

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-21-151

Date of Report: September 8, 2021

Date of Meeting: September 13, 2021

Subject: Direction on City Staff Involvement Respecting an Appeal to the  
Ontario Land Tribunal of a Committee of Adjustment Decision  
Concerning 633 Greenhill Avenue

File: A-2021-46

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## **1.0 Purpose**

The purpose of this Report is to recommend that Council support the decision of the Committee of Adjustment ("C. of A.") in consideration of an appeal to the Ontario Land Tribunal ("O.L.T.", formerly the Local Planning Appeal Tribunal) filed by Theresa Corless, the owner of 735 Eagle Ridge Drive (the "Appellant"), against the decision of the C. of A. to approve reduced front and exterior side yard depths for a proposed two-storey mixed use building at 633 Greenhill Avenue, submitted by Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc. (the "Applicant"). The Applicant has also submitted an application for site plan approval for the proposed development (File: SPA-2018-34).

Council policy requires that the Development Services Department prepare a report to the Development Services Committee when an appeal is lodged against a C. of A. decision.

Attachment 1 shows the location of the site subject to File A-2021-46 under appeal, the location of the Appellant's property and the zoning for the area.

Attachment 2 is a copy of the site plan submitted by the Applicant to the C. of A.

Attachment 3 is a copy of a report for File A-2021-46 from the Development Services Department to the C. of A. dated June 4, 2021.

Attachment 4 is a copy of a report for File A-2021-46 from the Development Services Department to the C. of A. dated June 9, 2021.

Attachment 5 is a copy of a report for File A-2021-46 from the Development Services Department to the C. of A. dated June 18, 2021.

Attachment 6 is a copy of the minutes for File A-2021-46 from the C. of A. meeting held on June 9, 2021.

Attachment 7 is a copy of the minutes for File A-2021-46 from the C. A. meeting held on June 23, 2021.

Attachment 8 is a copy of the June 23, 2021 C. of A. decision for File A-2021-46.

Attachment 9 is a copy of the appeal.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-21-151 dated September 8, 2021, the Ontario Land Tribunal be advised that City Council supports the decision of the Committee of Adjustment to approve application A-2021-46 to permit reduced front and exterior side yard depths for a proposed two-storey mixed-use building at 633 Greenhill Avenue but that the City will not seek party or participant status at the Ontario Land Tribunal hearing.

## **3.0 Executive Summary**

Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc. submitted an application to the Committee of Adjustment for variances to permit a proposed two-storey mixed-use building with reduced front and exterior side yard depths at 633 Greenhill Avenue. The Applicant has also submitted an application for site plan approval to advance the proposed mixed-use building. The site plan approval application is still in process and no agreement has been executed.

The Committee of Adjustment approved the application.

The owner of 735 Eagle Ridge Drive has appealed the decision to the Ontario Land Tribunal.

This Department recommends that City Council support the decision of the Committee of Adjustment to approve the requested variances and that the City not seek party or participant status at the Ontario Land Tribunal hearing.

## **4.0 Input From Other Sources**

### **4.1 Other Departments and Agencies**

The following have been consulted in the preparation of this Report:

- City Solicitor

## **4.2 Public Comments**

Comments from the public are included in the minutes of the June 9, 2021 and June 23, 2021 C. of A. meetings, which form Attachments 6 and 7, respectively, to this Report.

## **5.0 Analysis**

### **5.1 Background**

633 Greenhill Avenue is located on the southeast corner of Wilson Road North and Greenhill Avenue (see Attachment 1). The site is currently vacant.

The Applicant proposes to construct a two-storey mixed use building with approximately 838 square metres (9,020 sq. ft.) of commercial gross floor area on the ground floor and 13 residential flats on the second floor. The development would include 50 parking spaces, 1 loading space and a driveway from each of Greenhill Avenue and Wilson Road North (see Attachment 2).

The subject site is designated as Residential in the Oshawa Official Plan and Convenience Commercial Centre in the Taunton Part II Plan of the Oshawa Official Plan. The Taunton Part II Plan specifies, in part, that Convenience Commercial Centre areas shall be subject to the relevant policies of Section 2.2 of the Part I Plan. Section 2.2.6 of the Oshawa Official Plan specifies, in part, that Convenience Commercial Centre areas are intended to provide local convenience shopping facilities to the residents of the surrounding neighbourhood and may include limited office, retail and personal service uses. Further, Convenience Commercial Centres may be integrated into residential developments, including mixed commercial-residential developments.

Convenience Commercial Centres are not designated on Schedule “A” of the Oshawa Official Plan, but are permitted in areas designated as Residential, subject to the relevant policies of the Oshawa Official Plan and the provisions of Zoning By-law 60-94.

Wilson Road North is identified as a Type ‘C’ Arterial Road and Greenhill Avenue as a Collector Road on Schedule “B”, Road Network, of the Oshawa Official Plan. Type ‘C’ Arterial Roads are intended to support traffic volumes in the amount of 4,000 to 20,000 Annual Average Daily Traffic. Collector Roads are intended to support moderate volumes of short distance traffic in the amount of 4,000 to 15,000 Annual Average Daily Traffic.

Based on the Traffic Impact Assessment (“T.I.A.”) report prepared by Tranplan Associates, a professional transportation engineering company, submitted by the Applicant as part of the site plan application, the proposed development is expected to generate 24 trips (11 in and 13 out) in the morning peak hour and 70 trips (36 in and 34 out) in the afternoon peak hour.

The subject site is zoned CC-A(2) (Convenience Commercial) in Zoning By-law 60-94. The CC-A(2) Zone permits various uses including, but not limited to, personal service establishments, professional offices, retail stores, restaurants and flats. The CC-A(2) Zone specifically limits the maximum gross floor area of any individual restaurant to 125 square

metres (1,345 sq. ft.) and the maximum gross leasable floor area of any other individual non-residential occupancy to 223 square metres (2,400 sq. ft.). The CC-A(2) Zone permits a maximum residential density of 60 units per hectare (24 u/ac.). The residential density of the proposed development is 32.5 units per hectare (13.2 u/ac.).

