

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** February 26, 2020

**CASE NO(S):** PL180300

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: CPC II Management Inc.  
Subject: Application to amend Zoning By-law No. 3036 -  
Refusal or neglect of the City of Pickering to  
make a decision

Existing Zoning: M1-4 and M1-5  
Proposed Zoning: S4  
Purpose: To permit a residential development consisting  
of nine lots for detached dwellings

Property Address/Description: 1520 Notion Road  
Municipality: City of Pickering  
Municipality File No.: A 10/17  
LPAT Case No.: PL180300  
LPAT File No.: PL180300  
LPAT Case Name: CPC II Management Inc. 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: CPC II Management Inc.  
Subject: Proposed Plan of Subdivision - Failure of the  
City of Pickering to make a decision

Purpose: To permit a residential development consisting  
of nine lots for detached dwellings

Property Address/Description: 1520 Notion Road  
Municipality: City of Pickering  
Municipality File No.: SP-2017-05  
LPAT Case No.: PL180300

LPAT File No.: PL180301

**Heard:** February 10, 2020 in Pickering, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

CPC II Management Inc.

M. Laskin

City of Pickering

M. Joblin

Region of Durham

R. Woon

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON  
FEBRUARY 10, 2020 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This was a settlement hearing in the matter of appeal by CPC II Management Inc. (the “Applicant”) from the failure of the City of Pickering (the “City”) to make a decision pursuant to s. 34(11) of the *Planning Act* (“Act”), in respect to an application for an amendment to Zoning By-law No. 3036 (the “ZBL”) and a draft Plan of Subdivision to permit nine single detached dwelling unit residential development municipally known as 1520 Notion Road (“subject property”).

**BACKGROUND AND CONTEXT**

[2] The Applicant seeks to amend the ZBL zoned areas from “M1-4” and “M1-5” (which permits commercial uses) to “S4” Zoning provisions (the same zoning category as the abutting properties to the north and west), which allow for residential uses. The remaining portion of the property, not subject to these applications is currently zoned “MC-15” within the ZBL, amended by By-law No. 5940/02, which permits a range of

industrial, commercial and community uses. The Applicant did not propose to change the zoning of the east portion of the property.

[3] A Joint Document Book was presented to the Tribunal and listed as Exhibit 7 by Max Laskin, counsel to the Applicant.

[4] Mr. Laskin provided an overview of the location of the subject property and informed the Tribunal that through discussions with the City, the Applicant has now reduced the number of residential lots from nine to seven with the two southern most lots being transferred to the City for use in the construction of a future bridge over Provincial Highway 401.

[5] Mr. Laskin informed the Tribunal that Durham Live Inc. has withdrawn Party status citing they had no further concerns. Metrovia had also withdrawn their Participant status satisfied that their concerns have also been met.

## **PLANNING EVIDENCE**

[6] Mr. Laskin reviewed Mark Yarranton's, KLM Planning Partners Inc., *Curriculum Vitae* with the Tribunal citing his extensive experience as a land use planner and development manager.

[7] The Tribunal recognized Mr. Yarranton as a land use planner with considerable experience who could provide expert testimony.

[8] Mr. Yarranton walked the Tribunal through the merits and history of the application. He opined that the application is consistent with the Provincial Policy Statement, 2014 ("PPS"), in keeping with s. 2 of the Act and the Growth Plan 2019 (the "GP") respectively.

[9] Mr. Yarranton cited that the property with the seven residential housing lots would cover approximately 0.230 hectares of land with the balance of the property to be owned by the Applicant.

[10] Mr. Yarranton explained to the Tribunal that the residential lots are serviced by existing sewage and sanitary systems utilized by Marshcourt Drive; that the lot size was typical of the area and that the character of the neighbourhood would be maintained. He cited that proposed elevated overpass would be best served by the deletion of the two housing lots to create grading for the rise to the bridge over Highway 401. Mr. Yarranton commented on the lot coverage being 38 percent, which is lower than the threshold of 42 percent as cited by the by-law and the height of the units, which has been reduced from 12 metres to nine metres is consistent with the by-law.

[11] Mr. Yarranton provided justification that the proposal is in keeping with the PPS citing the lands are within a settlement area (Policy 1.1.3.1); that an Environment Impact Study was completed on the property; that a buffer would be provided as per Policy 1.2.6.1 to mitigate noise and that the Special Policy Area as outlined in Policy 3.1.4(a) has received comments by the Ministry of Municipal Affairs and Housing (Exhibit 7, Tab 3), which has no concerns with the subject property.

[12] Mr. Yarranton commented on the proposed development being aligned with the GP in several respects. He explained that the development is located in a settlement area with transit existing (Policy 2.2.1(a)(i) and (c)(i)) and the intensification is appropriate for a delineated built up area (Policy 2.2.3(c)).

[13] Mr. Yarranton spoke to both the Region of Durham ("Region") and the City's Official Plans ("OP") citing that the Applicant has met conformity with respect to the Flood Plain Special Policy (Exhibit 7, Tab 16 and 17), which addresses raised grades that are required above a flood plain. The Toronto Region Conservation Authority has indicated that it is also agreeable to the grades proposed.

