

# The Regional Municipality of Durham Land Division Committee Meeting

# Minutes

# Monday, January 14, 2019

The Region Of Durham Land Division Committee met in meeting room LL-C at the Regional Headquarters Building, 605 Rossland Road East, Whitby, ON at 9:00 A.M on Monday, January 14, 2019 with the following in attendance:

Present:	P. Hamilton, Vice-Chair

- E. Hudson
- G. Kydd
- R. Malone
- D. Marquis
- Absent: G. Rock
  - K. Reinhardt

Staff

- Present: P. Aguilera, Assistant Secretary-Treasurer
  - L. Trombino, Secretary-Treasurer

### 1. Adoption of Minutes

Moved by: R. Malone

Seconded by: E. Hudson

That the minutes of the Monday, December 10, 2018 Land Division Committee meeting be adopted as circulated.

Carried unanimously Monday, January 14, 2019

### 2. Review Consent Applications/Correspondence

The Committee reviewed scheduled applications, agency comments and other pertinent correspondence.

#### 3. Other Business

Secretary-Treasurer L. Trombino provided the Committee with a brief overview of the Province's release of Bill 66.

He further advised the Committee that the existing Committee members last meeting will be February 11, 2019 and inaugural meeting for the new Committee will be held on March 18, 2019.

#### 4. Recess

Moved by: G. Kydd

Seconded by: E. Hudson

That this meeting be recessed at 11:15 a.m. and reconvene at 1:00 p.m.

Carried unanimously Monday, January 14, 2019

The Committee Chair opened the 1:00 P.M session by asking Assistant Secretary-Treasurer Ms. P. Aguilera if all required notices have been provided for today's Committee meeting. Ms. P. Aguilera advised the Committee that all notices of application/meeting had been issued in accordance with Section 53 Subsection 5 of the Planning Act.

### 5. Consideration of Consent Applications

1. File: LD 152/2017 Appendix 1

- 2. File: LD 001/2019 Appendix 2
- 3. File: LD 002/2019 Appendix 3
- 4. File: LD 003/2019 Appendix 4
- 5. File: LD 004/2019 Appendix 5
- 6. File: LD 005/2019 Appendix 6
- 7. File: LD 006/2019 Appendix 7

### 6. Date of Next Meeting

The next regularly scheduled Land Division Committee meeting will be held on Monday, February 11, 2019 in the Lower Level Boardroom (LL-C), Regional Headquarters Building, 605 Rossland Road East, Whitby.

#### 7. Adjournment

Moved by: D. Marquis

Seconded by: E. Hudson

That this meeting be adjourned at 1:50 p.m. and the next regular meeting be held on Monday, February 11, 2019.

Carried unanimously Monday, January 14, 2019

### 8. Appendices



## The Regional Municipality of Durham Land Division Committee Meeting

# **Minutes and Decisions**

## As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 152/2017
Submission:	B 001/2019
Owner:	Holland Homes Inc.
Location:	Lot 33, Concession 3
	Municipality of Clarington
Municipality:	Municipality of Clarington

Consent to sever a vacant 958.5 m2 residential parcel of land, retaining a 958.5 m2 residential parcel of land with an existing dwelling to be demolished.

This matter was tabled from the October 16, 2018 hearing.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Present was:

Agent: Metzner, Katrina - Holland Homes Inc.

Ms. K. Metzner explained the nature of the application and advised the Committee that the application was previously tabled as per the Regional Health Department's request. She further indicated that the Regional Health Department were now in a supportive position.

Ms. K. Metzner advised the Committee she was in receipt of and in agreement with the agency comments.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, Health and Works Departments, the Municipality of Clarington and the Central Lake Ontario Conservation Authority.

Agency comments were provided to Ms. K. Metzner.

A written objection was received on January 10, 2019 from E. Von Gunten and P. Perk.

A written objection was received on January 7, 2019 from L. Gibney.

A written objection was received on January 10, 2019 from Halina Workman.