The C. of A. application for 633 Greenhill Avenue proposed a reduced exterior and front yard depth to permit the building to be sited closer to Greenhill Avenue and Wilson Road North and frame the corner, advancing urban design considerations by providing a more appealing streetscape.

The following uses are adjacent to 633 Greenhill Avenue:

- **North** Greenhill Avenue, beyond which are single detached dwellings
- **South** Single detached dwellings on Eagle Ridge Drive
- **East** Single detached dwellings on Eagle Ridge Drive
- **West** Wilson Road North, beyond which are single detached dwellings on Greenhill Avenue and street townhouses on Silverstone Crescent

## **5.2 Committee of Adjustment Application A-2021-46**

On June 23, 2021 the C. of A. approved the following variances contained in File A-2021-46 to permit a mixed-use building at 633 Greenhill Avenue (see Attachment 2):

<b>Zoning Item</b>	<b>Column 1: Requested Variances</b>	<b>Column 2: Zoning Requirements</b>
Minimum Front Yard Depth	4.5m	6.0m
Minimum Exterior Side Yard Depth	4.5m	6.0m

On July 13, 2021, the Appellant appealed the C. of A. decision to the O.L.T. (see Attachment 9). The Appellant provided the following reasons for their appeal in their appeal submission form:

- “1. Staff had recommended that the Committee of Adjustment reserve its decision on the Application, as a public information meeting was supposed to take place between the Applicant and residents, which had not taken place at the date of the hearing, however the Committee proceeded with the Application nonetheless.
2. The variances granted by the Committee of Adjustment were not minor in nature.
3. The variances do not result in appropriate development or use of the land and building.

4. The general intent and purpose of the by-law and of the official plan are not maintained.
5. The variances do not represent good land use planning.
6. The variances will result in safety issues for the surrounding community.
7. The variances will adversely affect the neighbours, and surrounding neighbourhood, including from a noise, visual and lighting aspect.”

### **5.3 Report to Committee of Adjustment dated June 4, 2021**

On June 4, 2021, this Department submitted a report (see Attachment 3) that had no objection to the approval of the C. of A. application for generally the following reasons:

- Adequate parking is being provided for the commercial uses based on a rate of 1 parking space per 24 square metres of gross floor area and for the residential flats at a rate of 1 parking space per unit, as required by Zoning By-law 60-94;
- The CC-A(2) Zone permits the proposed commercial uses and flats in a mixed use building;
- No concerns or objections were raised by the agencies and departments circulated (Engineering Services, Municipal Law Enforcement and Licensing Services, Central Lake Ontario Conservation Authority, Region of Durham Works Department, Building Services and Inspection Services and Planning Services);
- Fire Services has reviewed the Site Plan application and has no objection to the proposed development;
- The proposal is consistent with the policies set out in the Provincial Growth Plan, Durham Regional Official Plan, Oshawa Official Plan, Taunton Part II Plan and Zoning By-law 60-94;
- The proposal will provide infill development on a vacant lot at an appropriate scale and will help achieve Provincial intensification targets set out in the Provincial Growth Plan, while using existing municipal services;
- The variances are requested primarily to allow the building to be located closer to Greenhill Avenue and Wilson Road North and further from neighbouring residential properties to the east and south, as well as to frame the intersection and provide a more appealing and pedestrian-friendly streetscape;
- The Applicant submitted a T.I.A. which was reviewed by this Department's transportation engineer and Regional Works, both of whom had no objections to the conclusions of the T.I.A.;
- The proposed reduced setbacks to Greenhill Avenue and Wilson Road North will not obstruct the intersection's sight lines; and,

- Suitable landscaping will be provided in the 4.5 metre (14.7 ft.) front yard and exterior side yard including trees, shrubs, sod, walkways, benches and bicycle racks.

#### **5.4 Report to Committee of Adjustment dated June 9, 2021**

Following the June 4, 2021 Development Services report to the C. of A., numerous public comments were received objecting to the application and proposed development. Staff issued a revised report on June 9, 2021 (see Attachment 4) to the C. of A. recommending that the Committee reserve their decision until the June 23, 2021 C. of A. meeting, to allow time for further discussion and public comments to be received. During the June 9, 2021 C. of A. meeting, the Applicant agreed to have a meeting with concerned area residents.

#### **5.5 Report to Committee of Adjustment dated June 18, 2021**

In advance of the June 23, 2021 C. of A. meeting, the Development Services Department issued a report dated June 18, 2021 (see Attachment 5) recommending that the decision be reserved to a later date to allow more time for a meeting with concerned area residents to take place. Given the wording of the motion carried at the June 9, 2021 C. of A. meeting to reserve the decision to the June 23, 2021 meeting, the application was required to be heard at the June 23, 2021 meeting despite the meeting with area residents not yet having taken place.

#### **5.6 Decision of Committee of Adjustment**

On June 23, 2021, the C. of A. approved application A-2021-46 (see Attachment 8).

#### **5.7 Meeting with Residents on June 29, 2021**

The meeting with area residents was subsequently held on June 29, 2021 with several members of the public who responded to the notice issued for the meeting. The Applicant and several members of Planning Services were in attendance.

#### **5.8 Basis for Recommendation**

The C. of A. is an independent committee appointed by Council to make decisions on minor variance applications. The C. of A. determined that the application met the four tests of Section 45 of the Planning Act for a minor variance, and approved the application at the June 23, 2021 meeting (see Attachments 7 and 8).

It is recommended that the O.L.T. be advised that City Council supports the decision of the C. of A. with respect to the application to permit the proposed mixed-use building with reduced front and exterior side yard depths and that the City not seek party or participant status at the O.L.T. hearing.

