

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



**ISSUE DATE:** May 31, 2022

**CASE NO(S):** OLT-22-002467  
(Formerly PL180017)

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

**Applicant(s) and Appellant(s):** Medallion Developments (Castlefields) Limited  
**Subject:** Request to amend the Official Plan – Failure of the Town of Ajax to adopt the requested amendment  
**Property Address/Description:** Northeast corner of Rossland Road East and Audley Road North  
**Municipality:** Town of Ajax  
**Municipal File No.:** OPA17-A1  
**OLT Case No.:** OLT-22-002467  
**Legacy Case No.:** PL180017  
**OLT Lead Case No.:** OLT-22-002467  
**Legacy Lead Case No.:** PL180017  
**OLT Case Name:** Medallion Developments (Castlefields) Limited v. Ajax (Town)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant(s) and Appellant(s):** Medallion Developments (Castlefields) Limited  
**Subject:** Application to amend Zoning By-law No. 95-2003 – Refusal or neglect of the Town of Ajax to make a decision  
**Property Address/Description:** Northeast corner of Rossland Road East and Audley Road North  
**Municipality:** Town of Ajax  
**Municipal File No.:** Z1/17  
**OLT Case No.:** OLT-22-002469  
**Legacy Case No.:** PL180018  
**OLT Lead Case No.:** OLT-22-002467  
**Legacy Lead Case No.:** PL180017

**Heard:** May 5, 2022 by Video Hearing

**APPEARANCES:**

**Parties**

Medallion Developments  
(Castlefields) Limited

Town of Ajax

**Counsel**

Aaron Platt  
Andy Margaritis

Bruce Engell

**DECISION DELIVERED BY C. HARDY AND BITA M. RAJAEI AND ORDER OF THE TRIBUNAL**

---

**INTRODUCTION**

[1] Medallion Developments (Castlefields) Limited (“Applicant”) applied to the Town of Ajax (“Town”) for an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBLA”) for the property located on the Northeast corner of Rossland Road East and Audley Road North (“Subject Property”). The Town failed to make a decision within statutory timelines on both applications and the Applicant appealed to this Tribunal pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (“Act”).

**PROPOSAL**

[2] The applications were submitted to facilitate the development of the Subject Property. The application went through a number of revisions to respond to concerns raised by the Town and the public.

[3] The current proposal for the Subject Property is for 1,251 residential rental apartment units and 53 townhouse units within five development blocks referred to as Blocks A – E. Block A is located on the western portion of the Subject Property and will contain a 15-storey apartment building. Blocks B, C and D will each contain eight-

storey apartment buildings and Block E will contain an eight-storey mixed-use rental apartment building with 950 square metres of retail/commercial space. To the north of Blocks B, C and D will be a total of 53 three-storey townhouse dwellings. The Subject Property will also contain an underground parking and a small surface parking area. In the centre of the development blocks is a proposed 0.96 hectare Park Block (together referred to as the "Proposal").

[4] The proposed OPA, attached as Schedule "A" to this Decision, will amend area specific policies to permit high rise apartments and multiple attached dwellings / block townhouses with a minimum height of three-storeys on land designated High Density Residential (Block A) and to increase the maximum permitted density from 185 to 650 units per net hectare.

[5] The proposed OPA will further permit mid-rise apartments and multiple attached dwellings / block townhouses with a minimum height of three-storeys; and increase the maximum permitted density from 75 to an average of 317 units per net hectare (Blocks B to D) and to 350 units per net hectare (Block E) on lands designated Medium Density Residential.

[6] The proposed ZBLA, attached as Schedule "B" to this Decision, will:

- a. increase the maximum permitted density to reflect the proposed OPA;
- b. permit multiple attached dwellings;
- c. establish various development standards;
- d. set an appropriate parking rate for the residential rental apartment units and for the proposed retail / commercial uses; and,
- e. properly rezone lands currently zoned Neighbourhood Commercial (NC) to permit a mixed-use, mid-rise residential building with ground level retail / commercial uses.

## **SUBJECT PROPERTY**

[7] The Subject Property is comprised of four blocks with a total area of 4.4 hectares with approximately 554 metres of frontage on Rossland Road East and 347 metres frontage on Carberry/Mansbridge/Styles/Whitlock Crescents.

[8] The areas to the north and south of the Subject Property are residential subdivisions consisting of detached, semi-detached and townhouse dwelling units. The area to the east is designated Rural Area and is part of the Greenbelt. To the west is a stormwater management pond and beyond that is valley lands designated Environmental Protection.

[9] The Subject Property is considered a “Settlement Area” in both the Provincial Policy Statement, 2020 (“PPS”) and A Place to Grow – Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). Both the PPS and Growth Plan focus on growth and development to Settlement Areas.

[10] The Subject Property is designated “Living Areas” in the Durham Region Official Plan (“DROP”), which are lands to be predominantly used for housing purposes and developed in compact form. The Town Official Plan (“TOP”) designates Block A of the Subject Property as Medium Density Residential (“MDR”) and the remainder of the Subject Property as High Density Residential (“HDR”) Area Specific Policy No. 6.2. The MDR permits a density range of 30 to 75 units per net hectare and the HDR permits a density range of 60 to 185 units per net hectare.

[11] The Town Zoning By-law No. 95-2003 (“ZBL”) zones the majority of the Subject Property as Residential Multiple Six (RM6), which permits Multiple Attached Dwellings up to a maximum height of 11 metres. The eastern portion of the Subject Property adjacent to the northwest corner of Rossland Road East and Audley Road North are zoned Neighbourhood Commercial (NC), which permits various commercial and retail

enterprises. The Subject Property is subject to Exception 76 within the ZBL, which permits the additional use of Apartment Buildings.

## HEARING

[12] These appeals were previously the subject of three Case Management Conferences (“CMCs”) and have been governed by a Procedural Order and Issues List. Castlefields Residents Association Corporation (“Association”) was granted Party status at the third CMC.

[13] The Applicant and the City notified the Tribunal during the second CMC that Town Council approved a negotiated settlement proposal relating to the OPA and ZBLA.

[14] The week prior to the Hearing, the Applicant submitted motion materials to the Tribunal seeking to have the Association removed as a Party for failure to comply with directions and Orders issued by the Tribunal. Subsequent to the filing of motion materials, the Association advised the Tribunal that it wished to withdraw its status as a Party to the Hearing.

[15] The Hearing before the Tribunal was converted to a settlement Hearing.

