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Town of Aurora
Committee of Adjustment Report
No. C-2022-04

Subject: **Consent Application**
Ormsby Realty Ltd.
9 and 11 Jasper Drive
PLAN 517 W AND E PT LOT 201
File: C-2022-04

Prepared by: Brashanthe Manoharan, Planner
Department: Planning and Development Services
Date: June 9, 2022

Application

The applicant is seeking a certificate of validation of title to recognize the existing semi-detached dwellings on 9 Jasper Drive (PLAN 517 W PT LOT 201) and 11 Jasper Drive (PLAN 517 E PT LOT 201).

Background

Subject Property and Area Context

The subject property, municipally known as 9 Jasper Drive and 11 Jasper Drive is located on the south side of Jasper Drive, north of Wellington Street West and west of Yonge Street. 9 Jasper Drive has a lot area of approximately 343.9 m² (3,701.7 ft²) and a lot frontage of approximately 10.67m (35ft), 11 Jasper Drive has a lot area of approximately 343.6 m² (3,698.5ft²) and a lot frontage of approximately 11.8m (38.9ft), and a combined lot area of approximately 687.5 m² (7,400.2ft²)

The subject property currently contains two (2) existing semi-detached units. There is also vegetation on the property, which includes two mature trees in the front yard.

The surrounding context consists of predominantly detached dwellings as well as semi-detached dwellings along the south side of Jasper Drive and west and east side of Haida Drive. Lands abutting the subject property to the south is commercial.

Proposal

The purpose of this application is to facilitate a validation of title/certificate application pursuant to Section 57(1) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended. 9 and 11 Jasper Drive respectively used to be individual conveyable parcels of land. The owner has recently become aware that 9 and 11 Jasper Drive, owned by Ormsby Realty Ltd., have merged on Title. These properties were purchased in April 1965 and have been under the same ownership/beneficial ownership since that time.

The purpose of this application is to make them separate and distinct again. There is no physical change proposed to the properties.

Official Plan

The subject property is designated "Stable Neighbourhoods" by the Town of Aurora's Official Plan, which seeks to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced over time. Further, the Stable Neighbourhoods designation provides for semi-detached dwellings and existing multiple-unit buildings as a permitted use.

Zoning

The subject property is zoned R6 (Semi-Detached and Duplex Dwelling Residential Zone) by Zoning By-law 6000-17, as amended, which permits semi-detached dwellings.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was undertaken by the Town of Aurora's Building 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

When considering an application to validate title, the lands that are subject to the validation certificate shall conform with the same criteria that applies to the granting of consents.

Section 57(1) of the *Planning Act* allows a Council authorized to grant consents, or its delegate, being the Committee of Adjustment, the ability to issue a "Validation Certificate" that states that a prior contravention of the subdivision control provisions of the *Act* are deemed to have never had the effect of preventing the conveyance of land or

the creation of land. In essence, the validation certificate corrects a *Planning Act* breach that has occurred.

The purpose of this application is technical in nature and will re-establish the former property line and lot configuration which have existed between 9 and 11 Jasper Drive prior to the properties merging on title. The existing semi-detached dwelling existed prior to the lots being merged on title.

It is staff's opinion that this application conforms with the criteria that applies to consents. Re-establishing the lot line will continue to maintain the intent of the Official Plan, Zoning By-law, and is compatible with the surrounding context.

Additional Comments

The validation of title 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	Preliminary Zoning Review was completed on May 3, 2022.
Engineering Division	No concerns to the application. (e-mail dated May 19, 2022).
Operational Services (Parks)	We have reviewed the documentation for the property associated with the above noted application and have no formal comments. (Letter dated May 30, 2022).
Central York Fire Services	No comments received at the time of writing the report.
York Region	York Region has no comments on the application (e-mail dated May 20, 2022).
LSRCA	No comments on application as it is located outside the area governed by O. Reg. 179/06 under the <i>Conservation Authorities Act</i> (e-mail dated May 27, 2022).

Department or Agency	Comments
Alectra	No objections to its approval (Letter dated May 18, 2022).

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 Section 57 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, the Provincial Policy Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed validation of title application.

Based on the aforementioned, Staff have no objection to the approval of the validation of title application File C-2022-04 subject to the conditions attached (Appendix 'A')

Attachments

Appendix 'A' - Recommended Conditions of Approval

Appendix 'B' – Draft Survey

Appendix 'A' – Conditions of Approval

The following conditions are required to be satisfied should application C-2022-04 be approved by the Committee of Adjustment:

1. Payment of any outstanding property taxes owing to date for the subject property and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of four (4) white prints of a deposited Reference Plan, for review showing the subject lands, which conforms substantially to the application form and sketch as submitted with this application (Appendix B). One copy of the deposited reference plan must be submitted to the Town prior to the issuance of the Validation Certificate.
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the validation of title applied for under File C-2022-04 in duplicate, conveying the subject lands. Subsection 50 (3 or 5) of the Planning Act, R.S.O 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of the Validation Certificate.