

# COUNCIL PLANNING AGENDA

**DATE FEBRUARY 7, 2011 @ 7:00 p.m.**

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

**O Canada**

**Silent Prayer**

**Disclosure of Pecuniary Interest**

## **PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT**

| <b>Application</b>   | <b>Staff Presentation</b>  | <b>Applicant or Designate</b>  | <b>Delegations<br/>(maximum of 10 minutes)</b>  | <b>Staff Summary</b> |
|--|--|--|---|----------------------|
| a) 115 Fleming Road: Proposed Zoning By-law Amendment (File ZC1102) – Ward 1                             | <ul style="list-style-type: none"> <li>Chris DeVriendt</li> </ul>  | <ul style="list-style-type: none"> <li>Paul Kemper</li> <li>Helmuth Strobel</li> </ul> | <u>Correspondence:</u> <ul style="list-style-type: none"> <li>Brad &amp; Erin England</li> </ul>  |                      |
| b) 55 Yarmouth Street: Draft Plan of Condominium (Conversion) File 23CDM-11501 – Ward 1                  | <ul style="list-style-type: none"> <li>Katie Nasswetter</li> </ul> | <ul style="list-style-type: none"> <li>Astrid Clos</li> <li>Jason Ashdown</li> </ul>   | <u>Correspondence:</u> <ul style="list-style-type: none"> <li>Wellington &amp; Guelph Housing Committee</li> <li>Onward Willow – Better Beginnings, Better Futures</li> </ul>   |                      |
| c) 1077 Gordon Street: Proposed Official Plan and Zoning By-law Amendment (File: OP1101/ZC1011) – Ward 6 | <ul style="list-style-type: none"> <li>Chris DeVriendt</li> </ul>  | <ul style="list-style-type: none"> <li>Paul Kemper</li> <li>Helmuth Strobel</li> </ul> | <ul style="list-style-type: none"> <li>Bill Dubs</li> <li>Val Wheaton representative for 1055 Gordon Street Townhouses</li> </ul> <u>Correspondence:</u> <ul style="list-style-type: none"> <li>Jacqueline &amp; Jeff Armishaw</li> <li>J. Akerstream</li> <li>Frances Barnett</li> </ul> |                      |

## **CONSENT AGENDA**

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

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| COUNCIL CONSENT AGENDA  |                      |  |                    |
|---|----------------------|--|--------------------|
| ITEM  | CITY<br>PRESENTATION | DELEGATIONS<br><i>(maximum of 5 minutes)</i> | TO BE<br>EXTRACTED |
| A-1) Official Plan<br>Amendment No. 42 –<br>Natural Heritage<br>System Draft Provincial<br>Decision |                      |  |                    |
| A-2) 133 Grange Street –<br>Upcoming Ontario<br>Municipal Board<br>Hearing File A-67/10             |                      |  |                    |

## **SPECIAL RESOLUTION**

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

# COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services  
DATE February 7, 2011

**SUBJECT 115 Fleming Road: Proposed Zoning By-law  
Amendment (File:ZC1102) – Ward 1**

REPORT NUMBER 11-06

## SUMMARY

**Purpose of Report:** To provide planning information on an application by Coletara Development requesting approval of a Zoning By-law Amendment for the lands at 115 Fleming Road to permit the development of 69 townhouse units. This report has been prepared in conjunction with the statutory public meeting on the application.

**Council Action:** Council will hear public delegations on the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

“THAT Report 11-06 regarding a Zoning By-law Amendment to permit the development of 69 townhouse dwelling units, consisting of 24 proposed on-street townhouse units and 45 proposed cluster townhouse units applying to property municipally known as 115 Fleming Road, and legally described as Part Lot 11, Plan 468, City of Guelph, from Planning, Engineering and Environmental Services dated February 7, 2011, BE RECEIVED.

## BACKGROUND

An application for a Zoning By-law Amendment (ZC1102) has been received for the property municipally known as 115 Fleming Road from Coletara Development. The proposal is a request to develop 69 townhouse units, consisting of 24 proposed on-street townhouse units and 45 proposed cluster townhouse units. The application was deemed to be a complete application on January 3, 2011.

## Location

The subject property is a 1.72 hectare parcel located at the southeast corner of Fleming Road and Frasson Drive (see Location Map on **Schedule 1**). The site is currently occupied by the German-Canadian Club and includes a one storey building with associated parking and open space area. The area along the easterly boundary

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of the subject property is treed. The subject site is bounded by Fleming Road to the north, Frasson Drive to the west, detached dwellings to the east and future development lands to the south, which includes future commercial and residential development as part of the Watson Community Mixed Use Area.

### **Official Plan Designation**

The existing Official Plan land use designation that applies to the subject lands is "General Residential" (see **Schedule 2** for mapping and related policies).

### **Existing Zoning**

The subject lands are zoned Urban Reserve (UR) Zone in the City of Guelph Zoning By-law (see **Schedule 3**).

## **REPORT**

### **Description of Proposed Zoning Bylaw Amendment**

The applicant is requesting to rezone the subject lands from the Urban Reserve (UR) Zone to the Cluster Townhouse (R.3A) Zone and the On-Street Townhouse (R.3B) Zone to permit the development of 69 townhouse units (see **Schedule 3**).

The applicant's proposed development concept is shown on **Schedule 4**. The portion of the subject lands with public street frontage along Frasson Drive and Fleming Road is proposed to be rezoned to the R.3B Zone to permit the development of 24 freehold on-street townhouse units (Blocks A and Blocks K-N). The remaining portion of the subject lands are proposed to be rezoned to the R.3A Zone to permit the development of 45 cluster townhouse units fronting onto a private street network that provides connections to Fleming Road and Frasson Drive (Blocks B-H and Block J). A 275 square metre amenity area is included within the proposed cluster townhouse development.

### **Supporting Documents**

The application was supported by the following studies:

- Preliminary Servicing and Stormwater Management Design Brief, Proposed Residential Complex (115 Fleming Road). Prepared by Gamsby and Mannerow Limited. December 2010.
- Tree Management Plan (115 Fleming Road). Prepared by Aboud and Associates Inc. November 2010.

### **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation
- Evaluation of the proposal's conformity with the Official Plan
- Review of the proposed zoning and requirement for specialized regulations
- Site design and compatibility with adjoining land uses

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- Review of opportunities to integrate proposed development with surrounding lands through a plan of subdivision application with the provision of public street extensions
  - Review opportunities for tree retention
  - Community Energy Initiative considerations

Once the application is reviewed and all issues are addressed, a report from Planning, Engineering and Environmental Services with a recommendation will be considered at a future meeting of Council.

### **CORPORATE STRATEGIC PLAN**

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

### **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future Planning, Engineering and Environmental Services recommendation report to Council.

### **COMMUNICATIONS**

The Notice of Public Meeting was circulated on January 14, 2011.

