

Corporation of the City of St. Thomas
**APPLICATION FOR APPROVAL OF A PLAN OF
SUBDIVISION OR CONDOMINIUM DESCRIPTION**
Pursuant to Section 51 of the Planning Act, as amended

OFFICE USE:	Date Application Received: <u>APR 15 2021</u>	Consultation Date: <u>February 24, 2021</u>
	Date Application Deemed Complete: <u>MAY 27 2021</u>	File Number: <u>347-21504</u>

OWNER/APPLICANT

- Property Owner
Name: TBR Developments Inc. (c/o Al Ruggero, Director of Land Development, Rexton Developments)
Address: 4101 Steeles Avenue West, Unit 201, Toronto, ON
Postal Code: M3N 1V7 Phone: 416-736-4900 or 416-788-2453 Fax: 416-736-4901
Email: plan@rogers.com or aruggero@rextonrealty.ca
- Agent/Applicant
Name: Scott Allen
Company: MHBC
Address: 630 Colborne Street, Suite 202, London, ON
Postal Code: N6B 2V2 Phone: 519-524-0885 Fax: _____
Email: sallen@mhbcplan.com
Who is the primary contact?
☐ Registered Owner ☒ Applicant/Agent
*Note: Unless otherwise requested all communications will be sent to the Applicant.
*Please indicate the method of communication you would like to be contacted by.
☐ Phone ☒ Email ☐ Fax ☐ Mail

DESCRIPTION OF SUBJECT LAND

- Municipal Address: N/A, The subject property is bounded by Talbot Street to the north
Manor Road to the east, Sinclair Avenue to the south and Fairview Street to the west.
- Legal Description: Part of Lot 8 and 9, Concession 9 in the Township of Yarmouth (refer to Section 2.1 of
enclosed Planning Justification Report).
- Has there been an industrial or commercial use, or an orchard on the subject land or adjacent land?
☐ Yes ☐ No If yes, describe the use(s) and time frame: _____
- Has the grading of the land been altered by filling, the adding of earth or material?
☐ Yes ☐ No If yes, describe the use(s) and time frame: _____
Former railway lands bisect the property
2009-Use was vacant.

5. Has a gas station been located on the subject land or adjacent land at any time?
☐ Yes ☒ No If yes, describe the use(s) and time frame: _____
6. Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? ☒ Yes ☐ No If yes, describe the use(s) and time frame: Former railway lands
7. Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No
 If yes, describe each easement or covenant and its effect: _____

PROPOSED AND CURRENT LAND USE

1. What is the current use of the subject land? Vacant Land
2. How is the subject land currently designated in the applicable Official Plan? Residential and Commercial
3. Check whether the application is for: ☒ Plan of Subdivision ☐ Condominium Description
 Type of Condominium Corporation: ☐ Standard ☐ Vacant Land ☐ Phased ☐ Common Element
4. Please complete the table on proposed land use:

Proposed Land Use	Number of Units or Dwellings	Number of Lots and/or Blocks on the Draft Plan	Area (ha)	Density (Units/Dwellings per ha.)	Number of Parking Spaces
Residential					
Detached	19	19 lots	1.071	18 units/ha	
Semi-Detached					
Multiple Attached					
Apartment					
Seasonal					
Mobile Home					
Other (specify below*)					
Commercial		1 block	4.391		
Industrial					
Park, Open Space		1 block	0.026		
Institutional (specify below*)					
Roads					
Other Use (specify below*)					
Totals		19 lots, 2 blocks	5.488		

* Please provide a description of the use: The application would create 19 lots intended for single-detached dwellings fronting Sinclair Avenue, one large block for future commercial/residential uses primarily fronting Talbot Street, and one open space block.

SERVICES AND ACCESS

1. Access to the subject lands will be provided by:

- ☒ Municipal Road
- ☐ Provincial Highway
- ☐ Public Road
- ☐ Right of Way
- ☐ Water
- ☐ Other (Specify) _____

2. If access to the subject land will be by water only please answer the following:

Parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road: _____

3. Water supply to the subject lands shall be provided by:

- ☐ Privately owned and operated communal well
- ☐ Privately owned and operated individual well
- ☒ Publicly owned and operated piped water system
- ☐ Lake or other water body