If the recommendation is approved, the City will not expend time, effort and money for Legal Services and Planning Services staff to prepare for and attend an O.L.T. hearing at the expense of the general taxpayer. If Development Services Committee and Council were to opt to support the Appellant and the City seeks party status at the Tribunal hearing, the City will be required to retain external planning and possibly other expert

witnesses to support Council's position. This would be necessary given that City staff is on record as having no objection to the subject application. There will be certain costs associated with hiring outside expert witnesses to prepare for and attend the O.L.T. hearing at the expense of the general taxpayer.

The O.L.T. has the authority, pursuant to the provisions of the Ontario Land Tribunal Act, to require certain individuals, such as the City's Planning Services staff, to give evidence to the O.L.T. at the hearing, notwithstanding Council's direction. In addition, other persons such as the Applicant or a member of the public who has an interest in the matter, may summon a member of City staff to give evidence at a hearing.

## **6.0 Financial Implications**

There are costs related to staff time to prepare for an appearance at any O.L.T. hearing if summoned by the O.L.T., offset by a modest per diem from the O.L.T.

## **7.0 Relationship to the Oshawa Strategic Plan**

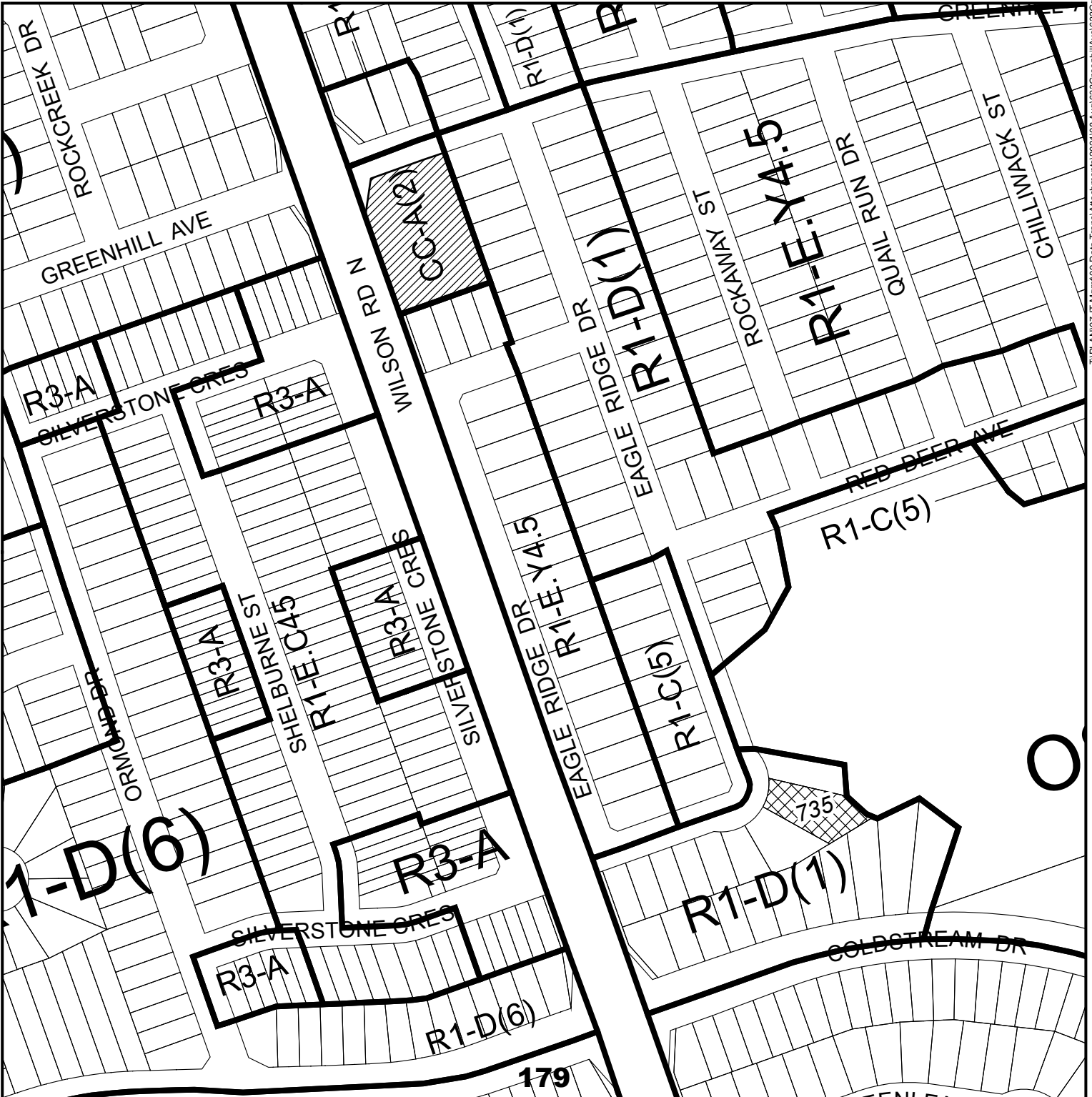
The Recommendation advances Economic Prosperity and Financial Stewardship and the Accountable Leadership goals of the Oshawa Strategic Plan.



