

Memorandum to the City of Markham Committee of Adjustment

April 22, 2022

File: B/004/22
Address: 16 Riverview Avenue – Markham, ON
Applicant: Andrew Wai Chung IP
Agent: STEP Design Studio Inc. (Stepan Sukiasyan)
Hearing Date: May 4, 2022

The following comments are provided on behalf of the East District team. The applicant requests provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 732.61 m² (7,885.75 ft²) and a lot frontage of 24.23 m (79.50 ft); and
- b) retain a parcel of land with an approximate area of 737.28 m² (7,936.02 ft²) and a lot frontage of 24.38 m (79.99 ft).

BACKGROUND

Request for Provisional Consent to Sever Lands in 2018 (File B/01/18)

The Committee of Adjustment (the “Committee”) previously granted provisional consent for a severance application on March 28, 2018 (see Notice of Decision, Appendix “C”). However, the conditions of approval were unfulfilled within one year of the approval date. Therefore, in accordance with Section 53(41) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, the application (File: B/01/18) has been deemed to be refused.

New Request for Provisional Consent to Sever the Subject Lands in 2020 (File B/005/20)

The applicant submitted a new application requesting provisional consent to sever the lands again. The Committee granted provisional consent on July 19, 2020, as the original application lapsed, with the 2020 application being substantially similar to the 2018 file (see Notice of Decision, Appendix “D”).

COMMENTS

The file history shows that the applicant was unable to fulfill the conditions of approval tied to the provisional consent of file (B/005/20), within the required timeframe, and the 2020 consent has been deemed to be refused for a second time under the *Planning Act*. By way of this application (B/004/22), the applicant requests provisional consent to sever the lands, with the proposed land severance being the same as previously proposed in 2020. Comments provided in the previous staff report dated June 15, 2020 remain generally applicable. Staff continue to have no objections to the application, and recommend that the revised conditions detailed in this memorandum be imposed.

Bill 276 “*Support Recovery and Competitiveness Act, 2021* S.O. chapter 25” received Royal Assent on June 3, 2021. This Bill made several changes to various Provincial Acts. Through this Bill, Section 53(41) of the *Planning Act* was amended by increasing the timeframe to fulfill conditions from one year to two years. A transitional period was identified for conditions appended to approved consents from June 3, 2021 to December 31, 2021. The changes took effect on January 1, 2022.

Therefore, as noted in condition (8) of Appendix "A", the fulfillment of all conditions shall be satisfied within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act*.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 22, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff have had regard for the criteria in Section 51(24) of the *Planning Act*, and remain of the opinion that the proposed severance is an appropriate development of the lands. Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Notice of Decision, File B/005/20


Appendix "D" – Staff Report: June 15, 2020, B/005/20

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX “A”


CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/004/22

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/004/22, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of a reference plan showing the subject lands, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee By-law;
 - ii) Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan 'TAPP Requirements (June 2019)', to the satisfaction of the Director of Operations, or their designate, through the Residential Infill Grading & Servicing (RGS) TREE Permit process prior to issuance of building permit;
 - iii) That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the Tree Assessment and Preservation Plan, through the Residential Infill Grading & Servicing (RGS) TREE Permit process, due at Lot Grading & Security Release 1 month post construction.
 - iv) That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a

- TREE Permit, to be inspected by City staff to the satisfaction of the Director of Operations, or their designate;
- v) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement.
 - vi) Submission of an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - vii) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - viii) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City; and
 - ix) Prior to final approval of the Consent, necessary permits pursuant to the Ontario Building Code (OBC) shall be obtained, and internal sewer and water systems are to be constructed in order to provide separate and independent plumbing systems for each of the severed and retained parcels.

6. That the Owner provides confirmation from an Ontario Land Surveyor that the severed and retained parcels in their final configuration, meet all requirements of the applicable zoning by-law, including any development standards for buildings and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Zoning Supervisor, or their designate.
7. That the existing dwelling and shed on the retained lot be partially or fully demolished, if required, to comply with all applicable Zoning By-law requirements, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Chief Building Official or designate.
8. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P. 13, as amended*.

CONDITONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

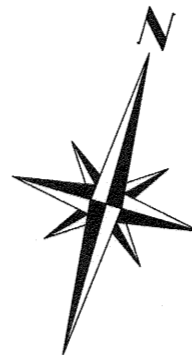
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF B/004/22

OBSERVED REFERENCE POINTS (ORP's): U.T.M. ZONE 17, NAD83 (CSRS)
 COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

NOTES

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999879.

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM ORP A (CP) AND ORP B (CP) AS SHOWN ON THIS PLAN AND ARE BASED ON U.T.M, ZONE 17, CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, NAD-1983: CSRS



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

Appendix B
 File: 22.112344.000.00.CSNT
 RECEIVED AND DEPOSITED
 Date: 04/28/22
 MM/DD/YY

PLAN 65K
 DATE Sept 16, 2018

"L. Bavar"
 REPRESENTATIVE FOR
 LAND REGISTRAR FOR THE
 LAND TITLES DIVISION OF
 YORK REGION (No. 65)

DATE Sept. 06th, 2018

T. Shanmugaraiah
 T. SHANMUGARAIAH
 ONTARIO LAND SURVEYOR

POINT ID	NORTHING	EASTING
ORP A (CP)	4858770.972	639348.638
ORP B (CP)	4858676.946	639253.760

PLAN COORDINATES, UTM NAD83 (CSRS)

POINT ID	NORTHING	EASTING
1	4858750.746	639333.751
2	4858720.884	639339.842
3	4858705.094	639293.889
4	4858734.970	639287.746

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SCHEDULE				
PART	LOT	REGISTERED PLAN	PIN	AREA
1				737.0 m ²
2	ALL OF LOT 17	4365	ALL OF PIN 02916-0404(LT)	733.1 m ²

PLAN OF SURVEY OF LOT 17, REGISTERED PLAN 4365 CITY OF MARKHAM

SCALE 1:300
 10m 5 0 10 20 METRES
 THAM SURVEYING LIMITED, O.L.S.

