



**The Regional Municipality of Durham  
Land Division Committee Meeting**

**Minutes**

**Monday, May 15, 2023**

The Region of Durham Land Division Committee met virtually at 1:00 PM on Monday, May 15, 2023 with the following in attendance:

Present:

Alex Georgieff – Town of Whitby  
Kitty Bavington – Town of Brock  
Bradley Whittle – Municipality of Clarington  
Eric Hudson – City of Pickering  
Gerri Lynn O'Connor – Township of Uxbridge  
Lori Roberts – Town of Ajax  
Paul Allore – Town of Scugog  
Pralhad Uprety – City of Oshawa

Absent: None.

Present:

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

**1. Adoption of Minutes**

Moved by: L. Roberts

Seconded by: P. Allore

That the minutes of the Monday, April 17, 2023 Land Division Committee meeting be adopted as circulated.

Carried unanimously  
Monday, May 15, 2023

**2. Review Consent Applications/Correspondence**

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

### **3. Other Business**

The Committee discussed training for its members for the newly implemented file transfer software.

Chair A. Georgieff provided committee members with a brief overview of the draft Provincial Planning Statement and outlined some of the specific proposed changes related thereto.

### **4. Recess**

Moved by: E. Hudson

Seconded by: G. O'Connor

That this meeting be recessed at 11:30 a.m. and reconvene at 12:45 p.m.

Carried unanimously  
Monday, May 15, 2023

The Committee Chair opened the 1:00 PM 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 053/2021**  
Appendix 1
- 2. File: LD 055/2021**  
Appendix 2
- 3. File: LD 056/2021**  
Appendix 3
- 4. File: LD 059/2021**  
Appendix 4
- 5. File: LD 088/2022**  
Appendix 5
- 6. File: LD 089/2022**  
Appendix 6
- 7. File: LD 019/2023**  
Appendix 7
- 8. File: LD 020/2023**  
Appendix 8
- 9. File: LD 021/2023**  
Appendix 9
- 10. File: LD 022/2023**  
Appendix 10
- 11. File: LD 023/2023**  
Appendix 11
- 12. File: LD 024/2023**  
Appendix 12

**6. Date of Next Meeting**

The next regularly scheduled Land Division Committee meeting will be held virtually on Monday, June 12, 2023.

**7. Adjournment**

Moved by: P. Uprety

Seconded by: K. Bavington

That this meeting be adjourned at 3:10 p.m. and the next regular meeting be held virtually on Monday, June 12, 2023

Carried unanimously  
Monday, May 15, 2023

**8. Appendices**

**Appendix 1.**



**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, May 15, 2023

**File:** LD 053/2021  
**Submission:** N/A  
**Owner:** 1472583 Ontario Ltd.  
**Agent:** Municipal Solutions Inc. DBA: John Mutton  
**Location:** 200 BASELINE RD E, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a 1.6 ha industrial parcel of land, retaining a 2.99 ha vacant industrial parcel of land.***

A letter of withdrawal was received from Martin Luchowski, agent for the applicant on May 15, 2023.

**Appendix 2.**



**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, May 15, 2023

**File:** LD 055/2021  
**Submission:** B 027/2023  
**Owner:** Jordan Lehman  
**Agent:** Owen Design Consultants Ltd., John Owen  
**Location:** 153 CEMETERY RD, Uxbridge, ON  
**Municipality:** Township of Uxbridge

***Consent to sever a 964.50 m<sup>2</sup> residential parcel of land, retaining a 2,206.02 m<sup>2</sup> residential parcel of land with an existing dwelling to be demolished.***

This matter was tabled at the May 10, 2021 hearing and was requested to be brought forward by the applicant.

Applications LD 055/2021 and LD 056/201 were considered in conjunction as the matters are related.

Related applications LD 057/2021 and LD 058/2021 were withdrawn by the applicant.

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Agent: Owen Design Consultants Ltd., John Owen***

Mr. J. Owen explained the nature of the application and advised the Committee he was in receipt of and in agreement with the agency comments, however, he noted the date of the Regional Works comment letter incorrectly referenced all four original applications and reminded the Committee two of the applications have been withdrawn.

Secretary Treasurer L. Trombino advised the Committee that the Regional Works Department will only address any conditions associated with approved applications and that the reference to the withdrawn applications would not prejudice the applicant.

Mr. J. Owen advised the Committee the applications are in compliance with the local zoning by-law, the Regional and Townships Official Plans and the Planning Act.

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

Agency comments were provided electronically to Mr. J. Owen, agent for the applicant.

### **Decision of the Committee**

Moved by: G. O'Connor

Seconded by: K. Bavington

Having reviewed and considered all the agency comments, and heard the oral submission, I hereby move that application LD 055/2021, be approved, as amended, as it generally 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 Monday, May 01, 2023, financial and otherwise.
2. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Monday, May 01, 2023.
3. That the applicant satisfy the requirement of the Township of Uxbridge's letter dated Friday, May 12, 2023, financial and otherwise.
4. That applications be finalized in sequential order. A Solicitor's Undertaking in this regard shall suffice.
5. That the applicant submit two copies of a registered plan on the subject parcel.
6. That the consent be subject to the following periods:

- Last date for fulfilling Conditions is Friday, May 23, 2025.
- Expiry Date of Application LD 055/2021 is Monday, June 23, 2025.

### **Clearing Agencies**

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 Works Department that condition #1 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 Regional Planning and Economic Development Department that condition #2 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 advised in writing by the Township of Uxbridge that condition #3 has been carried out to its satisfaction.
10. 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 #6 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant-Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.
2. Ministry of Transportation letter dated Wednesday, April 19, 2023.
3. Lake Simcoe Region Conservation Authority letter dated May 1, 2023.

