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Town of Aurora
Committee of Adjustment Report
No. C-2025-03

Subject: Consent Application
Hollidge Properties Inc
170 Hollidge Boulevard
PLAN 65M3074 PT BLK 1
File: C-2025-03

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: February 12, 2026

Application

The purpose of the proposed consent application is to facilitate a long-term commercial lease exceeding 21 years for the existing drive-through restaurant (Tim Horton's) located within the commercial plaza at 170 Hollidge Boulevard. Under Section 50(3)(f) of the Planning Act, any lease exceeding 21 years constitutes a division of land and requires Committee of Adjustment approval.

The applicant is requesting provisional consent to:

- a) Grant a long-term lease over a portion of the subject lands (lease lands) for a period exceeding 21 years, in favour of Tim Horton's; and
- b) Retain the remainder of the lands, which will continue to function as a multi-tenant commercial plaza.

(No new lot is being created as a result of this application; this is a technical consent application required by the Planning Act for a lease exceeding 21 years)

Background

Subject Property and Area Context

The subject lands are located within a commercial plaza and are municipally known as 108 - 224 Hollidge Boulevard. The subject lands are located on the west side of Bayview Avenue, north of Hollidge Boulevard and have an approximate lot area of 13,591.33 square metres (3.36 acres), and an approximate lot frontage of 231 metres (760 feet) along Hollidge Boulevard.

The subject lands currently contain four (4) commercial buildings: 108 Hollidge Boulevard which is used as a daycare centre, 130 Hollidge Boulevard and 150 Hollidge Boulevard which are used for retail/commercial uses, and 170 Hollidge Boulevard (subject unit) which is used as a drive-through restaurant (Tim Horton's). The subject unit has an approximate gross area of 286.14 square metres (3,080 square feet).

Proposal

The purpose of the proposed consent application is to authorize a lease exceeding 21 years for the Tim Horton's restaurant (170 Hollidge) and associated drive-through area. The leased area will be approximately 780 square metres (8,395.85 square feet) and the use will remain as a Tim Horton's restaurant with drive-through.

The remainder of the lands will be approximately 12,811 square metres (137,896.47 square feet) and will continue to function as a commercial plaza. All existing buildings and structures will remain and no demolition or new construction is proposed.

Official Plan

The subject lands are designated "Community Commercial Centre" by the Town of Aurora Official Plan. The intent of the "Community Commercial Centre" designation is to provide for a full range of retail and service commercial uses to serve the wider residential community.

Zoning

The subject lands are zoned "C4(187) Community Commercial Exception Zone" under the Town of Aurora Zoning By-law 6000-17, as amended. This site-specific zoning is intended to accommodate the retail/commercial function of the commercial centre, permitted uses in the C4(187) zone include clinics, convenience retail stores, offices, places of

entertainment, financial institutions excluding drive-thrus, retail stores, and service shops, personal.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was undertaken by the Building Services Division prior to submission of the subject application. The PZR confirmed that the proposed application will not result in any non-compliance with the Zoning By-law.

Planning Comments

Under section 53 (12) of the Planning Act, a lease lasting 21 years or longer as per section 50(3) is considered as a “technical severance”. Given that the tenant will have control over the land for a long duration of time, the Planning Act view this as a form of land division. As such, the Planning Act guides the Committee of Adjustment to use the same rules found in Section 51(24) when creating a new lot. These criteria can be summarized as follows: Conformity to the Official Plan, Suitability of the Land, Adequacy of Services and Access and Impact on Surrounding Lands.

Conformity to the Official Plan

The subject lands are designated “Community Commercial Centre” by the Town of Aurora Official Plan. The current restaurant use is permitted within the designation and conforms to the Official Plan as it maintains the commercial function of the site, which aligns with the intent of the designation.

Suitability of the Land

The subject lands are developed with a 1-storey standalone commercial building and a functional drive-thru lane. The existing site layout provides for safe and efficient internal circulation and the site’s suitability for the drive-thru restaurant use has been demonstrated through its continuous operation. The existing built form will remain to be suitable, appropriate and compatible with the existing character of this neighbourhood. The subject lands are physically appropriate for the proposed consent, and the proposal represents a logical and efficient use of existing commercial land without disrupting the orderly development of the commercial plaza.

Compliance with Zoning By-law

The subject lands are zoned “C4(187) Community Commercial Exception Zone” under the Town of Aurora Zoning By-law 6000-17, as amended. The current drive-thru

restaurant use is permitted in this site-specific zone. Building staff has also confirmed that this application will not incur any non-compliance with existing zoning provisions.

Adequacy of Services and Access

The lands are serviced by municipal water and sewer which makes the site fully suited for the specific commercial use. Town engineering staff also confirms that adequate servicing and utilities are currently in place for the subject lands.

The existing building is located on a lot with frontage on a municipal roadway (Hollidge Boulevard). There are no proposed modifications identified for the existing site circulation and vehicular access off of Hollidge Boulevard. Town transportation staff also has not identified any concern in relation to the adequacy and availability for vehicular access.

Impact on Surrounding Lands

The subject property is situated within a well-established local commercial centre. As the application does not propose any new construction, changes to the building footprint, or alterations to the existing site operations, there will be no net change in impact on the surrounding land uses. The restaurant has functioned as an integrated use within the larger commercial centre for years. Because the use is existing and the site layout remains unchanged, the application will not result in increased traffic or nuisance and land use conflicts.

Based on the review of the proposal, Staff have no concerns with the proposed application and is of the opinion that the proposed consent is considered to conform to the applicable legislative provisions of the Planning Act. Staff recommend approval of the application, subject to the recommended conditions of approval (Appendix A).

Additional Comments

The consent application was circulated to Town Departments/Divisions and to external agencies for review and comment. The following comments were provided:

| Department or Agency | Comments |
|----------------------------|--|
| Building Division | <i>Preliminary Zoning Review was completed. No objections.</i> |
| Engineering Division | <i>No objections.</i> |
| Operations (Parks) | <i>No objections.</i> |
| Operations (Public Works) | <i>No objections.</i> |
| Central York Fire Services | <i>No objections.</i> |
| York Region | <i>No objections.</i> |
| LSRCA | <i>No objections.</i> |

Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

Conclusion

Staff have reviewed the application with respect to the Section 51(24) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, the Provincial Planning Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed consent application.

Based on the aforementioned, Staff have no objection to the approval of Consent application File No. C-2025-03 subject to the conditions attached (Appendix 'A').

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'A' – Recommended Conditions of Approval

1. That the consent only applies to the subject property in conformity with the plans attached as Appendix 'B' to this report, to the satisfaction of the Director of Planning and Development Services.
2. That the Owner provide written confirmation of no outstanding payment of property taxes owing to date for the subject property, to the satisfaction of the Secretary-Treasurer.
3. Fulfilment of all of the above conditions shall occur within two (2) years of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act. R.S.O. 1990, c.P.13, or the consent will lapse.