

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** August 03, 2017

**CASE NO(S):** PL161283

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

Applicants and Appellants: Lebovic Enterprises Limited & 1320991 Ontario Ltd.  
Subject: Application to amend Zoning By-law No. 3037 - Refusal or neglect of the City of Pickering to make a decision  
Existing Zoning: Rural Agriculture Zone  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit a residential common element condominium development consisting of townhouses units  
Property Address/Description: 2610, 2630, 2650 & 2663 Brock Road  
Municipality: City of Pickering  
Municipality File No.: A 1/14  
OMB Case No.: PL161283  
OMB File No.: PL161283  
OMB Case Name: Lebovic Enterprises Limited v. Pickering (City)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Lebovic Enterprises Limited & 1320991 Ontario Ltd.  
Subject: Proposed Plan of Subdivision - Failure of the City of Pickering to make a decision  
Purpose: To permit a residential common element condominium development consisting of townhouses units  
Property Address/Description: 2610, 2630, 2650 & 2663 Brock Road  
Municipality: City of Pickering  
Municipality File No.: SP-2014-01  
OMB Case No.: PL161283  
OMB File No.: PL161284

**Heard:** May 23, 2017 in Pickering, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Lebovic Enterprises Limited and  
1320991 Ontario Ltd.

M.J. McQuaid

City of Pickering

P. Bigioni

**MEMORANDUM OF ORAL DECISION DELIVERED BY L. M. BRUCE ON MAY 23,  
2017 AND ORDER OF THE BOARD**

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**BACKGROUND**

[1] Lebovic Enterprises Limited and 1320991 Ontario Ltd (the “Appellant”) applied to the City of Pickering (the “City”) to amend Zoning By-law (“ZBL”) No. 3037 to permit the construction of condominium stacked and block townhouse units on three parcels of land located along Brock Road. The subject lands are Part of Lots 18 and 19, Concession 3 and Part of Lots 4, 5, 7 and 8 Registered Plan 585.

[2] The Appellant has appealed City Council’s failure to make a decision on the Zoning By-law Amendment (“ZBA”). The subject lands are currently zoned Rural Agricultural under the Restricted Area Zoning By-law. A draft plan of subdivision has also been appealed. The Appellant and the City have reached a settlement with respect to the applications before the Board.

[3] The Appellant’s three properties are located along Brock Road within the Duffin Heights Neighbourhood. Parcel A is a triangular shaped property located on the east side of Brock Road (2663 Brock Road), north of the hydro corridor and west of William Jackson Drive. Parcel A, accessed off William Jackson Drive, has an area of approximately 1.0 hectare (“ha”) with 126 metres (“m”) of frontage along Brock Road

and 20 m of frontage along William Jackson Drive. Parcels B and C are located at 2610, 2630 and 2650 Brock Road, on the west side of Brock Road between Zents Drive and Dersan Street. Parcel B has an area of approximately 1.15 ha with 91 m of frontage along Brock Road. Parcel C has an area of 0.93 ha with 19 m of frontage along Brock Road. A new street will run along the west side of Parcels B and C.

[4] The proposed development consists of 90 townhouse units and 54 stacked units, a future development block and local roads on lands located on the east and west sides of Brock Road. The units fronting on Brock Road will be setback 5 m from Brock Road.

## **EVIDENCE AND ANALYSIS**

[5] Glen Easton was qualified as a Planner to give opinion evidence in matters related to land use planning. The Board relied on Mr. Easton's evidence as well as the City's Report to Planning and Development Committee ("Planning Report") (Exhibit 4).

[6] The Durham Regional Official Plan ("Regional OP") designates the subject lands as "Living Areas". Lands in this designation are to be predominantly used for housing purposes developed in a compact form through higher densities, particularly along arterial roads such as Brock Road.

[7] The Pickering Official Plan ("Pickering OP") designates the subject lands as Mixed Use Areas - Mixed Use Corridors. The Planning Report states that lands with this designation permit a density range of over 30 units up to and including 140 units per net ha. The proposed plan for the subject land has a residential density of approximately 48.7 units per net ha.

[8] The Planning Report states that the Duffin Heights Neighbourhood policies for the Mixed Corridor designation requires new development to have "a strong and identifiable urban image by establishing buildings closer to the street, providing safe and convenient access, and requiring all buildings to be multi-storey". Higher intensity multi-

unit housing forms should be on lands adjacent to Brock Road with grade related residential development being on lands adjacent to the collector or local road.

[9] Mr. Easton opined that the applications conform with the policies of both the Durham Region OP and the Pickering OP.

[10] Mr. Easton testified that the proposed applications are consistent with the intent of the Provincial Policy Statement (“PPS”) and the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). The proposal represents an infill residential development that will assist the City in achieving intensification targets and facilitating growth and mix of uses in the built-up areas and conforms to the Growth Plan.

[11] Kevin Ryan, Counsel for the Region of Durham and Grant Morris representative for Tenkey Holdings attended as participants. Neither participant expressed any concerns about the proposed development and associated conditions.

## **DECISION**

[12] Recognizing that a settlement has been reached between the parties and having heard the uncontested evidence of Mr. Easton on the proposed ZBA and Draft Plan of Subdivision, the Board is satisfied that the proposed Amendment conforms to and is consistent with the PPS, Growth Plan, and Durham and Pickering OPs. Further, the Board finds that the Draft Plan of Subdivision has regard for s. 51(24) of the *Planning Act* (the “Act”) and that the proposed conditions (Attachment 2) are reasonable and in accordance with s. 51(25) of the Act.