4. Sewage disposal on the subject lands will be provided by:

- ☒ Publicly owned and operated sanitary sewage system
- ☐ Privately owned and operated individual septic system
- ☐ Privately owned and operated communal septic system
- ☐ Privy
- ☐ Other (Specify) _____

Is there a septic system on the property? ☐ Yes ☒ No

If Yes, is it in good working order? ☐ Yes ☐ No

5. If the sanitary sewage disposal is to be supplied through a privately owned and operated individual or communal septic system, and more than 4500L of effluent will be produced per day as a result, the following reports must be provided:

- ☐ a servicing options report; and
- ☐ a hydrogeological report

6. Indicate whether storm drainage will be provided by:

- ☐ Ditches
- ☒ Sewers
- ☐ Swales
- ☐ Other (Specify) _____

7. If the plan would permit development of fewer than five lots or units on privately owned and operated or communal septic systems, and **more than** 4500 litres of effluent would be produced per day as a result of the development being completed, the following reports must be completed:

- ☐ A servicing options report; and
- ☐ a hydrogeological report

8. If the plan would permit development of fewer than five lots or units on privately owned and operated or communal septic systems, and 4500 litres of effluent **or less** would be produced per day as a result of the development being completed, the following report must be completed:
- ☐ A servicing options report; and ☐ a hydrogeological report
9. If the plan would permit development of more than five lots or units on privately owned and operated individual or communal wells, the following reports must be completed:
- ☐ A servicing options report; and ☐ a hydrogeological report

PREVIOUS PLANNING ACT APPROVALS

1. Have the subject lands ever been the subject of any of the following matters under the Planning Act:
- | | | | | |
|--|---|--|------------------------------|-------------------------|
| • Approval of a Plan of Subdivision | ☐ Yes | ☒ No | File No: _____ | Status: _____ |
| • Approval of a Consent Application | ☐ Yes | ☐ No | File No: _____ | Status: _____ |
| • Approval of a Zoning Application | ☐ Yes | ☐ No | File No: _____ | Status: _____ |
| • Approval of an Official Plan Amendment | ☒ Yes | ☐ No | File No: <u>Amendment #5</u> | Status: <u>Approved</u> |
| • Site Plan Approval Application | ☐ Yes | ☐ No | File No: _____ | Status: _____ |
| • Approval of a Minor Variance Application | ☐ Yes | ☐ No | File No: _____ | Status: _____ |
| • A Minister's Zoning Order | ☐ Yes | ☐ No | O.Reg No: _____ | Status: _____ |

If the lands have been subject to any of the planning approvals listed above, please identify the purpose of the application, the land it affects and its effect on the current requested amendment.

The lands fronting Talbot Street were part of Official Plan Amendment No. 5 (redesignating these lands from Industrial to Highway Commercial).

2. Provincial Policy

Explain how this proposal has regard to the principles to the Provincial Policy Statement issued under the *Planning Act*. A planning report should be completed to determine if the application reflects planning principles embodied in provincial and planning policies.

Is the plan consistent with the policy statements issued under subsection 3(1) of the Act? ☒ Yes ☐ No

Is the subject land within an area of land designated under any provincial plan(s)? ☐ Yes ☒ No

If yes, does the proposal conform with the applicable provincial plan(s)? ☐ Yes ☐ No

3. Public Consultation:

Please provide a strategy for consulting with the public with respect to this application:

TBR Developments Inc. intends to carry out public consultation for this application consistent with the requirements of the Planning Act.

ADDITIONAL INFORMATION

The following appendices are to be completed in full:

Appendix C – Significant Features Checklist

Appendix D – Housing Affordability

Appendix E – Residential Condominium Conversion

INFORMATION FOR CONDOMINIUM APPLICATIONS ONLY

1. Has a site plan for the proposed condominium been approved? ☐ Yes ☐ No
If yes, Application # _____
2. Has a site plan agreement been entered into? ☐ Yes ☐ No
3. Has a building permit for the proposed condominium been issued? ☐ Yes ☐ No
If yes, Date permit was issued: _____ Permit# _____
4. Has construction of the project started? ☐ Yes ☐ No
5. If construction has been completed, indicate the date of completion: _____
6. Is this a conversion of a building containing residential rental units? ☐ Yes ☐ No
If yes, complete the following:
Number of units to be converted: _____ Type of Units: _____
Date of building construction: _____
Has the owner/applicant complied with the requirements related to the conversion under the Residential Tenancies Act (2006), as amended? ☐ Yes ☐ No
If no, please attach a separate piece of paper and explain why.