#### **Decision of the Committee**

#### Applicants/owners are responsible for fulfilling all conditions.

Moved by: R. Malone

Seconded by: E. Hudson

Having reviewed and considered all of the agency comments and heard the oral submissions, I hereby move that application LD 152/2017, be approved, as applied for, as it complies with all applicable plans and policies, subject to:

#### Conditions

- 1. That the applicant satisfy the requirement of the Regional Works Department's letter dated January 2, 2019, financial and otherwise.
- That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated January 10, 2019 with respect to items 2 and 3.
- 3. That the applicant satisfy the requirement of the Municipality of Clarington's letter dated January 8, 2019, financial and otherwise.
- 4. That the applicant submit two copies of a registered plan on the subject parcel.
- 5. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, January 24, 2020.
  - Expiry Date of Application LD 152/2017 is Monday, February 24, 2020.

### **Clearing Agencies**

- 6. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the Regional Works Department that condition #1 has been carried out to its satisfaction.
- 7. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the Regional Planning and Economic Development Department that condition #2 has been carried out to its satisfaction.
- 8. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the Municipality of Clarington that condition #3 has been carried out to its satisfaction.
- 9. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be satisfied that the time periods outlined in condition #5 have been adhered to.

Signed by all members present and concurring that this is the Committee Decision of LD 152/2017 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer

Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, February 12, 2019.



## The Regional Municipality of Durham Land Division Committee Meeting

# **Minutes and Decisions**

### As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 001/2019
Submission:	B 002/2019
Owner:	Hiddenbrook Developments Ltd.
Agent:	GHD
Location:	Lot Pt Lot 32, Concession 2
	Town of Whitby
Municipality:	Town of Whitby

Consent to grant a 2,175.47 m2 access easement in favor of the lands to the south east, retaining a 12,896.76 m2 residential parcel of land.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Present was:

Agent: Jordan, Bryce - GHD

Mr. B. Jordan advised the Committee the application will facilitate an easement for access over the private condominium road in favour of the property to the southeast. He further advised he was in receipt of and in agreement with the agency comments.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, and Works Departments, the Town of Whitby and the Central Lake Ontario Conservation Authority.

Agency comments were provided to Mr. B. Jordan.

### Decision of the Committee

#### Applicants/owners are responsible for fulfilling all conditions.

Moved by: G. Kydd

Seconded by: D. Marquis

That application LD 001/2019 be approved, as applied for, as such is an easement and complies with all applicable plans and policies, however, subsection 50 (3) or (5) of the Planning Act shall apply to any subsequent conveyance, subject to:

#### Conditions

- 1. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated January 10, 2019 with respect to item 2.
- 2. That the applicant satisfy the requirement of the Town of Whitby's letter dated January 8, 2019, financial and otherwise.
- 3. That the applicant submit two copies of a registered plan on the subject parcel.
- 4. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, January 24, 2020.
  - Expiry Date of Application LD 001/2019 is Monday, February 24, 2020.

#### **Clearing Agencies**

- 5. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the Regional Planning and Economic Development Department that condition #1 has been carried out to its satisfaction.
- That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the Town of Whitby that condition #2 has been carried out to its satisfaction.
- 7. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be satisfied that the time periods outlined in condition #4 have been adhered to.

Signed by all members present and concurring that this is the Committee Decision of LD 001/2019 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer

Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, February 12, 2019.



## The Regional Municipality of Durham Land Division Committee Meeting

# **Minutes and Decisions**

## As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 002/2019
Submission:	B 003/2019
Owner:	KS Brookdale Centre East Inc.
	KS Brookdale Centre North Inc.
Agent:	MHBC Planning Ltd.
Location:	Lot 24, Concession 1
	City of Pickering
Municipality:	City of Pickering

Consent to grant a lease in excess of 21 years over a 2,382.03 m2 commercial parcel of land, retaining a 78,646.22 m2 commercial parcel of land.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Present was:

Agent: Kemal, Oz - MHBC Planning Ltd.