[16] As evidence in the Hearing, the Tribunal received the following exhibits which were identified sequentially during the hearing:

- a. Exhibit 1: The Original Affidavit of Service of the Notice
- b. Exhibit 2: The Applicant’s Document Book
- c. Exhibit 3: The Applicant’s Supplementary Document Book
- d. Exhibit 4: The Applicant’s Visual Evidence Book
- e. Exhibit 5A: The CV of Scott Waterhouse

- f. Exhibit 5B: The Acknowledgment of Expert's Duty of Scott Waterhouse
- g. Exhibit 6: The Witness Statement of Scott Waterhouse dated March 4, 2022

[17] The Applicant called Scott Waterhouse as its planning witness who was qualified by the Tribunal, without objection, to provide expert evidence in the area of Land Use Planning. Mr. Waterhouse's CV and Acknowledgement of Expert's Duty were filed as Exhibits 5A and 5B respectively. He provided a detailed contextual and land use planning rationale to support the proposed settlement and reviewed the PPS, Growth Plan, TOP, and DROP.

[18] Mr. Waterhouse opined that the OPA and ZBLA before the Tribunal, and the development that these instruments will facilitate, satisfy all legislative tests under the Act, as they have appropriate regard for matters of Provincial interest in s. 2; are consistent with the PPS and Growth Plan; conform with the TOP and DROP and overall, constitute good planning.

[19] During the course of his testimony, Mr. Waterhouse addressed concerns raised by the Association, the former Party involved in this matter, and responded to the specific issues listed by the Association on their Issues List, despite their withdrawal from the Hearing. Of note, parking and transportation issues were previously struck from the Association's issues list, but general traffic matters were addressed by Mr. Waterhouse.

[20] In support of his overall conclusions, he noted the Subject Property is currently vacant, consisting of four separate properties totalling approximately 4.4 hectares (10.9 acres) located at the northwest corner of Rossland Road East and Audley Road North. The Subject Property is intended for residential use and the proposed development will contribute to a mix of housing options, making efficient use of land, existing infrastructure and services.

[21] Mr. Waterhouse opined that a number of technical reports support the OPA and ZBLA before the Tribunal, as well as the Proposal, including:

- a. Functional Servicing and Stormwater Management Report: The Subject Property can be serviced via existing sanitary sewer and watermain services. The Proposal can be serviced without the need to upgrade or expand facilities and infrastructure.
- b. Transportation Impact Study: The existing road network could support 357 new residential units. Constraints were observed at the Rossland Road East and Salem Road intersection, and changes were recommended, including the widening of Rossland Road to two through lanes per direction to accommodate the future background conditions and future total traffic movements. The plan has been put into place, in agreement with the Town, to pursue the widening of Rossland Road. With respect to parking, it was found that the suggested parking supply was sufficient, considering the intensity of residential development, the intent to support transit, and the active transportation objectives of the Town.
- c. Sun Shadow Study: The study indicated that there would be minimal shadow impact on the existing neighbouring developments.
- d. Building Section Plans and 45 Degree Angular Plane: All of the proposed apartment buildings are set below the 45 degree angular plane projection. Mr. Waterhouse went into detail explaining that when looking at compatibility in the TOP, a 45 degree angular plane must be achieved to ensure sun and sky access to existing neighbourhoods.

[22] Mr. Waterhouse took the Tribunal through various policies of the PPS and Growth Plan and agreed with the Town's planning staff that the Proposal is consistent with and conforms to the policies contained in both. Mr. Waterhouse opined that the

Proposal provides a mix and range of rental dwelling units to provide housing options for residents at all stages of life. The Proposal will be well served by available sanitary and water services and the designated elementary school site.

[23] Mr. Waterhouse reviewed policies of the DROP with the Tribunal and concluded that the Proposal conforms, which he noted is an opinion that is shared by Town and Regional planning staff. The Proposal will increase the housing supply in a transit-supportive manner. The DROP encourages higher density along arterial roads and the proposed apartment buildings are located adjacent to Rossland Road, which is designated as an arterial road. The Proposal will efficiently use available infrastructure and public service facilities, including the Municipal Fire Station, which is less than 1 kilometre away from the Subject Property.

[24] Mr. Waterhouse testified that the TOP identifies Rossland Road as a Local Corridor and recognizes these as lands suitable for infill development and/or re-development. The TOP states that lands along intensification corridors within the MDR designation may be developed up to eight storeys in height provided the landowner enters into an agreement with the Town to provide a significant public benefit under the height and density bonusing provisions of its OP, which is the case here. It was also highlighted that the intent of the Living Areas designation was for compact housing form through higher densities and intensification in existing urban areas, specifically along arterial roads. Existing town services, including Town Emergency Services did not identify any concerns with the Proposal and noted that they were capable of providing services to Subject Property once developed.

[25] Mr. Waterhouse summarized that the Proposal was in accordance with planning policies and represented an efficient, transit supportive development and appropriate residential intensification to minimize land consumption and servicing costs. Moreover, the Subject Property is situated within an existing urban, residential area and there were no environmental or public health concerns identified.

## **FINDINGS AND DISPOSITION**

[26] The Tribunal accepts the uncontradicted planning evidence and opinions of Mr. Waterhouse and finds the development of the Subject Property as proposed, aligns with good land use planning, satisfies all legislative tests as detailed above and warrants approval.

[27] The Proposal is consistent with policy directives of the PPS and conforms to the policy intent of the Growth Plan, TOP and DROP. The Proposal has appropriate regard for matters of provincial interest and is in the public interest.

[28] In particular, the Proposal supports provincial initiatives and policy directives aimed at encouraging a mix of housing options. Moreover, it represents an efficient, transit supportive development and appropriate residential intensification to minimize land consumption and servicing costs. The Tribunal is satisfied that the proposed amendments to the OPA and ZBLA implement the development of the Subject Property in the manner being proposed.

## **INTERIM ORDER**

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

[30] The Tribunal will withhold the issuance of its Final Order contingent upon satisfactory fulfillment of the following pre-requisite matters:

- a. Transmission to the Tribunal by the Town Solicitor of the final forms of the amendments to the Town of Ajax Official Plan and Zoning By-law No. 95-2003 generally in accordance with Schedules A and B to this Interim Order;
- b. Confirmation by the Town Solicitor that an agreement pursuant to s. 37.1 of the *Planning Act* has been executed by the Applicant and the Town and registered on title to the Subject Property; and,
- c. Withdrawal by the Applicant of its appeal of Town Official Plan Amendment No. 41.

[31] The Panel Members are not seized but will remain available for case management.

[32] If the Parties do not submit the final drafts of the Official Plan Amendment and the Zoning By-law Amendment and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph 30 above have been satisfied, and do not request the issuance of the Final Order on or before **October 5, 2022**, the Applicant and the Town shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft Official Plan Amendment and Zoning By-law Amendment for the issuance of the Final Order by the Tribunal. In the event the Tribunal fails to receive the required status report, and/or in the event the contingent pre-requisites are not satisfied by the date indicated above, or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the Appeal.

[33] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional time lines and

deadline for the submission of the final form of the instruments, the satisfaction of the contingent pre-requisites and the issuance of the Final Order.

*“C. Hardy”*

C. HARDY  
MEMBER

*“B. Rajae”*

B. RAJAE  
MEMBER

**Ontario Land Tribunal**

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

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

# SCHEDULE A

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER XX- 2022

A By-law to adopt Amendment No. 66 to the Official Plan for the Town of Ajax.