METRIC
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- CP DENOTES CONCRETE PIN
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- SCP DENOTES SPECIFIED CONTROL POINT
- PL DENOTES REGISTERED PLAN 4365
- PL1 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY MCBAIN & CARMICHAEL LTD., O.L.S., DATED JULY 27th, 1992
- PL2 DENOTES PLAN OF SURVEY BY CARTER HORWOOD LIMITED, O.L.S. DATED MARCH 21st, 1973
- (729) DENOTES D.H. BLACK, O.L.S.
- (765) DENOTES G.T. HORTON, O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- MEAS DENOTES MEASURED
- PROP DENOTES PROPORTION
- A DENOTES ASTRONOMIC BEARING
- BF DENOTES BOARD FENCE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 4th DAY OF SEPTEMBER, 2018

Sept. 06th, 2018
 DATE

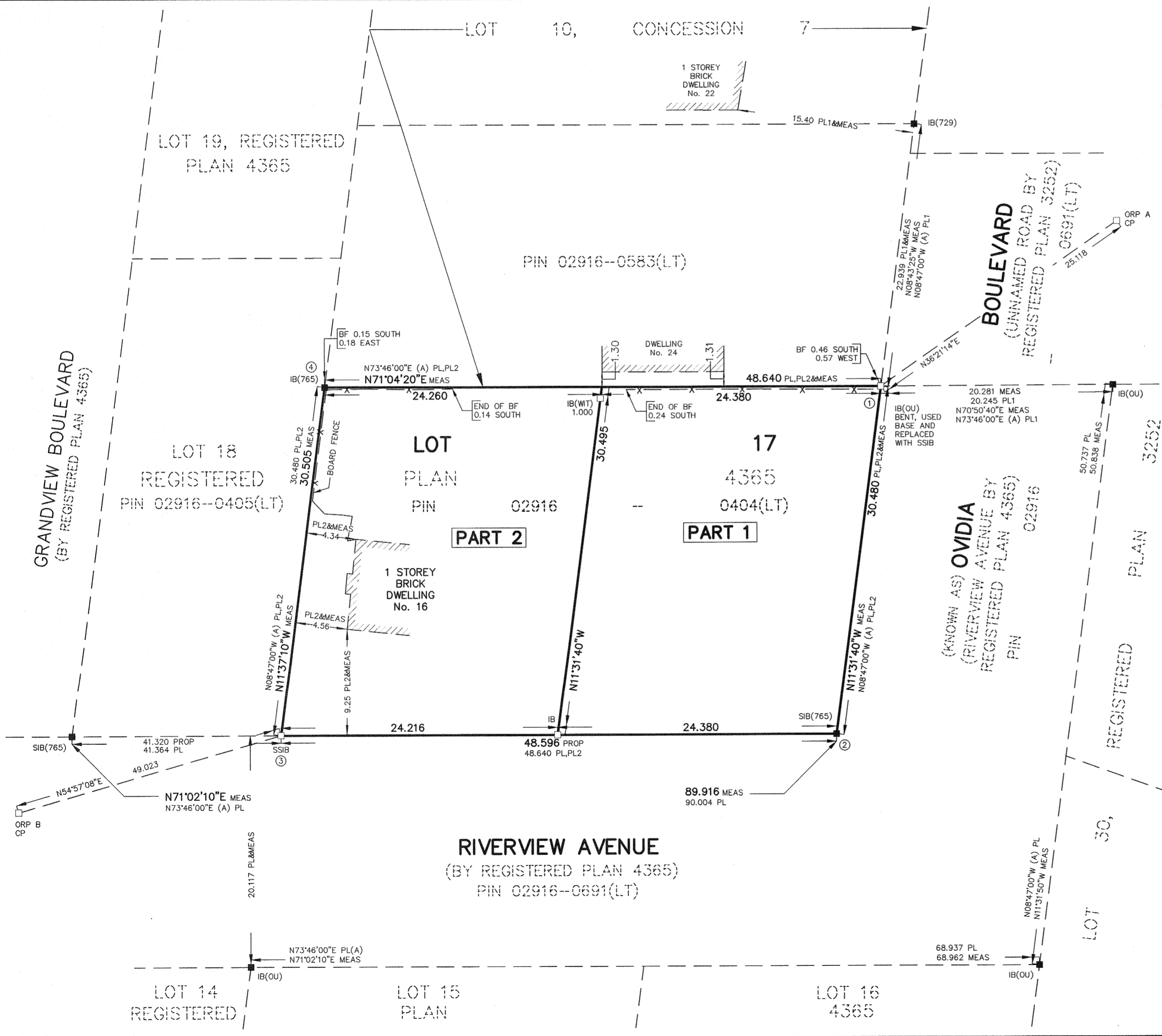
T. Shanmugaraiah
 T. SHANMUGARAIAH
 ONTARIO LAND SURVEYOR