### **ATTACHMENTS**

Schedule 1 – Location Map  
Schedule 2 – Existing Official Plan Designations and Policies  
Schedule 3 – Existing and Proposed Zoning and Details  
Schedule 4 – Proposed Development Concept

#### **Prepared By:**

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Original Signed by:

Original Signed by:

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#### **Recommended By:**

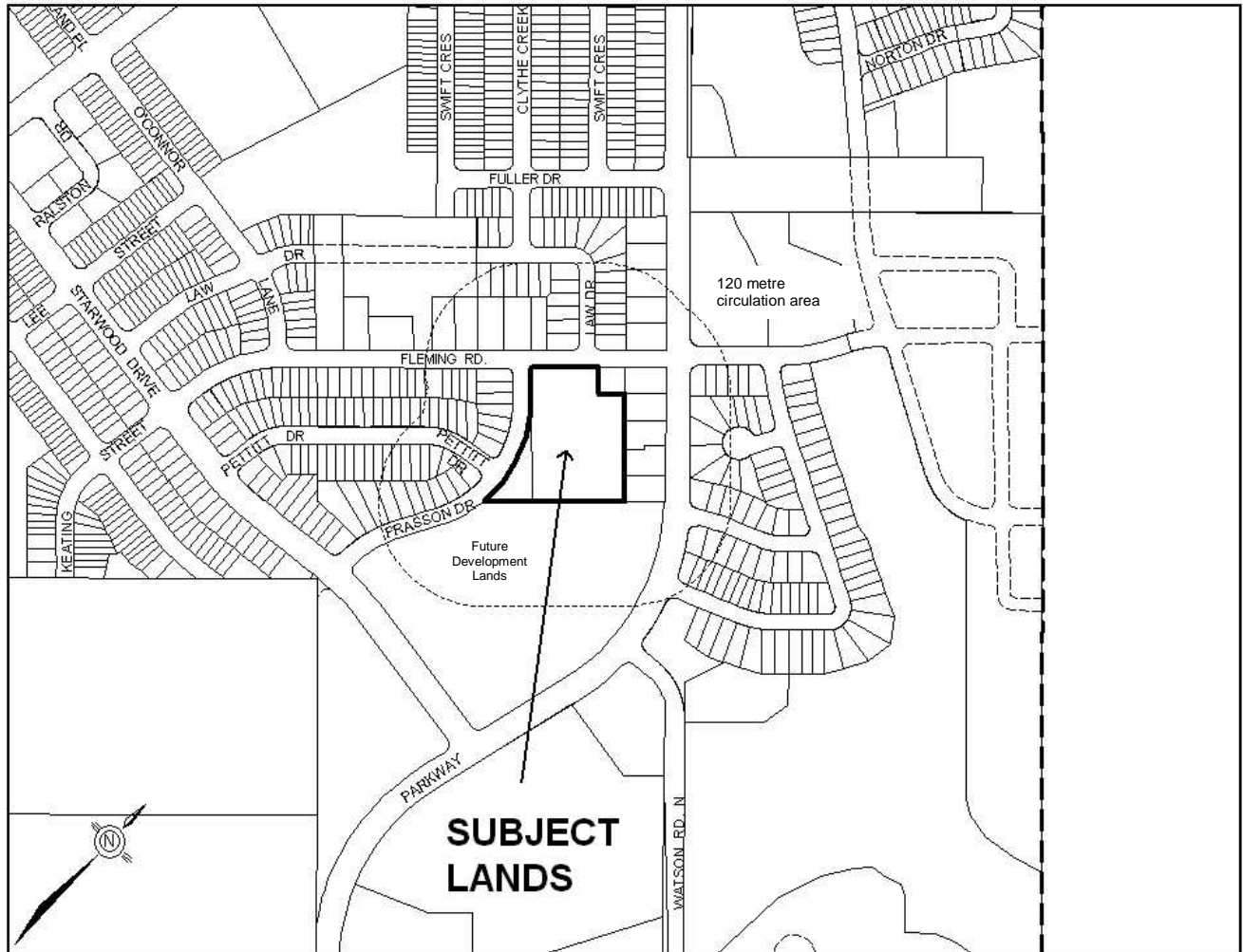
James N. Riddell  
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#### **Recommended By:**

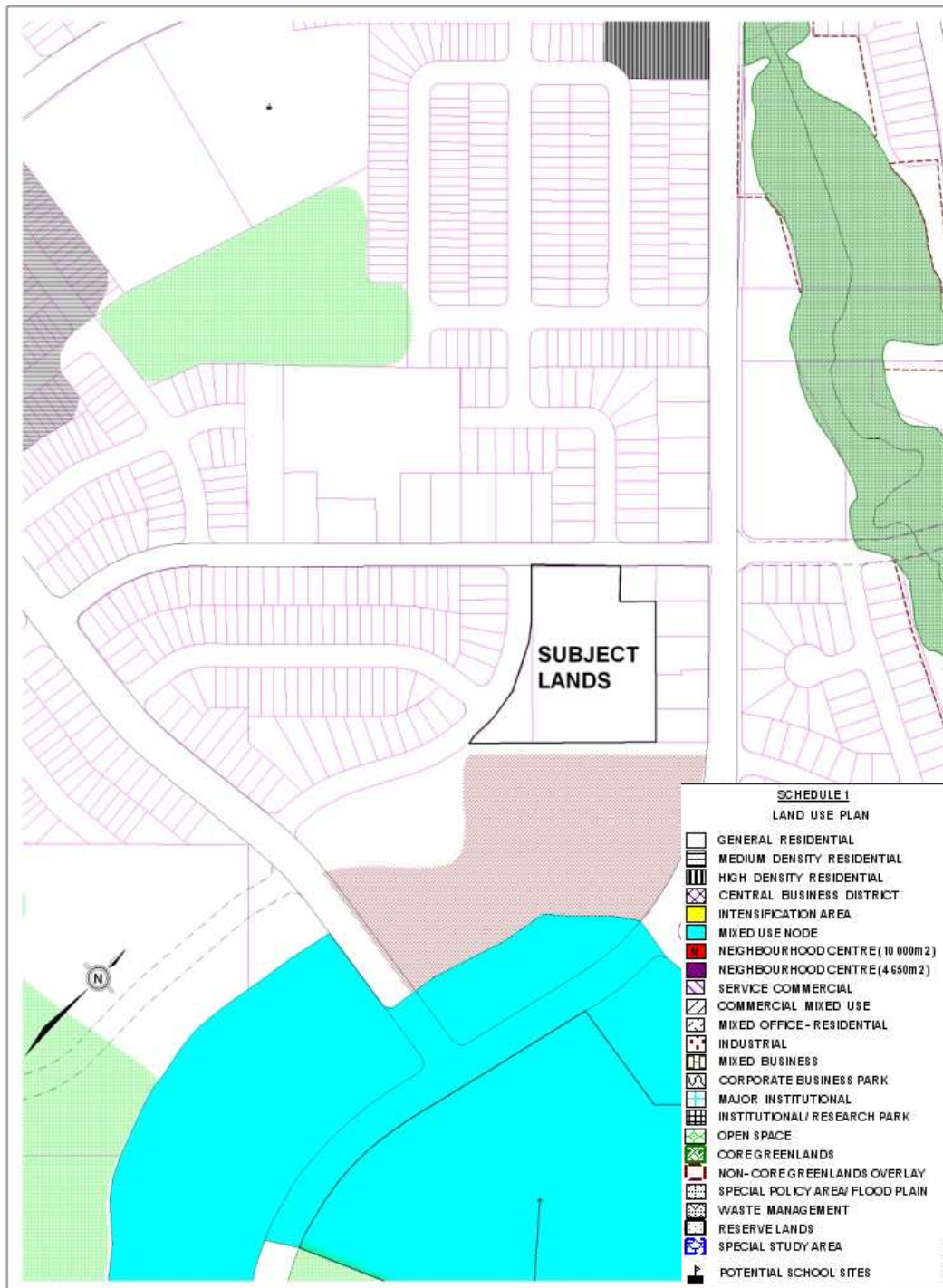
Janet L. Laird, Ph.D.  
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519-822-1260, ext 2237