Note: Applications for residential condominium conversions are required to submit with their application, the supporting documentation as set out in Appendix E.
7. **Phased Condominiums Only:**
Is this a first registration? ☐ Yes ☐ No
If no, please complete the following:
Name of Condominium Corporation: _____
Legal Description: _____
Phase # _____ Previous Application # CDM _____
8. **Common Element Condominiums Only:**
Parcels of Tied Land. Please provide the legal description/municipal address of the parcels which will be tied to the Common Element. **Please attach separate sheet.**

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (**Appendix A**). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I Scott Allen (MHBC), the Owner or Authorized Agent, hereby agree and acknowledge that the

(Print name of Owner or Authorized Agent)

information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Zoning By-law Amendment Application. Questions about this collection should be directed to the Director of Planning and Building Services, 9 Mondamin Street, St. Thomas, Ontario, N5P 2T9, (519) 633-2560.

AFFIDAVIT OR SWORN DECLARATION

I, Scott Allen of Township of Ashfield ^{WINDHAM} in the province of ONTARIO,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the London on this 9 day of 04, 2021.
City Day Month Year

[Signature]
Signature of Owner or Authorized Agent

APRIL 9/21
Date

[Signature]
Signature of Commissioner of Oaths,

Carol Marie Wiebe, a Commissioner, etc.,
Province of Ontario for MacNaughton Hansen
Britton Clarkson Planning Limited.
Expires March 16, 2024.

April 9/21
Date

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Tony Romanelli (TBR), am the owner of the subject lands, and I authorize
Scott Allen (MHBC), to act on our behalf as the agent for the submissions required for all
matters relating to the subject lands, and to provide any of my personal information that will be included in this
application or collected during the planning process.

March 23, 2021

Date

Tony Romanelli

Digitally signed by Tony Romanelli
Date: 2021.03.23 12:07:12 -04'00'

Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

***Please note, Appendix B must be completed by the owner, not the authorized agent.**

I, TONY ROMANELLI, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

March 23, 2021

Date

Tony Romanelli Digitally signed by Tony Romanelli
Date: 2021.03.23 12:03:28 -04'00'

Signature of Owner

APPENDIX C – SIGNIFICANT FEATURES CHECKLIST

Using the checklist, identify any site feature or development circumstance that may apply to the proposed plan. If a site feature or development circumstance is identified, please indicate if potential information needs have been addressed.

Site Features or Development Circumstances	(a) If a feature, is it on the site or within 500 metres OR (b) If a development circumstance, does it apply		If a feature, specify distance in metres	Potential Information Needs
	YES (✓)	NO (✓)		
Non-farm development near designated urban areas or rural settlement areas		✓		Demonstrate sufficient need within 20-year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 industry ¹			Unknown	Assess development for residential and other sensitive uses within 70 metres.
Class 2 industry ²			Unknown	Assess development for residential and other sensitive uses within 300 metres.
Class 3 industry ³ within 1000 metres			Unknown	Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site		✓		Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant		✓		Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond		✓		Assess the need for a feasibility study for residential and other sensitive land uses.
Active railway line		✓		Evaluate impacts within 100 metres.
Controlled access highways or freeways, including designated future one		✓		Evaluate impacts within 100 metres.
Operating mine site		✓		Will development hinder continuation or expansion of operations?
Non-operation mine site within 1000 metres		✓		Have potential impacts been addressed? Has mine been rehabilitates so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise exposure projection (NEP) is 30 or greater		✓		Demonstrate feasibility of development above 25 NEF for sensitive land uses. Above the 30 NEF/NEP contour, development of sensitive land uses is not permitted.

Electronic transformer station			Unknown	Determine possible impacts within 200 metres.
High voltage electric transmission line			Unknown	Consult the appropriate electric power service.
Transportation and infrastructure corridors	✓		Adjacent	Will the corridor be protected?
Prime agricultural land		✓		Demonstrate need for use other than agricultural and indicate how impacts are to be mitigated.
Agricultural operations		✓		Development to comply with the Minimum Distance Separation Formulae.
Mineral aggregate resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations?
Mineral aggregate operations		✓		Will development hinder continuation of extraction?
Mineral and petroleum resource areas		✓		Will development hinder access to the resource or the establishment of new resource operations?
Existing pits and quarries		✓		Will development hinder continued operation or expansion?
Significant wetlands		✓		Demonstrate no negative impacts.
Significant portions of habitat of endangered and threatened species		✓		Demonstrative no negative impacts.
Significant fish habitat, woodlands southeast of the Canadian Shield, valley lands, areas of natural and scientific interest, wildlife habitat		✓		Demonstrate no negative impacts.
Sensitive groundwater recharge areas, headwaters and aquifers		✓		Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant built heritage resources and cultural heritage landscapes			Unknown	Development should conserve significant built heritage resources and cultural heritage landscapes.