Carried unanimously

Signed by all members present and concurring that this is the Committee Decision of LD 055/2021 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

**Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.**



**Appendix 3.**



**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, May 15, 2023

**File:** LD 056/2021  
**Submission:** B 028/2023  
**Owner:** Jordan Lehman  
**Agent:** Owen Design Consultants Ltd., John Owen  
**Location:** 153 CEMETERY RD, Uxbridge, ON  
**Municipality:** Township of Uxbridge

***Consent to sever a 964.50 m<sup>2</sup> residential parcel of land, retaining a 2,206.02 m<sup>2</sup> residential parcel of land with an existing dwelling to be demolished.***

This matter was tabled at the May 10, 2021 hearing and was requested to be brought forward by the applicant.

Applications LD 055/2021 and LD 056/201 were considered in conjunction as the matters are related.

Related applications LD 057/2021 and LD 058/2021 were withdrawn by the applicant.

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Agent: Owen Design Consultants Ltd., John Owen***

Mr. J. Owen explained the nature of the application and advised the Committee he was in receipt of and in agreement with the agency comments, however, he noted the date of the Regional Works comment letter incorrectly referenced all four original applications and reminded the Committee two of the applications have been withdrawn.

Secretary Treasurer L. Trombino advised the Committee that the Regional Works Department will only address any conditions associated with approved applications and that the reference to the withdrawn applications would not prejudice the applicant.

Mr. J. Owen advised the Committee the applications are in compliance with the local zoning by-law, the Regional and Townships Official Plans and the Planning Act.

The Committee had for information reports received from the Regional Municipality of Durham Planning and Economic Development, and Works Departments, Lake Simcoe Conservation Authority, and the Township of Uxbridge.

Agency comments were provided electronically to Mr. J. Owen, agent for the applicant.

### **Decision of the Committee**

Moved by: G. O'Connor

Seconded by: K. Bavington

Having reviewed and considered all the agency comments, and heard the oral submission, I hereby move that application LD 056/2021, be approved, as amended, as it generally 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 Monday, May 01, 2023, financial and otherwise.
2. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Monday, May 01, 2023.
3. That the applicant satisfy the requirement of the Township of Uxbridge's letter dated Friday, May 12, 2023, financial and otherwise.
4. That applications be finalized in sequential order. A Solicitor's Undertaking in this regard shall suffice.
5. That the applicant submit two copies of a registered plan on the subject parcel.
6. That the consent be subject to the following periods:

- Last date for fulfilling Conditions is Friday, May 23, 2025.
- Expiry Date of Application LD 056/2021 is Monday, June 23, 2025.

### **Clearing Agencies**

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 Works Department that condition #1 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 Regional Planning and Economic Development Department that condition #2 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 advised in writing by the Township of Uxbridge that condition #3 has been carried out to its satisfaction.
10. 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 #6 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant-Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.
2. Ministry of Transportation Comments dated Wednesday, April 19, 2023.
3. Lake Simcoe Region Conservation Authority letter dated May 1, 2023.

Carried unanimously

Signed by all members present and concurring that this is the Committee Decision of LD 056/2021 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

**Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.**

**Appendix 4.**



**The Regional Municipality of Durham  
Land Division Committee Meeting**

**Minutes and Decision**

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

Consent Application heard on: Monday, May 15, 2023

**File:** LD 059/2021  
**Submission:** B 029/2023  
**Owner:** Huberta Maria Van Wees  
**Agent:** Thomas, Efraim LLP  
**Location:** 4186 GREEN RD, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to add a vacant 1.16 ha non-farm related rural residential parcel of land to the south, retaining a 2.99 ha non-farm related rural residential parcel of land.***

This matter was tabled from the May 10, 2021 hearing and brought forward automatically as the two year tabling period had expired.

The Committee Member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present were:***

***Owner: Huberta Maria Van Wees  
Agent: Catherine Font-Iturralde - Thomas, Efraim LLP***

Ms. C. Font-Iturralde advised the Committee she was in receipt of the agency comment and questioned Clarington's requirement for a reference plan as a draft reference plan was provided with the application.

Secretary Treasurer L. Trombino advised the agent this is a standard requirement and that the existing plan may require changes from conditions stemming from the Municipality's detailed review of the applications that will need to be reflected on the final reference plan.

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

Agency comments were provided electronically to Ms. Font-Iturralde, agent for the applicant.

### **Decision of the Committee**

Moved by: B. Whittle

Seconded by: P. Uprety

Having reviewed and considered all the agency comments and resident submission as well as hearing the oral submissions, I hereby move that application LD 059/2021, be approved, as amended, as such is a lot line adjustment to the south 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 Friday, May 12, 2023
2. That the applicant satisfy the requirement of the Municipality of Clarington's letter dated Monday, May 15, 2023, financial and otherwise.
3. That the subject land be deeded in the same name as the adjacent property to the south. Proof must be submitted to the Assistant Secretary-Treasurer that title will be identical together with proof that any existing mortgage encumbering the resultant lot shall include the legal description of the severed land.
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, May 23, 2025.
  - Expiry Date of Application LD 059/2021 is Monday, June 23, 2025.

### **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 Planning and Economic Development 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 Municipality of Clarington 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 satisfied that the time periods outlined in condition #5 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant-Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.

Carried unanimously

Signed by all members present and concurring that this is the Committee Decision of LD 059/2021 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

**Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.**



**Appendix 5.**



**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, May 15, 2023

**File:** LD 088/2022  
**Submission:** N/A  
**Owner:** Bowmanville Creek Developments Inc.  
**Agent:** David McKay C/O MHBC  
**Location:** 285 BASELINE RD W, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a vacant 43,423 m2 commercial parcel of land, retaining a vacant 29,245 m2 vacant commercial parcel of land for future residential development. Application includes an easement.***

Applications LD 088/2022 and LD 089/2022 were considered in conjunction as the matters are related.

This matter tabled from August 8, 2022 hearing and was requested to be brought forward by the agent.

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Agent: David McKay C/O MHBC***

Mr. D. McKay explained the nature of the application and advised the Committee he had discussions with both Clarington staff and the Conservation Authority and was surprised to receive unsupportive comments from those agencies.

He further advised the Committee the conditions contained in CLOCA's letter was very onerous and his client needed some time to consider the implications thereto. He also supported the tabling of the applications as his client will attempt

to work with the commenting agencies to address their conditions rather than risk a denial of the application or the lapsing of an approved application.