[14] Mr. Yarranton brought attention to Tables 8 and 9 (Exhibit 7, Tab 17, page 255), which speaks to the City's OP permissible uses within Urban Residential Areas and Residential Densities, pointing out that the proposed development meets the standards set in each of these policies.

[15] Mr. Yarranton testified that the proposal responds appropriately to matters of provincial interest as enumerated in s. 2 of the Act, as amended, specifically sections:

- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians

[16] Overall, it is Mr. Yarranton's professional opinion that the proposal represents good land use planning and should be approved.

## **ANALYSIS AND FINDINGS**

[17] The Tribunal finds that the proposal is consistent with the policy direction established by the PPS and conforms to the relevant directives established by the GP, and as maintained by both the Region and the City's OPs. The Tribunal is further satisfied that the proposal has due regard for matters of Provincial interest, is consistent with the principles of good land use planning and is in the greater public interest. More significantly, the proposal furthers the goals and objectives of the Provincial planning regime to increase housing opportunities.

[18] In determining this matter, the Tribunal accepts and adopts the uncontested land use planning evidence and expert opinions provided by Mr. Yarranton. The Tribunal is persuaded by the evidence that the proposal promotes efficient development of land, intensifies use within the settlement area, and contributes to housing with the increase in units as desired by the City.

**ORDER**

[19] The Tribunal orders that the appeal against Zoning By-law No. 3036 of the City of Pickering is allowed, and that the Tribunal directs the municipality to amend By-law No. 3036 as set out in Attachment 1 to this order;

[20] The Tribunal orders that the draft Plan of Subdivision shown on the plan prepared by KLM Planning Partners Inc., on January 14, 2020, comprising of Part of Block 54 ON 40- 1498 (Attachment 2) is approved subject to, the Recommended Conditions of the Draft Approval being met as set out in Attachment 3 to this Order;

[21] AND THE TRIBUNAL ORDERS that pursuant to s. 51(56.1) of the *Planning Act*, the City of Pickering, as the approval authority in which the lands are situated, shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of s. 51(58) of the *Planning Act*.

[22] In the event there are any issues relating to the clearance of the above referenced conditions or otherwise arising out of this Decision, the panel may be spoken to through the Case Coordinator at the Tribunal, who will advise the Member, and direction will be given to the Parties as to how their issues will be addressed.

*“D. Chipman”*

D. CHIPMAN  
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.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Corporation of the City of Pickering

By-law No. xxxx/20

Being a By-law to amend Restricted Area (Zoning) By-law 3036, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Block 54, Plan 40M-1498, City of Pickering (A 10/17)

Whereas the Local Planning Appeal Tribunal, by way of a Decision dated \_\_\_\_\_, 2020, deems it desirable to amend Zoning By-law 3036, as amended, to permit a residential subdivision consisting of 7 lots for detached dwellings on lands being Block 54, Plan 40M-1498, City of Pickering;

And whereas an amendment to Zoning By-law 3036, as amended, is therefore deemed necessary;

Now therefore the Local Planning Appeal Tribunal hereby enacts as follows:

1. **Schedule I**

Schedule I 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 being Block 54, Plan 40M-1498, in the City of Pickering, designated "S4" 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" shall mean 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 equipment.
- (2) "Balcony" shall mean 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.
- (3) "Bay, Bow, Box Window" shall mean 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.

- (4)
  - (a) “Dwelling” shall mean a building or part of a building containing one or more dwelling units, but does not include a mobile home or trailer;
  - (b) “Dwelling Unit” shall mean one or more habitable rooms occupied or capable of being occupied as a single, independent, and separate housekeeping unit containing a separate kitchen and sanitary facilities;
  - (c) “Dwelling, Detached” shall mean a single dwelling which is freestanding, separate and detached from other main buildings or structures;
  - (d) “Dwelling, Semi-Detached” shall mean a residential use building containing two attached principal dwelling units that are divided vertically, with each unit having frontage on a street, except where located within a planned unit development;
- (5)
  - (a) “Floor Area – Residential” shall mean the area of the floor surface contained within the outside walls of a storey or part of a storey;
  - (b) “Gross Floor Area – Residential” shall mean the aggregate of the floor areas of all storeys of a building or structure, or part thereof as the case may be, other than a private garage, an attic, or a cellar.
- (6) “Height, Building” shall mean the vertical distance between the established grade, at the front wall of the dwelling, 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 between eaves and ridge.
- (7)
  - (a) “Lot” shall mean 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 Coverage” shall mean the combined areas of all the buildings on the lot measured at the level of the first floor and expressed as a percentage of the lot area;
  - (c) “Lot Frontage” shall mean the width of a lot between the side lot lines measured along a line parallel to and 7.5 metres distant from the front lot line.
- (8) “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.