Significant archaeological resources			Unknown	Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed, catalogued and analyzed prior to development.
Great Lakes – St. Lawrence River System		✓		Within the regulatory shoreline assess the impact of development.
Erosion hazards		✓		Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains		✓		Where one-zone flood plain management is in effect, development is not permitted within the floodplain. Where two-zone flood plain management is in effect, development is not permitted within the floodway. Where a Special Policy Area (SPA) is in effect, development must meet the official plan policies for the SPA.
Hazardous sites ⁴ and rehabilitated mine sites		✓		For development on rehabilitated mine sites, an application for approval from the Ministry of Northern Development and Mines should be made concurrently.
Contaminated site			To be determined	Assess the inventory of previous uses in areas of possible soil contamination

1. Class 1 industry – small scale, self-contained plan, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry – medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.
3. Class 3 industry – indicate if within 1000 metres – processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.
4. Hazardous sites- property of lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays (leda), organic soils) or unstable bedrock (Karst topography).

APPENDIX D – HOUSING AFFORDABILITY

Example: Semi-detached- 10 units - 1,000 sq. ft/5.5 metres - \$119,900

Housing Type	# of Units	Unit Size (sq. ft.) and/or Lot Frontage	Estimated Selling Price/Rent
Single-detached	19	11 m. min. (frontage)	Unknown
Link/Semi-Detached			
Row or Townhouse			
Apartment Block			
Other Types or Multiples			

Is there any additional information which may relate to the affordability of the proposed housing, or the type of housing needs served by the proposal?

☐ Yes ☒ No

If yes, please explain below:

APPENDIX E – RESIDENTIAL CONDOMINIUM CONVERSION

The following should be provided for applications involving the conversion of rental housing to Condominium tenure:

- A list containing the names and addresses of tenants in the rental property
- Rents in the property listed by unit number and type (ie, bachelor, one bedroom)
- Tenants in possession of the units notified of the application for a plan of condominium
- The number of rental units that tenants in possession of the units have indicated in writing they wish to purchase as condominium units
- Estimates of the selling prices for condominium units

Pursuant to Subsection 9(4) of the Condominium Act, 1998, the Approval Authority will require an applicant to have a person who holds a certificate of authorization within the meaning of the Professional Engineers Act or a certificate of practice within the meaning of the Architects Act or another qualified person, inspect the property and report to the Approval Authority. The report shall address the matters as set out below:

- A report prepared by an architect that provides a life safety audit of the building(s) to confirm that all life safety systems, such as fire separations, means of egress, exits, emergency, lighting, fire alarms, suppression systems, handrail guards, etc., are in place and functional to protect the occupants of the building. Further, the report is to address any building retrofit requirements under the Ontario Fire Code.
- A structural report prepared by a Professional Engineer to assess the structural adequacy of the building roof(s), balconies, parking structure, exterior veneer, windows, etc.
- A mechanical report prepared by a Professional Engineer to confirm that the building mechanical systems, such as HVAC, pumps, etc., are in good working order.
- An electrical report prepared by a Professional Engineer to confirm that the building electrical system(s) are in good working order.
- A site servicing report prepared by a Professional Engineer to document the condition of all site servicing, including any on-site underground services, stormwater management facilities, drainage and grading. The report must include a site plan and site servicing/grading/drainage plan that documents the locations and pertinent characteristics of each site feature.

Any deficiencies or works to be completed as noted in the above reports, in order that the building(s) and on-site services may comply with the applicable standards, will need to be rectified by the Property Owner prior to the registration of the condominium agreement. In this regards, the Declaration must include certificates by the above noted Architect and Professional Engineers to certify that all building components and site services comply with the applicable regulations and standards, and that all deficiencies and works to be completed, as documents, in their reports, have been remediated and completed.