# SCHEDULE 1 Location Map



## SCHEDULE 2

### Existing Official Plan Designations



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## **SCHEDULE 2 (continued)**

### **Existing Official Plan Policies**

#### **'General Residential' Land Use Designation**

7.2.7 *Multiple unit residential buildings*, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a *development* proposal for *multiple unit* housing:

- a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
- b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
- c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and
- d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density* of *development* shall not exceed 100 units per hectare (40 units/acre).

- 1. In spite of the density provisions of policy 7.2.32 the *net density* of *development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).

7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot infill shall be compatible with adjacent residential environments with respect to the following:

- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;
- d) Landscaping and amenity areas;
- e) Vehicular access, circulation and parking; and
- f) Heritage considerations.

7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.





**FLEMING ROAD**

**FRAASOUN DRIVE**

**PETTITT DRIVE**

**BLOCK A**

**BLOCK B**

**BLOCK C**

**BLOCK D**

**BLOCK E**

**BLOCK F**

**BLOCK G**

**BLOCK H**

**BLOCK I**

**BLOCK J**

**BLOCK K**

**BLOCK L**

**BLOCK M**

**BLOCK N**

**COMMON AREA WITH BRIDGE**

**LOT 6**

**LOT 7**

**LOT 8**

**LOT 9**

**LOT 10**

N 44° 10' 00" E  
56.782  
N 44° 10' 00" E  
30.000  
N 44° 10' 00" E  
70.538

**MILKING DATA**  
IN PROPOSED 20-ACRE TRACT  
OF COMMON OWNERSHIP

**North Arrow**

# COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services  
DATE February 7, 2011

**SUBJECT 55 Yarmouth Street: Draft Plan of Condominium  
(Conversion) File 23CDM-11501 – Ward 1**

REPORT NUMBER 11-07

## **SUMMARY:**

### **Purpose of Report:**

To provide planning information on an application by Astrid J Clos Planning Consultants on behalf of Skyline Equities Inc. requesting approval of a residential Draft Plan of Condominium to convert the existing apartment building at 55 Yarmouth Street from rental to condominium ownership. This report has been prepared in conjunction with the statutory public meeting on the application. The lands affected by this application are shown in **Schedule 1**.

### **Council Action:**

Council will hear public delegations on the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## **RECOMMENDATION**

"THAT Report 11-07 regarding a Draft Plan of Condominium (File 23CDM-11501) applying to property municipally known as 55 Yarmouth Street, City of Guelph, from Planning, Engineering and Environmental Services dated February 7, 2011, BE RECEIVED."

## **BACKGROUND**

### **Location**

The subject lands are located in the City's downtown area, between Baker Street and Yarmouth Street, south of Woolwich Street (see Location Map in **Schedule 1**). The site has an area of 0.2 hectares and is occupied with a nine storey mixed use building containing 72 rental apartment units in the upper storeys and 842 square metres of office and commercial space in five units on the ground floor.

Surrounding land uses include the Baker Street parking lot to the east, a vacant lot to the south, mixed low density residential and office buildings to the west and a small apartment building to the north.

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## **Official Plan Designation**

The Official Plan land use designation that applies to the subject lands is Central Business District, which permits a variety of uses including: institutional, civic and public service uses, residential uses, recreational and cultural uses and a variety of commercial functions including office and other services, retail and entertainment uses serving both the wider city as well as the downtown area residential neighbourhoods.

## **Existing Zoning**

The subject site is zoned CBD.1-5. This is a specialized Central Business District zone, which permits an apartment building containing 72 units, a parking lot for the residents of the apartment building and ground floor commercial or office uses permitted in the standard CBD.1 Zone.

## **REPORT**

The applicant is requesting approval of a Draft Plan of Condominium application to permit the existing rental apartment and commercial units on site to be converted into condominium ownership. The proposed condominium plan would create 72 individual apartment units, 5 commercial units and 55 parking spaces (See **Schedule 3** for the Draft Plan of Condominium). The proposed condominium plan is expected to be registered in one phase. If this plan of condominium were to be approved, the owner (Skyline) is willing to enter into an agreement with the City requiring that a minimum of 20 apartment units be rental units in the Gummer Building (67-71 Wyndham Street and 1-7 Douglas Street) which is currently being redeveloped.

## **Supporting Documents**

The following document has been submitted by the applicant with their application: "Planning Report" by Astrid J. Clos Planning Consultants, dated December 22, 2010.

## **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Residential Tenancies Act
- Evaluation of the proposal's conformity with the Official Plan, including specific condominium conversion policies found in Sections 7.2.14 and 7.2.15 of the Official Plan (see **Schedule 2** for actual policies)
- Review of the existing zoning
- Potential for building upgrades that could benefit the City's Community Energy Initiative

Once the application is reviewed and all issues are addressed, a report from Planning, Engineering and Environmental Services with a recommendation will be considered at a future meeting of Council.

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## **CORPORATE STRATEGIC PLAN**

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

## **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future Planning, Engineering and Environmental Services recommendation report to Council.

## **COMMUNICATIONS**

A Notice of Public Meeting was published in the Guelph Tribune on January 14, 2011 and mailed to tenants on January 12, 2011.