Mr. D. McKay asked the committee for relief of the tabling fee given comments were not prepared by the commenting agencies until the day before the hearing.

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

Agency comments were provided electronically to Mr. D. McKay, agent for the applicant.

### **Motion of the Committee**

Moved by: Brad Whittle

Seconded by: P. Allore

Having reviewed and considered all of the agency comments and heard the oral submission, I hereby move that application LD 088/2022 be tabled, at the expense of the applicant for up to two (2) years and no later than May 2025. 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 Decision of LD 088/2022 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

**Appendix 6.**



**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, May 15, 2023

**File:** LD 089/2022  
**Submission:** N/A  
**Owner:** Bowmanville Creek Developments Inc.  
**Agent:** David McKay C/O MHBC  
**Location:** 285 BASELINE RD W, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a vacant 43,423 m2 commercial parcel of land, retaining a vacant 29,245 m2 vacant commercial parcel of land for future residential development. Application includes an easement.***

Applications LD 088/2022 and LD 089/2022 were considered in conjunction as the matters are related.

This matter tabled from August 8, 2022 hearing and was requested to be brought forward by the agent.

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Agent: David McKay C/O MHBC***

Mr. D. McKay explained the nature of the application and advised the Committee he had discussions with both Clarington staff and the Conservation Authority and was surprised to receive unsupportive comments from those agencies.

He further advised the Committee the conditions contained in CLOCA's letter was very onerous and his client needed some time to consider the implications thereto. He also supported the tabling of the applications as his client will attempt

to work with the commenting agencies to address their conditions rather than risk a denial of the application or the lapsing of an approved application.

Mr. D. McKay asked the committee for relief of the tabling fee given comments were not prepared by the commenting agencies until the day before the hearing.

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

Agency comments were provided electronically to Mr. D. McKay, agent for the applicant.

### **Motion of the Committee**

Moved by: Brad Whittle

Seconded by: P. Allore

Having reviewed and considered all of the agency comments and heard the oral submission, I hereby move that application LD 089/2022 be tabled, at the expense of the applicant for up to two (2) years and no later than May 2025. 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 088/2022 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

**Appendix 7.**



**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, May 15, 2023

**File:** LD 019/2023  
**Submission:** N/A  
**Owner:** Edwin Gaudaur  
**Agent:** D.G Biddle & Associates  
**Location:** 4498 CONCESSION RD 4, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a vacant 4,000 m<sup>2</sup> non-farm related rural residential parcel of land, retaining a 11,546.2 m<sup>2</sup> non-farm related rural residential parcel of land with an existing dwelling and barn to remain.***

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Agent: Michael Fry and Ashlee Prescott - D.G Biddle & Associates***

Ms. A. Prescott explained the nature of the application and provided the Committee with a brief overview of the subject application and described the subject parcel. She advised the application was in compliance with zoning by-law and Official Plan requirements and that the natural heritage features on the property would remain with the retained lands

Ms. A. Prescott also indicated that an Environmental Impact Study had been completed in support of the application and that the study's conclusions supported the proposed severance and the study recommended a 15 metre buffer.

Committee Member P. Allore referred the agent to the comments from the Municipality of Clarington and the Regional Planning and Economic Development Department and pointed out that they did not support the application at this time.

Ms. Prescott acknowledged and was in agreement with the tabling recommendation.

Mr. M. Frye, agent also confirmed he was in receipt of all agency comments and that a tabling of the application would allow him to address the comments and concerns raised in the agency comments.

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

Agency comments were provided electronically to Mr. M. Fry, agent for the applicant.

### **Motion of the Committee**

Moved by: P. Allore

Seconded by: G. O'Connor

Having reviewed and considered all of the agency comments and heard the oral submission, I hereby move that application LD 019/2023 be tabled, at the expense of the applicant for up to two (2) years and no later than May 2025. 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 019/2023 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax



Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

**Appendix 8.**



**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, May 15, 2023

**File:** LD 020/2023  
**Submission:** B 030/2023  
**Owner:** Antonio (Tony) Giovanni Bruno  
**Agent:** JKO Planning Services Inc., Jim Kotsoplous  
**Location:** 2576 PRESTONVALE RD, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to add a 406.1 m2 residential parcel of land to the south retaining a 1068.6 m2 residential parcel of land. Existing dwelling to be demolished.***

Applications LD 020/2023 through LD 022/2023 were considered in conjunction as they are related.

The Committee member visited the site on Saturday, April 29, 2023 and ***confirmed the property was properly posted.***

***Present were:***

***Agent: JKO Planning Services Inc., Jim Kotsoplous***

***Interested parties:***

***Melanie and Jose Bernardes***

***Edie and John Pavicic***

***Weili Wang***

Chair A. Georgieff advised the public in attendance that the primary mandate of the Land Division Committee is to oversee lot creation and that built form is generally addressed by the lower tier municipality. He indicated these matters are

dealt with by the local municipality at a later date should an application be approved and all conditions of approval addressed by the applicant.

Mr. J. Kotsoplous explained the nature of the application and advised the Committee the first application is for a lot line adjustment which would see some land transferred to the south. He further indicated that the two other applications would then divide the newly enlarged parcel into three new lots. He explained that the three applications would see the existing two lots turn into four building lots. One of the lots would front onto Prestonvale Road whereas three lots would front onto Whitaker Ave. He also advised each lot would ultimately contain a semi-detached dwelling and that if approved the existing dwellings on the two properties would be demolished and a total of 8 new residential units would be built on the newly created lots.

He indicated the proposal complies with the Planning Act, the Provincial Policy Statement, The Growth Plan, the Municipal Zoning By-Law, the Regional Official Plan and Clarington's Official Plan.

Mr. J. Kotsoplous further advised the Committee he was in receipt of and in agreement with the agency comments and conditions.

Committee Member K. Bavington asked the agent to clarify that a total of four lots will be created and that there would be eight new residential units constructed on the four lots.