## **ORDER**

[13] The Board orders:

[14] That the ZBA appeal is allowed and By-law No. 3037 is hereby amended in the manner set in Attachment 1 to this order. The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

[15] That the draft plan of subdivision appeal is allowed and the draft plan included as Schedule I and II to the ZBA is approved subject to the fulfillment of the conditions set out in Attachment 2 to this order.

*"L. M. Bruce"*

L. M. BRUCE  
MEMBER

If there is an attachment referred to in this document  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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# ATTACHMENT 1

The Corporation of the City of Pickering

By-law No. /17

Being a By-law to amend Restricted Area (Zoning) By-law 3037, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Part of Lots 18 and 19, Concession 3 and Part of Lots 4, 5, 7 and 8, Registered Plan 585, City of Pickering (A 01/14; SP-2014-01; CP-2014-01)

Whereas the Council of The Corporation of the City of Pickering received an application to rezone the subject lands being Part of Lots 18 and 19, Concession 3 and Part of Lots 4, 5, 7 and 8, Registered Plan 585, in the City of Pickering to permit the development of a condominium consisting of townhouse, lane townhouse and stacked townhouse units accessed from a private road;

And whereas an amendment to By-law 3037, as amended by By-law 6577/05, is therefore deemed necessary;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. **Schedules I and II**

Schedules I and II to this By-law with notations and references shown thereon are hereby declared to be part of this By-law.

2. **Area Restricted**

The provisions of this By-law shall apply to those lands in, Part of Lots 18 and 19, Concession 3 and Part of Lots 4, 5, 7 and 8, Registered Plan 585 in the City of Pickering, designated "MU-29" and "MU-30" on Schedule I to this By-law.

3. **General Provisions**

No building, structure, land or part thereof shall hereafter be used, occupied, erected, moved or structurally altered except in conformity with the provisions of this By-law.

4. **Definitions**

In this By-law,

- (1) "Air Conditioner" means any mechanical equipment which is required for residential domestic use and which must be installed outdoors including central air conditioning units, heat pumps, heat exchange units, emergency generators and other such equipments.

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- (2) “Amenity Area” means an outdoor area located anywhere on a lot, or the roof of a parking structure, private garage or any other building which includes landscape area, but which may also include areas of decking, decorative paving or other similar surface and includes a balcony, porch or deck and which has direct access from the interior of the dwelling unit.
- (3) “Balcony” means an attached covered or uncovered platform projecting from the face of an exterior wall, including above a porch, which is only directly accessible from within a building, usually surrounded by a balustrade or railing, and does not have direct exterior access to grade.
- (4) “Basement” means a portion of a building below the first storey.
- (5) “Bay, Bow, Box Window” means a window that protrudes from the main wall, usually bowed, canted, polygonal, segmental, semicircular or square sided with window on front face in plan; one or more storeys in height, which may or may not include a foundation; may or may not include a window seat; and may include a door.
- (6) “Building” means a structure occupying an area greater than 10 square metres and consisting of any combination of walls, roof and floor but shall not include a mobile home.
- (7) (a) “Dwelling” means a building or part of a building containing one or more dwelling units, but does not include a mobile home or trailer;
- (b) “Dwelling, Block Townhouse” means a residential use building containing three or more attached principal dwelling units divided vertically, and where all dwelling units are located on one lot and accessed from a private street, laneway or common condominium aisle;
- (c) “Dwelling Unit” means a residential unit that:
- i) consists of a self-contained set of rooms located in a building or structure;
  - ii) is used or intended for use as a residential premises;
  - iii) contains kitchen and bathroom facilities that are intended for the use of the unit only; and
  - iv) is not a mobile home or any vehicle.
- (d) “Dwelling, Stacked” means a residential use building of four or fewer storeys in height containing three or more principal dwelling units where the units are divided horizontally and vertically, and in which each dwelling unit has an independent entrance to the interior.
- (8) “Grade” or “Established Grade” means the average elevation of the finished level of the ground adjoining all exterior walls of a building.

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- (9) “Height” means the vertical distance between the established grade, and in the case of a flat roof, the highest point of the roof surface or parapet wall, or in the case of a mansard roof the deck line, or in the case of a gabled, hip or gambrel roof, the mean height level between eaves and ridge. When the regulation establishes height in storeys, means the number of storeys. The height requirements of this By-law shall not apply to roof top mechanical penthouses.
- (10) “Lands, Subject” means the lands subject of this by-law.
- (11) (a) “Lot” means an area of land fronting on a street which is used or intended to be used as the site of a building, or group of buildings, as the case may be, together with any accessory buildings or structures, or a public park or open space area, regardless of whether or not such lot constitutes the whole of a lot or block on a registered plan of subdivision;
- (b) “Lot, Corner” means a lot situated at the intersection of two or more streets or upon two parts of the same street having an angle of intersection not exceeding 135 degrees.
- (c) “Lot, Through” means a lot bounded on opposite sides by a street.
- (12) “Lane” means a thoroughfare not intended for general traffic circulation that provides means of vehicular access to the rear of a lot where the lot also fronts or flanks onto a street, or where a lot fronts onto public or private open space. The lane may be maintained by a condominium corporation as a private road condominium or by a government authority.
- (13) “Mobile Home” means a prefabricated building that is designed to be made mobile and is intended to provide permanent residence but does not include any trailer otherwise defined in this By-law.
- (14) “Parapet Wall” means the portion of an exterior wall extending above the roof.
- (15) “Parking Lot” means a lot or portion thereof provided for the parking of motor vehicles accessory or incidental to the main use.
- (16) “Porch” means a roofed deck or portico structure attached to the exterior wall of a building. A basement may be located under the porch.
- (17) “Premises” means the whole or part of lands, buildings or structures, or any combination of these.
- (18) “Primary Entrance Door” means the principal entrance by which the resident enters or exits a dwelling unit.