- (9) “Storey” means the 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 above it.
- (10) (a) “Street” shall mean a public highway but does 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*.
- (11) (a) “Yard” shall mean an area of land which is appurtenant to and located on the same lot as a building or structure and is open, uncovered, and unoccupied above ground except for such accessory buildings, structures, or other uses as are specifically permitted thereon;
- (b) “Front Yard” shall mean a yard extending across the full width of a lot between the front lot line of the lot and the nearest wall of the nearest main building or structure on the lot;
- (c) “Front Yard Depth” shall mean the shortest horizontal dimension of a front yard of a lot between the front lot line and the nearest wall of the nearest main building or structure on the lot;
- (d) “Rear Yard” shall mean a yard extending across the full width of a lot between the rear lot line of the lot, or where there is no rear lot line, the junction point of the side lot lines, and the nearest wall of the nearest main building or structure on the lot;
- (e) “Rear Yard Depth” shall mean the shortest horizontal dimension of a rear yard of a lot between the rear lot line of the lot, or where there is no rear lot line, the junction point of the side lot lines, and the nearest wall of the nearest main building or structure on the lot;
- (f) “Side Yard” shall mean a yard of a lot extending from the front yard to the rear yard, and from the side lot line to the nearest wall of the nearest main building or structure on the lot;
- (g) “Side Yard Width” shall mean the shortest horizontal dimension of a side yard of a lot between the side lot line and the nearest wall of the nearest main building or structure on the lot;
- (h) “Flankage Side Yard” shall mean a side yard immediately adjoining a street or abutting on a reserve on the opposite side of which is a street;
- (i) “Flankage Side Yard Width” shall mean the shortest horizontal dimension of a flankage side yard of a lot between the lot line adjoining a street or abutting on a reserve on the opposite side of

which is a street, and the nearest wall of the nearest main building or structure on the lot;

- (j) “Interior Side Yard” shall mean a side yard other than a flankage side yard.

## 5. Provisions (“S4” Zone)

### (1) Uses Permitted (“S4” Zone)

- (a) No person shall within the lands zoned “S4” 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) detached dwelling

### (2) Zone Requirements (“S4” Zone)

No person shall within the lands zoned “S4” on Schedule I to this by-law, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

		“S4” Zone
(a)	Lot Frontage (minimum)	9.0 metres
(b)	Lot Area (minimum)	250 square metres
(c)	Front Yard Depth (minimum)	7.0 metres
(d)	Side Yard Depth (minimum)	1.2 metres on one side, 0.6 metres on the other side
(e)	Rear Yard Depth (minimum)	9.0 metres
(f)	Flankage Yard Depth (minimum)	2.7 metres
(g)	Lot Coverage (maximum)	42 percent

		"S4" Zone
(h)	Building Height (maximum)	9.0 metres
(i)	Parking Requirements (minimum)	Minimum one private garage per lot attached to the main building, any vehicular entrance of which shall be located not less than 6.0 metres from the front lot line and not less than 6.0 metres from any side lot line immediately adjoining or abutting on a reserve on the opposite side of which is a street.
(j)	Interior Garage Size (minimum)	A private garage shall have a minimum width of 2.9 metres and a minimum depth of 6.0 metres provided, however, the width may include one interior step and the depth may include two interior steps

(3) Special Provisions ("S4" Zone)

- (a) The horizontal distance between buildings on adjacent lots shall be not less than 1.8 metres;
- (b) Projections such as window sills, chimney breasts, fireplaces, belt courses, cornices, pilasters, eaves, eave troughs and other similar architectural features may be permitted in any required yard, provided that no such feature projects into the required yard more than 0.6 of a metre or half the distance of the required yard, whichever is less;
- (c) A covered or uncovered porch, uncovered deck or balcony may encroach into any required front and rear yard to a maximum of 2.0 metres or half the distance of the required yard, whichever is less;
- (d) Stairs to a covered or uncovered porch, uncovered deck or an entrance may encroach to within 0.3 of a metre of the front lot line or flankage lot line, to within 1.0 metre of a rear lot line and to within 0.6 of a metre of a side lot line;
- (e) A bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres may encroach into any required yard to a maximum of 0.6 of a metre or half the distance of the required yard, whichever is less; and
- (f) Air conditioners are permitted on a lot provided they are located in the rear yard or side yard or on a balcony or roof. In addition, such units shall not be located any closer than 0.6 of a metre to a side lot line and shall not be located on any easement in favour of the City.

**6. Model Homes**

- (1) A maximum of 2 lots together with no fewer than two parking spaces per Model Home, may be constructed on the lands zoned "S4" as set out in Schedule I to this By-law prior to the division of those lands by registration of a plan of subdivision; and
- (3) For the purpose of this By-law, "Model Home" shall mean a dwelling unit which is not used for residential purposes, but which is used exclusively for sales, display and marketing purposes pursuant to an agreement with the City of Pickering.