THAM SURVEYING LIMITED
 ONTARIO LAND SURVEYORS
 www.thamsurvey.ca

8888 KEELE STREET, UNIT 7 PHONE: 905-761-6521 FAX: 905-761-6523
 VAUGHAN, ONTARIO, L4K 2N2 1-855-761-6521

DRAWN BY: J.A.	CHECKED BY: T.H.S.	CAD NUMBER: 18-087-RPLAN GROUND	JOB NUMBER: 11-022
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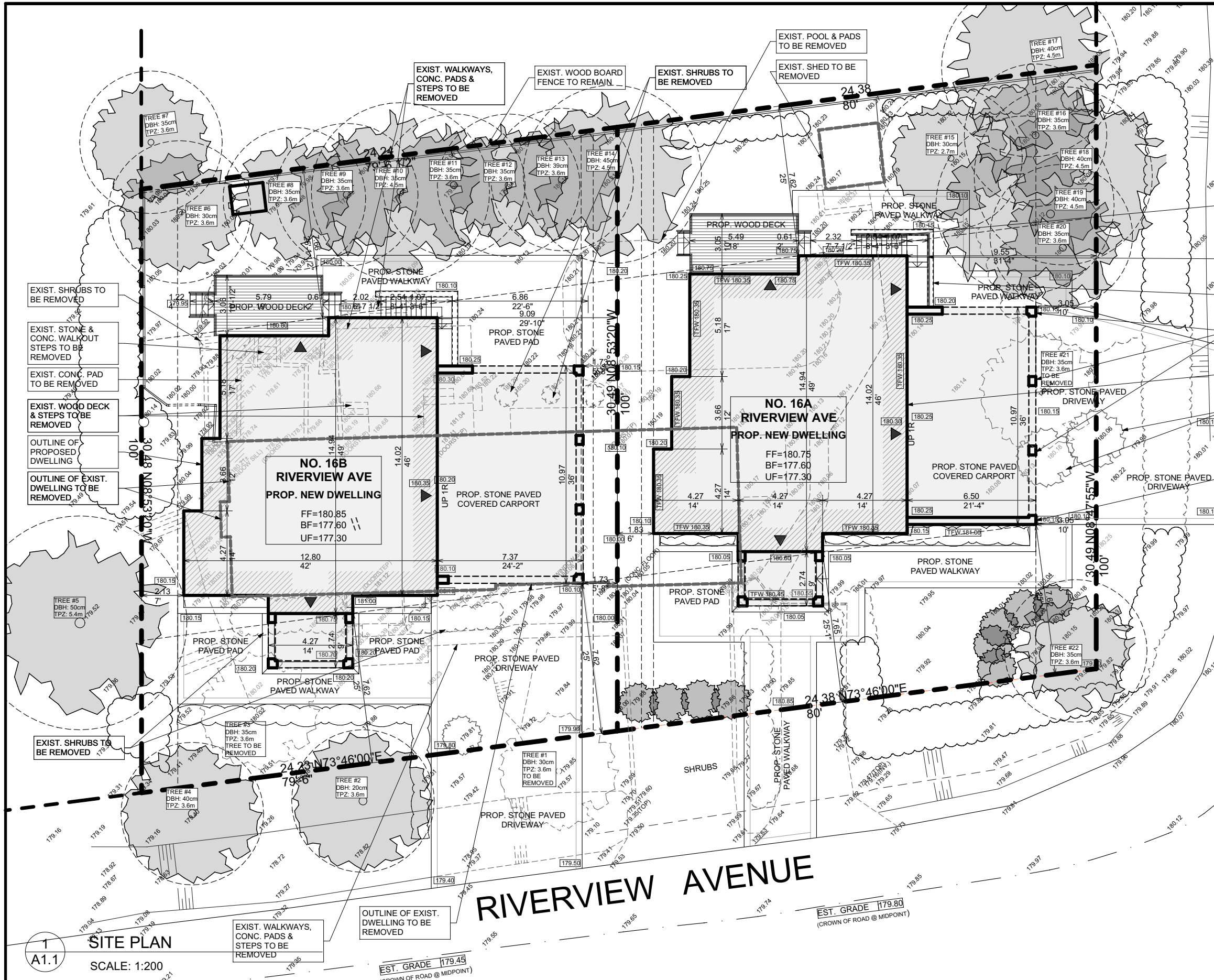
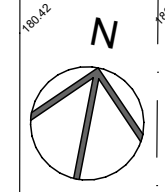


Appendix B

File: 22.112344.000.00.CSNT

Date: 04/29/22

MM/DD/YY



- ALUMINUM HANDRAILS
- POURED CONC. STAIRS TO BASEMENT WALKOUT
- STONE CLAD POURED CONC. RETAINING WALL
- OUTLINE OF STONE CLAD PIERS
- OUTLINE OF PROPOSED GROUND FLOOR
- TREES TO BE REMOVED
- OUTLINE OF STONE CLAD WALL AND PIERS

OVIDA BLVD.
CENTRE-LINE OF ROAD

LEGEND	
	EXISTING GRADE ELEVATION
	EXISTING GRADE ELEVATION TO REMAIN
	PROPOSED GRADE
	GRADE SLOPE & DIRECTION
	EXTERIOR MAN DOOR
	OVERHEAD DOOR
	GAS METER
	MAN HOLE (STORM OR SANITARY)
	CATCH BASIN (EL. TOP OF RIM)
	SINGLE LIGHT STANDARD
	DOUBLE LIGHT STANDARD
	LIGHT BOLLARD
	FLOOD LIGHT
	ACCESSIBLE PARKING
	NUMBER OF PARKING STALLS IN ROW
	FIRE ROUTE
	MEDIUM DUTY PAVING
	HEAVY DUTY PAVING
	GRASS/SODDED AREA
	CONCRETE PAD/WALKWAY
	DENOTES BOULDER
	DENOTES CONIFEROUS TREE
	DENOTES DECIDUOUS TREE
	DENOTES HEDGES
	CHAINLINK FENCE
	WOOD BOARD FENCE
	CONSTRUCTION FENCE
	TREE PROTECTION HOARDING

SITE PLAN
SCALE: 1:200



STEP DESIGN STUDIO INC.
ARCHITECTURAL DESIGN | CONSULTATION
BUILDING PERMITS | PROJECT MANAGEMENT
ARCH. VISUALIZATION | GRAPHIC DESIGN
905.470.8677 | 416.407.9528 | INFO@STEPIN.CA
200 TOWN CENTRE BLVD. | UNIT 105 | MARKHAM

PROJECT NAME
**16 RIVERVIEW AVE.
MARKHAM, ON**
DRAWING NAME
SITE PLAN

PROJECT DATE
3/2/2022
PREPARED BY
STEPAN S.
CHECKED BY
STEPAN S.

PROJECT NUMBER
17.5
REVISION NUMBER
4.1-4.4
DOCUMENT NUMBER
A1.1

APPENDIX "C"
NOTICE OF DECISION, B/005/20



Committee of Adjustment Resolution

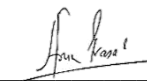

File Number: B/005/20
 Hearing Date: Thursday July 09, 2020
 Owner(s): Andrew Ip
 Agent: STEP Design Studio Inc. (Stepan Sukiasyan)
 Property Address: 16 Riverview Ave
 Legal Description: PLAN 4365 LOT 17
 Zoning: By-law 1229, as amended, R1
 Official Plan: Residential Low Rise
 Ward: 4

Last Date of Appeal: Tuesday, August 11, 2020

Moved by Patrick Sampson

Seconded by Arun Prasad

Concurrence:

- Arun Prasad 
- Patrick Sampson 
- Kelvin Kwok ABSENT
- Jeamie Reingold ABSENT
- Tom Gutfreund 
- Sally Yan 

THAT Application No. B/005/20, submitted by Andrew Ip, owner(s) of 16 Riverview Ave, PLAN 4365 LOT 17, requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 732.61 sq. m and lot frontage of 24.23 m;
- b) retain a parcel of land with an approximate area of 737.28 sq. m and lot frontage of 24.38 m.

This serves as a re-application for consent B/01/18, which was approved by the Committee of Adjustment on March 28, 2018 but lapsed due to unfulfilled conditions of approval.