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- (19) “Private garage” means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which structure no business or service is conducted for profit or otherwise.
- (20) (a) “Storey” means that portion of a building other than a basement, cellar, or attic, included between the surface of any floor, and the surface of the floor, roof deck or ridge next above it.
- (b) “Storey, First” means the storey with its floor closest to *grade* and having its ceiling more than 1.8 metres above *grade*.
- (21) (a) “Street” means a public highway but does not include a lane. Where a 0.3 metre reserve abuts a street, or where a daylight triangle abuts a street, for the purposes of determining setbacks the street shall be deemed to include the 0.3 metre reserve and/or the daylight triangle, however, nothing herein shall be interpreted as granting a public right of access over the 0.3 metre reserve or as an assumption of the 0.3 metre reserve as a public highway for maintenance purposes under the Municipal Act.
- (b) “Street Line” means the dividing line between a lot and a street.
- (c) “Street, Private” means:
- i) a right-of-way or roadway that is used by vehicles and is maintained by a condominium corporation;
  - ii) a private road condominium, which provides access to individual freehold lots;
  - iii) a roadway maintained by a corporation to provide vehicular and pedestrian access to parking lots and individual retail/commercial units;
  - iv) a private right-of-way over private property, that affords access to lots abutting a private road; but is not maintained by a public body and is not a lane.
- (22) “Structure” means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls or any sign, but does not include fences below six feet in height or inground swimming pools.
- (23) “Water Meter Building” means a building or structure that contains devices supplied by the Region of Durham which measures the quality of water delivered to a property.

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**5. Provisions****(1) Uses Permitted (“MU-29” and “MU-30” Zones)**

(a) No person shall within the lands zoned “MU-29” on Schedule I to this By-law, use any lot or erect, alter, or use any building or structure for any purpose except the following:

- (i) Dwelling, Stacked
- (ii) Dwelling, Block Townhouse

(b) No person shall within the lands zoned “MU-30” on Schedule I to this By-law, use any lot or erect, alter, or use any building or structure for any purpose except the following:

- (i) Dwelling, Stacked

**(2) Zone Requirements (“MU-29” and “MU-30” Zones)**

No person shall within the lands zoned “MU-29” and “MU-30” on Schedule I to this By-law, use any lot or erect, alter, or use any building except in accordance with the following provisions:

**(a) Building Location and Setbacks:**

- (i) No building or part of a building, or structure shall be erected outside of the building envelope as illustrated on Schedule II attached hereto;
- (ii) No building or portion of a building or structure shall be erected unless a minimum of 60 percent of the length of the build-to-zone along the Brock Road frontage, and a minimum of 60 percent of the length of the build-to-zone along the Street ‘A’ frontage, as illustrated on Schedule II attached hereto, contains a building or part of a building;
- (iii) Minimum separation between buildings: 3.0 metres;

**(b) Minimum and Maximum Number of Dwelling Units for Parcels A, B and C identified on Schedule II of this By-law:**

- (i) Parcel A
  - A. Minimum Number of Dwelling Units 31
  - B. Maximum Number of Dwelling Units 142

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- (ii) Parcels B
    - A. Minimum Number of Dwelling Units 35
    - B. Maximum Number of Dwelling Units 161
  - (iii) Parcel C
    - A. Minimum Number of Dwelling Units 28
    - B. Maximum Number of Dwelling Units 131
  - (c) Building Height (maximum): 13.0 metres
  - (d) Parking Requirements (minimum):
    - (i) Block Townhouse Dwelling: 2.0 parking spaces per dwelling unit plus 0.2 of a parking space per dwelling unit for visitors
    - (ii) Stacked Dwelling: 2.0 parking spaces per dwelling unit plus 0.2 of a parking space per dwelling unit for visitors
  - (e) Driveway Width (maximum):
    - (i) Block Townhouse Dwelling: 3.7 metres
  - (f) Garage Requirements:
    - (i) Block Townhouse Dwelling: Minimum 1 private garage per unit attached to the main building, the vehicular entrance of which shall be located a minimum of 6 metres from the private street that provides vehicle access to the private garage.
    - (ii) Stacked Dwelling: Any vehicular entrance for an enclosed private garage shall be located a minimum of 6 metres from the private street that provides vehicle access to the private garage.

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- (g) Interior Garage Size (minimum):
- (i) Block Townhouse Dwelling: A private garage shall have a minimum width of 2.9 metres and a minimum depth of 6.0 metres; however, the width may include 1 interior step and the depth may include 2 interior steps.
  - (iii) Stacked Dwelling: Each parking space within a private garage for stacked dwelling units shall have a minimum width of 2.7 metres and a minimum depth of 6.0 metres; however, the width may include 1 interior step and the depth may include 2 interior steps.
- (3) Special Provisions (“MU-29” and “MU-30” Zones)
- (a) Despite Section 5.(2)(a)(i) of this By-law, architectural projections including balconies, covered porches, platforms and awnings, window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, eave troughs and other similar architectural features may project outside the building envelope identified on Schedule II of this By-law, to a maximum of 2.5 metres from the main wall of the building, and uncovered steps may project outside the required building envelope to the lot line.
  - (b) The minimum pavement width for a private street shall be 6.5 metres.
  - (c) Air conditioners shall not be located any closer than 0.6 metres to the building envelope and shall not be located on any easement in favour of the City.
  - (d) Amenity Area (minimum) - 5.0 square metres per dwelling unit
  - (e) Private Parks:
    - (i) Parcel A – minimum total area shall be 100 square metres
    - (ii) Parcel B – minimum total area shall be 1,000 square metres
    - (iii) Parcel C – not applicable

- (f) Despite the provisions of Section 5.6 of By-law 3037, as amended, the requirement for the frontage on a public street shall be satisfied by establishing frontage on a private street.
- (g) Despite provision 5.(1)(a) and 5.(2) of this By-law, a water meter building required by the Region of Durham for the purpose of measuring the quantity of water delivered shall be exempt from the “MU-29” and “MU-30” zone use provisions and zone requirements.
- (h) Clauses 5.19.2(a), 5.19.2(b), 5.19.2(e), 5.19.2(f), 5.19.2(g), and 5.19.2(k) of By-law 3037, as amended, shall not apply.