Mr. O. Kemal advised the Committee he was in receipt of and in agreement with the agency comments.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, and Works Departments, the City of Pickering and MTO and TRCA.

Agency comments were provided to Mr. O. Kemal.

### Decision of the Committee

#### Applicants/owners are responsible for fulfilling all conditions.

Moved by: E. Hudson

Seconded by: R. Malone

That application LD 002/2019 be approved, as applied for, as such is a lease in excess of 21 years and complies with all applicable plans and policies, however, subsection 50 (3) or (5) of the Planning Act shall apply to any subsequent conveyance, subject to:

#### Conditions

- 1. That the applicant satisfy the requirement of the City of Pickering's letter dated January 4, 2019, financial and otherwise.
- 2. That the applicant submit two copies of a registered plan on the subject parcel.
- 3. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, January 24, 2020.
  - Expiry Date of Application LD 002/2019 is Monday, February 24, 2020.

#### **Clearing Agencies**

- 4. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the City of Pickering that condition #1 has been carried out to its satisfaction.
- 5. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be satisfied that the time periods outlined in condition #3 have been adhered to.

#### **Advisory Comments**

1. Ministry of Transportation Comments dated January 4, 2019.

Signed by all members present and concurring that this is the Committee Decision of LD 002/2019 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer

Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, February 12, 2019.



## The Regional Municipality of Durham Land Division Committee Meeting

# **Minutes and Decisions**

### As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 003/2019
Submission:	B 004/2019
Owner:	Liu, Haibo
Agent:	Brian Moss & Associates Ltd.
Location:	Lot 27, Concession 1
	City of Pickering
Municipality:	City of Pickering

Consent to add a vacant 0.111 hectare residential parcel of land to the west, retaining a 0.142 hectare residential parcel of land with an existing dwelling to remain.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Present was:

Agent:Moss, Brian - Brian Moss & Associates Ltd.Interested party:Neil McGilley

Mr. B. Moss explained the nature of the application and advised the Committee he was in receipt of and in agreement with the agency comments.

He further advised that the application will facilitate a land assembly for future development on the parcel and the retained lands will front on Fairport Road.

Mr. N. McGilley expressed concerns related to traffic, access and the number of dwellings to be constructed on the future development parcel. He also raised concerns regarding the impact on water pressure and drainage.

Vice-Chair P. Hamilton asked the agent whether plan of subdivision application has been submitted to the City of Pickering.

Mr. B. Moss advised the Committee that the applicant had not filed any applications at this time. He indicated the lands are being assembled for future development and that the City is aware of the impending development applications.

Vice-Chair P. Hamilton advised that the interested party that it is not in the Committee's purview to prejudge the future development proposal on the severed lands. He further advised that the consent process helps to facilitates land assembly for future development.

Mr. B. Moss further advised the Committee that there is a zoning by-law amendment application forthcoming.

Committee Member R. Malone asked the objector about the source of his facts relating to the future development of the severed land.

Mr. McGillvey advised the Committee that the Neighborhood Coalition advised him 29 dwellings would be constructed on the subject site.

Mr. B. Moss advised the Committee he had previously provided the Neighborhood Coalition with a preliminary concept plan which indicated the number of dwellings to be constructed.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, and Works Departments, and the City of Pickering.

Agency comments were provided to Mr. B. Moss.

### **Decision of the Committee**

### Applicants/owners are responsible for fulfilling all conditions.

Moved by: E. Hudson

Seconded by: R. Malone

Having reviewed and considered all of the agency comments and heard the oral submissions, I hereby move that application LD 003/2019 be approved, as applied for, as such is a lot line adjustment to the west and complies with all applicable plans and policies, however, subsection 50 (3) or (5) of the Planning Act shall apply to any subsequent conveyance, subject to:

### Conditions

- 1. That the applicant satisfy the requirement of the City of Pickering's letter dated January 2, 2019, financial and otherwise.
- 2. That the subject land be deeded in the same name as the adjacent property to the west. Proof must be submitted to the Assistant Secretary-Treasurer that title will be identical together with proof that any existing mortgage encumbrancing the resultant lot shall include the legal description of the severed land.
- 3. That the applicant submit two copies of a registered plan on the subject parcel.
- 4. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, January 24, 2020.
  - Expiry Date of Application LD 003/2019 is Monday, February 24, 2020.