The consent request be **approved** subject to the following conditions:

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B/005/20, in duplicate, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 2 on the draft reference plan submitted with the application, to be reviewed and approved by the City;
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
6. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Submission of a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City;
 - iii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iv) Planting of any required replacement trees and/or tree replacement fees be paid to the City, if required, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;

- v) Assessment, preservation and canopy replacement compensation and/or fees to be paid to the City if required as they relate to significant existing vegetation, subject to review and approval by the City;
 - vi) Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the City;
 - vii) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - viii) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - ix) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City;
 - x) Provide the appropriate documentation to the Director of Engineering or designate which confirms that there are no existing easements registered on title that will be impacted by the proposed severance;
 - xi) Provide a functional servicing plan to show how individual water and sewer services will be provided for the severed and retained lots;
 - xii) Provide a functional servicing plan which confirms that any and all existing services for the Retained Lot do not traverse the Severed Lot;
7. That the Owner provides confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
 8. That the existing dwelling on the retained lot (Part 1) be partially demolished and/or modified, if required, to comply with all applicable zoning by-law requirements, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Chief Building Official or designate;
 9. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*, R.S.O. 1990, c.P.13.

Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting, held under the Planning Act, have been taken into consideration by the Committee of Adjustment in its Decision on this matter.

Resolution Carried

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled.

APPENDIX "D"
STAFF REPORT: JUNE 15, 2020, B/005/20

Memorandum to the City of Markham Committee of Adjustment

June 15, 2020

File: B/005/20
Address: 16 Riverview Ave – Markham, ON
Applicant: Andrew Ip
Agent: STEP Design Studio Inc.
Hearing Date: Thursday July 9, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 732.61 m² (7,885.75 ft²) and lot frontage of 24.22 m (79.46 ft) (Part 2);
- b) retain a parcel of land with an approximate area of 737.28 m² (7,936.02 ft²) and lot frontage of 24.38 m (79.99 ft) (Part 1).

COMMENTS

This proposed consent application was previously approved by the Committee of Adjustment on March 28, 2018 to permit the severance of the subject property for the creation of a new residential development lot. Staff provided comments on the previous consent application (B.01.18) in a staff report dated March 22, 2018, attached as Appendix “C”. The March 28, 2018 approval decision is also attached as Appendix “D”, which included conditions recommended by staff, to be satisfied prior to registration of the severance. The file history shows that the majority of the conditions of approval were not cleared by the applicant within one year of the approval date, and in accordance with Section 53(43) of the *Planning Act*, the approval of the 2018 consent application has lapsed.

Consequently, the applicant has submitted the same consent application that was previously approved in 2018 to finalize the severance. Staff are of the opinion that the comments provided in the March 22, 2018 staff report (Appendix “C”) remain applicable and that the proposed severance will result in lots which meet the minimum lot area and frontage requirements of the Residential (R1) zone in By-law 1229, as amended, and is in accordance with the City of Markham’s 2014 Official Plan. According to the conceptual plans submitted, the applicant has demonstrated that one single detached dwelling per lot (severed & retained) can be accommodated in accordance with the requirements of the Residential (R1) zone. However, staff note that these are conceptual drawings and the applicant could submit future applications which will need to be evaluated in accordance with the development proposal at the time.

In addition to the City’s department comments which remain applicable as noted in the attached staff report (Appendix “C”), building staff have also provided comments to the applicant advising that the existing water service may need to be upgraded prior to building permit issuance in accordance with Building Code standards. Accordingly, the applicant may be required to upgrade water servicing at the building permit stage.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 15, 2020. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

APPLICATION PROCESSING

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications proceed as they did prior to the declaration of the emergency.

CONCLUSION

Planning staff have reviewed the application within the context of the criteria in Sections 51(24) and 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and have no objection to the proposed severance. Staff recommend that any approval be subject to the conditions of approval provided in Appendix "A", and that the Committee consider public input in reaching a decision.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Staff Report: March 28, 2018

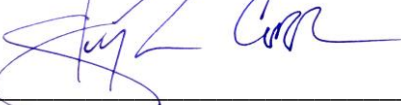
Appendix "D" – Notice of Decision (B.01.18): April 3, 2018

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/005/20

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B/005/20, in duplicate, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 2 on the draft reference plan submitted with the application, to be reviewed and approved by the City;
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
6. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Submission of a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City;
 - iii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iv) Planting of any required replacement trees and/or tree replacement fees be paid to the City, if required, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - v) Assessment, preservation and canopy replacement compensation and/or fees to be paid to the City if required as they relate to significant existing vegetation, subject to review and approval by the City;

- vi) Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the City;
 - vii) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - viii) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - ix) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City;
 - x) Provide the appropriate documentation to the Director of Engineering or designate which confirms that there are no existing easements registered on title that will be impacted by the proposed severance;
 - xi) Provide a functional servicing plan to show how individual water and sewer services will be provided for the severed and retained lots;
 - xii) Provide a functional servicing plan which confirms that any and all existing services for the Retained Lot do not traverse the Severed Lot;
7. That the Owner provides confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
8. That the existing dwelling on the retained lot (Part 1) be partially demolished and/or modified, if required, to comply with all applicable zoning by-law requirements, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Chief Building Official or designate;
9. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE B/005/20

OBSERVED REFERENCE POINTS (ORP's): U.T.M. ZONE 17, NAD83 (CSRS)
 COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

NOTES

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999879.

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM ORP A (CP) AND ORP B (CP) AS SHOWN ON THIS PLAN AND ARE BASED ON U.T.M. ZONE 17, CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, NAD-1983:CSRS



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 65R-38019

RECEIVED AND DEPOSITED

DATE Sept. 06th, 2018

DATE Sept 10, 2018

T. Shanmugaraiah
 T. SHANMUGARAIAH
 ONTARIO LAND SURVEYOR

"L. Bavar"

REPRESENTATIVE FOR
 LAND REGISTRAR FOR THE
 LAND TITLES DIVISION OF
 YORK REGION (No. 65)

PLAN COORDINATES, UTM NAD83 (CSRS)

POINT ID	NORTHING	EASTING
1	4858750.746	639333.751
2	4858720.884	639339.842
3	4858705.094	639293.889
4	4858734.970	639287.746

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SCHEDULE				
PART	LOT	REGISTERED PLAN	PIN	AREA
1				737.0 m ²
2	ALL OF LOT 17	4365	ALL OF PIN 02916-0404(LT)	733.1 m ²

**PLAN OF SURVEY OF
 LOT 17, REGISTERED PLAN 4365
 CITY OF MARKHAM**

SCALE 1:300

THAM SURVEYING LIMITED, O.L.S.