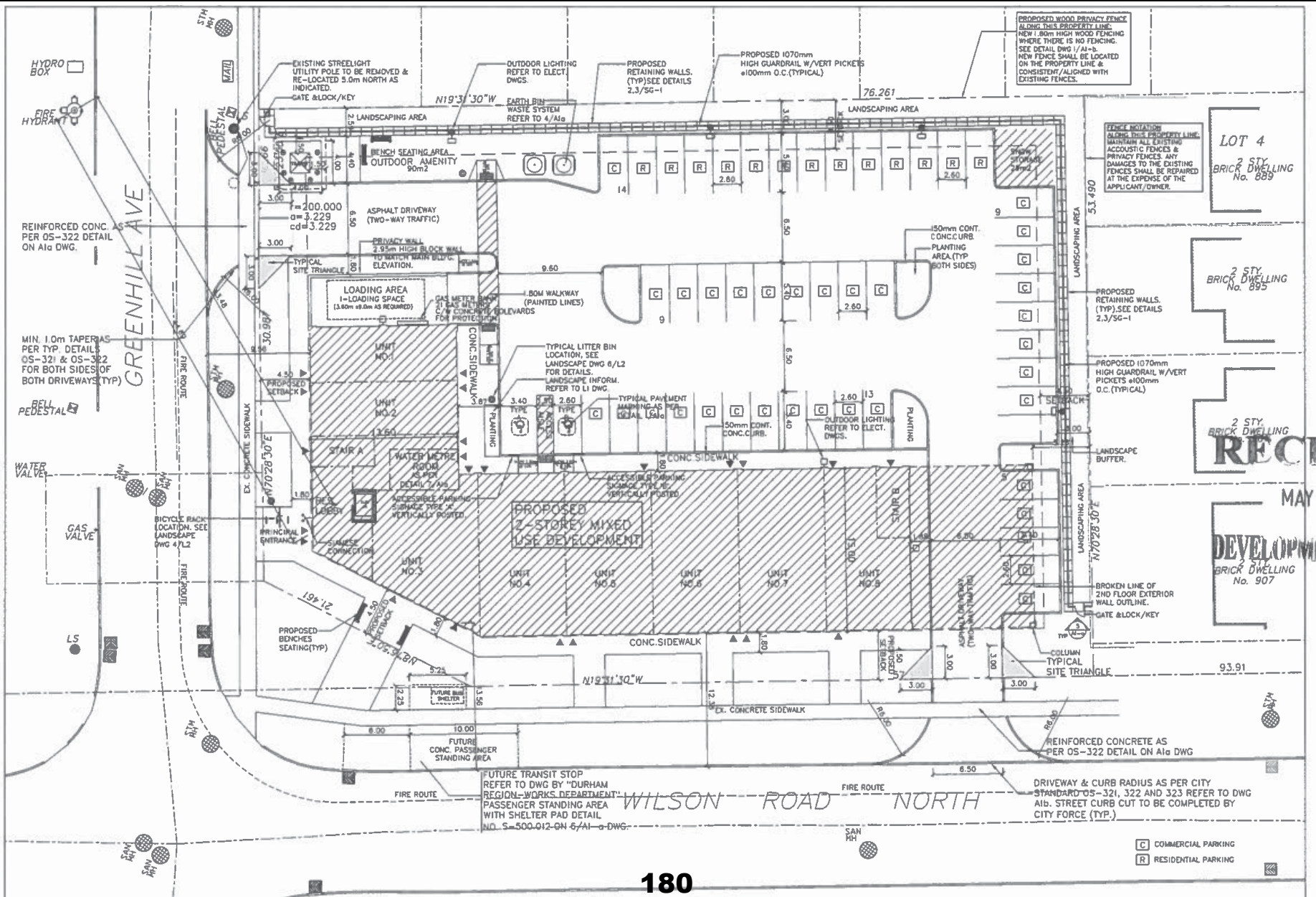
Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Subject Site 





**Report**

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To: Committee of Adjustment

From: Development Services Department

Date: June 4, 2021

Date of Meeting: June 9, 2021

Subject: Application for relief from the provisions of Zoning By-law 60-94 to permit a mixed-use building with reduced front yard depth and exterior side yard depth

Address: 633 Greenhill Avenue

Owner: Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc.

File: A-2021-46

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The comments from this Department are as indicated below:

- ☐ We have no objection to the approval of this application.
- ☒ We have no objection to the approval of this application subject to the comments/conditions which are ☒ attached/☐ listed below.
- ☐ We request Committee reserve its decision for the reasons which are ☐ attached/☐ listed below.
- ☐ We recommend that this application be denied for the reasons which are ☐ attached/☐ listed below.



Tim Ryan, Planner B  
Development Services Department

c: K. Staunton, Engineering Services

Soscia Professional Engineers  
10376 Yonge St  
Suite 307  
Richmond Hill, ON L4C 3B8

The purpose and effect of the application is to permit a mixed-use building (residential and commercial) with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a mixed-use building in a CC-A(2) (Convenience Commercial) Zone.

<b>Zoning Item</b>	<b>Column 1</b>	<b>Column 2</b>
Minimum Front Yard Depth	4.5m	6.0m
Minimum Exterior Side Yard Depth	4.5m	6.0m

The subject site is also subject to an application for Site Plan Approval (File: SPA-2018-34).

The subject site is located at the southeast corner of Wilson Road North and Greenhill Avenue. Wilson Road North is a Type 'C' Arterial Road, and Greenhill Avenue is a Collector Road.

The applicant proposes to develop the site with a two-storey mixed-use building containing approximately 838m<sup>2</sup> of commercial/retail gross floor area on the ground floor and 13 flats on the second floor.

The requested variances will allow the building to be sited closer to Greenhill Avenue and Wilson Road North and frame the corner providing a more appealing streetscape. The reduced setback to the arterial and collector roads will not limit the applicant's ability to construct attractive landscaping between the building and the public sidewalks. The applicant proposes a new walkway adjacent the building as well as bicycle racks, benches, tree planting and shrub planting.

The corner sight triangle will remain clear of any obstructions.

This Department has no objection to the approval of the application.

**Advisory Comments:**

1. Approval of this application does not constitute/guarantee approval of the related Site Plan Approval application.



## Report

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To: Committee of Adjustment

From: Development Services Department

Date: June 9, 2021

Date of Meeting: June 9, 2021

Subject: Application for relief from the provisions of Zoning By-law 60-94 to permit a mixed-use building with reduced front yard depth and exterior side yard depth

Address: 633 Greenhill Avenue

Owner: Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc.