## **ATTACHMENTS**

Schedule 1 – Location Map

Schedule 2 – Related Official Plan Policies

Schedule 3 – Proposed Draft Plan of Condominium

### **Prepared By:**

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### **Recommended By:**

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Manager of Development  
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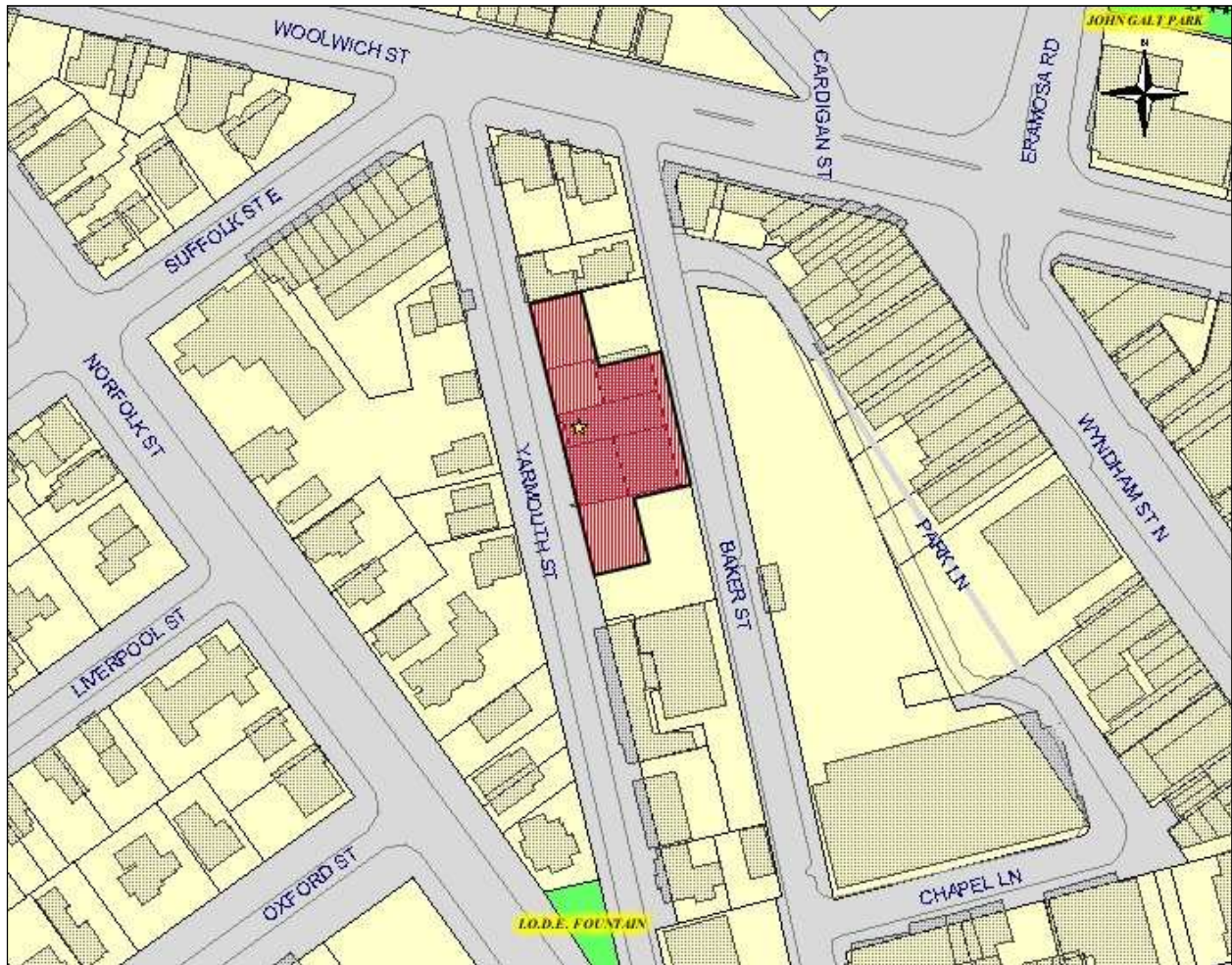
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### **Recommended By:**

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Executive Director  
Planning, Engineering and  
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janet.laird@guelph.ca



## Schedule 1 Location Map



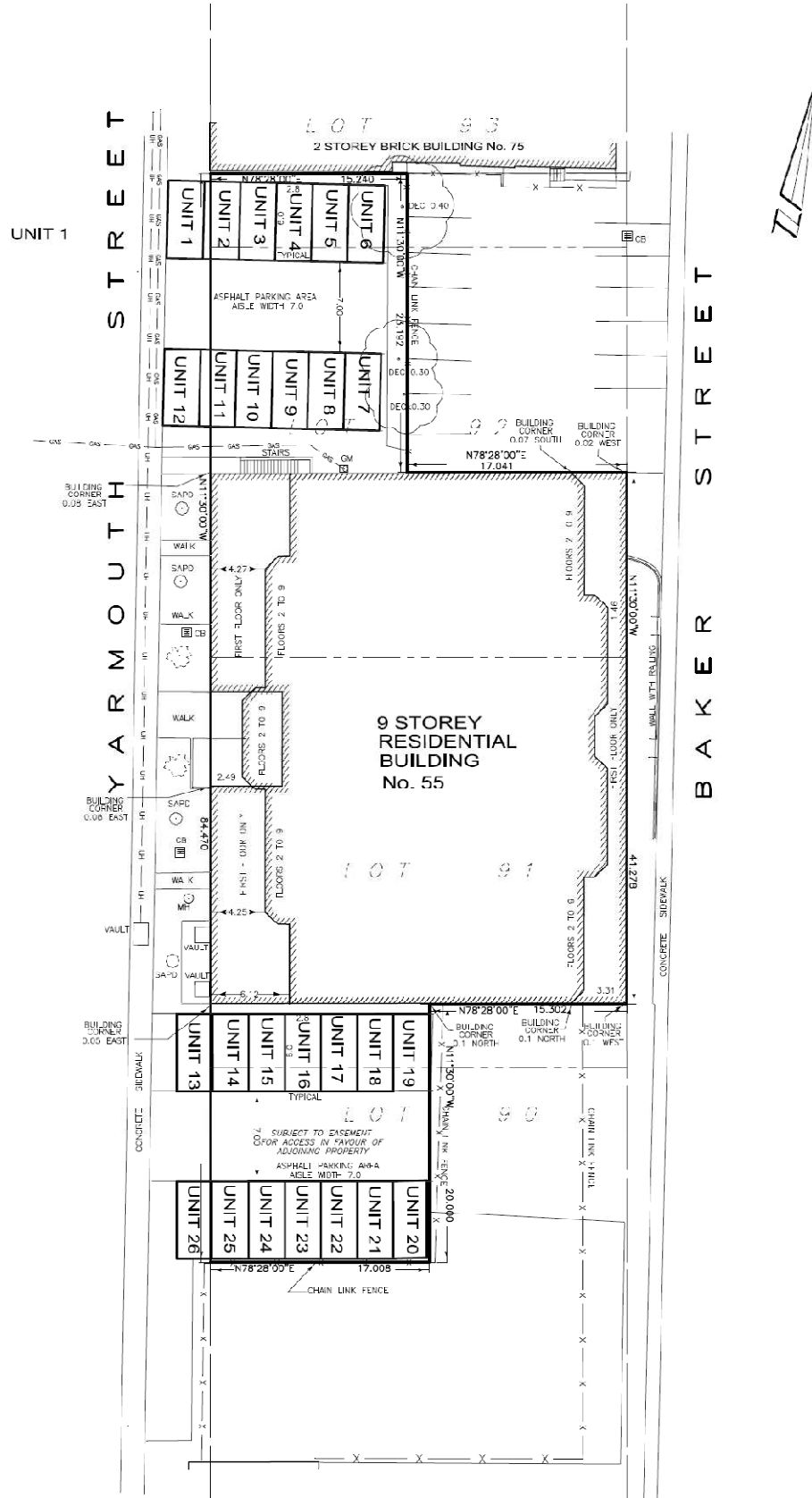
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## Schedule 2 Related Official Plan Policies