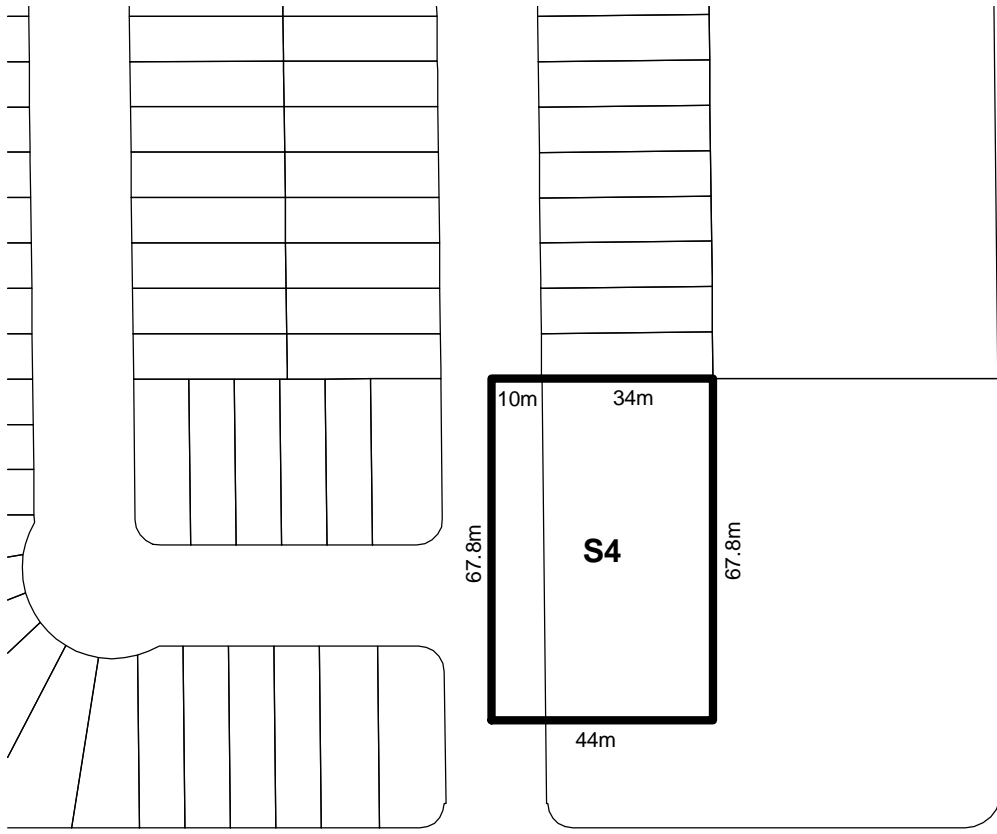
**7. By-law 3036**

By-law 3036, 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 Schedule I 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 3036, as amended.

**8. Effective Date**

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

PURSUANT TO THE DECISION OF THE LOCAL PLANNING APPEAL TRIBUNAL  
ISSUED ON \_\_\_\_\_, 2020, UNDER TRIBUNAL FILE NO. PL180301.