File: A-2021-46

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The comments from this Department are as indicated below:

- ☐ We have no objection to the approval of this application.
- ☐ We have no objection to the approval of this application subject to the comments/conditions which are ☐ attached/☐ listed below.
- ☒ We request Committee reserve its decision for the reasons which are ☒ attached/☐ listed below.
- ☐ We recommend that this application be denied for the reasons which are ☐ attached/☐ listed below.

A handwritten signature in black ink, appearing to read 'Tim Ryan'.

Tim Ryan, Planner B  
Development Services Department

c: K. Staunton, Engineering Services

Soscia Professional Engineers  
10376 Yonge St  
Suite 307  
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<b>Zoning Item</b>	<b>Column 1</b>	<b>Column 2</b>
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The subject site is also subject to an application for Site Plan Approval (File: SPA-2018-34).

The subject site is located at the southeast corner of Wilson Road North and Greenhill Avenue. Wilson Road North is a Type 'C' Arterial Road, and Greenhill Avenue is a Collector Road.

The applicant proposes to develop the site with a two-storey mixed-use building containing approximately 838m<sup>2</sup> of commercial/retail gross floor area on the ground floor and 13 flats on the second floor.

This Department recommends the Committee of Adjustment reserve its decision until the June 23, 2021 meeting to allow time for further discussion and public comments to be addressed.



## Report

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To: Committee of Adjustment

From: Development Services Department

Date: June 18, 2021

Date of Meeting: June 23, 2021

Subject: Application for relief from the provisions of Zoning By-law 60-94 to permit a mixed-use building with reduced front yard depth and exterior side yard depth

Address: 633 Greenhill Avenue

Owner: Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc.

File: A-2021-46

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The comments from this Department are as indicated below:

- ☐ We have no objection to the approval of this application.
- ☐ We have no objection to the approval of this application subject to the comments/conditions which are ☐ attached/☐ listed below.
- ☒ We request Committee reserve its decision for the reasons which are ☒ attached/☐ listed below.
- ☐ We recommend that this application be denied for the reasons which are ☐ attached/☐ listed below.

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Tim Ryan, Planner B  
Development Services Department

c: K. Staunton, Engineering Services

Soscia Professional Engineers  
10376 Yonge St  
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The purpose and effect of the application is to permit a mixed-use building (residential and commercial) with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a mixed-use building in a CC-A(2) (Convenience Commercial) Zone.

<b>Zoning Item</b>	<b>Column 1</b>	<b>Column 2</b>
Minimum Front Yard Depth	4.5m	6.0m
Minimum Exterior Side Yard Depth	4.5m	6.0m

The subject site is also subject to an application for Site Plan Approval (File: SPA-2018-34).

The subject site is located at the southeast corner of Wilson Road North and Greenhill Avenue. Wilson Road North is a Type 'C' Arterial Road, and Greenhill Avenue is a Collector Road.

The Applicant proposes to develop the site with a two-storey mixed-use building containing approximately 838m<sup>2</sup> of commercial/retail gross floor area on the ground floor and 13 flats on the second floor.

At the June 9, 2021 Committee of Adjustment meeting, numerous concerns were raised by the public regarding the proposed development. Consequently, the Committee reserved its decision to the June 23<sup>rd</sup>, 2021 Committee of Adjustment meeting to allow more time for the public comments to be considered and for a public information meeting to be held between the Applicant and residents. Due to the logistics of scheduling and hold the public information meeting, the meeting has not been held as of the date of this report. However, staff are working with the Applicant and residents to set up the meeting.

This Department recommends the Committee reserve its decision to a later date to allow the public information meeting to be held.

## Committee of Adjustment

File: A-2021-46

**MINUTES UNDER THE PLANNING ACT****Committee of Adjustment Application for 633 Greenhill Avenue**

An application has been submitted by **Soscia Professional Engineers Inc.** on behalf of **2532973 Ontario Inc.** for variances from the City's Zoning By-law 60-94.

The application relates to **633 Greenhill Avenue** (Plan 40M-2264, Blk 87), Oshawa, Ontario.

The purpose and effect of the application is to permit a mixed-use building (residential and commercial) with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a mixed-use building in a CC-A(2) (Convenience Commercial) Zone.

Zoning Item	Column 1	Column 2
Minimum Front Yard Depth	4.5m	6.0m
Minimum Exterior Side Yard Depth	4.5m	6.0m

A meeting of the Oshawa Committee of Adjustment was held on June 9, 2021 at 6:00 p.m. in an electronic format to maintain social/physical distancing pursuant to the direction of Public Health Ontario.

Present: L. Smith, A. Johnson, R. Adams, G. Foster  
T. Ryan, D. Sappleton, C. Chase

Also Present: H. Ma, 10376 Yonge Street, Unit 307, Richmond Hill  
D. Stewart, 1026 Eagle Ridge Drive, Oshawa  
N. Patel, 1042 Eagle Ridge Drive, Oshawa  
G. Pablo, 1038 Eagle Ridge Drive, Oshawa  
R. McConkey, Oshawa  
E. Bautista, 1034 Ridge Drive, Oshawa  
J. Neal, Oshawa

A report received from the Development Services Department recommended the Committee reserve its decision.

H. Ma provided an overview of the application.

T. Ryan read aloud public comments from E. Zhang and C. Richard in objection to the application.

D. Stewart stated that the neighbourhood should have been advised prior to the minor variance application about the site plan process via a town hall meeting. He also expressed concerns about the building blocking a visual of the parking area from the street and Police would be unable to see when driving by. He further stated that the design of the building does not fit with the existing neighbourhood.

N. Patel stated concerns about safety with the lack of a visual from the street, increased traffic as a result of the development and a loss of privacy in the rear yards of the abutting lots.

G. Pablo stated that they were informed by the previous owners of his home that the site would become a commercial strip plaza with a maximum height of 15 feet (4.6m). He stated they are not in objection to a commercial plaza being developed on the lot, just the height of the building. He further stated concerns with a loss of privacy in his backyard, excessive noise from the building and vehicles, refuse storage (smell and pests), and security. He referred to a commercial plaza on the corner of Ritson Road North and Coldstream Drive as to what the neighbourhood would prefer to see built.

