existing lot for the purpose of introducing services to both lots.

We respectfully request that the consent application be approved by the Committee of Adjustment.

CRITERIA FOR CONSENT UNDER SECTION 51(24) OF THE PLANNING ACT, R.S.O. 1990

Under Section 51(24) of the Planning Act, when considering a Consent to Sever (“Consent”), regard must be had to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.

The Consent will support the health, safety, convenience and welfare of Vaughan’s residents in and will be in accordance with Site Plan Agreement DA.15.077.

When considering Consent to Sever, regard must also be had to the 14 criteria outlined in Section 51(24) of the Planning Act. These are addressed in Table 1 Planning Act Criteria for Consent to Sever.

Table 1: Planning Act Criteria for Consent to Sever

PLANNING ACT CRITERIA	RATIONALE
a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2	The proposed Consent is supportive of provincial interests identified in Section 2 of the <i>Planning Act</i> . The proposed Consent supports the protection of public health and safety by introducing sanitary services across two properties.
b) Whether the proposed subdivision is premature or in the public interest:	Not applicable.
c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any:	The easement allows the provision of sanitary services to the adjacent property which was otherwise serviced by a septic tank system. The new sanitary line will allow for the removal of the property’s septic tank.
d) The suitability of the land for the purposes for which it is to be subdivided:	The proposed Consent is suitable as it will allow municipal sanitary services to be implemented for previously unserved properties.
d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing:	This criterion does not apply to the proposed Consent application.
e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them:	This criterion does not apply to the proposed Consent application.

PLANNING ACT CRITERIA	RATIONALE
f) The dimensions and shapes of the proposed lots:	No new lots are proposed.
g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land:	The proposed easement has been prepared in conjunction with ongoing site plan applications for both properties, and the location of the associated sewer line has been appropriately sited and reviewed by the municipality.
h) Conservation of natural resources and flood control:	No natural resources are found on the site and it is not located in a flood zone.
i) The adequacy of utilities and municipal services:	The proposed servicing has been reviewed by the City of Vaughan and York Region, and the provision of the proposed sanitary connection has been approved by City Council through the Site Plan Application process, whereby the Site Plan is approved subject to conditions.
j) The adequacy of school sites	This criterion does not apply to the proposed easement.
k) The area of land to be conveyed or dedicated to public purposes:	The required property conveyances to York Region are taking place through the Site Plan application process and will be conveyed at the time of R-Plan registration.
l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy:	This criterion does not apply to the proposed easement.
m) The interrelationship between the design of the proposed plan/severance and site plan control matters relation to any development on the land:	The proposed development is subject to the site plan control provisions of the City of Vaughan Official Plan. Conditional Site Plan Approval was granted by Council for the Subject Property (DA.15.077), and the adjacent property at 1531 Langstaff Road (DA.18.098).

SUBMISSION ENCLOSURES

Please find enclosed herewith the following materials in support of this Consent Application:

- One legal size original, and one copy, of the Completed Application for Consent Form;

- One cheque made payable to the CITY OF VAUGHAN in the amount of \$3,546.00 for the Consent Application fee (2019 fee);
- Two 8½"x14" copies of the of Reference Plan 65R-31588, dated April 9, 2009, as prepared by Rady-Pentek & Edward Surveying;
- Two 8½"x14" copies of the Topographical and Boundary Plan of Survey, dated May 6, 2013, as prepared by Speight, Van Nostrand & Gibson;
- Two full size copies, and two 8½"x14" reductions, of the Shared Easement Plan (C-014) dated April 15, 2019, as prepared by AECOM; and,
- One electronic copy of the complete submission, on a USB drive.

Should you have any questions please contact the undersigned 905-882-4211 ext. 6157.