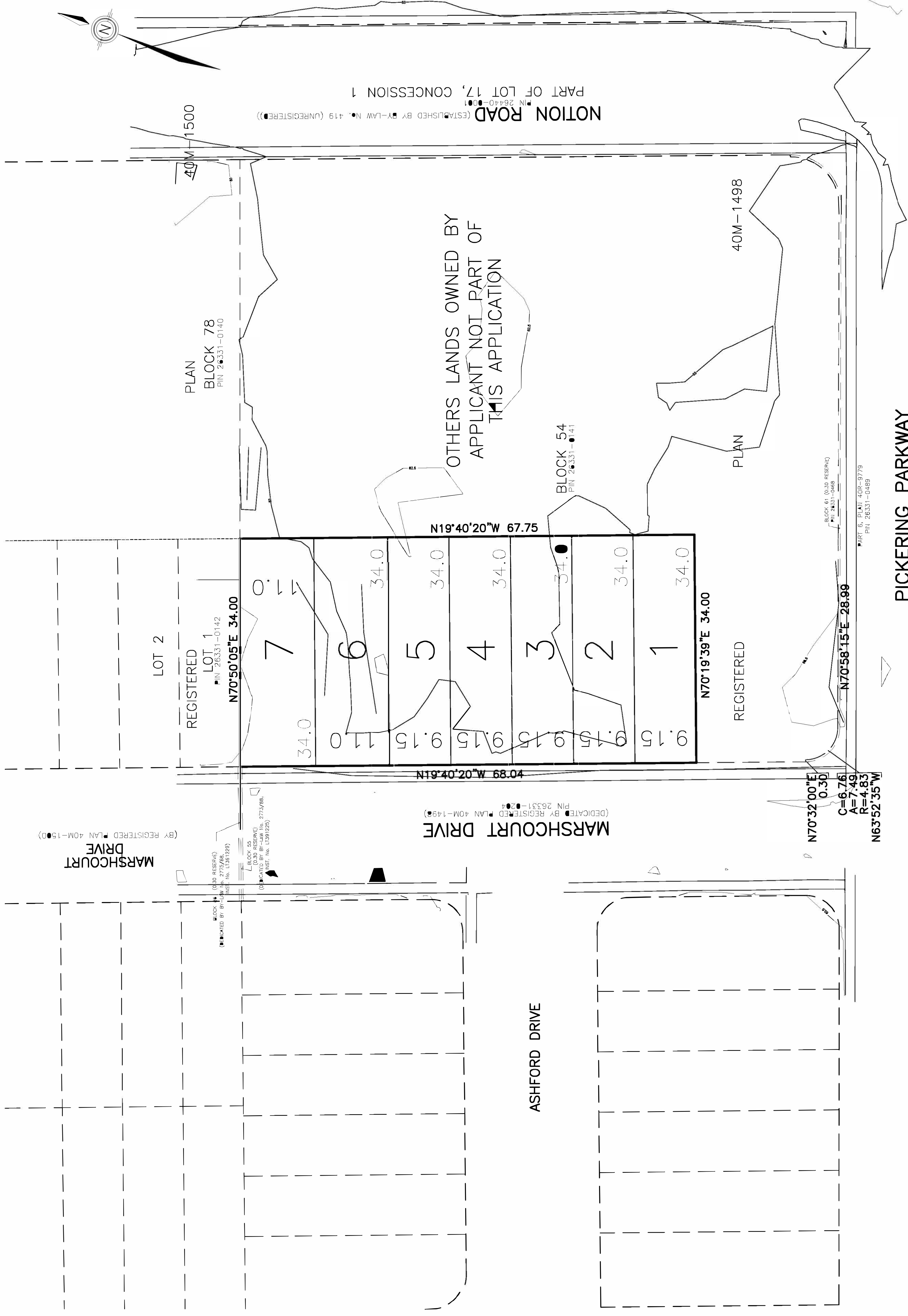
Town of Ajax



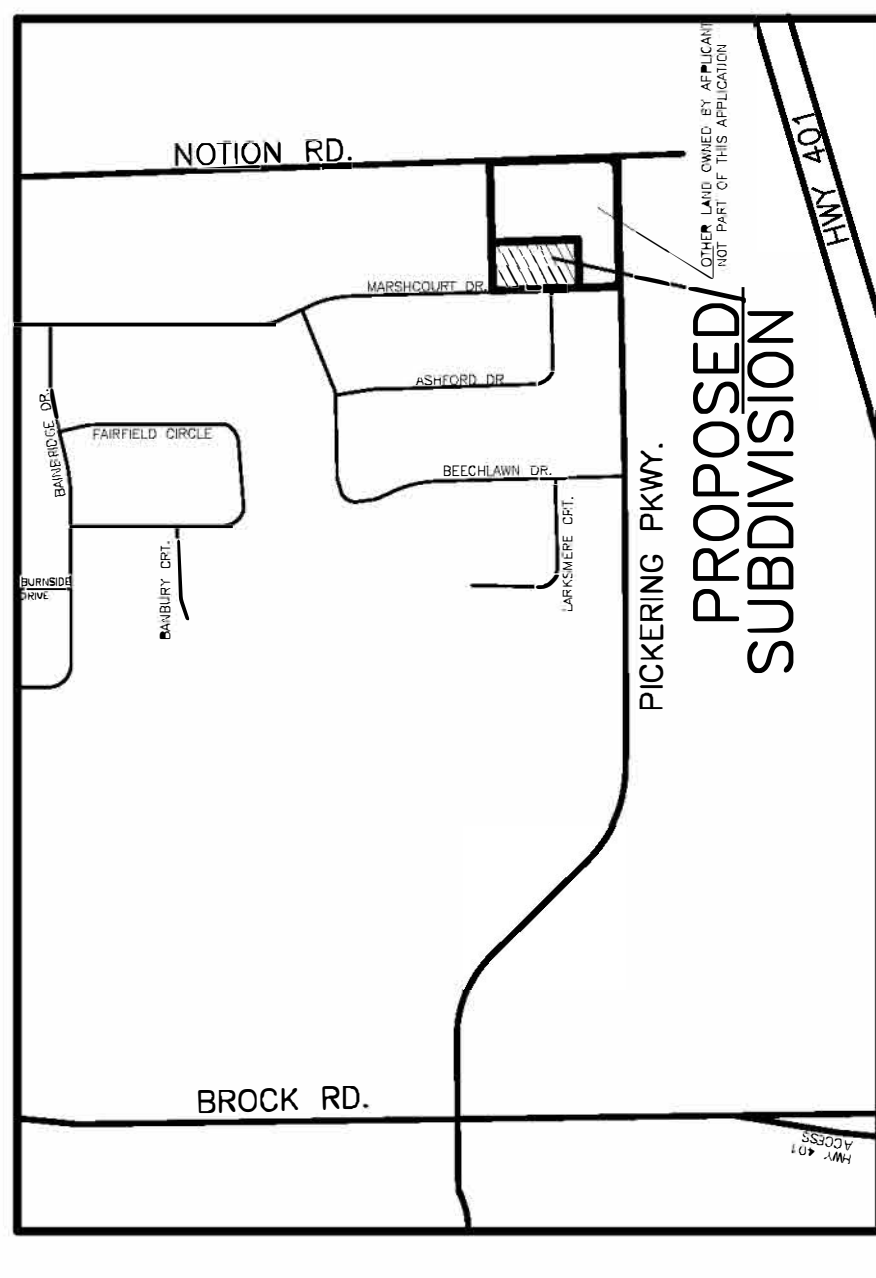
Schedule I to By-Law XXXX/20

# DRAFT PLAN OF SUBDIVISION PART OF BLOCK 54 ON 40M-1498 TOWN OF PICKERING REGIONAL MUNICIPALITY OF DURHAM

SCALE 1:300



## DRAFT PLAN T-



### KEY PLAN

### SECTION 51, PLANNING ACT, ADDITIONAL INFORMATION

- A. AS SHOWN ON DRAFT PLAN
- B. AS SHOWN ON DRAFT PLAN
- C. AS SHOWN ON DRAFT PLAN
- D. SEE SCHEDULE OF LAND USE
- E. AS SHOWN ON DRAFT PLAN
- F. AS SHOWN ON DRAFT PLAN
- G. AS SHOWN ON DRAFT PLAN
- H. MUNICIPAL PIPED WATER AVAILABLE AT TIME OF DEVELOPMENT
- I. CLAY-LOAM
- J. AS SHOWN ON DRAFT PLAN
- K. SANITARY AND STORM SEWERS, GARBAGE COLLECTION, FIRE PROTECTION
- L. AS SHOWN ON DRAFT PLAN

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN, AND THEIR RELATIONSHIP TO THE ADJACENT LAND ARE ACCURATELY AND CORRECTLY SHOWN.

DATE -----, 2019

OPHIR N. DZALDOV  
SURVEYOR  
SCHEDULED LAND SURVEYOR  
ONTOARIO PROFESSIONAL SOCIETY  
REG. NO. 12812  
TEL: (416) 981-0101

### OWNER'S CERTIFICATE

I AUTHORIZE KLM PLANNING PARTNERS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF PICKERING FOR APPROVAL

OWNER

CPC II MANAGEMENT INC.

C/O

CPC II MANAGEMENT INC.  
40 Snidercroft Road, Suite 4  
Vaughan, Ontario  
L4K 0B5

PAUL COOPER  
A.S.O.

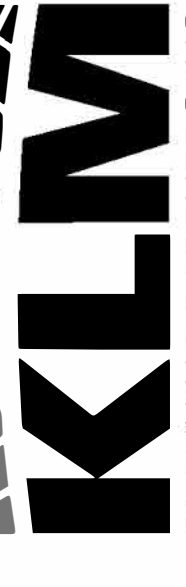
### SCHEDULE OF LAND USE

TOTAL AREA OF LAND = 0.805±Hq. (1.985±Acres)  
TOTAL AREA OF LAND TO BE SUBDIVIDED = 0.230±Hq. (0.568±Acres)

DETACHED DWELLINGS	BLOCKS	LOTS	UNITS	±Hq.	±Acres
LOTS 6 and 7	2	2	0.075	0.185	
LOTS 1 - 5	5	5	0.155	0.383	
<b>TOTAL</b>	<b>7</b>	<b>7</b>	<b>0.230</b>	<b>0.568</b>	

NOTE -- ELEVATIONS RELATED TO CANADIAN GEODETIC DATUM

PROJECT No. P-2519  
SCALE 1:300  
JAN 14, 2020  
(2516ces9) X-REF: (2516MAS5 & 2516TOPO1)



**KLM** DWG. No. - 19:1  
PLANNING PARTNERS INC. TEL: (905) 688-4055 FAX: (905) 688-0057 design@klmplanning.com

Planning • Design • Development

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**Recommended Conditions of Draft Approval**

January 21, 2020

Plan of Subdivision: SP-2017-05  
CPC II Management Inc.  
(Block 54, Plan 40M-1498)  
1520 Notion Road  