R. McConkey inquired with the applicant as to where they could see some of their past projects, if the applicant had visited the subject site, if they are aware of the concerns of the surrounding



community, and if they believe the design fits with the neighbourhood. She further inquired as to whether the applicant would be willing to meet with the public to address their concerns.

In response to R. McConkey, H. Ma stated that this was his client's first development, he has been to the site and he is aware and willing to meet with the public to address their concerns.

E. Bautista stated concerns with public safety due to the lack of visibility from the street.

J. Neal stated concerns with public safety, and that a Traffic Study should be conducted. He questioned whether the applicant has reviewed the Oshawa Strategic Plan, which includes deliberate public engagement. He further stated that he represents several concerned citizens in the neighbourhood.

In response to J. Neal, H. Ma stated that the design follows current by-laws, urban design guidelines and other elements discussed through the Site Plan Approval process.

In response to a question from G. Foster, T. Ryan stated that the previous zoning was CC-A "h-14" (Convenience Commercial), which was amended in 2004 to the current zoning for consistency with the Taunton Part II Plan policies.

In response to a question from G. Foster, T. Ryan stated that the maximum permitted height is 10.5m (34.5 ft.).

G. Foster commented that it is a common design to bring the building closer to street, and he does not believe there will be any safety concerns.

In response to questions from L. Smith, T. Ryan stated that the zoning was in place at the time of the construction of the homes, circa 2008. The use and other zoning regulations are permitted and compliant with the CC-A Zone and that flats are a permitted use. He further stated that the Greenhill Avenue street line would be considered the front lot line as it is the shorter of the two lot lines facing an improved street, therefore the east lot line facing the dwellings would be considered an interior side lot line, in which the required building setback would be 4.5m.

In response to a question from L. Smith, T. Ryan stated that the building could be situated 4.5m from the rear lot line of the dwellings along Eagle Ridge Drive and be in compliance with Zoning By-law 60-94.

Moved by G. Foster, seconded by A. Johnson,

**"THAT the application by Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc. for 633 Greenhill Avenue, Oshawa, Ontario, be approved."**

The motion lost on the following vote:

Affirmative – A. Johnson, G. Foster

Negative – L. Smith, R. Adams

Moved by R. Adams, seconded by L. Smith,

**"THAT the application by Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc. for 633 Greenhill Avenue, Oshawa, Ontario, be reserved to the June 23, 2021 Committee of Adjustment meeting."**

Affirmative – L. Smith, A. Johnson, R. Adams

Negative – G. Foster

CARRIED.

The Chair declared that a decision on the application BE RESERVED until June 23, 2021.




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Tim Ryan, Assistant Secretary-Treasurer

**Committee of Adjustment**

File: A-2021-46

**MINUTES UNDER THE PLANNING ACT**

**Committee of Adjustment Application for 633 Greenhill Avenue**

An application has been submitted by **Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc.** for variances from the City's Zoning By-law 60-94.

The application relates to **633 Greenhill Avenue (Plan 40M-2264, Blk 87)**, Oshawa, Ontario.

The purpose and effect of the application is to permit a mixed-use building (residential and commercial) with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a mixed-use building in a CC-A(2) (Convenience Commercial) Zone.

Zoning Item	Column 1	Column 2
Minimum Front Yard Depth	4.5m	6.0m
Minimum Exterior Side Yard Depth	4.5m	6.0m

A meeting of the Oshawa Committee of Adjustment was held on June 23, 2021 at 6:00 p.m. in an electronic format to maintain social/physical distancing pursuant to the direction of Public Health Ontario.

**Present:** L. Smith, A. Johnson, R. Adams, G. Foster  
T. Ryan, D. Sappleton, C. Chase

**Also Present:** H. Ma, 10376 Yonge Street, Unit 307, Richmond Hill  
T. Corless, 735 Eagle Ridge Drive, Oshawa  
G. Pablo, 1030 Eagle Ridge Drive, Oshawa  
G. Downer, 1018 Eagle Ridge Drive, Oshawa  
N. Patel, 1042 Eagle Ridge Drive, Oshawa  
D. Stewart, 1026 Eagle Ridge Drive, Oshawa  
J. Neal, Oshawa

A report received from the Development Services Department recommended the Committee reserve its decision.

H. Ma provided an overview of the application. He stated that they have reviewed the concerns raised by the public but believe they are related to design and not the proposed setback variances.

In response to a question from L. Smith, H. Ma clarified that the issues do not apply to the requested variances. He stated they would continue to address issues through the upcoming public information meeting, site plan approval process and building permit process.

A. Johnson commented that the shadow study demonstrates very little impact on surrounding lots.

T. Ryan read aloud comments from R. McConkey in objection to the application.

T. Corless provided an overview of her concerns with the proposal including the building orientation, design, visibility, compatibility with the existing neighbourhood, lot coverage, lighting, noise and garbage odour and storage.

In response to a question from A. Johnson, T. Ryan stated that no lot coverage variances were being sought. In the CC-A(2) Zone there is no lot coverage regulation, it is only based on residential density and gross floor area for individual restaurants and retail units.

In response to a question from G. Foster, T. Ryan stated that the architectural design of the building is reviewed during the site plan approval process.

G. Pablo stated his concerns with the proposal such as security, visibility, reactive policing vs. proactive as a result of the lack of visibility from general patrols, creating a hub for criminal activity,

and that on the west side of Wilson Road North accessory apartments are prohibited which will result in students using the proposed flats as temporary housing.

G. Downer stated that the proposal does not meet the four tests of a minor variance.

D. Stewart stated that the proposal is not minor in nature.

In response to a question from A. Johnson, T. Ryan will follow up as to whether Wilson Road North is designated as a future bike lane in the Active Transportation Master Plan.