## 6. **Restrictions on the Parking and Storage of Vehicles**

No person shall use any lot for the parking or storage of vehicles except in accordance with the following provisions:

- (1) **Number of Vehicles:**  
A maximum of 4 vehicles, only 1 of which may be a trailer, are permitted to park on a driveway.
- (2) **Size of Vehicles:**
  - (a) for those vehicles parked on any lot, the maximum permissible height is 2.6 metres, and the maximum permissible length is 6.7 metres;
  - (b) notwithstanding Section (a) above, 1 vehicle parked on a driveway in a side yard or rear yard can be of a size up to a maximum permissible height of 3.5 metres, and a maximum permissible length of 8.0 metres; and
  - (c) height is measured from the established grade immediately beside the vehicle up to the vehicle’s highest point, which excludes lights, antennas and other such items ancillary to the vehicle’s body.
- (3) **Location of Vehicles:**  
No part of any front yard except a driveway is to be used for the parking or storage of vehicles and no vehicle is to encroach onto any road allowance.
- (4) **Inoperative Vehicles:**  
The parking or storage of an inoperative vehicle is not permitted on any lot unless it is entirely within a fully enclosed building or structure.
- (5) **Construction Vehicles:**  
The parking or storage of a construction vehicle or a commercial vehicle is not permitted, unless it is entirely within a fully enclosed building or structure.

- (6) **Oversize Vehicles:**  
A vehicle that exceeds the maximum permissible vehicle size provisions of Section 7.(2), is permitted to park temporarily on a lot for the sole purpose of delivering to, servicing or constructing the premises on that lot.

**7. Model Homes**

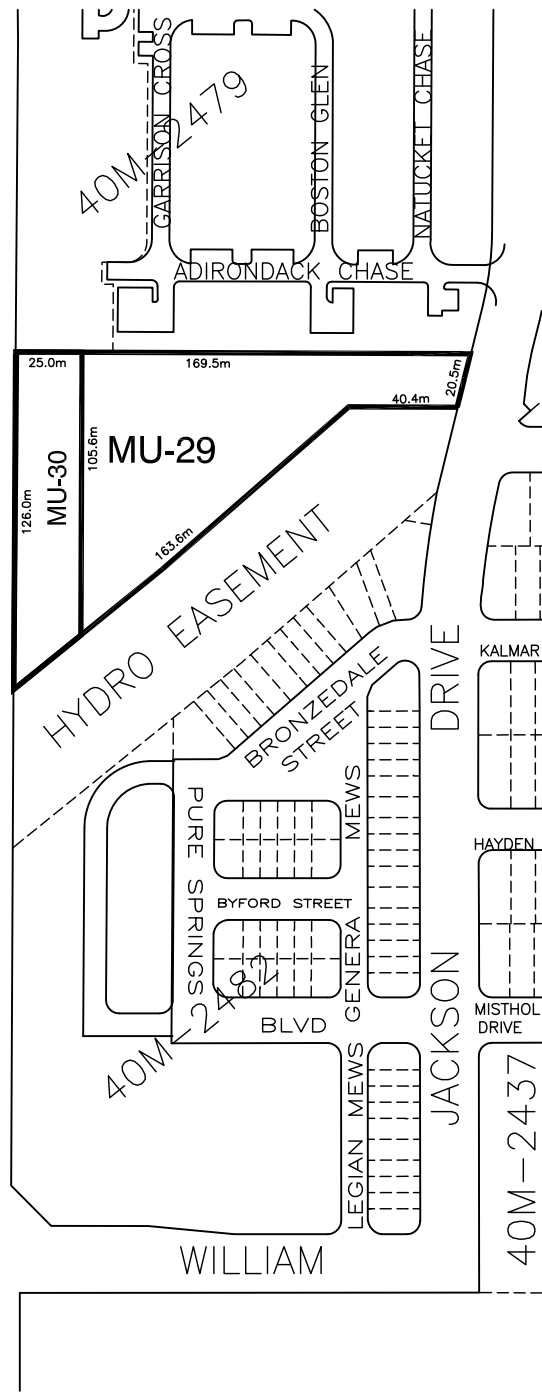
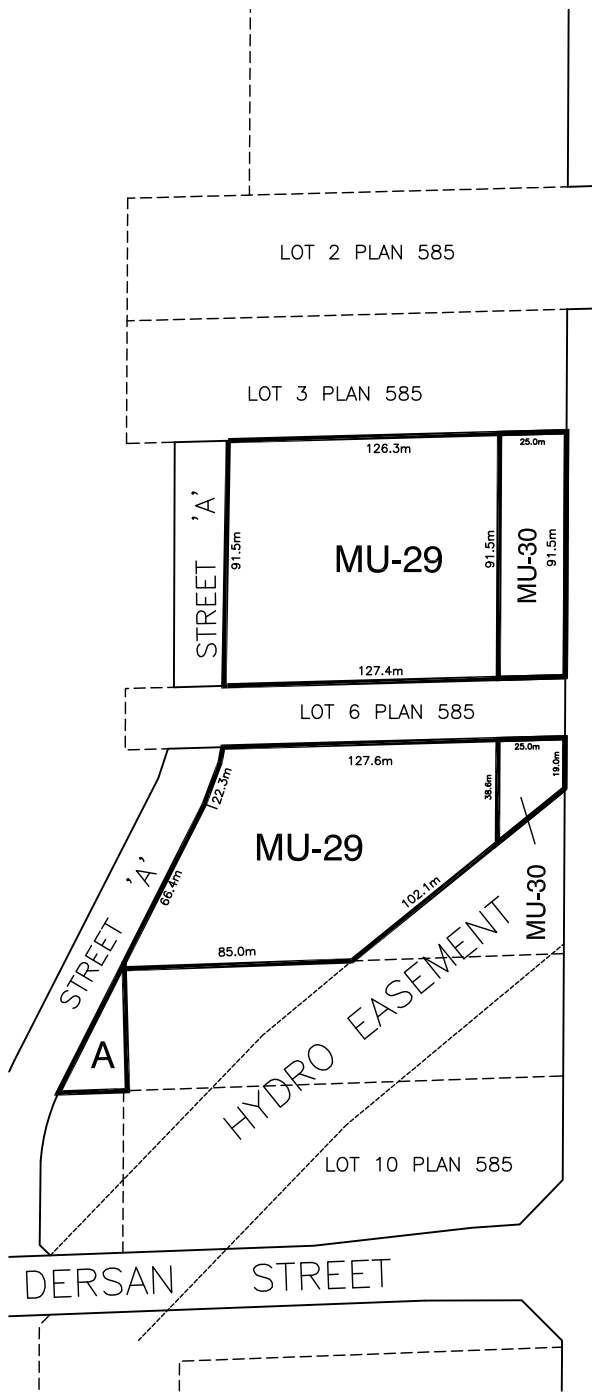
- (1) A maximum of 2 blocks, together with not fewer than 2 parking spaces per Model Home, may be constructed on the lands zoned “MU-29” and “MU-30” as set out in Schedule I attached to this By-law.
- (2) For the purpose of this By-law, “Model Home” shall mean a dwelling unit which is not used for residential purpose, but which is used exclusively for sales, display and marketing purposes pursuant to an agreement with the City of Pickering.