The area subject to this amendment is located between Rossland Road East and Carberry Crescent, Mansbridge Crescent, Styles Crescent, and Whitlock Crescent, from the Carruthers Creek tributary to Audley Road North;

AND WHEREAS, an Ontario Land Tribunal hearing was held pursuant to the *Planning Act* in respect of an appeal from a non-decision in respect of an application for an amendment to the Town of Ajax Official Plan;

AND WHEREAS, the Ontario Land Tribunal deems it appropriate approve an amendment to the Town of Ajax Official Plan;

NOW THEREFORE, the Ontario Land Tribunal Orders:

That the Amendment to the Official Plan of the Town of Ajax attached to this Order as Attachment "A", is hereby approved as Amendment No. 66.

That this by-law shall come into force and take effect from and after the final passing hereof.

READ a first and second time this \_\_\_\_ day of \_\_\_\_\_ 2022.

READ a third time this \_\_\_\_ day of \_\_\_\_ 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Clerk

## Amendment No. 66 to the Town of Ajax Official Plan

### 1. Purpose

The purpose of this amendment is to allow for an overall development consisting of one 15-storey residential apartment building, three 8-storey residential apartment buildings, one 8 storey mixed use apartment building, fifty-three block townhouse dwellings and a municipal neighbourhood park by:

- a) establishing site specific permissions in the 'High Density Residential' designation by:
  - i. increasing the maximum permitted residential density;
  - ii. permitting high rise apartment and block townhouse dwelling built forms; and
  - iii. permitting a minimum building height of 3 storeys; and
- b) establishing site specific permissions in the 'Medium Density Residential' designation by:
  - i. increasing the maximum permitted residential density;
  - ii. permitting mid-rise apartment and block townhouse dwelling built forms; and
  - iii. re-designating a portion of the subject lands to Open Space.

### 2. Location

The lands subject to this amendment are located between Rossland Road East and Carberry Crescent, Mansbridge Crescent, Styles Crescent, and Whitlock Crescent, from the Carruthers Creek tributary to Audley Road North, legally described as Parts 1, 2 and 3 on Registered Plan 40R-21195, Concession 3, Part of Lots 3 and 4 on Registered Plan 40M-2174, and Concession 3 South Part Lot 3 Now Parts 1, 2 and 3 on Registered Plan 40R-19840, as shown on Schedule "A" to this By-law.

### 3. Basis

The subject lands are designated High Density Residential and Medium Density Residential on Schedule 'A-1' and are subject to Area Specific Policy 6.2 as identified on Schedule 'G' within the Town of Ajax Official Plan.

The lands within Area Specific Policy 6.2 are generally bounded by Taunton Road to the north, Audley Road to the east, Kingston Road to the south, top-of-bank of the Carruthers Creek to the west, and then by the CP rail line as it proceeds westerly and northerly to meet Taunton Road (formerly known as the A8 Planning Area). Area Specific Policy 6.2 provides direction on, but not limited to, the following: permitted housing types in the Low Density, Medium Density and High Density Designations; mitigation measures to reduce adverse effects of High Density Residential development in close proximity to development within a Low Density or Medium Density Residential designation; location of off-street parking areas for multiple-unit residential housing forms; stormwater management; and schools.

The proposed development of the subject lands consists of 1,304 residential dwelling units within a 15-storey apartment building (Block A), three 8-storey apartment buildings (Blocks B, C and D), one 8-storey mixed-use apartment building (Block E) with approximately 950 m<sup>2</sup> ground level commercial space, and 53 townhouse dwellings. The

future development would also include a 0.96 hectare park block.

The amendment meets the review criteria for amendments to the Official Plan under Section 7.2.2 of the Town of Ajax (Town) Official Plan by conforming to municipal goals and objectives of the Official Plan; contributing to the overall urban structure of the Town; being compatible with adjacent land uses; and being supported by infrastructure to service the development.

Studies and Reports that were completed to support this amendment were:

- Planning Rationale Report  
(prepared by Candevcon Limited)
- Transportation Impact Study  
(prepared by LEA Consulting Ltd.)
- Functional Servicing and Stormwater Management Report  
(prepared by Candevcon Limited)
- Noise Feasibility Study  
(prepared by HGC Engineering)
- Stage 2 Archaeological Assessment  
(prepared by Archaeological Services Inc.)
- Stage I-III Archaeological / Heritage Assessment  
(prepared by Sernas Associates)
- Arborist Report – Construction/Tree Protection  
(prepared by Central Tree Care Ltd.)
- Shadow Study  
(prepared by IBI Group Architects)
- Urban Design Brief  
(prepared by IBI Group Architects, Land Art Design, and Medallion Developments Inc.)
- Agricultural Assessment and Minimum Distance Separation Calculation  
(prepared by Candevcon Limited)
- Site Screening Questionnaire  
(prepared by Golder Associates Ltd.)

#### 4. Actual Amendment

- a) That Section 6.2 ‘Lands Bounded on the north by Taunton Road, on the east by Audley Road, on the south by Kingston Road, and on the west by the approximate top-of-bank of Carruthers Creek and then by the CP rail line as it proceeds westerly and northerly to meet Taunton Road (formerly known as the A8 Planning Area)’ is hereby amended by adding a new subsection, which reads as follows:

“v) Notwithstanding Subsection 6.2 b), ‘mid-rise apartments’ and ‘multiple

attached dwellings / block townhouses' are permitted on lands designated Medium Density Residential located between Rossland Road East, Audley Road North, Whitlock Crescent, Styles Crescent, Mansbridge Crescent, and Rushworth Drive (referred to as Blocks B, C, D and E).

Notwithstanding Subsection 6.2 b), 'high-rise apartments' and 'multiple attached dwellings / block townhouses' are permitted on lands designated High Density Residential located between Rossland Road East, Rushworth Drive, Carberry Crescent and the Carruthers Creek (referred to as Block A).

Notwithstanding Subsection 3.1.4 a) and Subsection 6.2 c), for lands designated Medium Density Residential located between Rossland Road East, Rushworth Drive, Mansbridge Crescents and the park block (referred to as Block B), a maximum density of 318 units per net hectare shall be permitted.

Notwithstanding Subsection 3.1.4 a) and Subsection 6.2 c), for lands designated Medium Density Residential located between Rossland Road East, Hilton Gate, Whitlock Crescent, and to an east limit of approximately 102 metres measured from the east side of the Hilton Gate right-of-way (referred to as Block C), a maximum density of 327 units per net hectare shall be permitted.

Notwithstanding Subsection 3.1.4 a) and Subsection 6.2 c), for lands designated Medium Density Residential located between Rossland Road East, Whitlock Crescent, an east limit of approximately 108 metres measured from the west side of the Audley Road North right-of-way that then runs east to meet the west interior side lot line of 41 Whitlock Crescent approximately 3.7 metres north measured from the rear lot line, and west limit of approximately 102 metres measured from the east side of the Hilton Gate right-of-way (referred to as Block D), a maximum density of 314 units per net hectare shall be permitted.

