

COMMITTEE OF ADJUSTMENT
PLANNING ACT PROVISIONAL (CONSENTS)
NOTICE OF DECISION

Application Nos: B031/06, B032/06
C.06.031, C.06.032

Applications for consent have been made by **TONY IOIA**, 177 Crestwood Road, Thornhill, Ontario, L4J 1A7.

Properties: Part of Lot 26, Concession 1, (Lot 54, Registered Plan 3205, Part 2, Part 4, Reference Plan No. 65R-28931, municipally located on Payson Avenue, Thornhill).

Purpose and Effect

The purpose of these applications is to request the consent of the Committee of Adjustment to convey parcels of lands marked "A" on the attached sketches for the purpose of creating new lots, for residential purposes, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketches for residential purposes.

The subject lands and retained lands are zoned R3-H Residential with a Holding Provision, and are subject to the provisions of Exception 9(735).

BOTH THE SUBJECT LANDS AND RETAINED LANDS ARE CURRENTLY VACANT.

OTHER PLANNING ACT APPLICATIONS

The land which is the subject in this application is/was also the subject of applications under the Planning Act for:

Consent Application File Nos. B005/06 – Gordon Rogers & B006/06 - Vincenzo & Elda Fiorini Certificates issued April 5, 2006.

Moved by:



Seconded by:



THAT Application Nos. **B031/06, B032/06 – TONY IOIA**, be **APPROVED**, in accordance with the sketches attached and subject to the following conditions:

NOTE: All conditions below must be fulfilled and clearance letters must be received by the Secretary-Treasurer before any cheques can be accepted and Certificate of Official can be issued.

1. Payment to the City of Vaughan of a Tree Fee if required, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the Reserves/Capital Department and Parks Department;
2. That the owner shall pay all taxes as levied, (by certified cheque), if required, to the satisfaction of Reserves/Capital Department; (contact Terri Liuni in the Reserves/Capital Department to have this condition cleared).
3. That the applicant shall provide the City of Vaughan with an appraisal report, if required and valuation of the subject land (land only) to be prepared by an accredited appraiser, if required. Payment of a Parkland Levy to the City in lieu of deeding of land for park purposes shall be made if a new lot is being created. Said levy is to be **5%** of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Application of the herein decision. Said levy shall be approved by the Manager of Real Estate. Payment shall be made by certified cheque only;
4. That the approval shall be granted subject to Vaughan Council allocating sewage and water capacity to the subject severed lot, if required, to the satisfaction of the Engineering Department.

5. The Owner shall enter into an agreement pursuant to Subsection 50(6) of the Planning Act with the City of Vaughan, **if required**, to satisfy all conditions, financial or otherwise, of the City of Vaughan with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads and municipal services. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the Engineering Department.
5. Submission to the Secretary-Treasurer of **FOUR (4)** white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;
6. Upon fulfilling and complying with all of the above-noted conditions, the Secretary-Treasurer of the Committee of Adjustment must be provided with a letter **and three (3) copies of a legal size (8.5" by 14") "Schedule Page", in a format satisfactory to the Secretary-Treasurer**, from the Applicant's solicitor confirming the legal description of the subject lands, sufficient for registration purposes **the "Schedule Page" will be an attachment to the Certificate**. Upon being satisfied with said legal description and upon all other conditions for the consent having been satisfied, the Secretary-Treasurer shall provide a Certificate of Official to the applicant in accordance with Section 53(42) of the Planning Act, R.S.O. 1990, as amended;
7. A fee of **\$285.00** made payable to the Treasurer City of Vaughan shall, be submitted to the Secretary Treasurer for the issuance of the Certificate/stamping of the deeds. It will be necessary to allow up to **three (3) working days** after all conditions have been fulfilled and documentation filed. Same day service is also available for an additional cost of **\$145.00, provided all conditions of approval have been fulfilled and all required documents are submitted by 11:30 am that day;**
8. Prior to the issuance of a building permit, if required, the applicant shall fulfil and comply with all of the above noted consent conditions;

IMPORTANT:

Pursuant to Section 53(20) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfil and comply with all of the (above-noted) conditions of Consent. Failing to comply with this requirement will result in the application to be deemed to be refused.

