

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0074

**FOR THE CONSIDERATION OF
COUNCIL**

August 24, 2022

**SUBJECT: REQUEST FOR EXTENSION OF DRAFT PLAN APPROVA- ANCIENT
COASTAL SEASHORE REDEVELOPMENT CORP.- DRAFT PLAN OF
SUBDIVISION 19T-05G04 AND DRAFT PLAN OF CONDOMINIUM
19CDM-05G03- N/W CORNER OF DALTON ROAD AND NASELLO
AVENUE - FILE NOS.: 01.119 (19T-05G04) & 01.120**

1. RECOMMENDATION:

- 1. That Council receive Report No. DS-2022-0074 prepared by the Planning Division, Development Services Department dated August 24, 2022 respecting a request for extension of draft plan approval for Draft Plan of Subdivision 19T-05G04 and Draft Plan of Condominium 19CDM-05G03.**
- 2. That pursuant to Section 51(33) of the Planning Act, R.S.O., 1990, as amended, an extension to the approval for Draft Plan of Subdivision 19T-05G04 and Draft Plan of Condominium 19CDM-05G03 be granted for a maximum of two (2) years, to expire on August 30, 2024.**
- 3. That pursuant to Section 51(44) of the Planning Act, R.S.O., 1990, c.p. 13, as amended, the lapsing provision noted at the end of the conditions of draft plan approval for Draft Plan of Subdivision 19T-05G04 be amended to read "Pursuant to Planning Act, R.S.O., 190, c.p. 13, as amended, approval of this Plan of Subdivision shall lapse if final approval for registration has not been given by August 30, 2024, unless approval has been sooner withdrawn or the Town of Georgina has extended the duration of the approval."**
- 4. That pursuant to Section 51(44) of the Planning Act, R.S.O., 1990, c.p. 13, as amended, the lapsing provision noted at the end of the conditions of draft plan approval for Draft Plan of Condominium 19CDM-05G03 be amended to read "Pursuant to the Planning Act, R.S.O., 1990, c.p. 13, as amended approval of this Plan of Common Element Condominium shall lapse if final approval for registration has not been given by August 30, 2024, unless approval has been sooner withdrawn or the Town of Georgina has extended the duration of the approval."**
- 5. That pursuant to Section 51(47) of the Planning Act, R.S.O., 1990, c.p.13, as amended, written notice shall not be given as the changes to the lapsing provisions and references to the Town of Georgina and York Region Departments are considered to be minor.**

6. That Planning Division Staff forward the revised Conditions of Draft Plan Approval included as Attachments 5 and 6 to Report DS-2022-0074 to the applicant, their agent, the York Region Director of Community Planning and Development Services and to all other agencies for which the Town has imposed conditions of draft plan approval on their behalf.

2. **PURPOSE:**

The purpose of this report is to provide Council with comments and Staff's recommendations on the request for an extension of draft plan approval for draft plans of subdivision and condominium on lands located at the northwest corner of Dalton Road and Nasello Avenue, Jackson's Point.

3. **BACKGROUND:**

<u>OWNERS / APPLICANTS:</u>	Ancient Coastal Seashore Redevelopment Corp.
<u>AGENT</u>	Michael Smith Planning Consultants; Development Coordinators Ltd.
<u>PROPERTY DESCRIPTION:</u>	(Refer to Attachments 1 & 2) Lots 1 to 7 inclusive, and Part of Lots 8 and 9, Plan 82 Lots 4 to 9 inclusive, and Lot 11, Plan 83 Lots 5 to 9 inclusive, Part of Lot 77 and gravel beach, Plan 73 Lot 84, 85, and Part of Lot 86, Plan 92
<u>ROLL NUMBERS:</u>	081-102, 082-907, 082-908, 082-939, & 082-949
<u>FILE NUMBERS:</u>	01.119 (Plan of Subdivision –19T-05G04) 01.120 (Plan of Condominium – 19CDM-05G03)

On January 28, 2013, Town of Georgina Council granted approval of Draft Plan of Subdivision 19T-05G04 and Draft Plan of Common Elements Condominium 19CDM-05G03 to permit 16 freehold single detached dwelling units fronting onto a private condominium road. In terms of servicing allocation, the subject properties already had 34.8 persons equivalent of allocation (12 units) assigned to the properties based on previous land uses. At the January 28, 2013 Council meeting, an additional 11.6 persons equivalent of allocation (4 units) were approved by Council to be assigned to the subject properties from the Minor Infill category in order to facilitate the approved 16 single detached dwelling building lots.

Subsequent to Council's approval, the draft plans were appealed to the Ontario Municipal Board (OMB) by a neighbouring property owner. Correspondence dated September 4, 2014 from the OMB to the Town indicated that the appeal by the neighbour was withdrawn by letter dated August 29, 2014. In this regard, pursuant to Section 51(51) of the *Planning Act*, the decision of Town Council to approve the applications shall be deemed to have been made on the day after the day all appeals have been withdrawn, being August 30, 2014. A copy of the approved draft plans are provided as Attachment 3.

Pursuant to Section 51(32) of the *Planning Act*, a three (3) year lapsing provision was imposed, such that draft plan approval for both draft plans would lapse if final approval for registration had not been given by August 30, 2017.