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 KLM Planning Partners Inc., identified as Project No. P-2519, dated January 14, 2020, for lands being Part of Block 54, 40M-1498, City of Pickering, which illustrates 7 lots for detached dwellings. Any revisions to the plan by KLM Planning Partners Inc, shall be prepared and submitted to the satisfaction of the Region of Durham and the City of Pickering.

**Region of Durham**

2. That the Owner shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes and any stationary noise sources provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of Environment, Conservation and Parks guidelines. The Owner shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e. author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Owner shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
3. That prior to finalization of this plan of subdivision, the Owner shall submit to the Regional Municipality of Durham an updated Land Use Compatibility report confirming the required mitigation measures for odour, dust, noise and vibration between the existing industrial uses and the proposed residential dwellings. Such report shall be peer reviewed at the Owner's expense.
4. That prior to final approval, the Owner shall submit the "Stage 1 & 2 Archaeological Assessment", dated June 8, 2017 to the Ministry of Heritage, Sport, Tourism, and Culture Industries for their clearance letter. No demolition, grading or other soil disturbance shall take place on the subject property prior to this letter of clearance being received by the Regional Municipality of Durham.

5. That prior to finalization of this plan of subdivision, the Owner must provide satisfactory evidence to the Regional Municipality of Durham in accordance with the Region's Site Contamination Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment and Climate Change, accompanied by any additional supporting information.
6. That the Owner shall grant to the Region, any easements required by Regional Services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. 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.
8. 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.
9. 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 sanitary sewers, water supply, roads and other services.