### Condominium/Co-ownership Housing Conversion

- 7.2.14 A *condominium/co-ownership* conversion will refer to any change in the tenure status of an existing residential housing development from rental to *condominium* or *co-ownership* housing tenureship. Existing rental housing refers to projects containing any dwelling units occupied by residential tenants or last occupied by residential tenants and currently vacant.
- 7.2.15 The conversion of rental accommodation to *condominium* or *co-ownership* housing tenureship will be considered on the merits of each proposal.
1. The City will discourage the conversion of existing rental units to *condominium* or *co-ownership* housing when the *vacancy rate* for rental accommodation is below 3%, and will prohibit such conversions when the *vacancy rate* is below 1.5%. The *vacancy rate* shall be defined as the average *vacancy rate* of the latest two vacancy surveys conducted in Guelph by the Canada Mortgage and Housing Corporation. The City may conduct supplementary *vacancy rate* surveys and modify the *vacancy rates* reported by C.M.H.C. in accordance with its own findings.
  2. The policies of the City's approved "Municipal Housing Statement" will be used to outline the general requirements of the Municipality to permit a *condominium* or *co-ownership* housing conversion.
  3. The City will utilize agreements setting out the specific conditions and standards for a *condominium* or *co-ownership* housing conversion.
  4. When considering applications for *condominium* or *co-ownership* housing conversion, Council will have regard for:
    - a) The number of units included in the conversion application;
    - b) The number of rental units under construction at the time of application for conversion;
    - c) The impact of the conversion on the rental housing market (i.e., anticipated change in *vacancy rates*).

# **Schedule 3** **Proposed Draft Plan of Condominium**

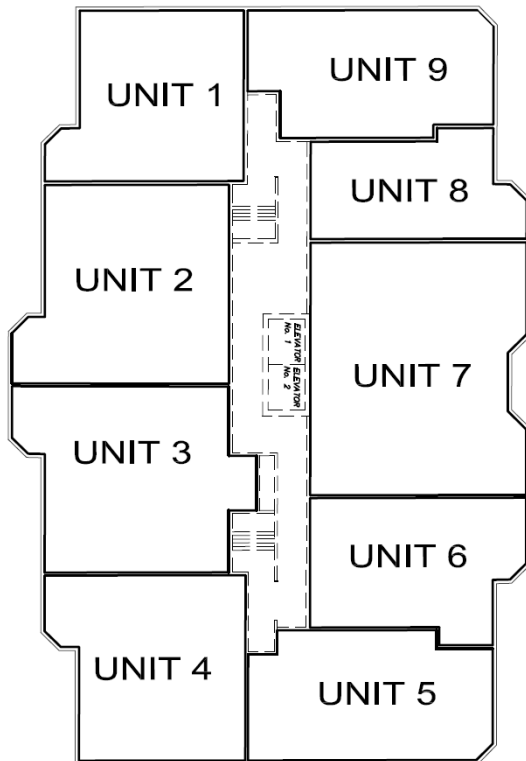




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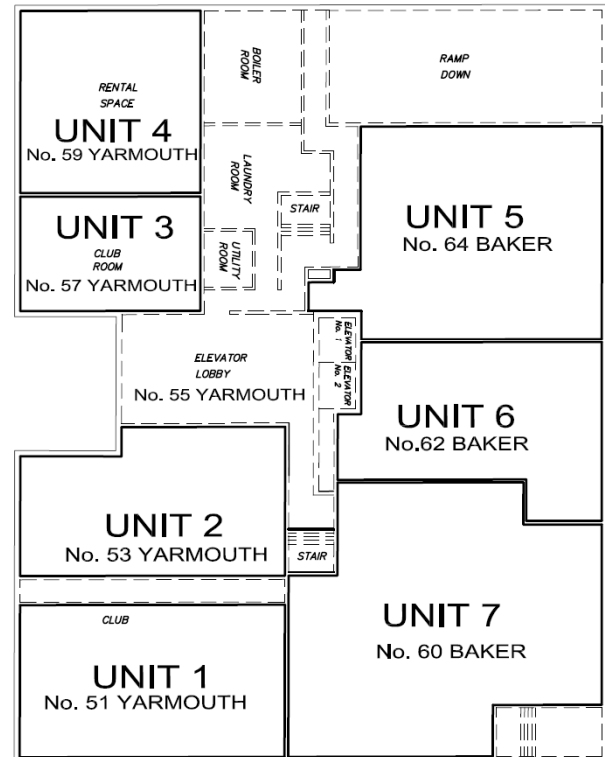
**Schedule 3**  
**Proposed Draft Plan of Condominium cont'd**

LEVELS 2 TO 9 INCLUSIVE  
UNITS 1 TO 9



72 RESIDENTIAL UNITS

LEVEL 1  
UNITS 1 TO 7



5 COMMERCIAL UNITS

# COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services  
DATE February 7, 2011

**SUBJECT 1077 Gordon Street: Proposed Official Plan and Zoning  
By-law Amendment (File: OP1101/ZC1011) – Ward 6**

REPORT NUMBER 11-05

## SUMMARY

**Purpose of Report:** To provide planning information on an application by Coletara Development on behalf of 2180040 Ontario Ltd. requesting approval of an Official Plan Amendment and Zoning By-law Amendment for the lands at 1077 Gordon Street to permit a residential apartment project and live/work units. This report has been prepared in conjunction with the statutory public meeting on the application.

**Council Action:** Council will hear public delegations on the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

“THAT Report 11-05 regarding a Zoning By-law Amendment to permit the development of a residential apartment project and live/work units applying to property municipally known as 1077 Gordon Street, and legally described as Concession 7, Part Lot 4, Plan 61R9349, City of Guelph, from Planning, Engineering and Environmental Services dated February 7, 2011, BE RECEIVED.

## BACKGROUND

An application for an Official Plan and Zoning By-law Amendment (OP1101/ZC1011) has been received for the property municipally known as 1077 Gordon Street from Coletara Development on behalf of 2180040 Ontario Ltd. The proposal is a request to develop three apartment buildings with a total of 150 units, which also includes ground-oriented live/work units located along the frontage Gordon Street. The application was deemed to be a complete application on December 10, 2010.

A previous application for an Official Plan and Zoning By-law Amendment was approved by Council on August 28, 2006 to permit a mixed use office and residential development on the easterly 0.43 hectare portion of the property and a cluster townhouse development of approximately 19 units on the remaining 0.79 hectare westerly portion of the property. The current owner now wishes to rezone

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the subject property to permit the development of three apartment buildings, consisting of 150 residential units in total with live/work units proposed for the ground oriented units facing Gordon Street.