Yours sincerely,



Kristopher Hall, MSc Pl, MCIP, RPP
Project Manager

GH/KH

WSP ref.: 13M-00065-02

August 2, 2019

File No.: TBD

DELIVERED VIA EMAIL

City of Vaughan
Office of the City Clerk
2141 Major Mackenzie Dr.
Vaughan ON L6A 1T1

B027/19
B028/19

Attention: Christine Vigneault, Manager, Development Services & Secretary Treasurer to the Committee of Adjustment

Dear Ms. Vigneault:

RE: Committee of Adjustment Applications
B027/19 - 1531 Langstaff Rd. – 350467 Ontario Limited and
B028/19 - 8484 and 8470 Dufferin St. – Shell Canada Limited

We are the solicitors for WSP Canada Group Limited and assisting with title matters in connection with the lands that are the subject of the applications referred to above (the "Applications") which have been submitted to the City of Vaughan, Committee of Adjustment (the "Committee"). We understand that WSP has been advised by City of Vaughan personnel that one application per PIN (or parcel register) should be submitted relating to the property that is the subject matter of the Applications.

This letter will confirm to the City of Vaughan that there are only two separate parcels of land being dealt with by these Applications and accordingly it is the opinion of the undersigned that only two Applications are required, not one per PIN.

Shell Canada Limited is shown as the registered owner of PINs 03274-0264, 03274-0266, 03274-0268 and 03274-0270, which parcels we understand include the two municipal addresses shown above in the re line. There are four PINs in this parcel of land, but it is one parcel of land in that it cannot be divided and sold without a consent from the Committee (a severance). This parcel of land is the "Shell Lands". There is no part-lot control exempting by-law on title to the Shell Lands, the registered owner of each PIN is the same and none of the PINs are the whole of a lot on a registered plan of subdivision or meet any other exception to the subdivision control provisions of the Planning Act (Ontario) as can be seen from a review of the parcel registers.

350467 Ontario Limited is shown as the registered owner of PINs 03274-0265, 03274-0267 and 03274-0269. There are three PINs in this parcel of land, but it is one parcel of land in that it cannot be divided and sold without a consent from the Committee (a severance). This parcel of land is the "350 Lands". There is no part-lot control exempting by-law on title to the 350 Lands, the registered owner of each PIN is the same and none of the PINs are the whole of a lot on a registered plan of subdivision or meet any

other exception to the subdivision control provisions of the Planning Act (Ontario) as can be seen from a review of the parcel registers.

It is incorrect at law that a PIN is a separate piece of land for Planning Act purposes as it cannot be separately conveyed unless an exception to the subdivision control provisions of the Planning Act exists. None exist as relate to these lands as indicated above, from a review of the parcel registers. Accordingly, each of the Shell Lands and the 350 Lands are one parcel of land respectively for purposes of conveyancing without a severance, and only one Application should be required for each of them in the opinion of the undersigned.

We hope this is helpful to you and we would be pleased to speak with you further on this if you wish.

Yours truly,

Dentons Canada LLP



Sonja K. Homeruck

SKH/nh

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. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

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

Attwala, Pravina

Subject: FW: B028/19 - REQUEST FOR COMMENTS
Attachments: B028-19 - Circulation.pdf

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: August-08-19 11:00 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: FW: B028/19 - REQUEST FOR COMMENTS

Hello Pravina,

The Regional Municipality of York has completed its review of the above Consent Application-B028/19 (8484 Dufferin Street) and provide the following comments:

- 1. Based on the site servicing plan provided, we note that the proposed sanitary sewer located on Dufferin Street crosses the City of Toronto’s watermain.
- 2. The Owner is further advised that York Region requires two (2) weeks advanced notice prior to the connection and/or crossing of Regional infrastructure. A Regional Construction Administrator is to be invited to the pre-construction meeting. The Region reserves the right to inspect the site during the connection and/or crossing.
- 3. The Owner is advised that the proposed easement shall not encroach the existing or planned Right-Of-Way for Dufferin Street. Further comments and/conditions will be provided in the active site plan application.

Please feel free to e-mail me in regards to any questions or concerns.

Thank you,

Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Please consider the environment before printing this email.

Schedule D: Previous Approvals (Notice of Decision)

Consent Applications B035/10

NOTICE OF DECISION

CONSENTS

FILE NUMBER: B035/10

APPLICANTS: BELA KACSO & JOSEPH RADY-PENTEK c/o Bill Kacso

PROPERTY: Part of Lot 10, Concession 3, (Parts, 1, 3, 4, 6, 7, & 8, Plan 65R-31588, municipally known as 8484 & 8470 Dufferin Street, Concord).