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- CP DENOTES CONCRETE PIN
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- SCP DENOTES SPECIFIED CONTROL POINT
- PL DENOTES REGISTERED PLAN 4365
- PL1 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY MCBAIN & CARMICHAEL LTD., O.L.S., DATED JULY 27th, 1992
- PL2 DENOTES PLAN OF SURVEY BY CARTER HORWOOD LIMITED, O.L.S. DATED MARCH 21st, 1973
- (729) DENOTES D.H. BLACK, O.L.S.
- (765) DENOTES G.T. HORTON, O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- MEAS DENOTES MEASURED
- PROP DENOTES PROPORTION
- A DENOTES ASTRONOMIC BEARING
- BF DENOTES BOARD FENCE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 4th DAY OF SEPTEMBER, 2018

Sept. 06th, 2018
 DATE

T. Shanmugaraiah
 T. SHANMUGARAIAH
 ONTARIO LAND SURVEYOR



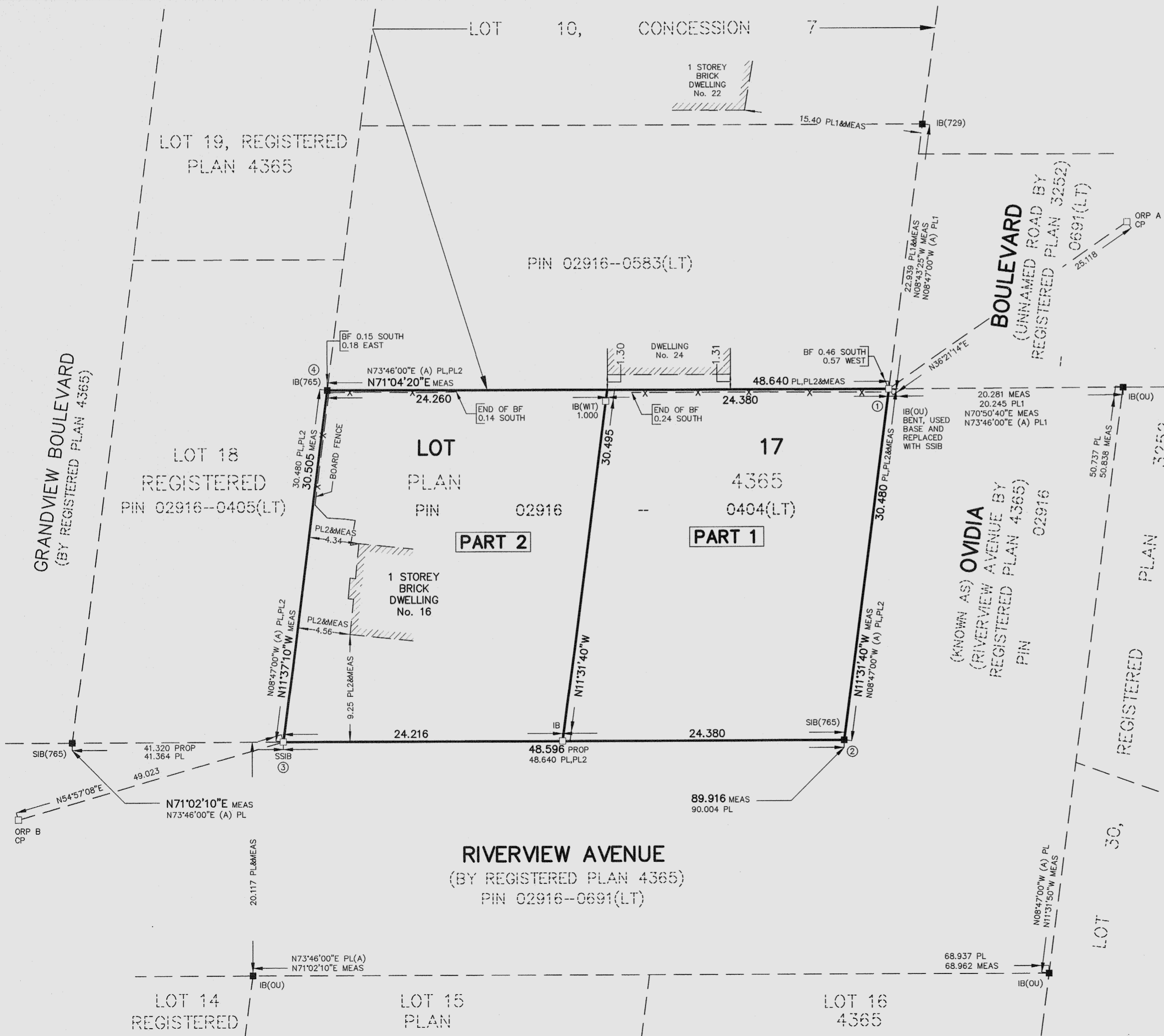
THAM SURVEYING LIMITED

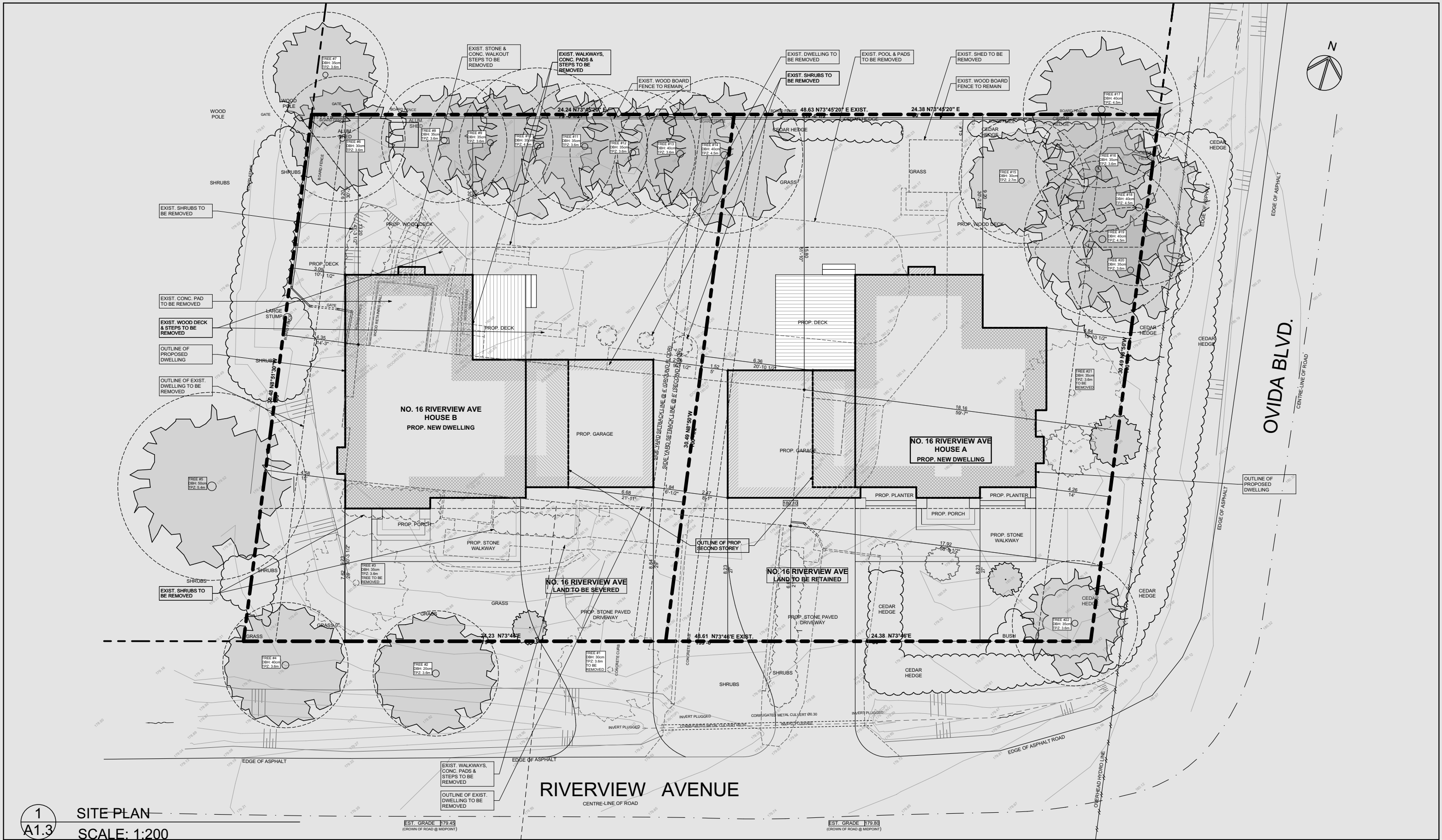
ONTARIO LAND SURVEYORS

www.thamsurvey.ca

8888 KEELE STREET, UNIT 7 PHONE: 905-761-6521 FAX: 905-761-6523
 VAUGHAN, ONTARIO, L4K 2N2 1-855-761-6521

DRAWN BY: J.A.	CHECKED BY: T.H.S.	CAD NUMBER: 18-087-RPLAN GROUND	JOB NUMBER: 11-022
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1 SITE PLAN
A1.3 SCALE: 1:200

EST. GRADE 179.43
(CROWN OF ROAD @ MIDPOINT)

EST. GRADE 179.80
(CROWN OF ROAD @ MIDPOINT)

APPENDIX "C"
STAFF REPORT: MARCH 28, 2018

Memorandum to the City of Markham Committee of Adjustment

March 22nd, 2018

File: B/01/18
Address: 16 Riverview Avenue, Markham
Applicant: Andrew Ip
Agent: Step Design Studio Inc (Stepan Sukiasyan)
Hearing Date: Wednesday March 28, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting provisional consent from the Committee of Adjustment to:

- a) sever and convey a parcel of land with lot frontage of 24.23 m and area of 732.61 m² (Part 2);
- b) retain a parcel of land with lot frontage of 24.38 m and area of 737.28 m² (Part 1).

Property Description

The 1,468.24 m² (15,804 ft²) subject property is located at the south west corner of Ovida Boulevard and Riverview Avenue, south of Highway 7 East and east of Grandview Boulevard. The surrounding area is a residential neighbourhood comprised of single detached dwellings on lots that vary in size between 613 m² (6598.28 ft²) and 2,860.15 m² (30,786.39 ft²). There is an existing 196.40 m² (2,114 ft²) one-storey detached dwelling on the property fronting Riverview Avenue. The property contains two driveways, one that provides access to the garage and the other one solely for parking. Mature vegetation exists across the site, including a number of mature trees along the rear lot line.

Proposal

The applicant is proposing to sever and convey a parcel of land with an area of 732.61 m² (7,885.74 ft²) and lot frontage of 24.23 m (79.49 ft), while retaining a parcel of land with an area of 737.28 m² (7,936 ft²) and lot frontage of 24.38 m (79.98 ft). Based on the conceptual site plan submitted (see Appendix B), the applicant is intending to construct a 302.74 m² (3,258.66 ft²) two-storey detached dwelling on the severed parcel and a 303.79 m² (3,269.96 ft²) two-storey detached dwelling on the retained parcel. It should be noted that the site plan reflects a preliminary conceptual design and may be subject to changes during the building permit process.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