### **Clearing Agencies**

- 5. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the City of Pickering that condition #1 has been carried out to its satisfaction.
- 6. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be satisfied that the time periods outlined in condition #4 have been adhered to.

Signed by all members present and concurring that this is the Committee Decision of LD 003/2019 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer

Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, February 12, 2019.



## The Regional Municipality of Durham Land Division Committee Meeting

## Minutes

## As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 004/2019
Owner:	Batty, Cindy Louise
	Batty, Frederick
Agent:	Miller Planning Services
Location:	Lot Pt Lot 23, Concession 7
	Town of Whitby
Municipality:	Town of Whitby

Consent to add a vacant 0.181 hectare residential parcel of land to east, retaining a 37.706 hectare residential parcel of land with an existing dwelling and barns.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Applications LD 004/2019 and LD 005/2019 were heard in conjunction.

Present was:

Agent: Miller, Rodger - Miller Planning Services

Mr. R. Miller advised the Committee the property is currently being farmed by the property owners and is located within the Town of Whitby's Brooklin Secondary Plan which was approved by the Region of Durham.

He further advised that the first application would allow the property owners to add a portion of the subject parcel to the adjacent property which is owned by Ms. Batty.

Mr. R. Miller acknowledged receipt of the agency comments and advised he was in a position to fulfill the conditions noted therein.

Committee Member R. Malone asked the agent if the Environmental Impact Study ("EIS") was completed and submitted to the conservation authority.

Mr. R. Miller advised the Committee he had provided the EIS to the conservation authority.

Mr. R. Miller further advised the Committee that through the secondary planning process, the Town prepared a number of studies which formed the basis for the decision of the Secondary Plan.

He indicated that the conservation authority would like additional time to review the submission and come to a determination as to whether or not the proposed severance impacts any environmental features on the property.

Committee Member R. Malone asked the agent if he understood that the conservation authority was recommending tabling of both application.

R. Miller confirmed he was aware and in agreement with the recommendation.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, Health and Works Departments, the Town of Whitby and Central Lake Ontario Conservation Authority.

Agency comments were provided to Mr. R. Miller.

### Motion of the Committee

Moved by: G. Kydd

Seconded by: R. Malone

Having reviewed and considered all of the agency comments and heard the oral submissions, I hereby move that application LD 004/2019 be tabled at the expense of the applicant for up to two (2) years and no later than January 2021. A tabling fee of \$300.00 is payable by certified funds within thirty (30) days of today's meeting. Failure to pay the required fee may result in denial of the application. The site must be reposted 14 days prior to the new hearing date.

Signed by all members present and concurring that this is the Committee Motion of LD 004/2019 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer



## The Regional Municipality of Durham Land Division Committee Meeting

# **Minutes and Decisions**

## As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 005/2019
Owner:	Batty, Cindy Louise
	Batty, Frederick
Agent:	Miller Planning Services
Location:	Lot Pt Lot 23, Concession 7
	Town of Whitby
Municipality:	Town of Whitby

Consent to sever a vacant 11.1 hectare residential parcel of land, retaining a 26.5 hectare residential parcel of land with an existing dwelling and barns to remain.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Applications LD 004/2019 and LD 005/2019 were heard in conjunction.

Present was:

Agent: Miller, Rodger - Miller Planning Services

Mr. R. Miller advised the Committee the property is currently being farmed by the property owners and is located within the Town of Whitby's Brooklin Secondary Plan which was approved by the Region of Durham.

He further advised that the first application would allow the property owners to add a portion of the subject parcel to the adjacent property which is owned by Ms. Batty.