Mr. J. Kotsoplous answered in the affirmative.

Area resident Melanie Bernardes expressed concerns related to the proposed development. More specifically, she expressed concerns with the proposed construction impacts, potential loss of property value, noise and the safety of area residents due to increased traffic and the location of the proposed new dwellings. She indicated her concerns are related to the introduction of high density uses in a low density neighborhood and advised the Committee she does not believe the applications and subsequent construction will maintain and respect the current character of the neighborhood, the local landscape and families in the area.

Ms. M. Bernardes also expressed concerns related to the relatively short notification period for the notice of application issued to residents and felt the information provided to residents was insufficient.

Secretary-Treasurer Lino Trombino advised the Committee and members of the public that all notices were served in accordance with the provisions of the Planning Act.

Mr. J. Bernardes expressed concerns with the nature of the virtual meeting and indicated he felt it was no longer acceptable to have virtual meetings and that

there should be face to face meetings given the risks associated with Covid-19 are no longer a threat in his opinion. Mr. J. Bernardes also advised the Committee he is extremely upset and will pursue a legal review of the process.

Committee Member G. O'Connor advised the delegates the Committee does not have the purview to address what will be constructed on the proposed parcels of land and reiterated that zoning permissions are the responsibility of the area municipality.

Area resident Ms. Weili Wang expressed concerns related to the proposed development and asked the Committee to outline what steps they will take to protect the community. She asked for details on how the Committee considers applications and what steps they take to ensure the health and best interest of neighborhoods are addressed.

Secretary-Treasurer L. Trombino advised the delegates that through agency consultation the Committee obtains comments from various subject matter experts. He indicated an example of this would be where the Municipality of Clarington would review the proposed lot design and then impose various conditions of approval such as grading and landscaping to ensure the proposals meets municipal requirements for the area.

Secretary-Treasurer L. Trombino reiterated the Chair's and Committee Members' position that the Committee process is just the first stage of lot creation and that Clarington ultimately has purview for development on the proposed parcel in order to ensure zoning and municipal requirements are met.

Area resident Edie Pavicic expressed concerns related to any associated increase in traffic caused by the proposed development in the area. She advised the Committee she was told by some neighbors notice of the hearing was not provided to them and they were not afforded an opportunity to speak to the matter.

Secretary-Treasurer L. Trombino confirmed notices were sent by regular mail to all residents within 60 metres of the subject property and the properties were posted with a notice of the application in accordance with the Planning Act.

Chair A. Georgieff reiterated that the Committee deals with lot creation and not with what could ultimately be constructed on the parcel.

Area resident John Pavicic expressed concerns related to traffic and safety.

Secretary-Treasurer L. Trombino advised the Committee and the delegates that the Municipality of Clarington has reviewed the applications and examined a variety of issues, including, traffic, and that they have not expressed any concerns with the applications as the proposed lots and uses are in compliance with the requirements of the zoning by-law.

Committee Member K. Bavington advised the delegates there are a series of conditions imposed by the various commenting agencies and that if these applications are approved, that approval would only be in principle and would be subject to conditions that must be addressed by the applicant.

Area resident Ms. Weili Wang was afforded an additional opportunity to make a further delegation. She asked the agent to speak to how the lot creation will respect the character of the neighborhood as she did not see the applications benefitting the neighborhood and its residents.

Mr. J. Kotsoplous advised the Committee that one consideration undertaken by the applicant which is key to development is the fact that the applications are governed by local zoning by-laws and must be in compliance with all existing zoning by-law provisions. He indicated the proposed semi-detached dwellings will be subject to a number of conditions imposed by both the Region of Durham and the Municipality of Clarington. He also stated that if the applications are approved, they would only be conditional approvals and he also clarified that a semi-detached building is considered a low density use.

Committee Member P. Allore asked the agent to speak to the concerns regarding the proposed designs of the semi-detached dwellings and how it will fit into the character of the neighborhood.

Mr. J. Kotsoplous advised the Committee the development would be beneficial to the neighborhood and from a potential marketing standpoint that the design remain in character with the neighborhood development and that those plans are still in their infancy stage.

Area resident Weili Wang questioned the meaning behind the statement with respect to infancy stage of development and questioned why the owner has applied for lot creation before the development is fully planned.

Secretary-Treasurer L. Trombino reminded the delegates of the mandate of the Committee and its powers. He indicated the Municipality of Clarington would be responsible for the design of the proposed dwellings and suggested the applicant may choose to have an off-line discussion with the residents to discuss their concerns.

Area resident Edie Pavicic expressed concerns related to loss of value of existing homes.

Chair A. Georgieff reminded the delegates of the purview of the Committee and advised property values are established by the Municipal Property Assessment Corporation and that property value issues are outside of the Committee's purview.

Secretary-Treasurer L. Trombino once again reminded all delegates the Committee's purview is primarily related to lot creation and construction related issues would be addressed by the Municipality of Clarington should the applications be approved.

Multiple written submissions were received on April 27, 2023, May 3, 5, 8, 10, 2023 from Weili Wang, area resident.

A written submission was received on May 4, 2023 from Mike and Virginia Kuajn, area residents.

A written submission was received on May 4, 2023 from Arlene and Mohamed Sulamain, area residents.

Written submissions were received on May 7 and 8, 2023 from Melanie and Jose Bernardes, area residents.

A written submission was received on May 6, 2023 from Marvel and Ronald Chappell, area resident.

A written submission was received on May 7, 2023 from Dean Churchill, area resident.

A written submission was received on May 7, 2023 from Bonnie and John Zauerhagen, area residents.

A written submission was received on May 7, 2023 from Teresa and Andrew Howard, area residents.

A written submission was received on May 7, 2023 from Edie Pavicic, area resident.

A written submission was received on May 7, 2023 from Marla and Jeff Heard, area residents.

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

Agency comments were provided electronically to Mr. J. Kotsopolous, agent for the applicant.