ZONING: The subject lands are zoned A, *Agricultural* under By-law 1-88 as amended.

PURPOSE: To request the consent of the Committee of Adjustment to grant a parcel of land marked "A" on the attached sketch **as an ADDITION to an existing lot taken into the title of the lands to the WEST, being 1531 Langstaff Road**, for Restricted Commercial purposes, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketch for Prestige Employment purposes.

The subject lands are vacant. The retained lands are two residential dwellings that are to be demolished.

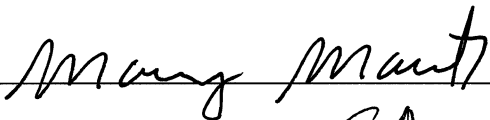
BACKGROUND: The land which is subject to these applications is/was also the subject of other applications under the Planning Act:

B036/10, B037/10 - 350467 ONTARIO LIMITED


(To be heard in conjunction with the above mentioned file).

The above noted application was heard by the Committee of Adjustment on: **NOVEMBER 10, 2011.**

Moved by:



Seconded by:



THAT Application No. **B035/10 - BELA KACSO & JOSEPH RADY-PENTEK c/o Bill Kacso**, **be APPROVED**, in accordance with the sketch attached and subject to the following conditions:

NOTE: All conditions below must be fulfilled and clearance letters must be received by the Secretary-Treasurer before any cheques can be accepted and Certificate of Official can be issued.

1. Payment to the City of Vaughan of a Tree Fee if required, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan (Reserves & Investments Department; contact Terry Liuni to have this condition cleared.)
2. That the corresponding Consent File Nos. **B036/10, B037/10 – 350467 ONTARIO LIMITED, be APPROVED**, and in full force and effect, if required, to the satisfaction of the Building Standards Department;
3. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands
4. That the applicant provide to the Secretary Treasurer a letter of undertaking, stating that the **ADDITION is to an existing lot to be taken in to the title of the lands to the WEST**;
5. The subject consent shall become null and void if the newly created parcels identified as Parts 1 & 3, on Plan 65R-31588 are not merged on title with the adjacent lands to the north and west respectively identified as Part 2, on Plan 65R-31588. A draft reference plan with a Surveyor's Certificate of Lot Areas, Frontages and Depths shall be submitted to the satisfaction of the Building Standards Department.
6. That a report by a Professional Engineer be submitted satisfactory to the Building Standards Dept. which provides details of the on site sewage systems for the buildings showing the systems will be located within the boundaries of the post severance assembly and consolidation of lands as per the requirements of the Ontario Building Code, if required, to the satisfaction of the Building Standards Dept., Alternatively provide a Professional Engineers report that the sanitary building sewers have been connected to the municipal sanitary sewer as per the requirements on the Ontario Building Code if required, to the satisfaction of the Septic Systems Inspections Division of the Building Standards Dept.

7. That the implementing Zoning By-law (File Z.10.017) be in full force and effect, if required, to the satisfaction of the Development Planning Department;
8. The Owner must provide an easement OR copy of mutual agreement for the shared access and/or municipal servicing between the conveyed and retained property to the satisfaction of the Development/Transportation Engineering Department, if required, to the satisfaction of the Development/Transportation Engineering Department
9. The Owner shall provide legible draft plan of reference, as well as a plan showing all existing services, structures and accesses overlay of the draft reference plan, to the satisfaction of the Development/Transportation Engineering Department, if required, to the satisfaction of the Development/Transportation Engineering Department
10. Overall Grading Plans showing existing and proposed grades should be submitted to the satisfaction of the Development/Transportation Engineering Department. Existing grades should be shown a minimum 20m beyond the site boundary, if required, to the satisfaction of the Development/Transportation Engineering Department
11. Submission to the Secretary-Treasurer of **FOUR (4)** white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;
12. Upon fulfilling and complying with all of the above-noted conditions, the Secretary-Treasurer of the Committee of Adjustment must be provided with a letter **and three (3) copies of a legal size (8.5" by 14") "Schedule Page", in a format satisfactory to the Secretary-Treasurer**, from the Applicant's solicitor confirming the legal description of the subject lands, sufficient for registration purposes **the "Schedule Page" will be an attachment to the Certificate**. Upon being satisfied with said legal description and upon all other conditions for the consent having been satisfied, the Secretary-Treasurer shall provide a Certificate of Official to the applicant in accordance with Section 53(42) of the Planning Act, R.S.O. 1990, as amended;
13. A fee of **\$190.00** made payable to the Treasurer City of Vaughan shall, be submitted to the Secretary Treasurer for the issuance of the Certificate/stamping of the deeds. It will be necessary to allow up to **three (3) working days** after all conditions have been fulfilled and documentation filed. Same day service is also available for an additional cost of **\$145.00, provided all conditions of approval have been fulfilled and all required documents are submitted by 11:30 am that day;**
14. Prior to the issuance of a building permit, if required, the applicant shall fulfil and comply with all of the above noted consent conditions;