**8. By-law 3037**

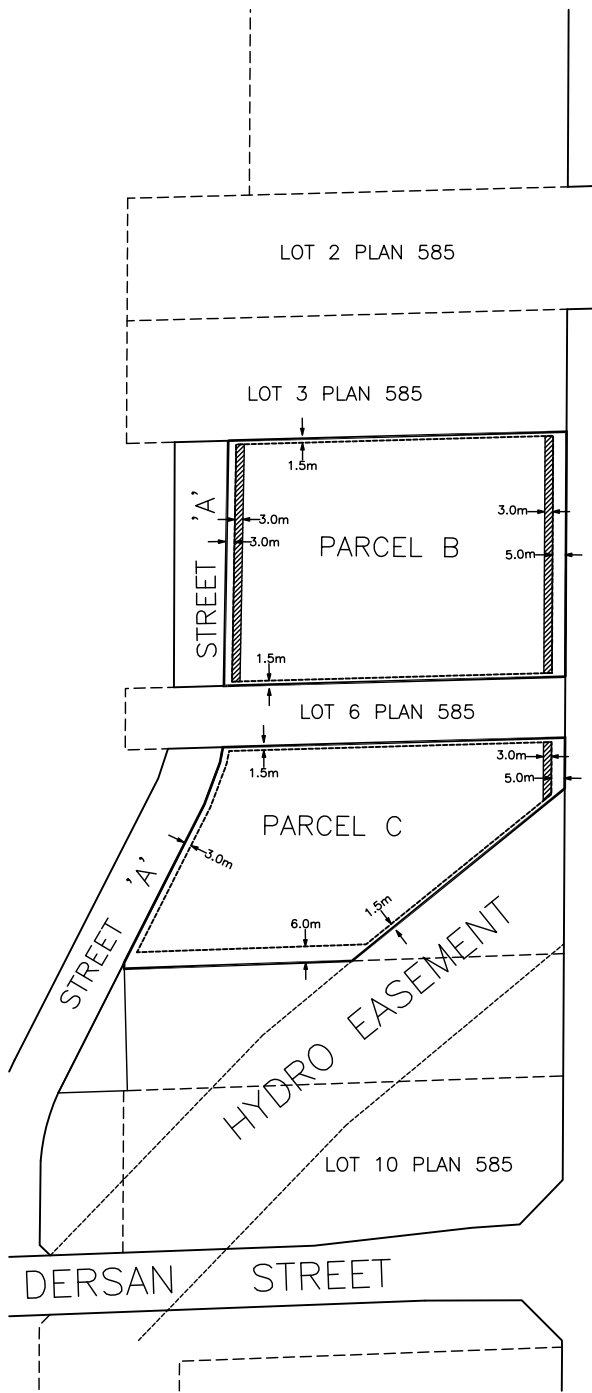
By-law 3037, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law as it applies to the area set out in Schedules I and II to this By-law. Definitions and subject matters not specifically dealt with in this By-law shall be governed by relevant provisions of By-law 3037, as amended.

**9. Effective Date**

This By-law shall come into force in accordance with the provisions of the *Planning Act*.