### **Decision of the Committee**

Moved by: B. Whittle

Seconded by: E. Hudson

Having reviewed and considered all the agency comments and resident submission as well as hearing the oral submissions, I hereby move that application LD 020/2023, be approved, as applied for, as such is a lot line adjustment to the south 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 Works Department's letter dated Thursday, May 04, 2023, financial and otherwise.
2. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Wednesday, May 10, 2023.
3. That the applicant satisfy the requirement of the Municipality of Clarington's letter dated Monday, May 15, 2023, financial and otherwise.
4. That the subject land be deeded in the same name as the adjacent property to the south. Proof must be submitted to the Assistant Secretary-Treasurer that title will be identical together with proof that any existing mortgage encumbering the resultant lot shall include the legal description of the severed land
5. Applications shall be completed in sequential order. Solicitor's undertaking in this regard shall suffice.
6. That the applicant submit two copies of a registered plan on the subject parcel.
7. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, May 23, 2025.
  - Expiry Date of Application LD 020/2023 is Monday, June 23, 2025.

### **Clearing Agencies**

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 Regional Works Department that condition #1 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

advised in writing by the Regional Planning and Economic Development Department that condition #2 has been carried out to its satisfaction.

10. 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.

11. 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 #7 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant-Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.

Carried unanimously

Signed by all members present and concurring that this is the Committee Decision of LD 020/2023 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax



Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

***Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.***

**Appendix 9.**



**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, May 15, 2023

**File:** LD 021/2023  
**Submission:** B 031/2023  
**Owner:** Brundale Fine Homes Ltd. DBA: Tony Bruno  
**Agent:** JKO Planning Services Inc. DBA: Jim Kotsoplous  
**Location:** 2578 PRESTONVALE RD, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a 662.7 M2 residential parcel of land retaining a 1173.4 M2 residential parcel of land. Existing dwelling to be demolished.***

Applications LD 020/2023 through LD 022/2023 were considered in conjunction as they are related.

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present were:***

***Agent: JKO Planning Services Inc., Jim Kotsoplous***

***Interested parties:***

***Melanie and Jose Bernardes***

***Edie and John Pavicic***

***Weili Wang***

Chair A. Georgieff advised the public in attendance that the primary mandate of the Land Division Committee is to oversee lot creation and that built form is generally addressed by the lower tier municipality. He indicated these matters are

dealt with by the local municipality at a later date should an application be approved and all conditions of approval addressed by the applicant.

Mr. J. Kotsoplous explained the nature of the application and advised the Committee the first application is for a lot line adjustment which would see some land transferred to the south. He further indicated that the two other applications would then divide the newly enlarged parcel into three new lots. He explained that the three applications would see the existing two lots turn into four building lots. One of the lots would front onto Prestonvale Road whereas three lots would front onto Whitaker Ave. He also advised each lot would ultimately contain a semi-detached dwelling and that if approved the existing dwellings on the two properties would be demolished and a total of 8 new residential units would be built on the newly created lots.

He indicated the proposal complies with the Planning Act, the Provincial Policy Statement, The Growth Plan, the Municipal Zoning By-Law, the Regional Official Plan and Clarington's Official Plan.

Mr. J. Kotsoplous further advised the Committee he was in receipt of and in agreement with the agency comments and conditions.

Committee Member K. Bavington asked the agent to clarify that a total of four lots will be created and that there would be eight new residential units constructed on the four lots.

Mr. J. Kotsoplous answered in the affirmative.

Area resident Melanie Bernardes expressed concerns related to the proposed development. More specifically, she expressed concerns with the proposed construction impacts, potential loss of property value, noise and the safety of area residents due to increased traffic and the location of the proposed new dwellings. She indicated her concerns are related to the introduction of high density uses in a low density neighborhood and advised the Committee she does not believe the applications and subsequent construction will maintain and respect the current character of the neighborhood, the local landscape and families in the area.

Ms. M. Bernardes also expressed concerns related to the relatively short notification period for the notice of application issued to residents and felt the information provided to residents was insufficient.

Secretary-Treasurer Lino Trombino advised the Committee and members of the public that all notices were served in accordance with the provisions of the Planning Act.

Mr. J. Bernardes expressed concerns with the nature of the virtual meeting and indicated he felt it was no longer acceptable to have virtual meetings and that

there should be face to face meetings given the risks associated with Covid-19 are no longer a threat in his opinion. Mr. J. Bernardes also advised the Committee he is extremely upset and will pursue a legal review of the process.

Committee Member G. O'Connor advised the delegates the Committee does not have the purview to address what will be constructed on the proposed parcels of land and reiterated that zoning permissions are the responsibility of the area municipality.

Area resident Ms. Weili Wang expressed concerns related to the proposed development and asked the Committee to outline what steps they will take to protect the community. She asked for details on how the Committee considers applications and what steps they take to ensure the health and best interest of neighborhoods are addressed.

Secretary-Treasurer L. Trombino advised the delegates that through agency consultation the Committee obtains comments from various subject matter experts. He indicated an example of this would be where the Municipality of Clarington would review the proposed lot design and then impose various conditions of approval such as grading and landscaping to ensure the proposals meets municipal requirements for the area.

Secretary-Treasurer L. Trombino reiterated the Chair's and Committee Members' position that the Committee process is just the first stage of lot creation and that Clarington ultimately has purview for development on the proposed parcel in order to ensure zoning and municipal requirements are met.

Area resident Edie Pavicic expressed concerns related to any associated increase in traffic caused by the proposed development in the area. She advised the Committee she was told by some neighbors notice of the hearing was not provided to them and they were not afforded an opportunity to speak to the matter.

Secretary-Treasurer L. Trombino confirmed notices were sent by regular mail to all residents within 60 metres of the subject property and the properties were posted with a notice of the application in accordance with the Planning Act.

Chair A. Georgieff reiterated that the Committee deals with lot creation and not with what could ultimately be constructed on the parcel.

Area resident John Pavicic expressed concerns related to traffic and safety.

Secretary-Treasurer L. Trombino advised the Committee and the delegates that the Municipality of Clarington has reviewed the applications and examined a variety of issues, including, traffic, and that they have not expressed any concerns with the applications as the proposed lots and uses are in compliance with the requirements of the zoning by-law.