ALL CONDITIONS MUST BE FULFILLED.

Please contact each Agency and/or Department listed above whether **"if required"** appears in the condition or not.

PLEASE NOTE:

1. That the payment of the Regional Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.
2. That the payment of the City Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.
3. That the payment of the Education Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment
4. That the payment of Special Area Development charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance, if required, to the satisfaction of the Reserves/Capital Department;

CARRIED.

Signed by all members present who concur in this decision:

M. Mauti,
Chair,

ABSENT

T. DeCicco
Vice Chair,

L. Fluxgold,
Member,

D. H. Kang
Member,

M. S. Panicali
Member,

CHAIR:

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.

per Dianne E.L. Grout
Dianne E.L. Grout, A.M.C.T.,
Secretary-Treasurer
Committee of Adjustment
City of Vaughan

Additional information regarding the application for consent will be available to the public for inspection between 8:30 a.m. and 4:30 p.m. Monday to Friday at the City of Vaughan Clerk's Department, 2141 Major Mackenzie Drive, Vaughan, Ont., (Telephone (905) 832-2281, Ext. 8360, 8394 or 8332; Fax (905) 832-8535.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

Only individuals, corporations and public bodies may appeal decisions or any condition in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

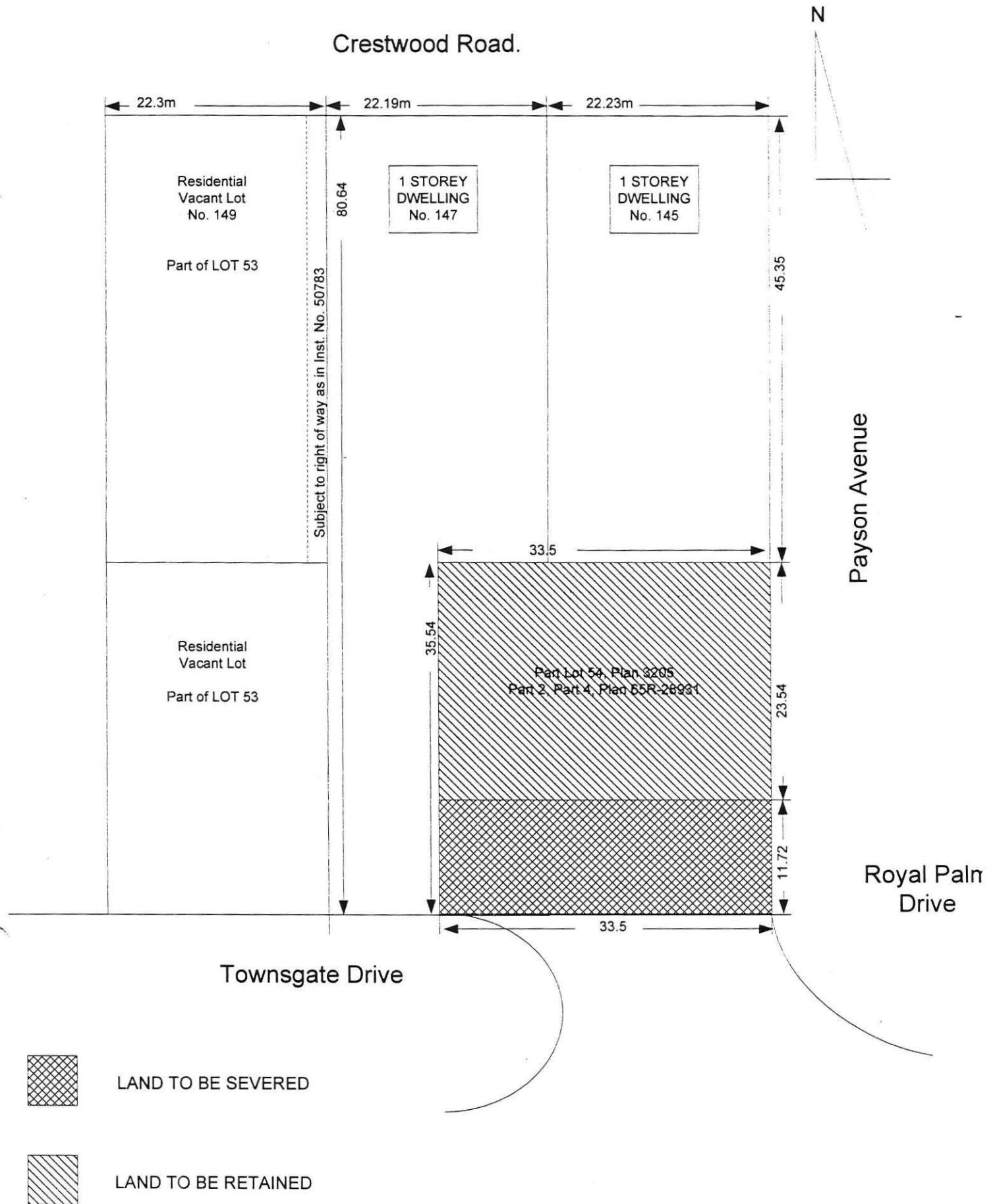
Any notice of appeal shall set out the reasons for the appeal. The notice of appeal accompanied by the fee prescribed under the Ontario Municipal Board Act shall be filed with the Secretary-Treasurer of the Committee of Adjustment.