Notwithstanding Subsection 3.1.4 a) and Subsection 6.2 c), for lands designated Medium Density Residential located between Rossland Road East, Audley Road North, the rear of lots that contain semi-detached dwellings that front onto Whitlock Crescent, and to a west limit of approximately 108 metres measured from the west side of the Audley Road North right-of-way (referred to as Block E), a maximum density of 350 units per net hectare shall be permitted.

Notwithstanding Section 3.1.5 a) and Subsection 6.2 c), for lands designated High Density Residential located between Rossland Road East, Rushworth Drive, Carberry Crescent and the Carruthers Creek (referred to as Block A), a maximum density of 650 units per net hectare shall be permitted.

Notwithstanding Section 3.1.5 b) for lands designated High Density Residential located between Rossland Road East, Rushworth Drive, Carberry Crescent and the Carruthers Creek (referred to as Block A), dwelling units and buildings shall generally be between a minimum of 3 storeys and a maximum of 15 storeys. Exceptions to the maximum height

limitation may be permitted in order to address topography and/or site grading matters.

In addition to the policies in Section 3.1.7 (Convenience Commercial Centre/Stores), for lands designated Medium Density Residential located between Rossland Road East, Audley Road North, the rear of lots that contain semi-detached dwellings that front onto Whitlock Crescent, and to a west limit of approximately 108 metres measured from the west side of the Audley Road North right-of-way (referred to as Block E), an individual retail or personal service use may have a gross leasable floor area greater than 250 square metres."

- b) That Schedule A-1 (Land Use) is hereby amended as follows and as illustrated on Schedule 'B' attached hereto:

Re-designate a portion of the lands designated 'Medium Density Residential' to 'Open Space'.

- c) Schedule B (Environment) is hereby amended as follows and as illustrated on Schedule 'C' attached hereto:

Adding a Neighborhood Park symbol located northwest and adjacent to the current intersection of Rossland Road East and Hilton Gate and delineate the 'Open Space'.

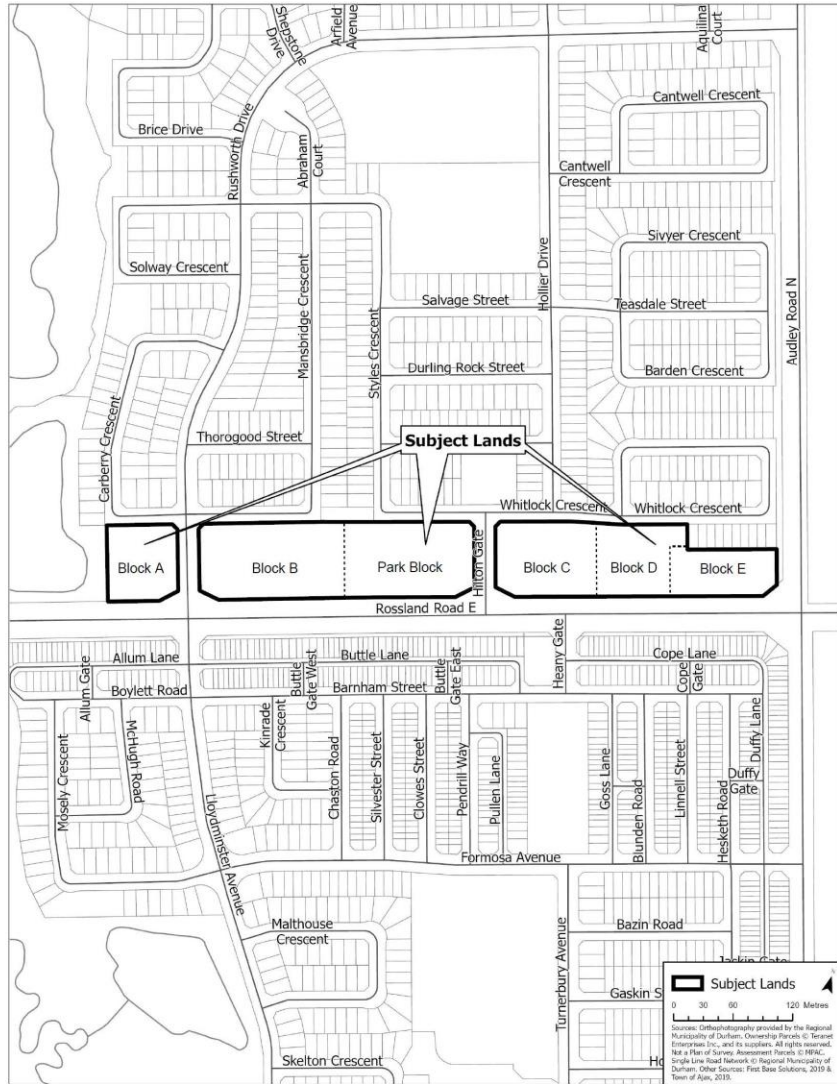
**5. Implementation**

The provisions set forth in the Town of Ajax Official Plan, regarding the implementation of the Plan, shall apply to this Amendment.

**6. Interpretation**

The provisions set forth in the Ajax Official Plan that are not otherwise in conflict with this Amendment shall continue to apply.

**Schedule 'A'**  
**Lands Affected by Amendment No. 66**  
**To The Town of Ajax Official Plan**



**Schedule 'B'  
To Amendment No. 66  
To The Town of Ajax Official Plan**



**TOWN OF AJAX OFFICIAL PLAN EXCERPT  
SCHEDULE 'A-1'- LAND USE**

Schedule 'C'  
To Amendment No. 66  
To The Town of Ajax Official Plan



TOWN OF AJAX OFFICIAL PLAN EXCERPT  
SCHEDULE 'B'- ENVIRONMENT

## SCHEDULE B

1

### THE CORPORATION OF THE TOWN OF AJAX

#### BY-LAW NUMBER XX-2022

A By-law to amend By-law No. 95-2003, as amended.