### **Location**

The subject property is a vacant 1.22 hectare parcel located on the west side of Gordon Street and north of Harts Lane West. Adjacent land uses consist of a funeral home (Gilbert MacIntyre & Son Funeral Home) to the south, townhouses to the north, a stormwater management facility and the Hanlon Creek Provincially Significant Wetland to the west and detached dwellings on Balfour Court and Lyle Place to the east across Gordon Street (see Location Map on **Schedule 1**).

### **Official Plan Designation**

The easterly 0.43 hectare portion of the subject property is designated "Mixed Office-Residential" in the Official Plan, with a site specific Official Plan Policy to permit office or professional uses to a maximum gross floor area of 1900 square metres. The remaining westerly 0.79 hectare portion of the property is designated "Medium Density Residential". The site is also identified with a "Non-Core Greenlands Overlay" that applies to a small portion along the rear of the subject property, which does not contain any environmental features and is buffered from the Hanlon Creek wetland to the west by the existing stormwater management facility. It was determined through the review of the previous Official Plan and Zoning By-law application that an Environmental Impact Study was not required in support of the development proposal.

The maximum residential density permitted within the current "Medium Density" and "Mixed Office-Residential" land use designations is 100 units per hectare (see Official Plan Policies in **Schedule 2**).

### **Existing Zoning**

The easterly 0.43 hectare portion of the subject property is zoned Specialized Office-Residential (OR-54) Zone and the remaining westerly 0.79 hectare portion of the property is zoned Cluster Townhouse (R.3A) Zone. The details of these zoning categories that apply to the subject lands are provided in **Schedule 3**.

## **REPORT**

### **Description of Proposed Official Plan Amendment**

The applicant is requesting an Official Plan Amendment to redesignate the westerly 0.79 hectare portion of the subject property from the "Medium Density Residential" designation to the "High Density Residential" land use designation. The "High Density Residential" designation permits a minimum residential density of 100 units per hectare and a maximum residential density of 150 units per hectare (see **Schedule 2**). The proposed development of 150 apartment units would result in a residential density of 122 units per hectare.

### **Description of Proposed Zoning Bylaw Amendment**

The applicant is requesting to rezone the westerly 0.79 hectare portion of the subject property from the Cluster Townhouse (R.3A) Zone to the High Density Apartment (R.4B) Zone to permit the development of the proposed midrise

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apartment project. The applicant is also requesting to rezone the remaining 0.43 easterly portion of the property from the Specialized Office-Residential (OR-54) Zone to a revised Specialized Office-Residential (OR-54) Zone. The revised OR-54 zoning is requested to modify the range of permitted uses, as outlined on **Schedule 3**. This includes the addition of live/work units on the ground floor along Gordon Street.

The applicant's development concept is shown on **Schedule 4**. The proposed development is for a 150 unit apartment project, consisting of three apartment buildings, each 4 storeys in height. One apartment building is oriented along the Gordon Street frontage and is proposed to accommodate office uses in the form of live/work units on the ground floor facing Gordon Street. The proposal includes associated surface and underground parking to accommodate 227 parking spaces along with landscaped and common amenity areas. The density of the entire proposal, as calculated under "Places to Grow" is approximately 210 persons and jobs per hectare.

### **Supporting Documents**

The application was supported by the following study:

- Preliminary Servicing and Stormwater Management Design Brief, Proposed Residential Complex (1077 Gordon Street). Prepared by Gamsby and Mannerow Limited. November 2010.

### **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation
- Evaluation of the proposal's conformity with the Official Plan
- Consideration of the merits of the Official Plan Amendment
- Review of the proposed zoning and requirement for specialized regulations
- Review of the proposed residential density
- Review of building heights, setbacks, massing and siting with respect to compatibility with adjacent land uses
- Urban design review of the built form and streetscape
- Community Energy Initiative considerations

Once the application is reviewed and all issues are addressed, a report from Planning, Engineering and Environmental Services with a recommendation will be considered at a future meeting of Council.

### **CORPORATE STRATEGIC PLAN**

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

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## **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future Planning, Engineering and Environmental Services recommendation report to Council.

## **COMMUNICATIONS**

The Notice of Public Meeting was circulated on January 14, 2011.