IMPORTANT:

Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfil and comply with all of the (above-noted) conditions of Consent. Failing to comply with this requirement will result in the application to be deemed to be refused.

ALL CONDITIONS MUST BE FULFILLED.

Please contact each Agency and/or Department listed above whether "**if required**" appears in the condition or not.


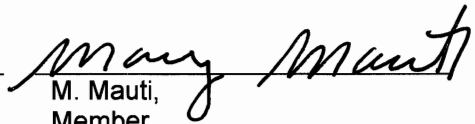


PLEASE NOTE:

1. That the payment of the Regional Development Charge 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.
2. That the payment of the City Development Charge 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.
3. That the payment of the Education Development Charge 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
4. That the payment of Special Area Development charge 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, if required, to the satisfaction of the Reserves/Capital Department;

CARRIED.

CHAIR: 

Signed by all members present who concur in this decision:


L. Fluxgold,
Chair
J. Cesario,
Vice-Chair
M. Mauti,
Member
A. Perrella,
Member
H. Zheng,
Member**CERTIFICATION**

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	NOVEMBER 10, 2011
Date of Notice:	NOVEMBER 18, 2011
Last Date of Appeal:	DECEMBER 8, 2011

APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

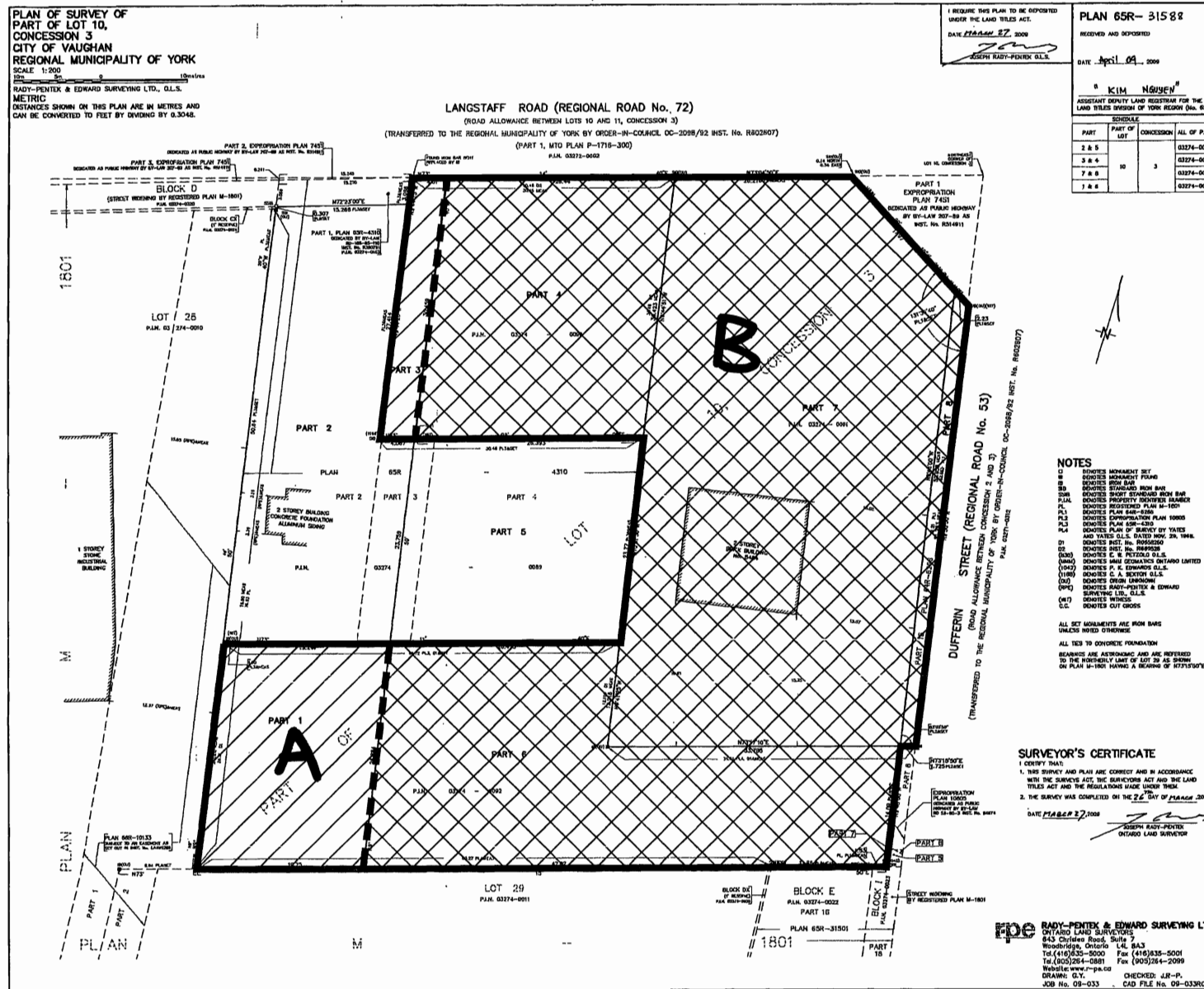
Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the **\$650.00** processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of **\$125.00** for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE". Your appeal must set out the reasons for the appeal.