### **Subdivision Agreement**

10. That the Owner shall enter 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**

11. That the Owner shall submit a 40M-Plan to the satisfaction of the City Development Department.



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**Zoning**

12. That the implementing by-law for Zoning By-law Amendment Application A 10/17 becomes final and binding.

**House Numbers**

13. That municipal addressing be assigned as per the City's addressing conventions.

**Development Charges & Development Review Inspection Fee**

14. That the Owner satisfies the City financially with respect to the *Development Charges Act*.
15. That the Owner satisfies the City for contributions for Engineering Review Fee, Residential Lot Grading Review Fee, and Development Services Inspection Fee.

**Phasing**

16. That the Owner shall submit plans showing proposed phasing to the Region and the City for review and approval if this subdivision is to be developed by more than one registration.

**Dedications/Transfers/Conveyances**

17. That the Owner shall convey to the City, at no cost:
  - (i) any easements as required; and
  - (ii) any reserves as required by the City.

**Stormwater**

18. That the Owner satisfies the Director, Engineering Services Department respecting a stormwater drainage and management system to service all the lands in the subdivision, and any provisions regarding easements.
19. That the Owner satisfies the Director, Engineering Services Department for stormwater management maintenance fees.
20. That the Owner satisfies the Director, Engineering Services Department that all stormwater management and erosion and sedimentation control structures are operating and will be maintained and in good repair during the construction period.

**Grading**

21. That the Owner satisfies the Director, Engineering Services Department respecting the submission and approval of a grading control plan.

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22. That the Owner satisfies the Director, Engineering Services Department respecting the submission and approval of a geotechnical soils analysis.
  23. That the Owner satisfies the Director, Engineering Services Department respecting authorization from abutting landowners for all off site grading.

### **Fill & Topsoil**

24. That the Owner acknowledges that the City's Fill & Topsoil Disturbance By-law prohibits soil disturbance, 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 grading works proceed prior to the subdivision agreement being executed.

### **Road Allowances**

25. That the Owner satisfies the Director, Engineering Services Department respecting the construction of roads with curbs, storm sewers and boulevard designs which may include reconstruction of the sidewalk along Marshcourt Drive.

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

26. That the Owner satisfies the Director, Engineering Services Department respecting the construction of sidewalks and boulevard designs through a site-servicing plan.
27. That the Owner satisfies the City respecting arrangements for the provision of all services required by the City.
28. 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.
29. That the Owner acknowledges 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.

### **Easements**

30. That the Owner shall convey any easement 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.
31. That the Owner arranges 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.

32. That the Owner satisfies the Director, Engineering Services Department with any required easement for works, facilities or use rights that are required by the City.

### **Construction Management Plan**

33. That the Owner satisfies the Director, Engineering Services Department respecting the submission and approval of a Construction Management Plan, 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 and building materials during servicing and house construction, and ensuring that such locations will not impede the flow of traffic or emergency vehicles on either existing streets or the proposed public street;
  - (iii) confirmation 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 and existing trees to be retained;
  - (vi) location of construction trailers; and
  - (vii) details of the temporary construction access.

### **Fencing**

34. That the Owner satisfies the City with respect to the provision of temporary fencing around the entire perimeter of the subject lands during construction, prior to the commencement of any works.
35. That fencing will be required for lots and blocks that are:
- (i) adjacent to or backing onto Open Space lands;
  - (ii) adjacent to or backing onto lands having conflicting zoning, such as Agricultural, Commercial or Recreational; or
  - (iii) as per the Preliminary Environmental Noise Report.

### **Landscaping**

36. That the Owner shall submit a boulevard street tree-planting plan to the satisfaction of the City.

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**Architectural Control**

37. That the Owner agrees to include a provision in the subdivision agreement to submit preliminary model designs for sale prior to the issuance of a building permit to be reviewed and approved by the City's Urban Design Review Consultant. The Owner will be responsible for the City's full cost of undertaking this review.

**Engineering Plans**

38. That the Owner shall ensure the engineering plans are coordinated with the boulevard tree-planting plan and the architectural drawings, and further, that the engineering plans coordinate the driveway, street hardware and street trees to ensure that conflicts do not exist, and asphalt is minimized.
39. That the Owner satisfies the City respecting the submission of appropriate engineering drawings that detail, among other things: city services; roads; storm sewers; sidewalks; lot grading; streetlights; fencing and tree planting; measures to protect the existing trees to be retained; and financially-secure such works.

**Noise Attenuation**

40. That the Owner satisfies the requirements of the Ministry of Environment and Climate Change regarding the approval of a noise study recommending noise control features to the satisfaction of the Region of Durham and the City of Pickering.
41. That the Owner agrees in the subdivision agreement to implement noise control measures and warning clauses as recommended in the noise report as approved by the City of Pickering.

**Parkland Dedication**

42. That the Owner satisfies the City with respect to the payment of cash-in-lieu in accordance with the parkland dedication requirements of the *Planning Act*.