BE ADVISED THAT: A Certificate pursuant to Subsection 53 (21) of The Planning Act cannot be given until all conditions of consent have been fulfilled.

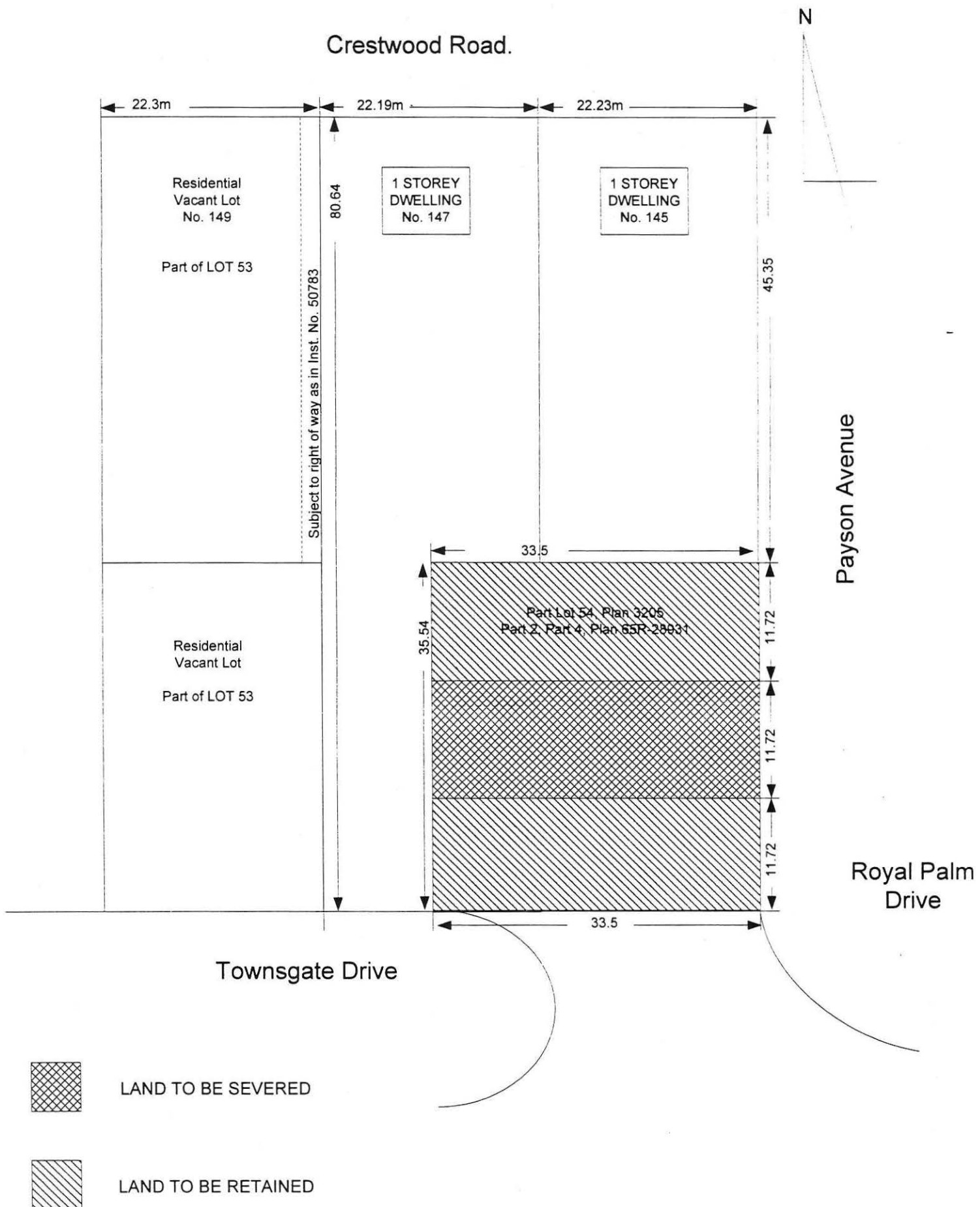
Date of this notice was sent: MAY 19, 2006