Committee Member K. Bavington advised the delegates there are a series of conditions imposed by the various commenting agencies and that if these applications are approved, that approval would only be in principle and would be subject to conditions that must be addressed by the applicant.

Area resident Ms. Weili Wang was afforded an additional opportunity to make a further delegation. She asked the agent to speak to how the lot creation will respect the character of the neighborhood as she did not see the applications benefitting the neighborhood and its residents.

Mr. J. Kotsoplous advised the Committee that one consideration undertaken by the applicant which is key to development is the fact that the applications are governed by local zoning by-laws and must be in compliance with all existing zoning by-law provisions. He indicated the proposed semi-detached dwellings will be subject to a number of conditions imposed by both the Region of Durham and the Municipality of Clarington. He also stated that if the applications are approved, they would only be conditional approvals and he also clarified that a semi-detached building is considered a low density use.

Committee Member P. Allore asked the agent to speak to the concerns regarding the proposed designs of the semi-detached dwellings and how it will fit into the character of the neighborhood.

Mr. J. Kotsoplous advised the Committee the development would be beneficial to the neighborhood and from a potential marketing standpoint that the design remain in character with the neighborhood development and that those plans are still in their infancy stage.

Area resident Weili Wang questioned the meaning behind the statement with respect to infancy stage of development and questioned why the owner has applied for lot creation before the development is fully planned.

Secretary-Treasurer L. Trombino reminded the delegates of the mandate of the Committee and its powers. He indicated the Municipality of Clarington would be responsible for the design of the proposed dwellings and suggested the applicant may choose to have an off-line discussion with the residents to discuss their concerns.

Area resident Edie Pavicic expressed concerns related to loss of value of existing homes.

Chair A. Georgieff reminded the delegates of the purview of the Committee and advised property values are established by the Municipal Property Assessment Corporation and that property value issues are outside of the Committee's purview.

Secretary-Treasurer L. Trombino once again reminded all delegates the Committee's purview is primarily related to lot creation and construction related issues would be addressed by the Municipality of Clarington should the applications be approved.

Multiple written submissions were received on April 27, 2023, May 3, 5, 8, 10, 2023 from Weili Wang, area resident.

A written submission was received on May 4, 2023 from Mike and Virginia Kuajn, area residents.

A written submission was received on May 4, 2023 from Arlene and Mohamed Sulamain, area residents.

Written submissions were received on May 7 and 8, 2023 from Melanie and Jose Bernardes, area residents.

A written submission was received on May 6, 2023 from Marvel and Ronald Chappell, area resident.

A written submission was received on May 7, 2023 from Dean Churchill, area resident.

A written submission was received on May 7, 2023 from Bonnie and John Zauerhagen, area residents.

A written submission was received on May 7, 2023 from Teresa and Andrew Howard, area residents.

A written submission was received on May 7, 2023 from Edie Pavicic, area resident.

A written submission was received on May 7, 2023 from Marla and Jeff Heard, area residents.

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

Agency comments were provided electronically to Mr. J. Kotsopolous, agent for the applicant.

### **Decision of the Committee**

Moved by: B. Whittle

Seconded by: E. Hudson

Having reviewed and considered all the agency comments, and heard the oral submission, I hereby move that application LD 021/2023, be approved, as applied, as it generally 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 Thursday, May 04, 2023, financial and otherwise.
2. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Wednesday, May 10, 2023.
3. That the applicant satisfy the requirement of the Municipality of Clarington's letter dated Monday, May 15, 2023, financial and otherwise.
4. Applications shall be completed in sequential order. Solicitor's undertaking in this regard shall suffice.
5. That the applicant submit two copies of a registered plan on the subject parcel.
6. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, May 23, 2025.
  - Expiry Date of Application LD 021/2023 is Monday, June 23, 2025.

### **Clearing Agencies**

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 Works Department that condition #1 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 Regional Planning and Economic Development Department that condition #2 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 advised in writing by the Municipality of Clarington that condition #3 has been carried out to its satisfaction.

10. 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 #6 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant-Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.

Signed by all members present and concurring that this is the Committee Decision of LD 021/2023 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog



Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

***Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.***

**Appendix 10.**



**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, May 15, 2023

**File:** LD 022/2023  
**Submission:** B 032/2023  
**Owner:** Brundale Fine Homes Ltd. DBA: Tony Bruno  
**Agent:** JKO Planning Services Inc. DBA: Jim Kotsoplous  
**Location:** 2578 PRESTONVALE RD, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a 587.9 M2 residential parcel of land, retaining a 585.5 M2 residential parcel of land. Existing dwelling to be demolished.***

Applications LD 020/2023 through LD 022/2023 were considered in conjunction as they are related.

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present were:***

***Agent: JKO Planning Services Inc., Jim Kotsoplous***

***Interested parties:***

***Melanie and Jose Bernardes***

***Edie and John Pavicic***

***Weili Wang***

Chair A. Georgieff advised the public in attendance that the primary mandate of the Land Division Committee is to oversee lot creation and that built form is generally addressed by the lower tier municipality. He indicated these matters are

dealt with by the local municipality at a later date should an application be approved and all conditions of approval addressed by the applicant.

Mr. J. Kotsoplous explained the nature of the application and advised the Committee the first application is for a lot line adjustment which would see some land transferred to the south. He further indicated that the two other applications would then divide the newly enlarged parcel into three new lots. He explained that the three applications would see the existing two lots turn into four building lots. One of the lots would front onto Prestonvale Road whereas three lots would front onto Whitaker Ave. He also advised each lot would ultimately contain a semi-detached dwelling and that if approved the existing dwellings on the two properties would be demolished and a total of 8 new residential units would be built on the newly created lots.

He indicated the proposal complies with the Planning Act, the Provincial Policy Statement, The Growth Plan, the Municipal Zoning By-Law, the Regional Official Plan and Clarington's Official Plan.