**Fire**

43. That the Owner agrees that no development will proceed on any land until adequate services are available including adequate water pressure to the satisfaction of the City's Fire Services Division.

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**Toronto and Region Conservation Authority**

44. That prior to the initiation of grading, and prior to the registration of this Draft Plan or any phase thereof, the Owner shall submit the following to the Toronto and Region Conservation Authority (TRCA) for review and approval:
- a. A detailed Stormwater Management Report to include a detailed design for the storm drainage system for the proposed development including:
    - i. plans illustrating how this drainage system will tie into surrounding drainage systems and stormwater management techniques which may be required to control minor or major flows;
    - ii. appropriate Low Impact Development stormwater management practises to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground surface water resources;
    - iii. detailed design, future ownership and maintenance plans for any stormwater management facilities and Low Impact Development practices;
    - iv. an Erosion and Sediment Control Plan, consistent with the Erosion and Sediment Control Guideline for Urban Construction (Greater Golden Horseshoe Area Conservation Authorities, 2007), as amended; and
    - v. location and description of all development, outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06, as amended.
  - b. A Flood Study using the Mike 2D model to demonstrate that the proposed development will be consistent with the requirements of the Special Policy Area and the preliminary design of the Highway 401 Road Crossing (Notion Road to Squires Beach).
  - c. Overall grading plans for the lands within the Draft Plan and, if necessary, any adjacent lands, coordinated with the preliminary design of the Highway 401 Road Crossing (Notion Road to Squires Beach Road).
  - d. A detailed response to the relevant remaining comments in the TRCA's letter of December 22, 2017.
45. That the Owner shall obtain all necessary permits required pursuant to Ontario Regulation 166/06, as amended, prior to registration.
46. That the Owner shall agree in the subdivision agreement, in wording acceptable to the TRCA:

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- a. To carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports referenced in Condition 44;
  - b. To agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
  - c. To design and implement on site erosion and sediment control;
  - d. To 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;
  - e. To obtain all necessary permits pursuant to Ontario Regulation 166/06, as amended, from the TRCA;
  - f. To implement all water management measures identified in the approved Stormwater Management Report;
  - g. To commit to provide appropriate information to all prospective buyers of residential units through all agreements for purchase and sale, sales information, and community maps to ensure that the purchasers are well informed that the proposed residential lots are within the Regulatory Floodplain.

### **Canada Post**

47. That the Owner agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
48. That the Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
49. That the Owner consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plans.
50. That the Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans (only if the proposed existing location at the side of 1898 Ashford Drive on Marshcourt Drive in not accepted):
  - i) an appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on (only if the proposed existing location at the side of 1898 Ashford Drive on Marshcourt Drive in not accepted);

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- ii) any required sidewalk across the boulevard (only if the proposed existing location at the side of 1898 Ashford Drive on Marshcourt Drive in not accepted); and
  - iii) any required curb depressions for wheelchair access (only if the proposed existing location at the side of 1898 Ashford Drive on Marshcourt Drive in not accepted).
51. That the Owner, through the approval of the Utility Coordination Plan for the location, enters into an agreement with Canada Post Corporation for the provision of a Community Mailbox including technical specifications, notice requirements and financial terms, if required.
52. That the Owner agrees to determine and provide, if required and to the satisfaction of the City, a suitable temporary Community Mailbox location, which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox location.

### **Model Homes**

53. That the Owner shall enter into a model home agreement with the City, if applicable for this draft plan. All model homes must satisfy all requirements of the siting and architectural design statement.

### **Plan Revisions**

54. That the Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of approval may require revisions, to the satisfaction of the Region, the City, and the TRCA to implement or integrate any recommendation resulting from studies required as conditions of approval.
55. That the Owner shall revise the draft plan, as necessary to the satisfaction of the Region, the City and the TRCA, to accommodate any technical engineering issues which arise during the review of the final engineering drawings. Required revisions may include revising the number of residential building lots or reconfiguring the roads or lots to the City's satisfaction.
56. That the Owner agrees to implement the requirements of all studies that are required by the City for the development of this draft plan of subdivision to the satisfaction of the City.

### **Other Approval Agencies**

57. Any approvals, which are required from the Region of Durham, or any utility for the development of this plan are to be obtained by the Owner, and upon request written confirmation be provided to the City as verification of these approvals.

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**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. This draft approval shall lapse three years from the date the draft approval has been granted if the noted conditions have not been fulfilled, or if it has not been extended by the City of Pickering.
3. All plans of subdivision must be registered in the Land Titles system within the Regional Municipality of Durham.
4. 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; and
  - (b) Toronto and Region Conservation Authority, Planning and Development, 101 Exchange Avenue, Vaughan, ON L4K 5R6, 1.888.872.2344.
5. Prior to final approval of this plan for registration, the Director, City Development & CBO for the City of Pickering shall be advised in writing by:
  - (a) The Region of Durham, how Conditions 2 to 9, and 16, inclusively have been satisfied;
  - (b) TRCA, how Conditions 44 to 46, inclusively have been satisfied; and
  - (c) Canada Post, how Conditions 47 to 52, inclusively have been satisfied.