

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-16/17



The Committee, having had regard to the matters under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Concession 3, Division C, Part of Lot 4, a portion of land municipally known as 55 and 75 Cityview Drive North, an irregularly shaped parcel with an area of 272.1 square metres, as shown as Part 7 on Plan 61R-21038, as a lot addition to Concession 3, Division C, Part of Lot 4, shown as Part 5 on Plan 61R-21038, municipally known as 128 Starwood Drive, to facilitate the creation of a new lot with frontage along Starwood Drive of 20.15 metres and a depth of 35 metres, be **APPROVED**, subject to the following conditions:

1. That prior to the issuance of the Certificate of Official, the Cityview Phase 1 Subdivision Agreement be executed by the Owner to the satisfaction of the City.
2. That the Owner shall pay the actual cost of the construction of the new driveway entrances including the required curb cuts and/or curb fills, with the estimated cost of the works as determined necessary by the City Engineer being paid, prior to the issuance of any building permits.
3. Pay the actual cost of the removal of concrete curb, within the road allowance, the restoration of the boulevard with topsoil and sod including any required curb fills, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of any building permits.
4. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
5. That the owner constructs the new dwellings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
6. That the owner grades the property in accordance with the overall approved grading plan for the subdivision.
7. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Part 1 and 3 as shown on 61R-21038 to the City of Guelph for the purpose of a future municipal road extension.
8. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Parts 2, 4, 8 and 9 as shown on 61R-21038 to the City of Guelph for the purpose of a 0.3 metre reserve.
9. Prior to the issuance of the Certificate of Official, the owner agrees to convey and dedicate Part 6 as shown on 61R-21038 to the City of Guelph for the purpose of open space/park.
10. Prior to the issuance of the Certificate of Official, the owner agrees to pay for all works within the future right of way as shown on Part 1 and 3 on 61R-21038.

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11. The owner shall make arrangements satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc. for the installation of an underground hydro service to the proposed new dwellings, prior to issuance of any building permits.
12. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the issuance of any building permits.
13. That the owner shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Owner shall make arrangements satisfactory to the appropriate service providers for the installation of underground utility services for the Lands, prior to the issuance of any building permits.
14. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication for the severed lands (Part 7 as shown on Plan 61R-21038) to the satisfaction of the Deputy CAO of Public Services pursuant to s. 51.1 and s. 53(13) of the Planning Act prior to the endorsement of the Transfer (deed).
15. Prior to the endorsement of the Transfer (deed) by the City, the Owner shall provide to the Deputy CAO of Public Services a satisfactory form appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication pursuant to s.51.1 and s.53(13) of the Planning Act. The form appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the form appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent form appraisal for the purposes of calculating the payment of cash-in-lieu of parkland dedication.
16. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
17. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
18. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

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19. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
20. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered Application Consolidation Parcels document.
21. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

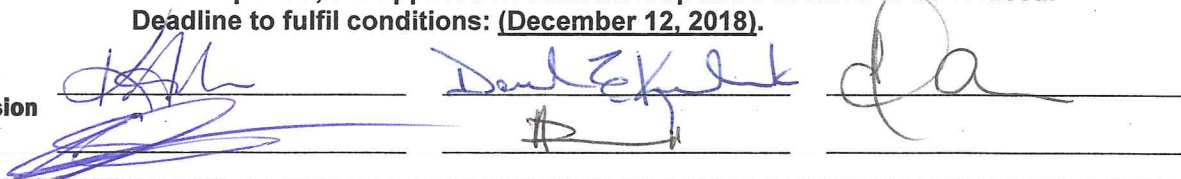
This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

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 hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfil all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused.

Deadline to fulfil conditions: (December 12, 2018).

**Members of Committee
Concurring in this Decision**



I, Trista Di Lullo, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on December 7, 2017.

Dated: December 12, 2017

Signed:



**The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is January 1, 2018.**

Committee of Adjustment

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