WHEREAS, the Ontario Land Tribunal deems it appropriate to pass an implementing Zoning By-law to regulate the future development of the subject lands described as Parts 1, 2 and 3 on Registered Plan 40R-21195, Concession 3, Part of Lots 3 and 4 on Registered Plan 40M-2174, and Concession 3 South Part Lot 3 Now Parts 1, 2 and 3 on Registered Plan 40R-19840 identified on Schedule 'A' to this By-law;

AND WHEREAS, pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

AND WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

AND WHEREAS the owner of the lands known at the date of this By-law as Medallion Developments (Castlefields) Limited has elected to provide the facilities, services or matters as are set out in this By-law;

NOW THEREFORE, the Ontario Land Tribunal enacts as follows:

1. THAT the Zone Schedule, specifically Map 59, attached to and forming part of Zoning By-law No. 95-2003, as amended, is hereby further amended by rezoning the subject lands from "Residential Multiple Six Zone, with Exception 76 (RM6, Exception 76)" and "Neighbourhood Commercial Zone, with Exception 76 (NC, Exception 76)" to "Residential Multiple Six Zone, Holding ('H') Provision, with Exception 76 [RM6(H), Exception 76]" and "Open Space Zone, with Exception 76 (OS, Exception 76)", as indicated on the attached Schedule 'B' of this By-law.
2. THAT Exception 76, under Section 7.1.1, List of Exceptions, of By-law No. 95-2003, as amended, is hereby further amended as follows:
  - a) By deleting "NC" and "RM6" and adding "RM6(H)" under the "Zoning" reference header such that it appears as follows "EP, I-A, R1-D, R1-E, R2-B, RM6(H), OS" ;
  - b) By adding By-law No. XX-2022 in the "By-law" reference header, such that it appears after and in conjunction with "50-2003";
  - c) By adding "OPA17-A1" and "Z1/17" under the "File Reference" reference header such that it appears after and in conjunction with "Z1/99";

- d) By deleting bullet “v) Other: b)” and “v) Other: c)”, including sub-bullets “i) through to vi)” and adding the following new bullet and sub-bullets, such that it appears after bullet “v) Other: a)”:
- b) For lands located between Rossland Road East and Carberry Crescent, Mansbridge Crescent, Styles Crescent, and Whitlock Crescent, from the Carruthers Creek tributary to Audley Road North, zoned Residential Multiple Six, Holding (‘H’) Provision [RM6(H)] the following shall apply for the Blocks referenced below and illustrated in Schedule ‘C’:
- i) Blocks A to E:
- a) Prior to the widening of Rossland Road East to a 4-lane urban cross-section, from Salem Road North to Lake Ridge Road North, only a total of 357 residential dwelling units on the subject lands may be occupied.
- ii) Block A:
- a) Permitted Uses:
- i) Dwelling, Apartment
- ii) Dwelling, Multiple Attached
- b) Development Standards for Dwelling, Apartment:
- |  |            |
|--|------------|
| i) Maximum Height:   | 15 storeys |
| ii) Minimum Setback from the South Property Line (Rossland Road East):                       | 3.0 m      |
| iii) Minimum Setback from the North Property Line (Carberry Crescent):                       | 25.0 m     |
| iv) Minimum Setback from the East Property Line (Rushworth Drive):                           | 3.0 m      |
| v) Minimum Setback from the West Property Line (adjacent to the stormwater management pond): | 3.0 m      |
- c) Development Standards for Dwelling, Multiple Attached:
- |  |           |
|--|-----------|
| i) Minimum Height:   | 3 storeys |
| ii) Minimum Setback from the South Property Line (Rossland Road East):                       | 6.0 m     |
| iii) Minimum Setback from the North Property Line (Carberry Crescent):                       | 2.5 m     |
| iv) Minimum Setback from the East Property Line (Rushworth Drive):                           | 2.0 m     |
| v) Minimum Setback from the West Property Line (adjacent to the stormwater management pond): | 2.0 m     |
- d) Other:
- |   |     |
|---|-----|
| i) Maximum Residential Density (Units Per Net Hectare): | 650 |
|---|-----|

## 3

- ii) Maximum Lot Coverage: 56%
  - iii) Minimum Required Parking (Residential):
    - 1.0 space per dwelling unit for the exclusive use of residents
    - 0.2 spaces per dwelling unit for the exclusive use of visitors
  - iv) Minimum Setback from a Below Grade Parking Structure to all Lot Lines: 0.0 m
  - v) Minimum Setback from an Access Ramp to a Below Grade Parking Structure to all Lot Lines: 1.0 m
  - vi) Apartment buildings shall provide a residential entrance fronting Rossland Road East
  - vii) All Multiple Attached Dwelling units shall be designed as double fronting units where the north and south facing facades present a frontal expression including a front door(s), pedestrian access, and windows. Any fencing in the north and south yards shall be limited to a maximum height of 1.2 metres.
  - viii) Vehicular access to all residential units shall only be provided by an internal private road
  - ix) Notwithstanding Section 4.8, the height requirement for Dwelling, Apartment shall not apply to spires, belfries, chimneys, elevator enclosures, or mechanical penthouses occupying in the aggregate less than 45 percent of the area of the roof of the building on which they are located
  - x) Platforms may extend 1.2 metres out from the main building wall, but no closer than 1.2 metres to the North Property Line (Carberry Crescent)
- iii) **Block B:**
- a) Permitted Uses:
    - i) Dwelling, Apartment
    - ii) Dwelling, Multiple Attached
  - b) Development Standards for Dwelling, Apartment:
    - i) Maximum Height: 8 storeys
    - ii) Minimum Setback from the South Property Line (Rossland Road East): 3.0 m
    - iii) Minimum Setback from the North Property Line (Mansbridge Crescent): 26.0 m
    - iv) Minimum Setback from the East Property Line (adjacent to the park block): 3.0 m
    - v) Minimum Setback from the West Property Line (Rushworth Drive): 3.0 m

4

- c) Development Standards for Dwelling, Multiple Attached:
- i) Minimum Setback from the South Property Line (Rossland Road East): 60 m
  - ii) Minimum Setback from the North Property Line (Mansbridge Crescent): 2.5 m
  - iii) Minimum Setback from the East Property Line (adjacent to the park block): 3.0 m
  - iv) Minimum Setback from the West Property Line (Rushworth Drive): 2.0 m
- d) Other:
- i) Maximum Residential Density (Units Per Net Hectare): 318
  - ii) Maximum Lot Coverage: 53%
  - iii) Minimum Required Parking (Residential):
    - 1.0 space per dwelling unit for the exclusive use of residents
    - 0.2 spaces per dwelling unit for the exclusive use of visitors
  - iv) Minimum Setback from a Below Grade Parking Structure to all Lot Lines: 0.0 m
  - v) Minimum distance between blocks of Dwelling, Multiple Attached: 11.0 m
  - vi) Apartment buildings shall provide a residential entrance fronting Rossland Road East
  - vii) All Multiple Attached Dwelling units shall be designed as double fronting units where the north and south facing facades present a frontal expression including a front door(s), pedestrian access, and windows. Any fencing in the north and south yards shall be limited to a maximum height of 1.2 metres.
  - viii) Vehicular access to all residential units shall only be provided by an internal private road
  - ix) Notwithstanding Section 4.8, the height requirement for Dwelling, Apartment shall not apply to spires, belfries, chimneys, elevator enclosures, or mechanical penthouses occupying in the aggregate less than 35 percent of the area of the roof of the building on which they are located
  - x) Platforms may extend 1.2 metres out from the main building wall, but no closer than 1.2 metres to the North Property Line (Mansbridge Crescent)
- iv) Blocks C and D:
- a) Permitted Uses:

5

- i) Dwelling, Apartment
- ii) Dwelling, Multiple Attached
- b) Development Standards for Dwelling, Apartment:
  - i) Maximum Height: 8 storeys
  - ii) Minimum Setback from the South Property Line (Rossland Road East): 3.0 m
  - iii) Minimum Setback from the North Property Line (Styles Crescent and Whitlock Crescent): 24.0 m
  - iv) Minimum Setback from the East Property Line (Audley Road North): 108 m
  - v) Minimum Setback from the West Property Line (Hilton Gate): 3.0 m
- c) Development Standards for Dwelling, Multiple Attached:
  - i) Minimum Setback from the South Property Line (Rossland Road East): 57 m
  - ii) Minimum Setback from the North Property Line (Styles Crescent and Whitlock Crescent): 2.0 m
  - iii) Minimum Setback from the East Property Line (Interior Side Lot Line of 41 Whitlock Crescent): 2.0 m
  - iv) Minimum Setback from the West Property Line (Hilton Gate): 2.0 m
- d) Other:
  - i) Maximum Residential Density (Units Per Net Hectare):
    - Block C: 327
    - Block D: 314
  - ii) Maximum Lot Coverage: 53%
  - iii) Minimum Required Parking (Residential):
    - 1.0 space per dwelling unit for the exclusive use of residents
    - 0.2 spaces per dwelling unit for the exclusive use of visitors
  - iv) Minimum Setback from a Below Grade Parking Structure to all Lot Lines: 0.0 m
  - v) Minimum distance between Dwelling, Apartments: 15.0 m
  - vi) Minimum distance between blocks of Dwelling, Multiple Attached: 7.0 m
  - vii) Apartment buildings shall provide a residential entrance fronting Rossland Road East

- viii) All Multiple Attached Dwelling units shall be designed as double fronting units where the north and south facing facades present a frontal expression including a front door(s), pedestrian access, and windows. Any fencing in the north and south yards shall be limited to a maximum height of 1.2 metres.
  - ix) Vehicular access to all residential units shall only be provided by an internal private road
  - x) Notwithstanding Section 4.8, the height requirement for Dwelling, Apartment shall not apply to spires, belfries, chimneys, elevator enclosures, or mechanical penthouses occupying in the aggregate less than 25 percent of the area of the roof of the building on which they are located
  - xi) Platforms may extend 1.2 metres out from the main building wall, but no closer than 1.2 metres to the North Property Line (Styles Crescent and Whitlock Crescent)
- v) Block E:
- a) Permitted Uses:
    - i) Dwelling, Apartment, provided retail/commercial uses are located at grade
    - ii) Ground level retail/commercial uses within a Dwelling, Apartment:
      - uses permitted in the Neighbourhood Commercial Zone
      - Restaurant, Retail Store and Medical Clinic
  - b) Development Standards for Dwelling, Apartment:
 

i)	Maximum Height:	8 storeys
ii)	Minimum Setback from the South Property Line (Rossland Road East):	0.5 m
iii)	Minimum Setback from the North Property Line (rear lot line of lots fronting onto Whitlock Crescent):	20 m
iv)	Minimum Setback from the East Property Line (Audley Road North):	0.5 m
v)	Minimum Setback from the West Property Line (Hilton Gate):	187 m
  - c) Other:
    - i) Maximum Residential Density (Units Per Net Hectare): 350
    - ii) Maximum Lot Coverage: 48%
    - iii) Minimum Required Parking (Residential):
      - 1.0 space per dwelling unit for the exclusive use of residents

- 0.2 spaces per dwelling unit for the exclusive use of visitors
  - iv) Minimum Required Parking (Retail/Commercial / Non-Residential Uses):
    - 1 parking space per 32 m<sup>2</sup> of gross floor area
  - v) Minimum Gross Floor Area of Retail/Commercial / Non-Residential Uses: 950 m<sup>2</sup>
  - vi) Minimum Setback from a Below Grade Parking Structure to all Lot Lines: 0.0 m
  - vii) Dwelling, Apartments shall provide a residential entrance fronting Rossland Road East
  - viii) Retail/Commercial / Non-Residential units shall have entrances fronting Rossland Road East
  - ix) Any building with residential units shall provide a residential entrance fronting Rossland Road East
  - x) Notwithstanding Section 4.8, the height requirement for Dwelling, Apartment shall not apply to spires, belfries, chimneys, elevator enclosures, or mechanical penthouses occupying in the aggregate less than 30 percent of the area of the roof of the building on which they are located
  - vi) Planning Act, Section 37 – Increased Height and Density:
    - a) The registered owner of the subject lands shall enter into one or more agreements with the Town pursuant to Section 37 of the *Planning Act*, in accordance with the provisions of section 4 of By-law No. XX – 2022, no later than September 18, 2022.
- d) By renumbering bullet “v) Other: d)” to “v) Other: c”;
- e) By adding the map identifying Blocks in Schedule ‘C’ of this bylaw so that it appears after bullet “v) Other: c”:
3. THAT the Section 8.1.1, List of Holding Provisions, of By-law No. 95-2003, as amended, is hereby further amended by adding the following:

By-law No.	Property Description	Permitted Use Until Holding Provision Removed	Conditions For Removal	Date Enacted
XX - 2022	<p>Parts 1, 2 and 3 on Registered Plan 40R-21195, Concession 3, Part of Lots 3 and 4 on Registered Plan 40M-2174, and Concession 3 South Part Lot 3 Now Parts 1, 2 and 3 on Registered Plan 40R-19840</p> <p>Lands between Rossland Road East and Carberry Crescent, Mansbridge Crescent, Styles Crescent, and Whitlock Crescent, from the Carruthers Creek tributary to Audley Road North</p> <p>Land Owner: Medallion Developments (Castlefields) Limited</p> <p>File Reference: Z1/17</p>	<p>Prior to removing the holding provision, the subject lands may be used in accordance with the provisions of the "RM6" – Residential Multiple Six Zone as outlined in Section 6.2 and "NC" - Neighbourhood Commercial Zone as outlined in Section 6.3.</p>	<ul style="list-style-type: none"> <li>▪ The applicant enter into a <i>Planning Act</i> Section 37 Community Benefits Agreement with the Town no later than September 18, 2022, to the satisfaction of Town.</li> <li>▪ The applicant convey a 0.96 hectare parcel of land located adjacent to Rossland Road East, Hilton Gate, and Styles Crescent for the purposes of a park upon site plan approval of the first parcel / building of the subject lands, to the satisfaction of the Town.</li> <li>▪ The applicant submit a site plan application to the Town for approval.</li> <li>▪ That the applicant enter into a site plan agreement with the Town.</li> </ul>	September XX - 2022

#### 4. Section 37 – Increased Height and Density

- a) THAT pursuant to Section 37 of the Planning Act, and subject to compliance with the provisions of this By-law, the increase in density of development on the lands is permitted in

return for the provision by the Owner of the following facilities, services and matters to the Town at the Owner's sole expense.

