

ISSUE DATE:

December 05, 2013



PL130411

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

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Bantendale Developments Limited
Subject:	Conditions of provisional consent
Property Address/Description:	Part Of Lot 26 & 27, Concession 6
Municipality:	Town of Caledon
Municipal File No.:	B-011-13
OMB Case No.:	PL130411
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APPEARANCES:

Parties

Counsel

Bantendale Developments Limited

S. Reddington

Town of Caledon

P. Gross

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
NOVEMBER 26, 2013 AND ORDER OF THE BOARD**

[1] The proceedings into this appeal commenced as a Mediation Event. By way of brief background, Bantendale Developments Limited (the "Applicant/Appellant" and "Proponent") had appealed the decision of the Town of Caledon ("Town") Committee of Adjustment ("COA") to approve its severance application with nine conditions. The Proponent had concerns with three of the nine conditions imposed by the COA. The subject property is legally described as part of Part 1 on Plan 43R-16714, Town of Caledon. The Proponent proposes to construct a six unit residential cluster villa on the severed lands.

[2] During the mediation, the Parties had come to terms on a proposed settlement. With the consent of the Parties, this panel of the Board subsequently converted the mediation into a settlement hearing.

[3] Stephanie McVittie, a qualified professional planner for the Town proffered opinion planning evidence on the severance application and the proposed conditions of the settlement. Ms. McVittie, testified that the application was to sever approximately 1.26 hectares (3.12 acres) parcel from an existing property of 4.10 hectares (10.12 acres). The subject property is within an existing plan of condominium. As part of the ongoing phased development of the subject lands, the proponent has in the past applied for and has been granted consents to sever parcels of land within the draft plan of condominium.

[4] Ms. McVittie testified that the Town and the Toronto Region Conservation Authority ("TRCA") had a number of concerns with the severance application and the Town planning staff had recommended to the COA that the matter be deferred until such time that the Proponent satisfied the TRCA's requirements and submitted a site plan. These concerns included conformity to the Oak Ridges Moraine Conservation Plan ("ORMCP"), encroachment into Environment Zone 2 (EZ2) lands, and a building envelope that would not encroach into a key Natural Heritage Feature and the Minimum Vegetation Protection Zone ("MPVZ"). Notwithstanding these concerns, the COA granted provisional consent subject to nine conditions.

[5] Ms. McVittie testified that the revised conditions agreed to as part of the settlement (Attachment 1 to this decision) satisfies both the Town's and the TRCA's concerns. The conditions include the proponent submitting a full size scalable site concept plan showing all easements, driveway and road locations, and cluster villa locations within a zone which permits this use. It is her planning opinion that the proposed severance application with the revised conditions conforms to and is consistent with the provincial plans, conforms with the Regional and Town Official Plans and has appropriate regard to the criteria found in s.51(24) of the *Planning Act* ("Act").

[6] The Board adopts the evidence of the planner which was given with the consent of both parties. The Board is satisfied that the revised conditions found in Attachment 1 addresses the concerns of the TRCA and the Town. The Board will grant provisional consent subject to these revised conditions.

ORDER

[7] The Board orders that the appeal is allowed and provisional consent is given subject to the conditions found in Attachment 1.

“Jason Chee-Hing”

JASON CHEE-HING
MEMBER

ATTACHMENT 1

PL130411

WITHOUT PREJUDICE

PROPOSED REVISED CONDITIONS

1. That the applicant/agent shall submit two draft reference plans for approval from the Secretary-Treasurer and the required number of prints of the resultant deposited reference plan(s) shall be received.
2. That the Secretary-Treasurer's Certificate fees shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificates.
3. The Secretary-Treasurer shall receive written confirmation from the Development Approval and Planning Policy Department confirming that both the resultant and the retained lands satisfy all applicable zone standards. The applicant must submit a development plan (drawn to scale in metric) certified by an Ontario Land Surveyor showing sufficient detail for staff to assess compliance with the applicable standards.
4. That the Secretary-Treasurer receives written confirmation from the Development Approval and Planning Policy Department that confirms the purpose and functionality of the landlocked parcel to the south east.
- ~~5. That the Secretary-Treasurer receives written confirmation from the Development Approval and Planning Policy Department that the applicant has submitted a Complete Site Plan Application in accordance with the Town's DART requirements.~~
6. That the Secretary-Treasurer receives written confirmation from the Development Approval and Planning Policy Department that the proposed severance on the subject property has incorporated a building envelope that does not encroach into the significant woodlands or that satisfactory arrangements have been made to address this through the site plan application to the satisfaction of the Development Approval and Planning Policy Department.
7. That the Secretary-Treasurer receives written confirmation from the Development Approval and Planning Policy Department that a satisfactory (Environmental Impact Statement/Natural Heritage Evaluation) has been submitted or that satisfactory arrangements have been made to address this through the site plan application to the satisfaction of the Town.
8. That the Secretary-Treasurer receives written confirmation from the Region of Peel Public Works that satisfactory arrangements shall be made with respect to servicing the severed and retained parcels.
9. That the Secretary-Treasurer receives written confirmation from the Town's Corporate Services Department that there are no outstanding financial obligations.
5. That the Secretary-Treasurer receives written confirmation from the Development Approval and Planning Policy Department that confirms and shows the location of the following items on a full-size, scalable site concept plan all

existing and proposed easements; all driveway/
roadway locations and cluster villa locations
to be accommodated within a zone permitting
such use.