Mr. J. Kotsoplous further advised the Committee he was in receipt of and in agreement with the agency comments and conditions.

Committee Member K. Bavington asked the agent to clarify that a total of four lots will be created and that there would be eight new residential units constructed on the four lots.

Mr. J. Kotsoplous answered in the affirmative.

Area resident Melanie Bernardes expressed concerns related to the proposed development. More specifically, she expressed concerns with the proposed construction impacts, potential loss of property value, noise and the safety of area residents due to increased traffic and the location of the proposed new dwellings. She indicated her concerns are related to the introduction of high density uses in a low density neighborhood and advised the Committee she does not believe the applications and subsequent construction will maintain and respect the current character of the neighborhood, the local landscape and families in the area.

Ms. M. Bernardes also expressed concerns related to the relatively short notification period for the notice of application issued to residents and felt the information provided to residents was insufficient.

Secretary-Treasurer Lino Trombino advised the Committee and members of the public that all notices were served in accordance with the provisions of the Planning Act.

Mr. J. Bernardes expressed concerns with the nature of the virtual meeting and indicated he felt it was no longer acceptable to have virtual meetings and that

there should be face to face meetings given the risks associated with Covid-19 are no longer a threat in his opinion. Mr. J. Bernardes also advised the Committee he is extremely upset and will pursue a legal review of the process.

Committee Member G. O'Connor advised the delegates the Committee does not have the purview to address what will be constructed on the proposed parcels of land and reiterated that zoning permissions are the responsibility of the area municipality.

Area resident Ms. Weili Wang expressed concerns related to the proposed development and asked the Committee to outline what steps they will take to protect the community. She asked for details on how the Committee considers applications and what steps they take to ensure the health and best interest of neighborhoods are addressed.

Secretary-Treasurer L. Trombino advised the delegates that through agency consultation the Committee obtains comments from various subject matter experts. He indicated an example of this would be where the Municipality of Clarington would review the proposed lot design and then impose various conditions of approval such as grading and landscaping to ensure the proposals meets municipal requirements for the area.

Secretary-Treasurer L. Trombino reiterated the Chair's and Committee Members' position that the Committee process is just the first stage of lot creation and that Clarington ultimately has purview for development on the proposed parcel in order to ensure zoning and municipal requirements are met.

Area resident Edie Pavicic expressed concerns related to any associated increase in traffic caused by the proposed development in the area. She advised the Committee she was told by some neighbors notice of the hearing was not provided to them and they were not afforded an opportunity to speak to the matter.

Secretary-Treasurer L. Trombino confirmed notices were sent by regular mail to all residents within 60 metres of the subject property and the properties were posted with a notice of the application in accordance with the Planning Act.

Chair A. Georgieff reiterated that the Committee deals with lot creation and not with what could ultimately be constructed on the parcel.

Area resident John Pavicic expressed concerns related to traffic and safety.

Secretary-Treasurer L. Trombino advised the Committee and the delegates that the Municipality of Clarington has reviewed the applications and examined a variety of issues, including, traffic, and that they have not expressed any concerns with the applications as the proposed lots and uses are in compliance with the requirements of the zoning by-law.

Committee Member K. Bavington advised the delegates there are a series of conditions imposed by the various commenting agencies and that if these applications are approved, that approval would only be in principle and would be subject to conditions that must be addressed by the applicant.

Area resident Ms. Weili Wang was afforded an additional opportunity to make a further delegation. She asked the agent to speak to how the lot creation will respect the character of the neighborhood as she did not see the applications benefitting the neighborhood and its residents.

Mr. J. Kotsoplous advised the Committee that one consideration undertaken by the applicant which is key to development is the fact that the applications are governed by local zoning by-laws and must be in compliance with all existing zoning by-law provisions. He indicated the proposed semi-detached dwellings will be subject to a number of conditions imposed by both the Region of Durham and the Municipality of Clarington. He also stated that if the applications are approved, they would only be conditional approvals and he also clarified that a semi-detached building is considered a low density use.

Committee Member P. Allore asked the agent to speak to the concerns regarding the proposed designs of the semi-detached dwellings and how it will fit into the character of the neighborhood.

Mr. J. Kotsoplous advised the Committee the development would be beneficial to the neighborhood and from a potential marketing standpoint that the design remain in character with the neighborhood development and that those plans are still in their infancy stage.

Area resident Weili Wang questioned the meaning behind the statement with respect to infancy stage of development and questioned why the owner has applied for lot creation before the development is fully planned.

Secretary-Treasurer L. Trombino reminded the delegates of the mandate of the Committee and its powers. He indicated the Municipality of Clarington would be responsible for the design of the proposed dwellings and suggested the applicant may choose to have an off-line discussion with the residents to discuss their concerns.

Area resident Edie Pavicic expressed concerns related to loss of value of existing homes.

Chair A. Georgieff reminded the delegates of the purview of the Committee and advised property values are established by the Municipal Property Assessment Corporation and that property value issues are outside of the Committee's purview.

Secretary-Treasurer L. Trombino once again reminded all delegates the Committee's purview is primarily related to lot creation and construction related issues would be addressed by the Municipality of Clarington should the applications be approved.

Multiple written submissions were received on April 27, 2023, May 3, 5, 8, 10, 2023 from Weili Wang, area resident.

A written submission was received on May 4, 2023 from Mike and Virginia Kuajn, area residents.

A written submission was received on May 4, 2023 from Arlene and Mohamed Sulamain, area residents.

Written submissions were received on May 7 and 8, 2023 from Melanie and Jose Bernardes, area residents.

A written submission was received on May 6, 2023 from Marvel and Ronald Chappell, area resident.

A written submission was received on May 7, 2023 from Dean Churchill, area resident.

A written submission was received on May 7, 2023 from Bonnie and John Zauerhagen, area residents.

A written submission was received on May 7, 2023 from Teresa and Andrew Howard, area residents.

A written submission was received on May 7, 2023 from Edie Pavicic, area resident.

A written submission was received on May 7, 2023 from Marla and Jeff Heard, area residents.