The last date for appealing the decision is: JUNE 8, 2006

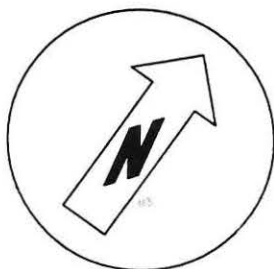
APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON JUNE 8, 2006.




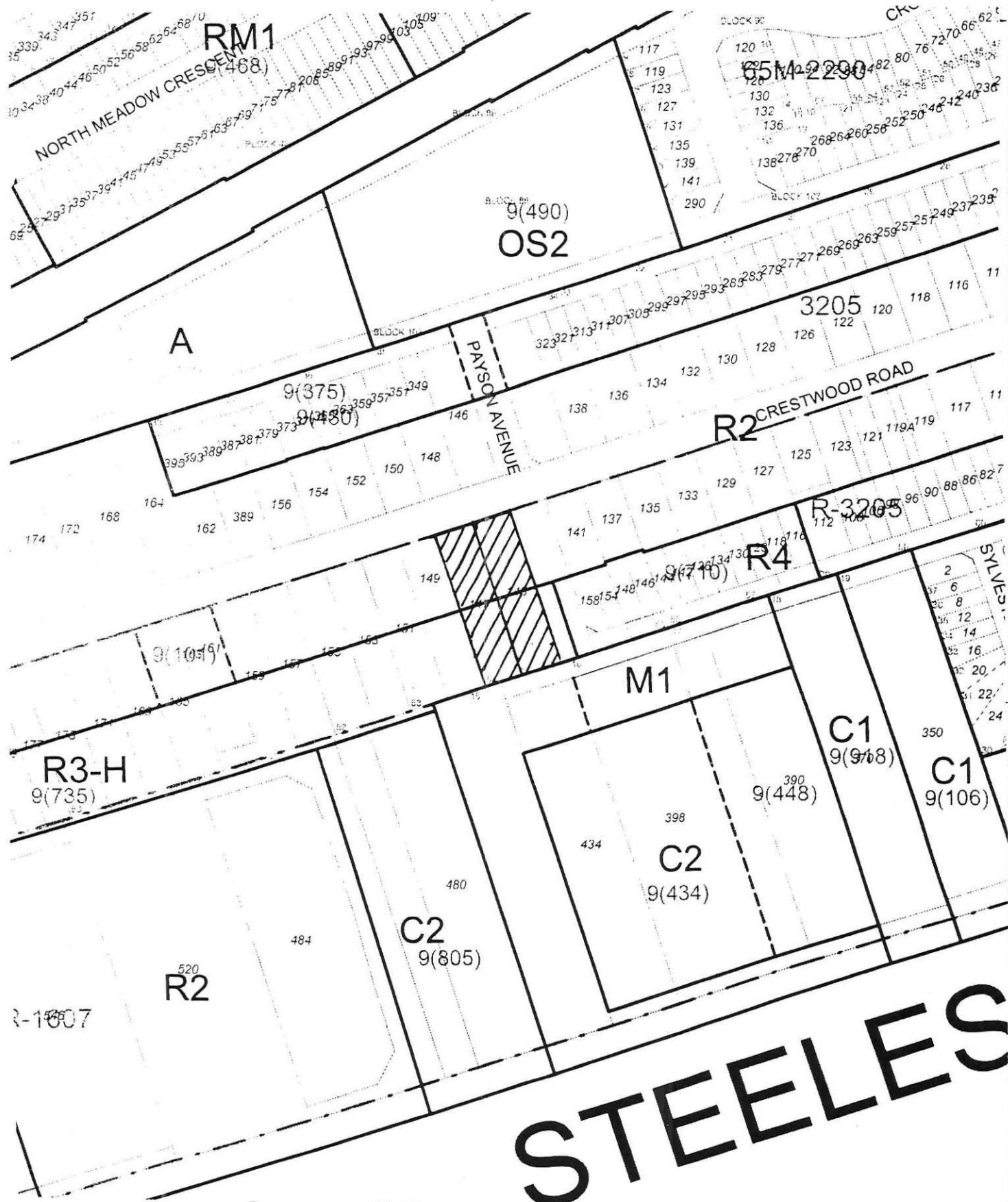
B032/b6



COMMITTEE OF ADJUSTMENT



File Nos.:	B031/06, B032/06
Applicant:	Tony Ioia
	Payson Avenue, Thornhill Subject Area



COMMITTEE OF ADJUSTMENT
(CONSENTS)

Address all correspondence to the Secretary-Treasurer

Please refer to the file number **B031/06, B032/06**

NOTICE TO THE OWNER

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "notice of decision" is attached, together with relevant information concerning appeal of the decision.

If the decision is not appealed, you will receive a notice that it is "final and binding", in due course. It will be in order for you to fulfill the conditions of approval.

All conditions must be fulfilled before a Certificate can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

The period for fulfilling conditions cannot be extended.

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(20) of The Planning Act, and your application file will be closed.

NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS WILL BE GIVEN.

Respectfully,



Dianne E. L. Grout, A.M.C.T.,
Secretary-Treasurer
City of Vaughan
Committee of Adjustment

COMMITTEE OF ADJUSTMENT

(CONSENTS)

TO: OWNER/AGENT/SOLICITOR

Please refer to file numbers

B031/06, B032/06

SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL

Please note carefully the following:

1. All conditions of approval must be fulfilled before a Certificate of Consent pursuant to subsection 21 of Section 50 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

(a) CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