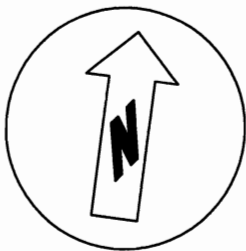
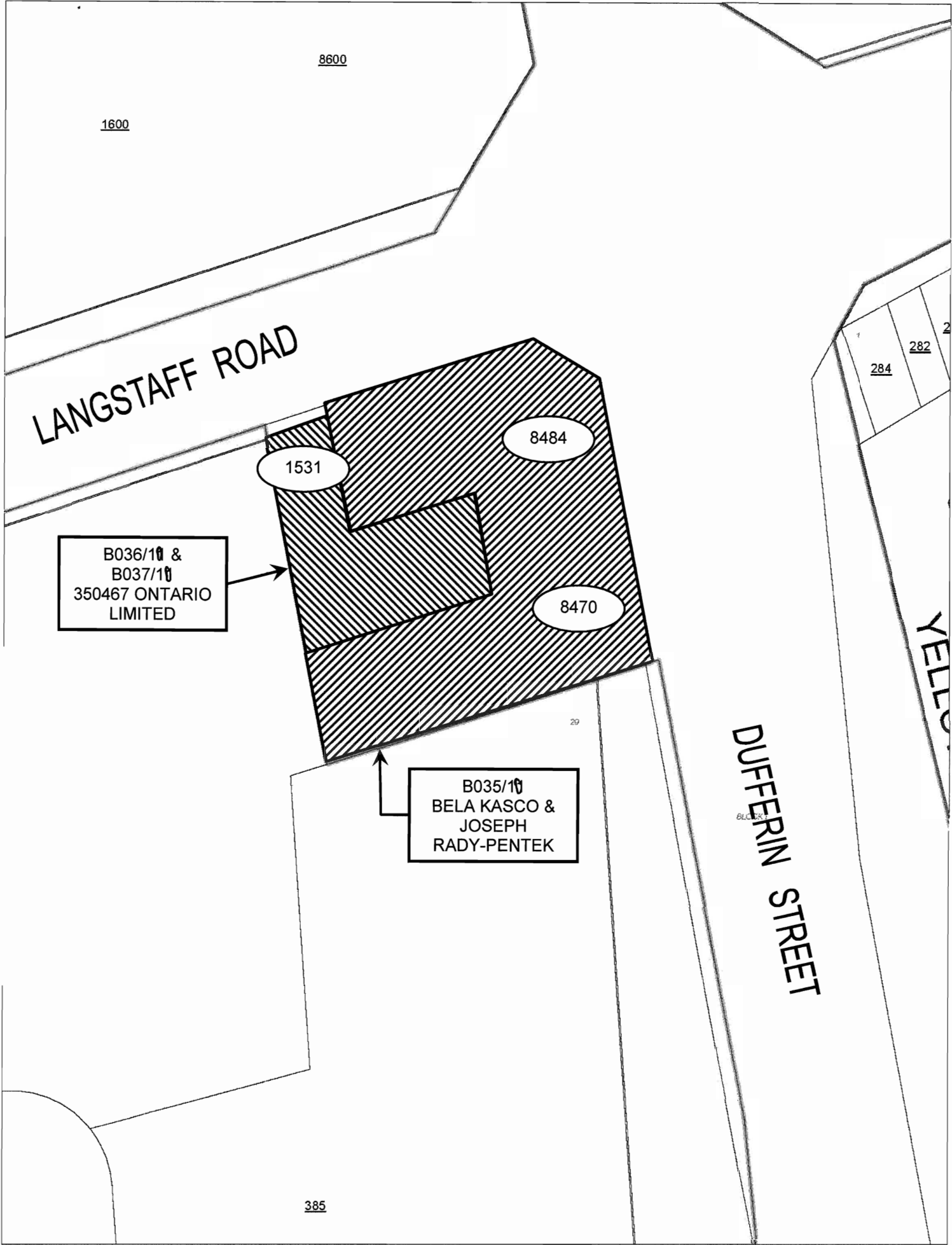
Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.