- b) THAT the Owner shall enter into one or more agreements with the Town pursuant to Section 37 of the Planning Act, which shall be registered on title to the land by the Town to secure the facilities, services and matters required to be provided by this Section of the by-law and the owner shall consent to the registration of such agreement or agreements against title to the subject lands.
  - c) THAT the owner shall provide a cash contribution of \$ TBD to the Town, no later than September 18, 2022, which shall be used for the following:
    - i) the construction cost of the park block within the development;
    - ii) the construction cost of a splash pad within the Castlefields Park;
    - iii) a trail connection through the Castlefields woodlot between the Snowling trail and Audley Road North multi-use path;
    - iv) additional trail connections to the existing trails located between the Castlefield subdivision and the Carruthers Creek;
    - v) tree planting in Town identified areas within the Castlefields subdivision;
    - vi) the cost of public art within the park block of the development;
    - vii) the construction cost of a pedestrian bridge over the Carruthers Creek north of the railway corridor; and
    - viii) cricket field infrastructure within Imagination Park
  - d) THAT notwithstanding section 4. c) any revisions to the allocation of the cash contribution shall be determined at the sole discretion of the Town.
  - e) THAT the cash contribution identified in 4. c) shall be indexed quarterly in accordance with the most recent "Construction Price Statistics" in the Statistics Canada Quarterly, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the Town.
  - f) THAT notwithstanding the foregoing, the owner and the Town may, from time to time and upon the consent of the Town and the owner, modify or amend the agreement(s) entered into under Section 37 of the Planning Act with respect to this By-law without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.
5. THAT notwithstanding any severance, partition, or division of the subject lands, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.
  6. THAT notwithstanding subsection 45 (1.3) of the Planning Act, subsequent to Council approval of the development applications, the applicant can apply for a minor variance application provided, that the height, density and floor space index (FSI) shall not increase.
  7. By-law No. 95-2003, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law.

10

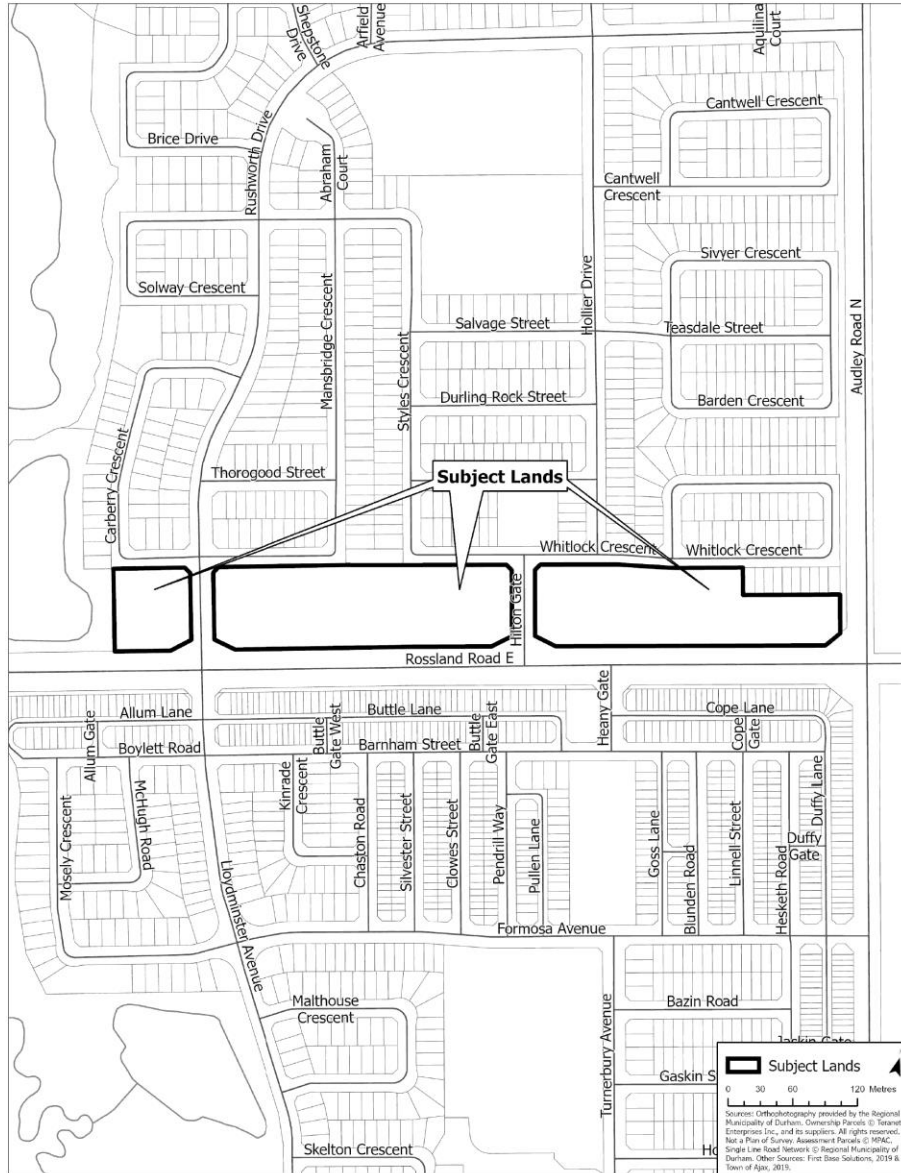
READ a first and second time this \_\_\_\_\_  
day of \_\_\_\_\_, 2022

