

# Memorandum

## Amendment to the Conditions of Provisional Consent

TO: Committee of Adjustment

FROM: Jason Unger, MCIP, RPP  
Acting Director of Planning and Building Services

DATE: August 21, 2020

RE: D10-B01-20 – 175 Deerfield Road  
Amendment to the Conditions in Provisional Consent

### PURPOSE

- Committee of Adjustment to approve the revision of the conditions granted; and,
- The amended notice of provision consent containing appeal information will be re-circulated to applicable departments, agencies and the public to provide notification regarding the change in the conditions.

### BACKGROUND

The Committee of Adjustment considered Consent Application – D10-B01-20 on Wednesday, June 17<sup>th</sup>, 2020 at 9:30 A.M. through a virtual electronic meeting. Planning Report, dated March 18, 2020, dealt with this application and is available [here](#).

The purpose of the consent application was to allow the applicant to sever the subject lands into two (2) separate parcels. The proposed development on the subject lands contemplates three residential buildings with a mix of condominium and rental tenure. The intent of the severance was to allow the applicant to operate the Phase 2 building under a separate ownership from the Phase 3 building, which will be managed under a condominium corporation.

It was the Decision of the Committee that a Provisional Consent be **GRANTED** subject to the following conditions:

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
  - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
  - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and,
  - iii. the required transfer to effect the severance and conveyance applied for under Consent Application D10-B01-20, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

## ANALYSIS

The intent of the previous application to sever the subject lands into two (2) separate parcels remains the same. A technical matter has arisen in terms of the ultimate transactional arrangements. The revision in the provision consent condition is to reflect which parcel the applicant intends to transfer to a separate ownership vs. which parcel the applicant intends to retain under their current corporation. The applicant has provided further clarification that they intend to transfer the retained lands and to keep the severed lands under the existing ownership.

Therefore, it is suggested that the decision be amended as follows:

It was the Decision of the Committee that a Provisional Consent be **GRANTED** subject to the following conditions:

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
  - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
  - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and,
  - iii. the transfer of lands indicated as 'B', applied for as the lands to be **retained** under Consent Application D10-B01-20, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

## AUTHORITY & NOTICE

Section 53(23) of the Planning Act states that the Committee of Adjustment may change the conditions of a provisional consent at any time before a consent is given. The amended notice of provision consent containing appeal information will be re-circulated to applicable Town departments, agencies and the public.

## RECOMMENDATION

As the intent of the application remains the same as the initial application, potential impact to the public remains low, and the revised decision continues to be in the public interest. Planning staff are in support of this revision.

## CONTACT



Jason Unger, MCIP, RPP  
Acting Director of Planning and Building Services