Mr. R. Miller acknowledged receipt of the agency comments and advised he was in a position to fulfill the conditions noted therein.

Committee Member R. Malone asked the agent if the Environmental Impact Study ("EIS") was completed and submitted to the conservation authority.

Mr. R. Miller advised the Committee he had provided the EIS to the conservation authority.

Mr. R. Miller further advised the Committee that through the secondary planning process, the Town prepared a number of studies which formed the basis for the decision of the Secondary Plan.

He indicated that the conservation authority would like additional time to review the submission and come to a determination as to whether or not the proposed severance impacts any environmental features on the property.

Committee Member R. Malone asked the agent if he understood that the conservation authority was recommending tabling of both application.

R. Miller confirmed he was aware and in agreement with the recommendation.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, Health and Works Departments, the Town of Whitby and Central Lake Ontario Conservation Authority.

Agency comments were provided to Mr. R. Miller.

### Motion of the Committee

Moved by: G. Kydd

Seconded by: R. Malone

Having reviewed and considered all of the agency comments and heard the oral submissions, I hereby move that application LD 005/2019 be tabled at the expense of the applicant for up to two (2) years and no later than January 2021. A tabling fee of \$300.00 is payable by certified funds within thirty (30) days of today's meeting. Failure to pay the required fee may result in denial of the application. The site must be reposted 14 days prior to the new hearing date.

Carried unanimously

Signed by all members present and concurring that this is the Committee Motion of LD 005/2019 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer



## The Regional Municipality of Durham Land Division Committee Meeting

# **Minutes and Decisions**

## As per: The Planning Act, and in accordance with the Provincial Rules of Procedure

Consent Application heard on: Monday, January 14, 2019

File:	LD 006/2019
Submission:	B 005/2019
Owner:	JAK Eastern Holdings Inc.
	JAK Eastern Holdings Inc.
Agent:	Weston Consulting
Location:	Lot Pt Lot 6, Concession BF
	City of Oshawa
Municipality:	City of Oshawa

Consent to sever a vacant 6,146.5 m2 industrial parcel of land, retaining a vacant 26,000 m2 industrial parcel of land.

The Committee member visited the site on December 31, 2018 and confirmed the property was properly posted.

Present was:

Agent: Heron-Monk, Courtney - Weston Consulting Patel, Asif - Weston Consulting

Ms. Heron-Monk advised she was in receipt of and in agreement with the agency comments.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development and Works Departments, the City of Oshawa.

Agency comments were provided to Ms. C. Heron-Monk.

### Decision of the Committee

#### Applicants/owners are responsible for fulfilling all conditions.

Moved by: E. Hudson

Seconded by: D. Marquis

Having reviewed and considered all of the agency comments and heard the oral submissions, I hereby move that application LD 006/2019, be approved, as applied for, as it complies with all applicable plans and policies, subject to:

#### Conditions

- 1. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated January 9, 2019 with respect to item 2.
- 2. That the applicant satisfy the requirement of the City of Oshawa's letter dated January 10, 2019, financial and otherwise.
- 3. That the applicant submit two copies of a registered plan on the subject parcel.
- 4. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, January 24, 2020.
  - Expiry Date of Application LD 006/2019 is Monday, February 24, 2020.

#### **Clearing Agencies**

- 5. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the Regional Planning and Economic Development Department that condition #1 has been carried out to its satisfaction.
- 6. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be advised in writing by the City of Oshawa that condition #2 has been carried out to its satisfaction.
- 7. That prior to the signing of the certificate by the Assistant Secretary-Treasurer that the consent has been given, the Assistant Secretary-Treasurer is to be satisfied that the time periods outlined in condition #4 have been adhered to.

Signed by all members present and concurring that this is the Committee Decision of LD 006/2019 on Monday, January 14, 2019.

P. Hamilton, Vice-Chair

E. Hudson

G. Kydd

R. Malone

D. Marquis

K. Reinhardt

Assistant Secretary-Treasurer

Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, February 12, 2019.