The subject property is designated "Residential – Low Rise", which provides for single detached dwellings. In considering applications in a 'Residential Low Rise' area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to lot frontage and lot area to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation, and the overall orientation and sizing of new lots within a residential neighbourhood. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning

The property is zoned R1 under By-law 1229, as amended, which permits single detached dwellings. This zone category requires a minimum lot area of 6,600 ft² (613.16 m²) and a minimum lot frontage of 60 ft. (18.28 m). The proposal meets both by-law requirements.

Zoning Preliminary Review Not Undertaken

A Zoning Preliminary Review has not been formally conducted for the proposed development. It is the owner's responsibility to ensure that the proposal, including the future homes, complies with all zoning requirements. If any variances are identified during the Building Permit review process, the applicant will be required to reapply to the Committee of Adjustment to address any non-compliance.

COMMENTS

Planning Comments

The proposed severance meets both the minimum lot area and lot frontage requirements, meaning the overall size of the resulting lots will be consistent with what the zoning by-law seeks to provide for the neighbourhood. The proposed frontages are similar in scale to many properties on Ovida Boulevard and therefore staff do not anticipate the severance will result in any significant impact on the visual appearance of the neighbourhood from a streetscape perspective.

Staff acknowledge that the depth of the two resulting lots are shorter than most of the existing properties on Grandview Boulevard and Ovida Boulevard. However, based on the site plan provided, both lots are large enough to accommodate a standard two-storey detached dwelling while complying with all setback and lot coverage requirements, ensuring the future homes will be in keeping with the intended scale of infill developments for the neighbourhood.

Efforts have also been made to alleviate the impact on the neighbourhood by preserving the majority of existing trees on the property. According to the site plan submitted with the application, only three of the twenty two trees are proposed to be removed as a result of the proposed development (Tree # 1- Norway Maple on Riverview Avenue, Tree #3 – Paper Birch on Riverview Avenue and Tree # 21 – Crabapple on Ovida Boulevard). The retention of most of the existing trees provides screening for adjoining properties and helps maintain the established character of the neighbourhood. Planning staff are of the opinion that the proposed severance is supportable and have no objection to the approval of the application.