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

Agency comments were provided electronically to Mr. J. Kotsopolous, agent for the applicant.

### **Decision of the Committee**

Moved by: B. Whittle

Seconded by: E. Hudson

Having reviewed and considered all the agency comments, and heard the oral submission, I hereby move that application LD 022/2023, be approved, as applied, as it generally 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 Thursday, May 04, 2023, financial and otherwise.
2. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Wednesday, May 10, 2023.
3. That the applicant satisfy the requirement of the Municipality of Clarington's letter dated Monday, May 15, 2023, financial and otherwise.
4. Applications shall be completed in sequential order. Solicitor's undertaking in this regard shall suffice.
5. That the applicant submit two copies of a registered plan on the subject parcel.
6. That the consent be subject to the following periods:
  - Last date for fulfilling Conditions is Friday, May 23, 2025.
  - Expiry Date of Application LD 022/2023 is Monday, June 23, 2025.

### **Clearing Agencies**

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 Works Department that condition #1 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 Regional Planning and Economic Development Department that condition #2 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 advised in writing by the Municipality of Clarington that condition #3 has been carried out to its satisfaction.

10. 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 #6 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.

Carried unanimously

Signed by all members present and concurring that this is the Committee Decision of LD 022/2023 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering



Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

***Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.***

**Appendix 11.**



**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, May 15, 2023

**File:** LD 023/2023  
**Submission:** B 033/2023  
**Owner:** Jill Yvonne Walkden DBA: Jill Yvonne Walkden  
**Agent:** Jill Yvonne Walkden DBA: Jill Yvonne Walkden  
**Location:** 500 9TH CONCESSION, Brock, ON  
**Municipality:** Township of Brock

***Consent to add a vacant 1.588 HA agricultural parcel of land to the east retaining a 40.47 HA agricultural parcel of land with an existing dwelling to remain.***

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Owner: Jill Yvonne Walkden***

Ms. J. Walkden explained the nature of the application and advised the Committee she no longer requires such a large parcel of land and has decided to sell a portion of her property to the adjacent land in order to allow that owner the ability to construct a new home.

Committee Member K. Bavington noted the benefitting lands are currently very restricted and confirmed this application will facilitate the creation of a viable building lot. She also noted the lot being conveyed is well treed and asked the applicant to confirm if there is a clearing area or will trees be taken down.

Ms. J. Walkden confirmed there is a meadow that has already been cleared.

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

Agency comments were provided electronically to Jill Yvonne Walkden, the applicant.

### **Decision of the Committee**

Moved by: K. Bavington

Seconded by: L. Roberts

Having reviewed and considered all the agency comments and resident submission as well as hearing the oral submissions, I hereby move that application LD 023/2023, be approved, as applied for, as such is a lot line adjustment to the east 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 Wednesday, May 10, 2023.
2. That the applicant satisfy the requirement of the Township of Brock's letter dated Tuesday, May 02, 2023, financial and otherwise.
3. That the subject land be deeded in the same name as the adjacent property to the east. Proof must be submitted to the Assistant Secretary-Treasurer that title will be identical together with proof that any existing mortgage encumbering the resultant lot shall include the legal description of the severed land.
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, May 23, 2025.
  - Expiry Date of Application LD 023/2023 is Monday, June 23, 2025.

### **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 Planning and Economic Development 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 Township of Brock 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 satisfied that the time periods outlined in condition #5 have been adhered to.

***Applicants/owners are responsible for fulfilling all conditions prior to the last date for fulfilling conditions***

### **Advisory Comments**

1. Once all of the conditions contained in the Committee's Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Region of Durham Land Division Committee office, to the attention of the Assistant Secretary-Treasurer for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Assistant-Secretary Treasurer of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.
2. Lake Simcoe Region Conservation Authority comments dated Friday, April 28, 2023.

Carried unanimously

Signed by all members present and concurring that this is the Committee Decision of LD 023/2023 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer

***Last Date of Appeal of this Decision or any of the conditions therein is Tuesday, June 13, 2023.***

***Please Note: Section 53(19) of the Planning Act has been amended and now indicates that only the applicant, the Minister, a specified person or any public body may appeal this Decision.***

**Appendix 12.**



**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, May 15, 2023

**File:** LD 024/2023  
**Submission:** N/A  
**Owner:** 2774626 Ontario Inc. DBA: 2774626 Ontario Inc.  
**Agent:** D.G Biddle & Associates  
**Location:** 11 DUKE ST, Clarington, ON  
**Municipality:** Municipality of Clarington

***Consent to sever a vacant 445.8 M2 residential parcel of land, retaining a 491.9 M2 residential parcel of land with an existing semi-detached dwelling to remain. Application includes an access easement***

The Committee member visited the site on Saturday, April 29, 2023 and confirmed the property was properly posted.

***Present was:***

***Agent: M. Fry and A. Prescott - D.G Biddle & Associates***

Ms. A. Prescott explained the nature of the application and provided the committee with an overview of the intent of the application. She indicated there was a related minor variance application also pending.

The agents for the application also advised the Committee that the applicable lot creation policies would permit the proposed residential lot and residential uses. They also advised the Committee that they were agreeable with the agency tabling recommendations.

A written submission was received on May 7, 2023 from Mark Hunter, area resident.

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

Agency comments were provided electronically to Mr. M. Fry, agent for the applicant.

### **Motion of the Committee**

Moved by: L. Roberts

Seconded by: P. Uprety

Having reviewed and considered all of the agency comments and heard the oral submission, I hereby move that application LD 024/2023 be tabled, at the expense of the applicant for up to two (2) years and no later than May 2025. 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 024/2023 on Monday, May 15, 2023.

Alex Georgieff – Town of Whitby

Kitty Bavington – Town of Brock

Lori Roberts – Town of Ajax

Pralhad Uprety – City of Oshawa

Eric Hudson – City of Pickering

Paul Allore – Town of Scugog

Gerri Lynn O'Connor – Township of Uxbridge

Bradley Whittle – Municipality of Clarington

P. Aguilera, Assistant Secretary-Treasurer