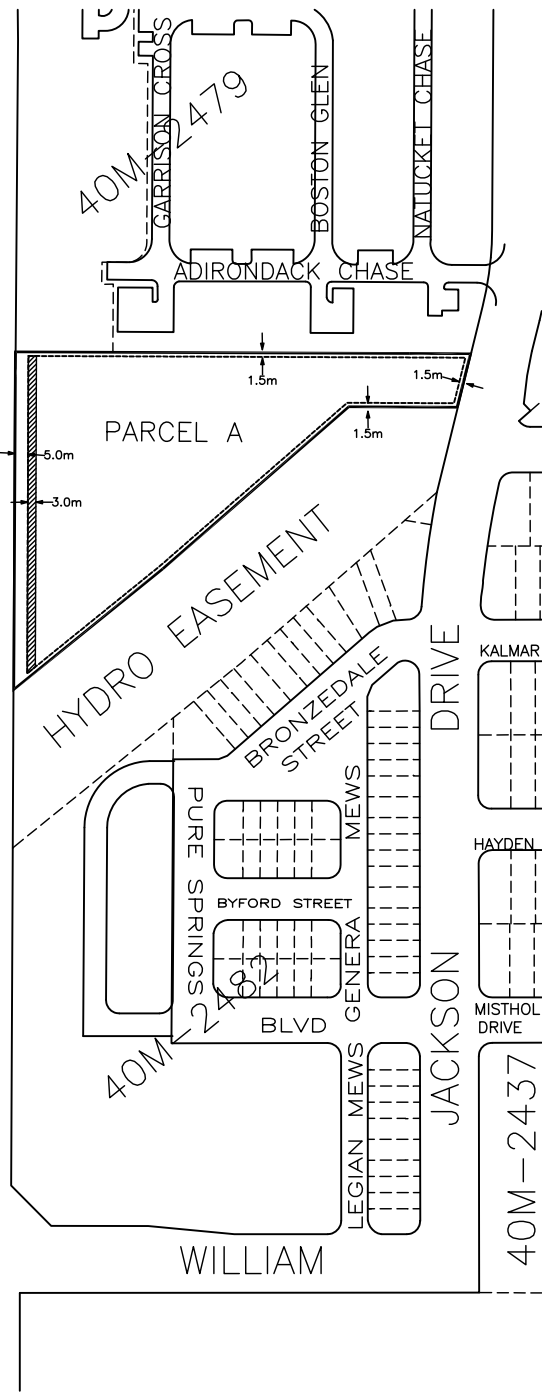


SCHEDULE I TO BY-LAW \_\_\_\_\_



ROAD

BROCK



-  BUILD TO ZONE
-  BUILDING ENVELOPE



SCHEDULE II TO BY-LAW \_\_\_\_\_



## ATTACHMENT 2

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### Proposed Conditions of Draft Approval

April 26, 2017

Plan of Subdivision: SP-2014-01  
Lebovic Enterprises and 1320991 Ontario Ltd.  
2610, 2630, 2650 & 2663 Brock Road  
(Part of Lot 19, Concession 3, and Part of Lots 4, 5, 7 and 8, Registered Plan 585)  
City of Pickering

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#### General

1. That the Owner shall prepare the final plan, and shall include a land use table, generally on the basis of the approved draft plan of subdivision prepared by GHD Inc. identified as Drawing No. 11227-DP2 for lands being Part of Lot 19, Concession 3, and Part of Lots 4, 5, 7 and 8 Registered Plan 585, City of Pickering, which illustrates 2 blocks for residential development (Blocks 1 and 2), a block future development block (Block 3), and two blocks for a public road (Street 'A' and Street 'B').

#### Region of Durham

2. That the Owner shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by GHD Inc., identified as Drawing No. 11227-DP2, Plotted October 6, 2015, which illustrates 2 development blocks, a reserve block and roads.
3. That the Owner shall name road allowances included in this draft plan to the satisfaction of the Regional Municipality of Durham and the City of Pickering.
4. That the Owner shall submit plans showing the proposed phasing to the Region and the City of Pickering for review and approval if this subdivision is to be developed by more than one registration.
5. That the Owner shall grant to the Region, any easement required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
6. That the Owner shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Owner shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Regional Municipality of Durham, and are to be completed prior to final approval of this plan.

7. That prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
8. That the Owner shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of roads, services, drainage and other services.
9. That prior to final approval, the Owner is required to submit a Phase One Environmental Site Assessment (ESA) report, as well as a signed Regional Reliance Letter and Certificate of Insurance to the Region's satisfaction in support of the aforementioned Phase One ESA report. Alternatively, a signed Record of Site Condition (RSC) may be submitted to the Ministry of the Environment and Climate Change (MOECC). Should A RSC be filed, the Region will require a copy of the RSC and any other supporting documentation, including the MOECC's Acknowledgement Letter.
10. That the Owner shall agree in the City of Pickering Subdivision Agreement to implement the recommendations of the report, entitled "Environmental Noise Assessment, Lebovic – Duffin Heights Mixed Use Sites, Part of Lot 19, Concession 3, City of Pickering" prepared by YCA Engineering Limited, originally dated July, 2013 and revised October, 2015, which specifies noise attenuation measures for the development. The measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the revised noise (i.e., author, title, date and any revisions/addenda) and shall include any required warning clauses indentified in the study.

### **Subdivision Agreement**

11. That the Owner enters into a subdivision agreement with and to the satisfaction of the City of Pickering to ensure the fulfillment of the City's requirements, financial and otherwise, which shall include, but not necessarily be limited to the conditions outlined in this document.

### **40M-Plan**

12. That the Owner submits a 40M-Plan to the satisfaction of the City Development Department.

### **Zoning**

13. That the implementing by-law for Zoning By-law Amendment Application A 01/14 becomes final and binding.

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**Street Names and House Numbers**

14. That street names and signage be provided to the satisfaction of the Region and the City.
15. That house numbers are assigned as per the City's addressing conventions.