In response to a question from A. Johnson, H. Ma stated the variances are requested in part to allow parking in the rear of the building.

In response to a question from L. Smith, T. Ryan stated that the maximum height permitted in the CC-A(2) Zone is 10.5m (34.5 ft.) and the minimum interior side yard depth on the east side facing the rear lot lines of the Eagle Ridge Drive properties would be 4.5m (15 ft.).

In response to a question from L. Smith, T. Ryan stated that, yes, the building could be relocated to the east side of the lot, 4.5m from the interior side lot line and rear lot line, with a maximum height of 10.5m, and not require a minor variance.

In response to a question from G. Foster, T. Ryan stated that Fire Services and Building Services review the fire route under the Ontario Building Code. With this property, Wilson Road North and Greenhill Avenue are designated as the fire route due to the proximity of the existing fire hydrant.

In response to a question from A. Johnson, T. Ryan stated that the landscape strip abutting 907 Eagle Ridge Drive gives the appearance of a larger setback. The minimum exterior side yard setback for 1046 Eagle Ridge Drive would be 2.4m.

N. Patel stated concerns about safety with the lack of a visual from the street, increased traffic as a result of the development and a loss of privacy in the rear yards of the abutting lots.

In response to a question from A. Johnson, T. Ryan stated that the sightlines for a corner are 6m by 6m, and 3m by 3m for any driveway, with no natural or man-made features greater than 0.9m in height permitted within.

In response to a question from G. Foster, H. Ma stated only 1 loading space is required based on the gross floor area, and not many deliveries are anticipated. He further stated that one parking space per flat is required. There will be a total of 50 parking spaces.

J. Neal stated that he agrees with the concerns raised by the public and the recommendation to reserve the decision.

L. Smith stated that the concerns do not relate to the requested variances, especially the architecture of the building.

A. Johnson stated that he concurs with L. Smith. The mandate is to apply the 4 tests to the variances only, other venues are available to address the unrelated concerns.

In response to a question from R. Adams, H. Ma stated he would try to address concerns such as the location of the garbage enclosure, security and others at the public meeting on June 29, 2021.

In response to a question from L. Smith, H. Ma stated that they intend to maintain 4.5m front yard and exterior side yard depths.

Moved by R. Adams, no seconder.

**"THAT the application by Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc. for 633 Greenhill Avenue, Oshawa, Ontario, be reserved."**

L. Smith stated the reason for the question was if it is the applicant's intention to maintain the variances, the public information meeting would not result in changes to the variance request.

R. Adams stated the process may help alleviate concerns regarding the development.

Moved by G. Foster, seconded by A. Johnson,

"THAT the application by Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc. for 633 Greenhill Avenue, Oshawa, Ontario, be approved."

Affirmative – L. Smith, A. Johnson, G. Foster

Negative – R. Adams

CARRIED.

The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.



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Tim Ryan, Assistant Secretary-Treasurer



**Committee of Adjustment**

File: A-2021-46

**DECISION UNDER THE PLANNING ACT****Committee of Adjustment Application for 633 Greenhill Avenue**

An application has been submitted by **Soscia Professional Engineers Inc. on behalf of 2532973 Ontario Inc.** for variances from the City's Zoning By-law 60-94.

The application relates to **633 Greenhill Avenue (Plan 40M-2264, Blk 87), Oshawa, Ontario.**

The purpose and effect of the application is to permit a mixed-use building (residential and commercial) with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a mixed-use building in a CC-A(2) (Convenience Commercial) Zone.

Zoning Item	Column 1	Column 2
Minimum Front Yard Depth	4.5m	6.0m
Minimum Exterior Side Yard Depth	4.5m	6.0m

This application was heard by the Committee of Adjustment on June 23, 2021 and with Notice of Hearing having been given as directed by the Committee of Adjustment, THE DECISION OF THE COMMITTEE IS THAT THE APPLICATION BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:


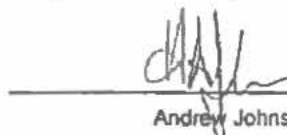
1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.

All written and oral submissions received by the Committee of Adjustment were considered in making this decision.

**NOTE:**

Any appeal from the above decision must be made on or before July 13, 2021.

The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name or names of individual group members, and not in the name of the group.

  
Lindsay Smith  
Andrew Johnson  
Robert Adams  
Gordon Foster



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

## Appeal Form (A1)

**Municipal/Approval Authority  
Date Stamp**

**RECEIVED**

JUL 13 2021

**DEVELOPMENT SERVICES**

**Receipt Number  
(OLT Office Use Only)**

**OLT Case Number  
(OLT Office Use Only)**

**Date Stamp – Appeal Received  
by OLT**

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read both documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

### Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Corless		Theresa	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Email Address:			
theresacorless@rogers.com			
Daytime Telephone Number:		Alternative Telephone Number:	
905-441-1792	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	735	Eagle Ridge Drive	

City/Town:	Province:	Country:	Postal Code:
Oshawa	Ontario	Canada	L1K 3A1

#### Representative Information

☒ I hereby authorize the named company and/or individual(s) to represent me

Last Name:	First Name:
Neal	Joseph

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

Email Address:	LSO Number (if applicable):
jneal@neallaw.ca	24176F

Daytime Telephone Number:	Alternative Telephone Number:
905-436-9015 ext. 110	

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	142	Simcoe Street North	
City/Town:	Province:	Country:	Postal Code:
Oshawa	Ontario	Canada	L1G 4S7

**Note:** If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

☐ I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

#### Location Information

Are you the current owner of the subject property? ☐ Yes ☒ No

Address and/or Legal Description of property subject to the appeal:

633 Greenhill Ave.

Municipality:

Oshawa



Upper Tier (Example: county, district, region):
Region of Durham

<b>Language Requirements</b>	
Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
<b>Example</b>	Minor Variance	<i>Planning Act</i>	45(12)
1	Minor Variance	Planning Act	45(12)
2			
3			
4			
5			

**Section 2 – Appeal Type (Mandatory)**

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B



<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5A
<input type="checkbox"/>	Application to amend the <i>Niagara Escarpment Plan</i>	5B
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

### Section 3A – Planning Matters

#### Appeal Reasons and Specific Information

Number of new residential units proposed:

Mixed Commercial/Residential Development, comprising of 838 square metres of commercial/retail on the ground floor, and 13 residential flats on the second floor.