## **ATTACHMENTS**

Schedule 1 – Location Map

Schedule 2 – Existing Official Plan Designations and Policies

Schedule 3 – Existing and Proposed Zoning and Details

Schedule 4 – Proposed Development Concept

### **Prepared By:**

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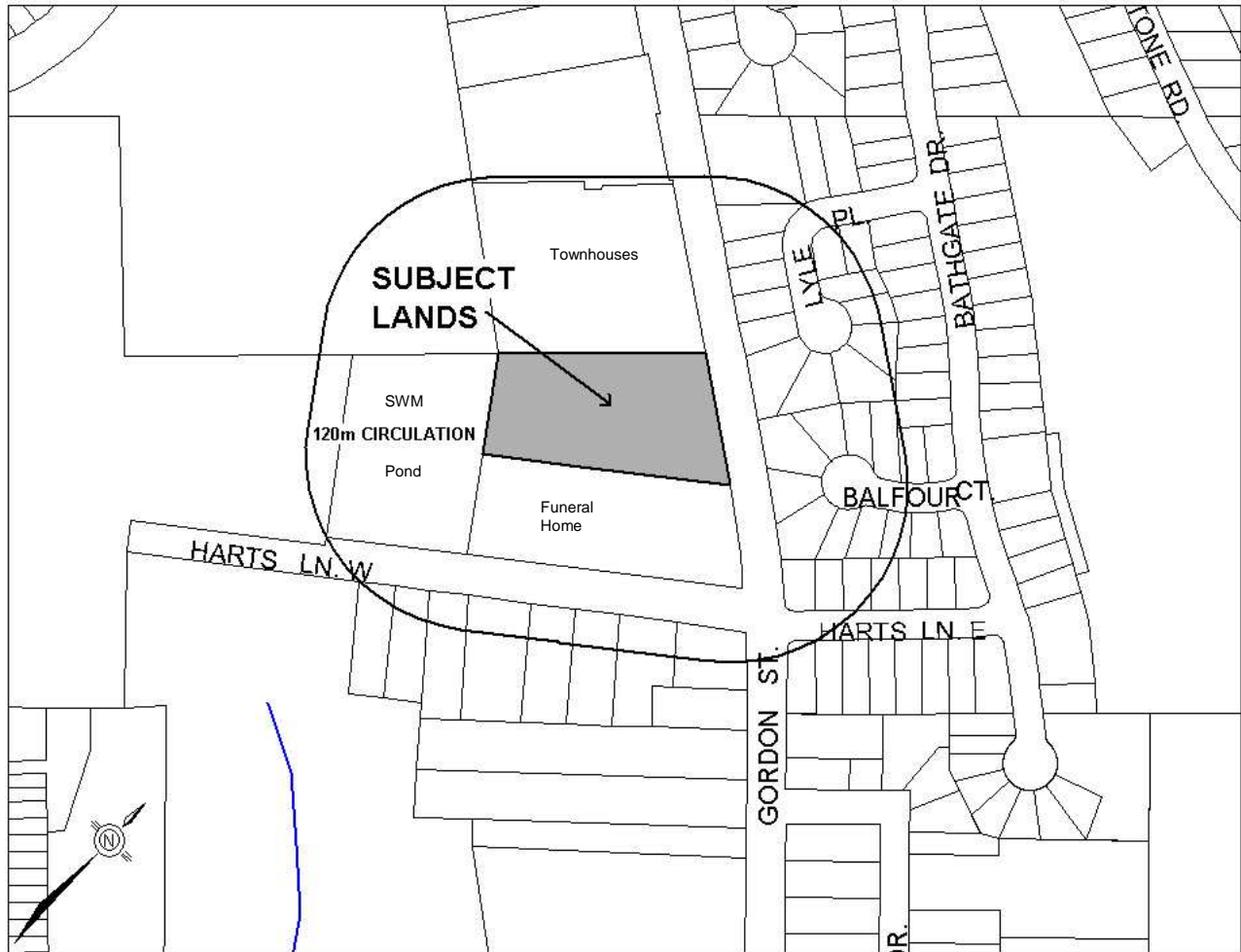
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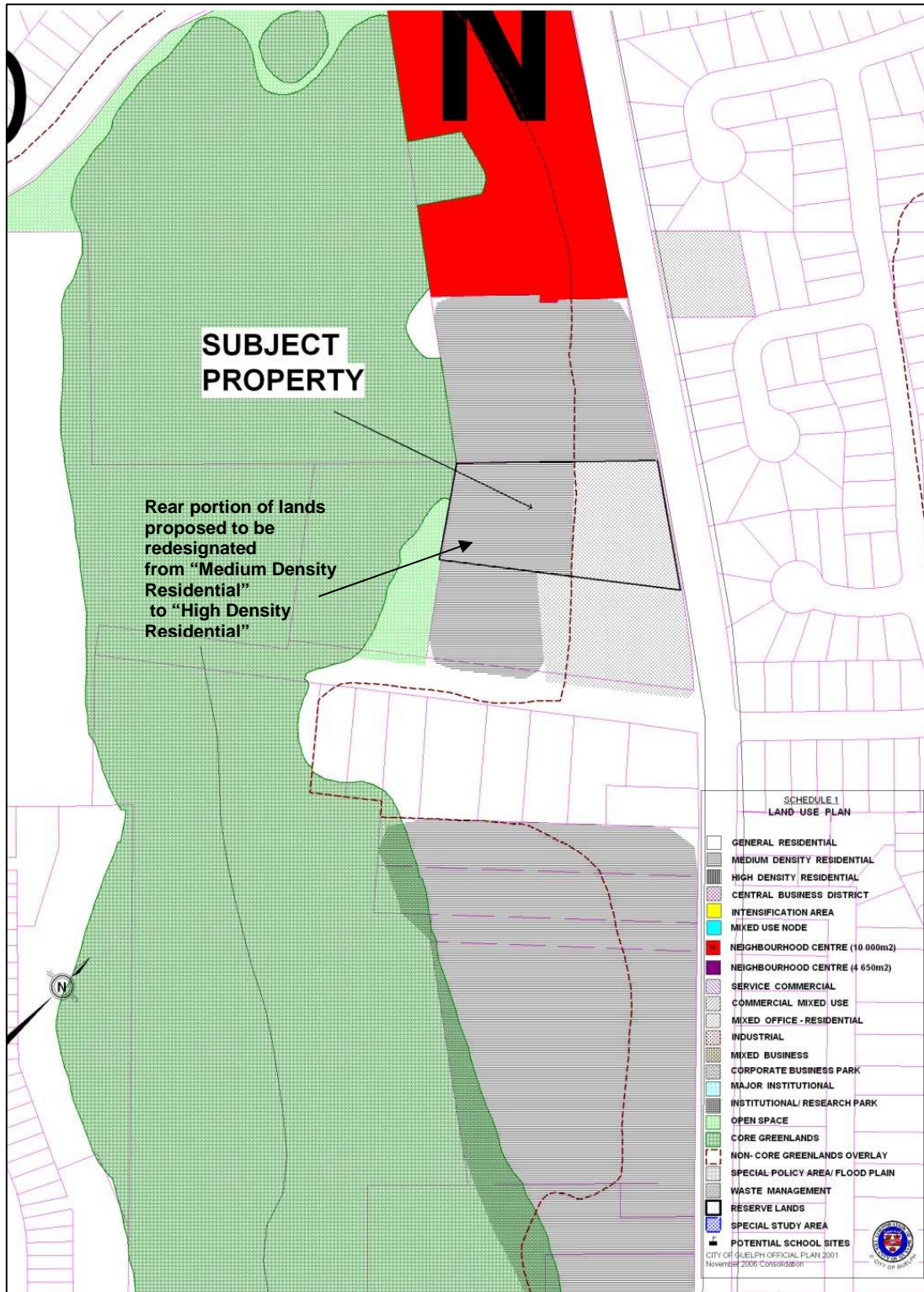
# SCHEDULE 1 Location Map





## SCHEDULE 2

### Existing Official Plan Designations



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## **SCHEDULE 2 (continued)**

### **Proposed Official Plan Amendment**

Amend Schedule 1, Land Use Plan of the Official Plan by changing the land use designation on the rear 0.79 hectare portion of the property municipally known as 1077 Gordon Street, from the current “Medium Density Residential” to “High Density Residential”.



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## **SCHEDULE 2 (continued)**

### **Existing Official Plan Policies**

#### **'Medium Density Residential' Land Use Designation**

7.2.36 The predominant use of land within areas designated as 'Medium Density Residential' on Schedule 1 shall be for *multiple unit residential buildings*, such as townhouses, row dwellings and walk-up apartments. It is not intended that housing forms such as *single detached* or *semi-detached* units shall be permitted. Residential care facilities and *lodging houses* may be permitted by the provisions of this Plan.

a) Within the Medium Density Residential designation at the northeast side of the intersection of York Road and Wyndham Street South, detached and semi-detached housing forms are permitted with frontage onto York Road, Wyndham Street South and Richardson Street provided that the overall density of development within the Medium Density Residential designation in this location complies with Section 7.2.38.

7.2.37 The 'Medium Density Residential' designation has been outlined on Schedule 1 in instances where there is a clear planning intent to provide for the following:

- a) Medium density housing forms in new growth areas to assist in providing opportunities for *affordable housing*;
- b) Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network;
- c) A variety of housing types and forms to be situated throughout all areas of the community; and
- d) Supportive of urban form objectives and policies to establishing or maintaining mixed-use nodes.

7.2.38 The *net density of development* shall be a minimum of 20 units per hectare (8 units/acre) and a maximum of 100 units per hectare (40 units/acre), except as provided for in policy 7.2.10.

7.2.39 Medium density residential *development* proposals shall generally comply with criteria established for *multiple unit residential buildings* in policy 7.2.7 of this Plan, and shall be regulated by the *Zoning By-law*.