**Development Charges & Inspection Fee**

16. That the Owner satisfies the City financially with respect to the *Development Charges Act*.
17. That the Owner satisfies the City with respect to payment for development review and inspection fees.

**Dedications/Transfers/Conveyances**

18. That the Owner conveys to the City, at no cost:
  - (i) road allowances, Street 'A' and Street 'B' along with the proper corner roundings and sight triangles to the City and any other easements as required,
  - (ii) 0.3 metre reserve across the east side of Street 'A' from the north limit of the water booster station to the north limit of Block 3, and
  - (iii) 0.3 metre reserve across the north limit of Street 'B'.

**Stormwater**

19. That the Owner satisfies the Director, Engineering Services respecting interim storm drainage and stormwater management measures for the drainage of Street 'A' and Street 'B' as well as any offsite drainage to the satisfaction of the City.
20. That the Owner satisfies the Director, Engineering Services that all stormwater management, and erosion and sedimentation control structures are operating and will be maintained in good repair during the construction period for Street 'A' and Street 'B'.
21. That the owner satisfies the Director, Engineering Services to implement all water balance/infiltration measures identified in the approved Master Environmental Servicing Plan and Functional Servicing and Stormwater Management Report.

**Grading**

22. That the Owner satisfies the Director, Engineering Services respecting submission and approval of a grading control plan for Street 'A' and Street 'B'.

23. That the Owner satisfies the Director, Engineering Services respecting the submission and approval of a geotechnical soils analysis for Street 'A' and Street 'B'.
24. That the Owner satisfies the Director, Engineering Services respecting authorization from abutting landowners for all offsite grading.
25. That the Owner satisfies the Director, Engineering Services respecting drainage of the low area within the woodlot to the west of Street 'A'.
26. That the Owner satisfies the Director, Engineering Services respecting the grade difference from the travelled portion of Street 'A' and Street 'B' and the west right-of-way limit, and indicate how the grade difference will be accommodated considering the positive boulevard grade to the limit of the right-of-way.

### **Fill & Topsoil**

27. That the Owner acknowledges that the City's Fill & Topsoil Disturbance By-law prohibits vegetation or soil disturbance, vegetation or soil removal or importation to the site unless a permit has been issued. No on-site works prior to draft plan approval is permitted. A Fill & Topsoil Disturbance Permit will be required should vegetation removal or grading works proceed prior to the subdivision agreement being executed.

### **Construction/Installation of City Works & Services**

28. That the Owner satisfies the Director, Engineering Services respecting the submission of appropriate engineering drawings for Street 'A' and Street 'B' that detail, among other things, City services, construction of roads with curbs, storm sewers, pedestrian walkways/sidewalks, boulevard design, lot grading, streetlights, fencing and tree planting, and financially secure such works.
29. That the Owner satisfies the City respecting arrangements for the provision of all services required by the City for Street 'A' and Street 'B'.
30. That the Owner satisfies the appropriate authorities respecting arrangements for the provision of underground wiring, street lighting, cable television, natural gas and other similar services for Street 'A' and Street 'B'.
31. That the cost of any relocation, extension, alteration or extraordinary maintenance of existing services necessitated by this development shall be the responsibility of the Owner for Street 'A' and Street 'B'.

### **Easements**

32. That the Owner convey to the City, at no cost, any easements as required, and any reserves as required by the City.

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33. That the Owner conveys any easements to any utility provider to facilitate the installation of their services in a location(s) to the satisfaction of the City and the utility provider.
  34. That the Owner arrange at no cost to the City any easements required on third party lands for servicing and such easements shall be in a location as determined by the City and/or the Region and are to be granted upon request at any time after draft approval. That the Owner satisfies the Director, Engineering Services with any required on-site or off-site easements for works, facilities or use rights that are required by the City.

### **Construction Management Plan**

35. That the Owner make arrangements with the City respecting a construction management plan for Street 'A' and Street 'B', such Plan to contain, among other things:
  - (i) details of erosion and sedimentation controls during all phases of construction and provide maintenance requirements to maintain these controls as per the City's Erosion & Sediment Control Guideline for Urban Construction;
  - (ii) addressing the parking of vehicles and the storage of construction materials during servicing and construction of Street 'A' and Street 'B', and ensuring that such locations will not impede the flow of traffic or emergency vehicles on existing streets;
  - (iii) assurance that the City's Noise By-law will be adhered to and that all contractors, trades and suppliers are advised of this By-law;
  - (iv) the provision of mud and dust control on all roads within and adjacent to the site;
  - (v) type and timing of construction fencing;
  - (vi) location of construction trailers; and
  - (vii) details of the temporary construction access.

### **Landscaping**

36. That the Owner submits a tree preservation/street tree planting plan to the satisfaction of the Director, Engineering Services. This is to include boulevard plantings along Brock Road, Street 'A' and Street 'B', as well as an edge management plan along the protected woodlot west of Street 'A' and Street 'B'.

### **Engineering Plans**

37. That the Owner satisfy the City of Pickering respecting arrangements necessary to provide for coordination of services and roads with adjacent lands.

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**Parkland Dedication**

38. That the Owner shall satisfy its obligation to provide parkland or cash in lieu thereof by its compliance with the provisions of the Duffin Heights Master Parks Agreement.

**Fire**

39. That the Owner agrees that no development will proceed on Blocks 1 to 3, inclusively, until adequate services are available including adequate water pressure to the satisfaction of the City's Fire Services Department.