NOTES

1. 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.
2. A Certificate pursuant to Subsection 53(21) of The Planning Act cannot be given until all conditions of consent have been fulfilled.

B035/10





COMMITTEE OF ADJUSTMENT	
File No.:	B035/10, B036/10, B037/10
Applicants:	
	SUBJECT LANDS: 8484 & 8470 Dufferin Street 1531 Langstaff Road

CONSENTSPlease refer to the file number: **B035/10**

Address all correspondence to the Secretary-Treasurer

NOTICE TO THE OWNER

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "Notice of Decision" is attached, together with relevant information concerning appeal procedures for the decision.

If the decision is not appealed, you will receive a notice that it is "Final and Binding", when the appeal period has expired. When the application is Final and Binding it will be appropriate for you to fulfil the conditions of approval.

All conditions must be fulfilled before a Certificate of Official can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

The period for fulfilling conditions cannot be extended.

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as the owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(41) of The Planning Act, and your application file will be closed.

NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS WILL BE GIVEN.

Respectfully,



Todd Coles, BES, MCIP, RPP
Manager of Development Services and
Secretary-Treasurer to Committee of Adjustment
City of Vaughan

CONSENTSPlease refer to the file number: **B035/10**

Address all correspondence to the Secretary-Treasurer

TO: OWNER/AGENT/SOLICITOR**SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL****Please note carefully the following:**

1. All conditions of approval must be fulfilled before a Certificate of Official pursuant to subsection 42 of Section 53 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

(a) **CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:**

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

(b) **CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:**

- (i) Deed for road widening - must be forwarded directly to the Regional Solicitors,

17250 Yonge Street
P. O. Box 147
Newmarket, Ontario
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

(c) **CONDITIONS CONCERNING OTHER AGENCIES:**

(i.e. Conservation Authorities, Ministry of Transportation, railways, etc.)

Requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.

2. It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision **CANNOT** be extended. **NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

CONSENTS

Committee of Adjustment Requirements Electronic Registration Planning Act Consents - Section 53(42)

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practice was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practice was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practice has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" from the Applicant's Solicitor confirming the legal description of the subject lands, sufficient for registration purposes (the "Schedule Page" will be an attachment to the Certificate)**, and four copies of the deposited Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

For information purposes only:

On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:

Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'

Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).

As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.

For information on electronic registration, please contact Teranet at 416-360-1190.



Todd Coles, BES, MCIP, RPP
Manager of Development Services and
Secretary-Treasurer to Committee of Adjustment
City of Vaughan