Municipal Reference Number(s):

A-2021-46

List the reasons for your appeal:

1. The staff had recommended that the Committee of Adjustment reserve its decision on the Application, as a public information meeting was supposed to take place between the Applicant and residents, which had not taken place as of the date of the hearing, however the Committee proceeded with the Application nonetheless.
2. The variances granted by the Committee of Adjustment were not minor in nature.
3. The variances do not result in appropriate development or use of the land and building.
4. The general intent and purpose of the by-law and of the official plan are not maintained.
5. The variances do not represent good land use planning.
6. The variances will result in safety issues for the surrounding community.
7. The variances will adversely affect the neighbours, and surrounding neighbourhood, including from a noise, visual, and lighting aspect.

Has a public meeting been held by the municipality? ☒ Yes ☐ No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- ☐ Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*

- ☐ Fails to conform with or conflicts with a provincial plan
- ☐ Fails to conform with an applicable Official Plan

**And**

**B: For a non-decision or decision to refuse by council:**

- ☐ Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- ☐ Conformity with a provincial plan
- ☐ Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

**Oral/Written submissions to council**

Did you make your opinions regarding this matter known to council?

- ☐ Oral submissions at a public meeting of council
- ☐ Written submissions to council
- ☒ Not applicable

**Related Matters**

Are there other appeals not yet filed with the Municipality?

- ☐ Yes ☒ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

- ☐ Yes ☒ No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

**Section 3B – Other Planning Matters**

**Appeal Specific Information (Continued)**

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

#### Section 4A – Appeals under Environmental Legislation

##### Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? ☐ Yes ☐ No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

#### Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? ☐ Yes ☐ No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

#### Section 5A – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

<b>Appeal Specific Information</b>
Development Permit Application File No:
Name of Applicant for Development Permit:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ( <a href="http://www.escarpment.org">www.escarpment.org</a> ))

**Section 5B – Application to amend the *Niagara Escarpment Plan***

<b>Owner</b>				
Last Name:			First Name:	
Email Address:				
Daytime Telephone Number:			Alternative Telephone Number:	
		ext.		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
City/Town:	Province:	Country:	Postal Code:	

<b>Property Location &amp; Information</b>				
Municipality:		Street Number:	Street Name:	
Lot:	Concession:	<b>And/or</b>	Lot:	Plan:
Assessment Roll Number or PIN:			Lot Size:	



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Property Servicing					
Existing Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private

Is the Proposal the Subject of a Current Application? Please identify:
<input type="checkbox"/> Development Permit under <i>Niagara Escarpment Planning and Development Act</i> <input type="checkbox"/> The <i>Planning Act</i> (Official Plan or Zoning By-law Amendment) <input type="checkbox"/> The <i>Aggregate Resources Act</i> (License) <input type="checkbox"/> Committee of Adjustment (Minor Variance) <input type="checkbox"/> Land Division Committee (Severance) <input type="checkbox"/> Other:

Description of the Property
Describe the current use of the property including any existing buildings or structures:

Category of the Proposed Amendment
<input type="checkbox"/> Change in Designation <input type="checkbox"/> Change to Policy <input type="checkbox"/> Request for Urban Servicing <input type="checkbox"/> Change to Plan Boundary <input type="checkbox"/> Other:

Detailed Description of Proposed Amendment
Provide a detailed description of the proposed amendment:

### Justification and Rationale

(Including Reasons, Argument and Evidence in Support of the Amendment)

(See Niagara Escarpment Plan Amendment Guidelines)

The justification submitted with the application should address the following:

1. Analysis of how the proposed amendment is consistent with the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans.
2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment.

The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):

- ☐ Agricultural Land Use Impacts
- ☐ Air Quality Impact Assessment
- ☐ Engineering Reports
- ☐ Environmental Impact Study
- ☐ Geological Studies
- ☐ Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections
- ☐ Historical/Cultural/Archeological Impact Assessment
- ☐ Hydrogeological Impact Assessment
- ☐ Landscape/Visual Impact Analysis
- ☐ Noise Impact Assessment
- ☐ Setback from the Brow of the Escarpment
- ☐ Suitable for Septic Systems
- ☐ Traffic Impact Assessment
- ☐ Tree Removal/Planting including Berming and Landscaping
- ☐ Other:

### Site Plan

Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

**NOTE:** For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

### Section 6 – Mining Claim and Conservation Matters

#### Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

#### Respondent Information

Conservation Authority:

Contact Person:

Email Address:

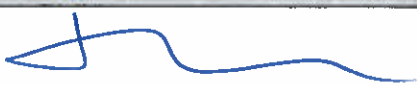


Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 6 Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.			

### Section 7 – Filing Fee

<b>Required Fee</b>			
Please see the attached link to view the <a href="#">OLT Fee Chart</a> .			
Total Fee Submitted: \$400			
Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Lawyer's general or trust account cheque
	<input type="checkbox"/> Credit Card		
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.			
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the <a href="#">Fee Reduction request form</a> .			
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)			

### Section 8 – Declaration (Mandatory)

<b>Declaration</b>		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
<b>Name of Appellant/Representative</b>	<b>Signature of Appellant/Representative</b>	<b>Date (yyyy/mm/dd)</b>
Joseph J. Neal		2021/07/12

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at [OLT.Coordinator@ontario.ca](mailto:OLT.Coordinator@ontario.ca) or toll free at 1-866-448-2248 as soon as possible.

## Section 9 – Filing Checklists (Mandatory)

### Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board  *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a>
Section 5A or 5B	<b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara	<b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)