**Duffin Heights Cost Sharing**

40. That the Owner satisfy, to the satisfaction of the City of Pickering, all matters required by the Duffin Heights Environmental Servicing Plan, including but not limited to the following:
- (i) Functional Servicing and Stormwater Report
  - (ii) Monitoring Report
  - (iii) Compensation Report
  - (iv) Fish Habitat Restoration Fund contribution
  - (v) Watershed System Monitoring and Management Fund contribution; and
  - (vi) Adaptive Management Fund contribution.
41. That the Owner satisfies the Director, City Development & CBO with a letter from the Trustee for the Duffin Heights Landowners Group Inc. acknowledging that the Owner continues to be a Participating Owner pursuant to the cost sharing agreement for Duffin Heights and that the Owner has made all payments due under the said cost sharing agreement.

**Other Approval Agencies**

42. That the Owner obtains all necessary permits from the Toronto and Region Conservation Authority pursuant to Ontario Regulation 166/06, as amended to permit the construction of Street 'A' and Street 'B'.
43. That any approvals which are required for the construction of Street 'A' and Street 'B' from the Region of Durham, the Toronto and Region Conservation Authority, or any utility for the development of this plan be obtained by the Owner, and upon request written confirmation be provided to the City as verification of these approvals.

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**Toronto and Region Conservation Authority**

44. That prior to the initiation of topsoil stripping, grading, installation of servicing or other site alteration, and prior to the registration of the affected phase of this Draft Plan of Subdivision, the Owner shall prepare an Environmental Impact Statement (EIS) to TRCA and City of Pickering satisfaction that addresses the following issues, as outlined in the Duffin Heights Environment and Servicing Plan (ESP):
- (i) an Edge Management Plan shall be prepared for the woodland to the west to address the north/south road impacts to the forest edge,
  - (ii) the amount of forest habitat to be lost as part of the construction of the north/south road shall be quantified and the compensation must be determined based on the terrestrial compensation equation outlined in the ESP plus annual cost increases since the date of adoption of the ESP, and
  - (iii) the detailed design plans for the north/south road shall include the necessary design features as outlined in the Duffin Heights Fish Habitat Compensation Plan to promote wetland habitat within the tableland woodland. The applicant shall consult with TRCA's Restoration Services prior to initiating the detailed design for the north/south road.
45. That prior to the initiation of topsoil stripping, grading, installation of servicing or other site alteration, and prior to the registration of the affected phase of this Draft Plan of Subdivision, the Owner shall submit a revised Functional Servicing and Stormwater Management Report to address the comments in TRCA letter of June 9, 2016, to TRCA's satisfaction.
46. That prior to the initiation of the installation of servicing and prior to the registration of the affected phase of this Draft Plan of Subdivision, the Owner shall prepare and submit a detailed engineering submission to include:
- (i) a description of the storm drainage system (quantity, quality and erosion control) for Street 'A' and Street 'B',
  - (ii) plans illustrating how this drainage system will tie into surrounding drainage systems (ie., how external flows will be accommodated, the design capacity of the receiving system),
  - (iii) appropriate stormwater management techniques which may be required to control minor and major flows,
  - (iv) implementation of the Low Impact Development measures, and

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- (v) the location, description and details of all outlets and other facilities or works which may require permits from the TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06).
47. That the Owner agrees in the subdivision agreement, in wording acceptable to the TRCA:
- (i) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the reports and details of the plans referenced in Conditions 67 and 68,
  - (ii) to implement erosion, sediment and topsoil management consistent with the Erosion Sediment Control Plans at all times,
  - (iii) to install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA,
  - (iv) to obtain all necessary permits from the TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as amended, to the satisfaction of the TRCA, and
  - (v) to provide the Owner's contribution to the compensation plan identified in ESP per Condition 66 (ii).
48. That this draft plan of subdivision be subject to red-line revision(s) in order to meet the requirements of Condition 67, if necessary, to the satisfaction of the TRCA.

**Hydro One Networks Inc.**

49. That prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted in triplicate to HONI for review and approval.
50. That any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the right of way. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
51. That temporary fencing must be placed along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly abut the HONI easement at the developer's expense.



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52. That the developer shall make arrangements satisfactory to HONI for any encroachments and/or any uses of the hydro right-of-way. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings. The developer must contact HONI Senior Real Estate Coordinator at 905.946.6275 to begin the process of acquiring a Construction and Encroachment Agreement.
  53. That the costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer.
  54. That the easement rights of HONI and its legal predecessors are to be protected and maintained.

### Notes to Draft Approval

1. As the Owner of the proposed subdivision, it is your responsibility to satisfy all conditions of draft approval in an expeditious manner. The conditions of draft approval will be reviewed periodically and may be amended at any time prior to final approval. The *Planning Act* provides that draft approval may be withdrawn at any time prior to final approval.
2. All plans of subdivision must be registered in the Land Titles system within the Regional Municipality of Durham.
3. Where agencies' requirements are required to be included in the City of Pickering subdivision agreement, a copy of the agreement should be sent to the agencies in order to facilitate their clearance of conditions for final approval of this plan. The addresses and telephone numbers of these agencies are:
  - (a) Commissioner of Planning and Economic Development, Planning Division, Regional Municipality of Durham, 605 Rossland Road East, P.O. Box 623, Whitby, ON L1N 6A3, 1.800.372.1102;
  - (b) Toronto and Region Conservation Authority, Planning and Development, 5 Shoreham Drive, Downsview, ON M3N 1S4, 1.888.872.2344.
4. Prior to final approval of this plan for registration, the Director, City Development for the City of Pickering shall be advised in writing by:
  - (a) The Region of Durham, how Conditions 2 to 10, inclusively have been satisfied,
  - (b) TRCA, how Conditions 44 to 48, inclusively have been satisfied, and
  - (c) Hydro One Networks Inc., how Conditions 49 to 54, inclusively have been satisfied.

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5. The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.