Engineering Comments

Engineering staff indicate that both lots must be provided with its own individual water and sewer services. In conjunction with the building permit applications for each individual lot, the Owner will be required to submit a separate site servicing plan for review and approval by the City. At such time, the Owner will also be required to submit an application for the installation of service connections. The connections will be installed by the City at the Owner's expense to be secured through a Development Agreement. Engineering staff have no concern with the proposed severance.

Urban Design Comments

Urban Design have no concern with the application subject to the review and approval of a tree assessment and preservation plan and arrangements for tree placement and/or compensation. All the trees proposed to be retained must be protected by tree protection fencing in accordance with the requirements outlined in the City's Streetscape Manual (2009), as amended. In addition, the applicant will be required to satisfy Parkland Dedication through a contribution in the form of cash-in-lieu, calculated based on an acceptable land appraisal. All the above requirements will also be secured through a Development Agreement.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 22nd, 2018. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff have reviewed the proposal within the context of the criteria in Sections 51 (24) and 45 (1) of the *Planning Act* and the Residential Infill Development Criteria in the City's Official Plan, and have no objection to the proposed severance. Staff recommend that the Committee consider public input in reaching a decision.

Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner I, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\file\18 109247\Documents\District Team Comments Memo

APPENDIX "A"

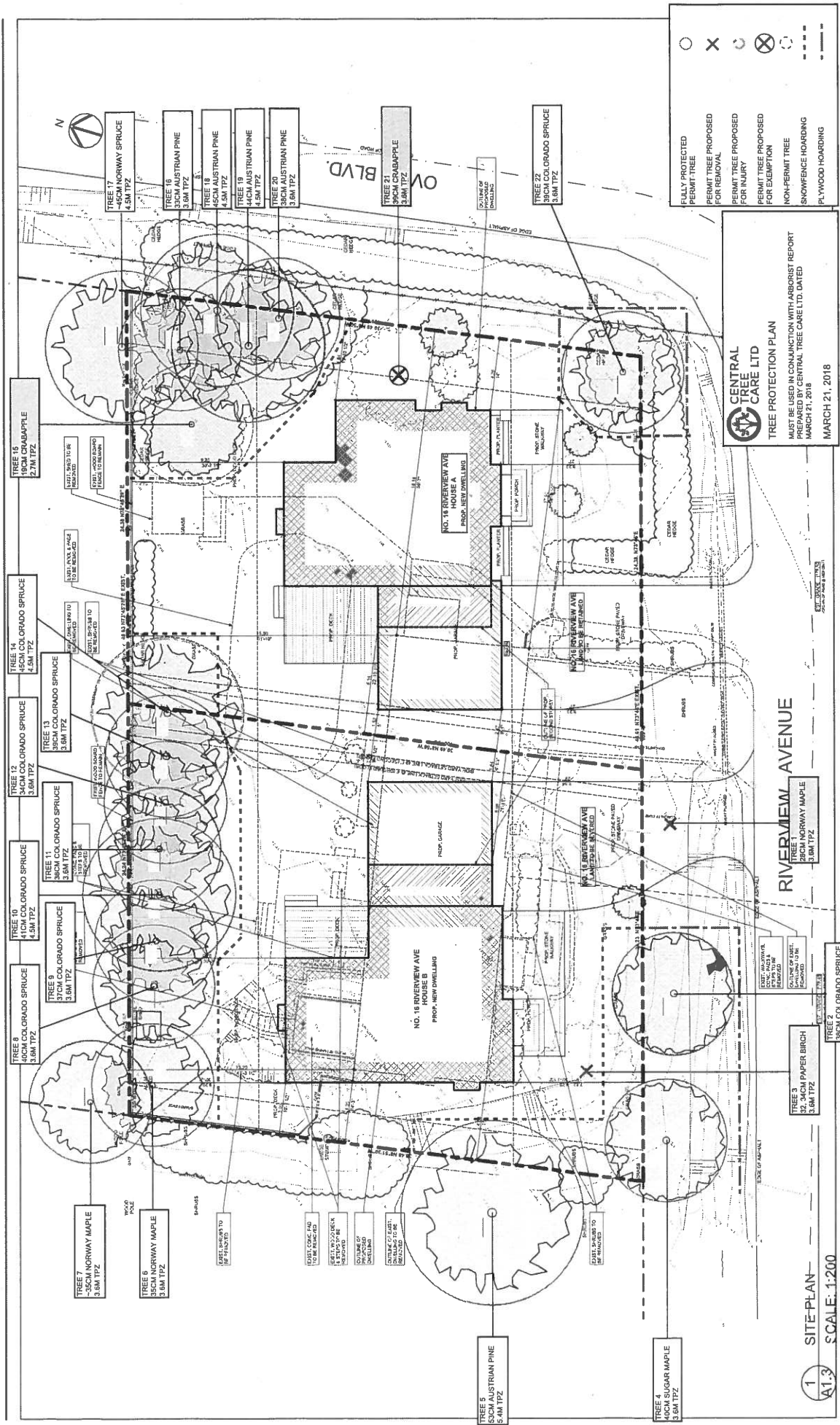
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/01/18

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/01/18, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
4. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 2 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 195-90, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;
6. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Submission of a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, to the satisfaction of the Director of Planning and Urban Design or designate;
 - iii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the approved Tree Assessment and Preservation Plan to the satisfaction of the Director of Planning and Urban Design or designate;
 - iv) Assessment, preservation and canopy replacement compensation and/or fees to be paid to the City if required as they relate to significant existing vegetation, subject to review and approval by the Director of Planning and Urban Design or designate;
 - v) Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
 - vi) Payment of any applicable cash-in-lieu of parkland dedication or proof of previous payment or dedication for the additional lot(s) created. An appraisal report of the land value of the property will be required should proof of

- payment not be provided. The report must be prepared by a member of the Appraisal Institute of Canada, Ontario Association;
- vii) Submission of cost estimates(s) respecting any works required, Letter of Credits required by the City to ensure compliance with any works required, and Urban Design fees in accordance with the City's fee by-law;
 - viii) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City;
 - ix) Make satisfactory arrangements with the Director of Engineering or his or her designate, to confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance;
 - x) Provide confirmation that any and all existing services for the Retained Lot do not traverse the Severed Lot;
 - xi) Provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot; and
 - xii) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
7. That the Owner provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
8. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

PREPARED BY:


Carlson Tsang, Planner I, Zoning and Special Projects



CENTRAL TREE CARE LTD
TREE PROTECTION PLAN
 MUST BE USED IN CONJUNCTION WITH ARBORIST REPORT
 PREPARED BY CENTRAL TREE CARE LTD, DATED
 MARCH 21, 2018
 MARCH 21, 2018

1 SITE PLAN
A1.3
SCALE: 1:200

PROJECT NUMBER: 335
 REVISION NUMBER: 4-1-13
 CHECKED BY: S. Sankisyan
 DOCUMENT NUMBER: A1.3

PROJECT NAME: 16 RIVERVIEW AVE, MARKHAM, ONTARIO
 DRAWING NAME: SITE PLAN



APPENDIX "D"
NOTICE OF DECISION (B.01.18): APRIL 3, 2018



April 03, 2018

Step Design Studio Inc (Stepan Sukiasyan)
5-70 Cassandra Avenue,
North York, Ontario, M3A1S6

Dear Sir/Madam,

RE: Andrew Ip
16 Riverview Avenue, Markham
PLAN 4365 LOT 17
B/01/18

Attached please find a copy of the Committee of Adjustment resolution regarding the above, from the meeting of Wednesday, March 28, 2018.

Yours truly,

A handwritten signature in black ink, appearing to be 'John' followed by a stylized surname.

Secretary-Treasurer
Committee of Adjustment

Attachments

cc Sally Campbell, East District
Janelle Baldwin, Zoning and Compliance
Carlson Tsang, Project Planner
Building Inspection
Andrew Ip

File copy



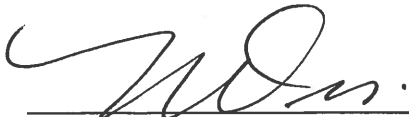
NOTICE OF DECISION

I hereby certify that the attached is a true copy of the decision of the Committee of Adjustment in the matter of Application No. B/01/18 which was **approved** at a hearing held on Wednesday, March 28, 2018. A written appeal of this decision must be received **no later than Monday April 23, 2018. After this date the decision becomes final and binding and cannot be appealed.**


Appeals to the Ontario Municipal Board must be served personally or sent by registered mail to the Secretary Treasurer, Committee of Adjustment, accompanied by a cheque in the amount of **\$300.00**, payable to **the Minister of Finance**, and must give reasons for the appeal. When filing an appeal to the Ontario Municipal Board, please note there will be an additional City of Markham administration fee of \$224.00, which must be paid at the time of the appeal submission to the Committee of Adjustment. **The reasons for the appeal must be provided, or the Ontario Municipal Board may not consider the appeal to be valid. Please note that a letter of objection filed prior to the hearing date is not considered an official notice of appeal.**

Only individuals, corporations and public bodies may appeal decisions in respect to variance or consent applications to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Sworn before me at the City of Markham
April 03, 2018.



A Commissioner, etc.



Secretary Treasurer,
Committee of Adjustment,
City of Markham.

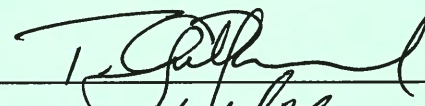
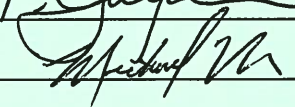
Nathalie Yvette Orsi, a Commissioner, etc.,
Province of Ontario, for
The Corporation of the City of Markham,
Development Services Commission.



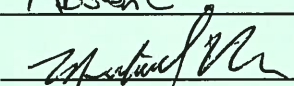

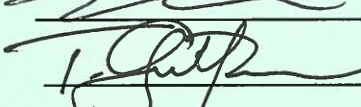
Committee of Adjustment Resolution

File Number: B/01/18
 Hearing Date: Wednesday March 28, 2018
 Owner(s): Andrew Ip
 Agent: Step Design Studio Inc (Stepan Sukiasyan)
 Property Address: 16 Riverview Ave
 Legal Description: PLAN 4365 LOT 17
 Zoning: By-law 1229, as amended, Urban Residential
 Official Plan: Urban Residential
 Ward: 4

Last Date of Appeal: Monday April 23, 2018

Moved by Tom Gutfreund 
 Seconded by Michael Visconti 

Concurrence:

- Arun Prasad Absent
- Michael Visconti 
- Gary Muller Absent
- Jeamie Reingold 
- Tom Gutfreund 
- Gregory Knight Absent

THAT Application No. B/01/18, submitted by Andrew Ip owner(s) of 16 Riverview Ave , PLAN 4365 LOT 17, requesting provisional consent to:a) sever and convey a parcel of land with lot frontage of 24.23 m and area of 732.61 sq. m (Part 2); b) retain a parcel of land with lot frontage of 24.38 m and area of 737.28 sq. m (Part 1).

The consent request be **approved** subject to the following conditions:

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;

2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/01/18, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
4. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 2 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 195-90, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;
6. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Submission of a Tree Assessment and Preservation Plan prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, to the satisfaction of the Director of Planning and Urban Design or designate;
 - iii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the approved Tree Assessment and Preservation Plan to the satisfaction of the Director of Planning and Urban Design or designate;
 - iv) Assessment, preservation and canopy replacement compensation and/or fees to be paid to the City if required as they relate to significant existing vegetation, subject to review and approval by the Director of Planning and Urban Design or designate;

- v) Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
 - vi) Payment of any applicable cash-in-lieu of parkland dedication or proof of previous payment or dedication for the additional lot(s) created. An appraisal report of the land value of the property will be required should proof of payment not be provided. The report must be prepared by a member of the Appraisal Institute of Canada, Ontario Association;
 - vii) Submission of cost estimates(s) respecting any works required, Letter of Credits required by the City to ensure compliance with any works required, and Urban Design fees in accordance with the City's fee by-law;
 - viii) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City;
 - ix) Make satisfactory arrangements with the Director of Engineering or his or her designate, to confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance;
 - x) Provide confirmation that any and all existing services for the Retained Lot do not traverse the Severed Lot;
 - xi) Provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot; and
 - xii) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
7. That the Owner provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
8. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting, held under the *Planning Act*, have been taken into consideration by the Committee of Adjustment in its Decision on this matter.

Resolution Carried

NOTE TO OWNERS/AGENTS: As noted in Section 53 of the Planning Act, R.S.O. 1990, as revised, all conditions of approval must be met no later than one year from the giving of the Notice of Approval. A certificate pursuant to Section 53 of the Planning Act cannot be given until **ALL** conditions have been fulfilled.