(b) CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:

- (i) Deed for road widening - must forwarded directly to the Regional Solicitors,

17250 Yonge Street
P. O. Box 147
Newmarket, Ontario
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

(c) CONDITIONS CONCERNING OTHER AGENCIES:

(i.e. Conservation Authorities, Ministry of Transportation and Communications, etc.) - requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.

2. **It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision CANNOT be extended. NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

Committee of Adjustment
(CONSENTS)

**Committee of Adjustment Requirements, Electronic Registration
Planning Act Consents - Section 53(42)**

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practise was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practise was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practise has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" from the Applicant's Solicitor confirming the legal description of the subject lands, sufficient for registration purposes (the "Schedule Page" will be an attachment to the Certificate)**, and four copies of the registered Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

For information purposes only:

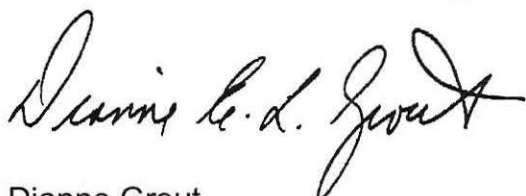
On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:

Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'

Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).

As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.

For information on electronic registration, please contact Teranet at 416-360-1190.



Dianne Grout
Secretary-Treasurer of the Committee of Adjustment
City of Vaughan