READ a third time and passed this  
\_\_\_\_\_ day of \_\_\_\_\_, 2022

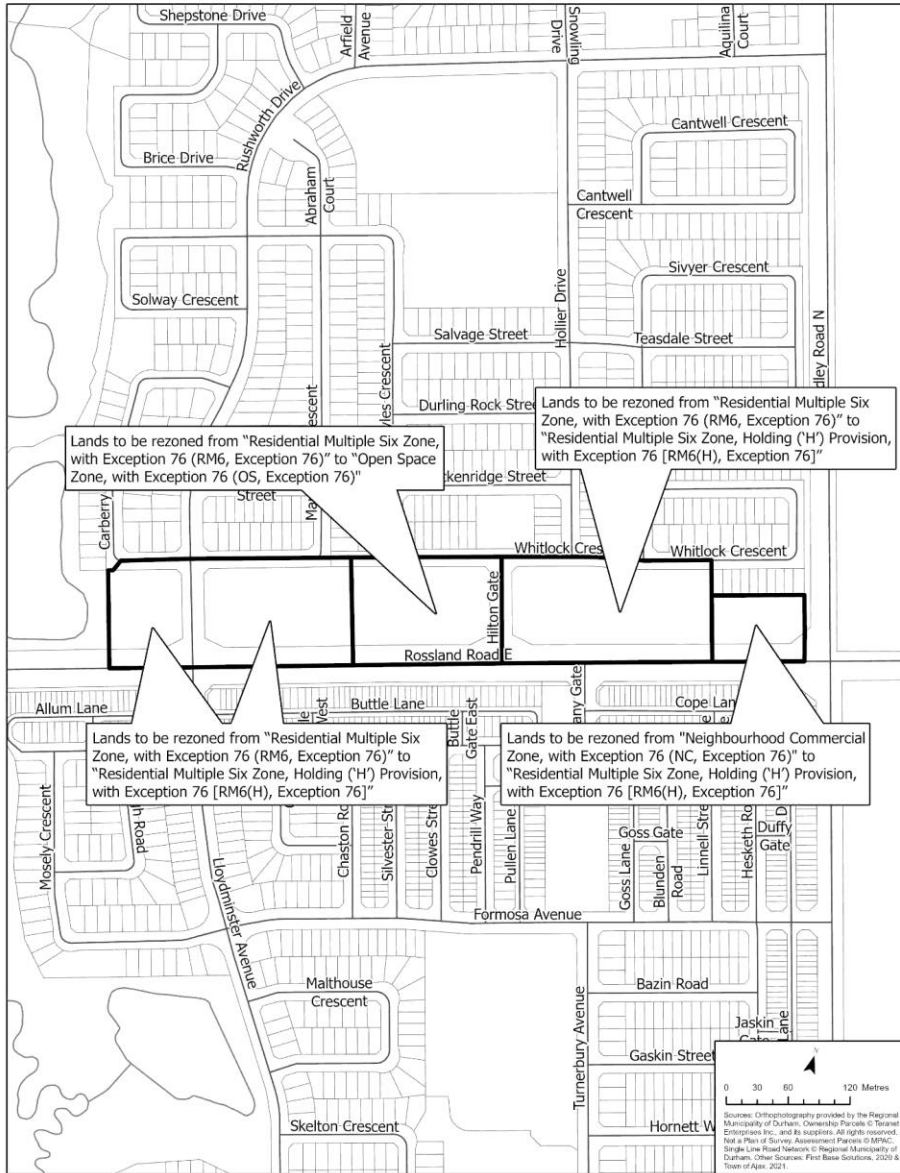
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Clerk

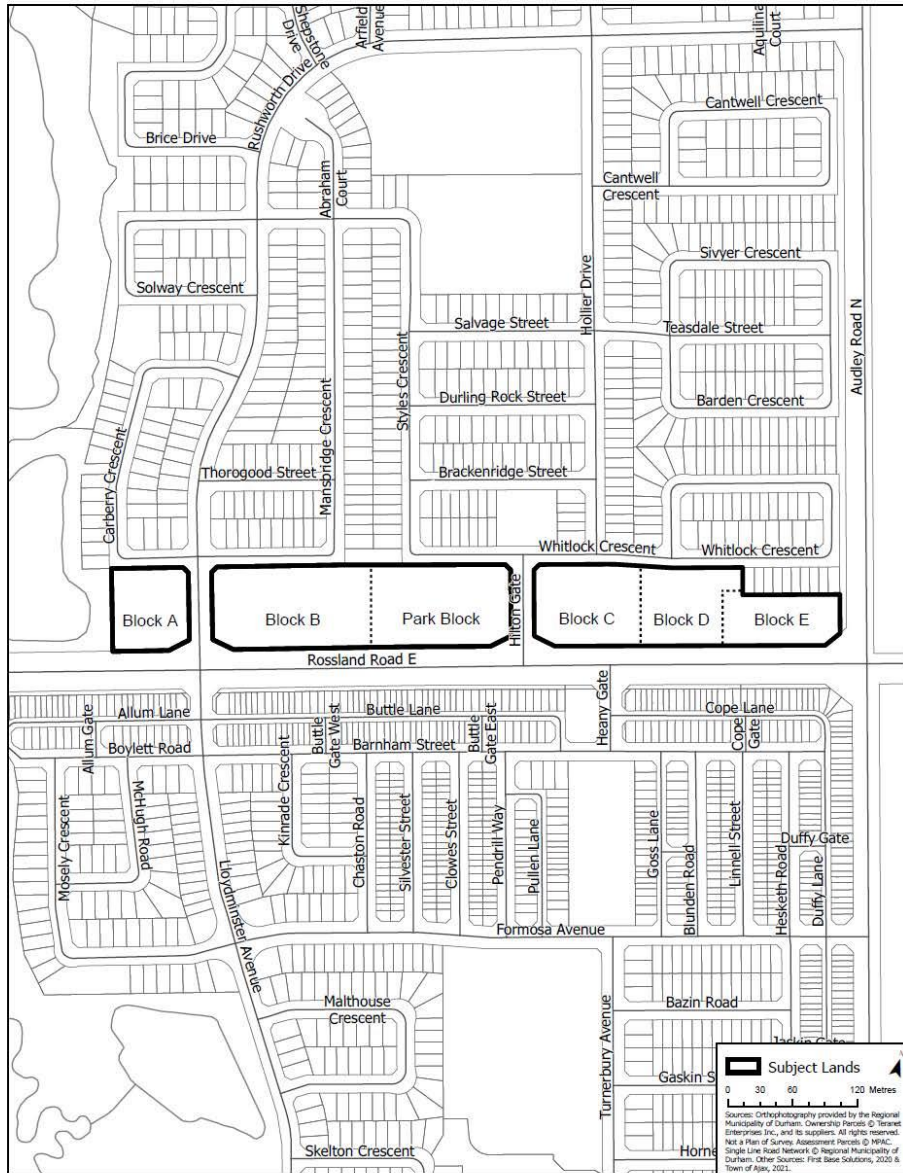
Schedule 'A' to By-Law Number XX-2022



Schedule 'B' to By-Law Number XX-2022



Schedule 'C' to By-Law Number XX-2022



### **Explanatory Note to By-Law Number XX-2022**

The purpose of this by-law is to rezone the subject lands, located Rossland Road East, Carberry Crescent, Mansbridge Crescent, Styles Crescent, Whitlock Crescents, from the Carruthers Creek tributary to the west and Audley Road to the east, from "Residential Multiple Six Zone, with Exception 76 (RM6, Exception 76)" and "Neighbourhood Commercial Zone, with Exception 76 (NC, Exception 76)" to "Residential Multiple Six Zone, Holding ('H') Provision, with Exception 76 [RM6(H), Exception 76]" and "Open Space Zone, with Exception 76 (OS, Exception 76)", as indicated on the attached Schedule 'B' of this By-law, to:

- 1) Facilitate the development of the subject lands for 1,304 residential dwelling units within a 15-storey apartment building (Block A), three 8-storey apartment buildings (Blocks B, C and D), one 8-storey mixed-use apartment building (Block E), 53 townhouse dwellings and a neighbourhood park by modifying permitted uses and establishing various development standards that regulate the development of the subject lands.
- 2) Establish and regulate the procurement of community benefits under Section 37 of the *Planning Act*, for increases in building height and/or density above existing planning permissions.