Section 51(33) of the *Planning Act* provides that approval authorities are permitted to extend the duration of draft plan approval, provided that the extension is given before the approval lapses.

Previous Extension Requests

Three previous extension requests have been submitted to the Town and approved by Council as follows:

- March 10, 2017 - extension given to August 30, 2019
- June 11, 2019 - extension given to August 30, 2020
- May 26, 2020 - extension given to August 30, 2022

The primary issue requiring the extension requests is with respect to Condition No. 4 of the approved Draft Plan of Condominium 19CDM-05G03 which states:

"Prior to the registration of the condominium declaration and description, the Owner shall have made arrangements, satisfactory to the Director of Development Services, for the provision of alternate easements over the site as required in order to provide equal or better alternate easement rights to owners of lands adjacent, or proximate, to the Subject Lands who currently enjoy easements over or through the Subject Lands."

Through the course of bringing the subject lands into Land Titles a number of issues were identified, resulting in the Land Registry Office not accepting the existing reference plan. This, in turn, has not allowed the applicant to register the noted plans of subdivision and condominium; and, related easements.

Current Extension Request

On April 5, 2022, the applicant's agent submitted a fourth request for an extension to both draft plan approval review periods for an additional two (2) year timeframe. The two (2) year extension would extend the lapsing date of August 30, 2022 to August 30, 2024. In the cover letter provided, included as Attachment 4, the agent and solicitor have advised that resolution of the easement issue, which was the basis of the previous extension requests, is ongoing and continues to be the reason for the current extension request.

According to information provided by the applicant's agent, the applicant's solicitor has been continuously working towards resolving this matter. Recently, the applicant has commenced a vesting order through the Superior Court in an attempt to resolve the outstanding Land Registry Office issues related to the property. Through a Hearing on

March 30, 2022, the matter has been referred to Case Management and has been assigned to a Case Management Judge. As this matter is ongoing, there is insufficient time to clear the conditions and register the subdivision and condominium prior to the approvals lapsing.

The applicant's solicitor has been in contact with the Town's legal counsel to keep them apprised of the situation.

4. ANALYSIS:

The request for extension of draft plan approval was circulated for review and comment to relevant Town Divisions/Departments and external agencies. The request for extension of draft plan approval provides the Town and agencies for which the Town has imposed conditions of draft plan approval on their behalf, the opportunity to review their conditions and make changes, if deemed necessary.

Comments received from Rogers Communication Canada Inc. (Rogers) and Hydro One indicate no concerns with the extension request. However, Rogers have provided revised conditions to replace their existing conditions. Comments are outstanding from external agencies for which the Town has imposed conditions of draft plan approval on their behalf (Region of York, the Lake Simcoe Region Conservation Authority (LSRCA), Canada Post Corporation, Enbridge, and Bell Canada); however, Staff recommend that the conditions of approval be re-imposed as they currently exist with the addition of the revised conditions from Rogers.

The Revised Conditions of Approval for Draft Plan of Subdivision 19T-05G04 and the Revised Conditions of Approval for Draft Plan of Condominium 19CDM-05G03 are included as Attachments 5 and 6 respectively.

Staff support extending draft plan approval for the draft plan of subdivision and draft plan of condominium for two (2) years, to expire on August 30, 2024. If granted an extension, the applicant will be required to register both draft plans by August 30, 2024, or again seek Council's approval for a further extension to the draft plan approval period.

5. CORPORATE STRATEGIC PLAN:

This Report addresses the following Town of Georgina corporate strategic goal:

GOAL: PROMOTE A HIGH QUALITY OF LIFE

- Building a healthy, safe, and accessible community.
- Promote responsible growth.

6. FINANCIAL AND BUDGETARY IMPACT:

There are no financial concerns or budgetary impacts on the Town as a result of the report. Development charges and park levies are not required at this time, but will be collected in the future at building permit issuance.

Additionally, the applicant is advised that they will be required to apply for and obtain all necessary approvals, building permits, site alteration permits, and entrance permits, and to pay associated costs for these at the appropriate time in order to facilitate the ultimate development of the site.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

Not applicable.

8. CONCLUSION:

In conclusion, Staff recommend extending draft plan approval for Draft Plan of Subdivision 19T-05G04 and Draft Plan of Common Elements Condominium 19CDM-05G03 for an additional two (2) year timeframe, to lapse on August 30, 2024.

A copy of the revised conditions of draft plan approval incorporating the updated lapsing provisions are provided as Attachments 5 and 6.

Prepared by: Angela Sciberras
Town Planning Consultant

Reviewed by: Janet Porter, MCIP, RPP
Manager of Development Planning

Recommended by: Harold W. Lenters, M.Sc.PI, MCIP, RPP
Director of Development Services

Approved by: Ryan Cronsberry
Chief Administrative Officer

Attachments

Attachment 1 – Context Map

Attachment 2 – Key Map

Attachment 3 – Draft Plan of Subdivision 19T-05G04 and Draft Plan of Common Elements Condominium 19CDM-05G04

Attachment 4 – Extension Request Letter from Agent

Attachment 5 – Revised Conditions of Approval for Draft Plan of Subdivision 19T-05G04

Attachment 6 – Revised Conditions of Approval for Draft Plan of Condominium 19CDM-05G03