7.2.40 In addition to being permitted on land designated 'Medium Density Residential', multiple unit residential buildings may be permitted without an amendment to this Plan on land designated 'General Residential' where such proposals generally comply with the criteria in policy 7.2.7.

#### **'High Density Residential' Land Use Designation**

7.2.41 The predominant use of land within areas designated as 'High Density Residential' on Schedule 1 shall be for *multiple unit residential buildings*, generally in the form of apartments.

7.2.42 The 'High Density Residential' designation has been outlined on Schedule 1 in instances where there is a clear planning intent to provide for the following:

- a) High density housing forms in new growth areas to assist in providing opportunities for *affordable housing*;

- 
- b) Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network;
  - c) A variety of housing types and forms to be situated throughout all areas of the community; and
  - d) Supportive of urban form objectives and policies to establishing or maintaining mixed-use nodes.

7.2.43 The *net density of development* shall not occur at less than 100 units per hectare (40 units/acre) and shall not exceed 150 units per hectare (61 units/acre), except as provided for in policy 7.2.10.

7.2.44 High density residential *development* proposals shall comply with the development criteria established for *multiple unit residential buildings* as outlined in policies 7.2.7 and 7.2.45 and shall be regulated by the *Zoning By-law*.

7.2.45 The establishment of a new high density residential use, not within a 'High Density Residential' designation on Schedule 1, will require an amendment to this Plan. When considering such amendments to this Plan, the criteria of policy 7.2.7 will be considered, as well as the following:

- a) That the proposal is located in proximity to major employment, commercial and institutional activities; and
- b) That the proposal is located on an arterial or collector road.

7.2.46 Within the "High Density Residential" designation on the University of Guelph lands on the east side of Edinburgh Road South, development will comply to special standards established in the Zoning Bylaw to recognize this area as an integrated housing complex comprised of individual apartment buildings on separate parcels.

a) In spite of the maximum density provisions of Policy 7.2.43, net density of residential development on the lands known municipally as 400, 420 and 430 Edinburgh Road South shall not occur at a density of less than 73 units per hectare and shall not exceed 150 units per hectare.

## **7.6 Mixed Office-Residential**

### **Objectives**

- a) To outline areas where concentrations of office uses may locate in the low density residential areas of the City.
- b) To encourage intensification of these well-defined areas, primarily for small scale office and residential activities.
- c) To promote the continued use and intensification of defined business land use areas within the St.Patrick's Ward neighbourhood (Area 2 on Schedule 5).

### **General Policies**

7.6.1 This Plan promotes the concentration of small scale office uses, personal service uses and residential activities within the 'Mixed Office-Residential' designation of Schedule 1. These uses may be found in the same building or be free standing.

7.6.2 The retention and *intensification* of existing residential buildings within this designation will be encouraged in a manner that is compatible with the existing character of the streetscape.

7.6.3 The maximum *net density* for residential development within this designation shall be 100 units per hectare. *Multiple unit residential developments* will be required to meet the criteria of policy 7.2.7 to promote compatibility and design sensitivity to the existing built character of the mixed use area.

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7.6.4 The implementing *Zoning By-law* will recognize existing uses. New mixed use or single use office/personal service activities may be permitted, subject to an amendment to the *Zoning By-law*. The following criteria will be used to assess the merits of a *development* proposal:

- a) Building, property and ancillary structure design to be compatible with surrounding properties in terms of form, massing, appearance and orientation;
- b) Adequate parking, loading and access are provided, and
- c) Adequate municipal services are available.

7.6.5 Complementary uses, as outlined in policy 7.2.26 of this Plan, may be permitted to locate within a 'Mixed Office-Residential' designation provided that:

- a) The proposed complementary use does not interfere with the overall form, function and development of the specific 'Mixed Use' area; and
- b) The criteria for the complementary use as specified in policy 7.2.27 can be met.

7.6.6 Lands designated Mixed-Office Residential within the St. Patrick's Ward neighbourhood (Area 2 on Schedule 5) will permit an expanded range of business land uses that are defined in the implementing *Zoning By-law*. New light industrial uses will be permitted on lands with the appropriate industrial zoning. Zoning amendment proposals to introduce new light industrial uses shall meet the following evaluation criteria:

- a) A land use compatibility analysis where industrial and sensitive uses are proposed in proximity to one another in accordance with subsection 7.7.7 of this Plan.
- b) Vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections. The property shall be able to accommodate the required vehicular access, circulation, off-street parking and off-street loading facilities without impacting surrounding sensitive (residential, institutional and park) land uses. Intensive industrial land uses will be directed to industrial parks.

7.6.7 Lands designated Mixed-Office Residential within the St. Patrick's Ward neighbourhood (Area 2 on Schedule 5) will permit a range of freestanding residential, institutional or park land uses subject to meeting the following land use compatibility and property decommissioning criteria:

- a) Noise, vibration and safety requirements of the Canadian National Railway and Guelph Junction Railway, as outlined in subsection 8.2.31 of this Plan, can be satisfied by the proposal, where applicable.
- b) A land use compatibility analysis where industrial and sensitive uses are proposed in proximity to one another in accordance with subsection 7.7.7 of this Plan.
- c) The property has been cleaned-up or decommissioned to the Provincial standard appropriate for the land use proposed and in accordance with subsection 5.6 of this Plan.

7.6.8 This Plan promotes the improvement of the overall image of the St. Patrick's Ward neighbourhood (Area 2 on Schedule 5) by pursuing the following actions on lands designated Mixed-Office Residential:

- a) Streetscape improvements will be implemented in accordance with policies 3.6.24 to 3.6.28 of this Plan.
- b) New development proposals will be required to satisfy the urban design policies outlined in Section 3.6 and, in particular, policies 3.6.19 and 3.6.20 of this Plan.
- c) Site plan control will be required on all development approvals. Conditions will be imposed requiring landscaped buffers, screening of outdoor storage, parking, loading and refuse areas. Increased set-backs and buffering measures will be required where business land uses are adjacent to existing residential uses.

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7.6.9 Notwithstanding Policy 7.6.1, office or professional uses to a maximum size of 1900 square metres gross floor area shall be permitted on the property known municipally as 1077 Gordon Street.

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## **SCHEDULE 2 (continued)**

### **Official Plan Amendment Review Criteria**

#### **9.3 Official Plan Amendments**

9.3.1 It is the policy of Council that any provision of this Plan may be amended pursuant to the requirements of the Planning Act.

9.3.2 When considering an application to amend the Official Plan, Council shall consider the following matters:

- a) The conformity of the proposal to the goals and objectives of this Plan;
- b) Suitability of the site or area for the proposed use, especially in relation to other sites or areas of the City;
- c) Compatibility of the proposed use with adjacent land use designations;
- d) The need for the proposed use, in light of projected population and employment targets;
- e) The market feasibility of the proposed use;
- f) The extent to which the existing areas of the City designated for the proposed use are developed or are available for development;
- g) The impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment; and
- h) The financial implications of the proposed development.

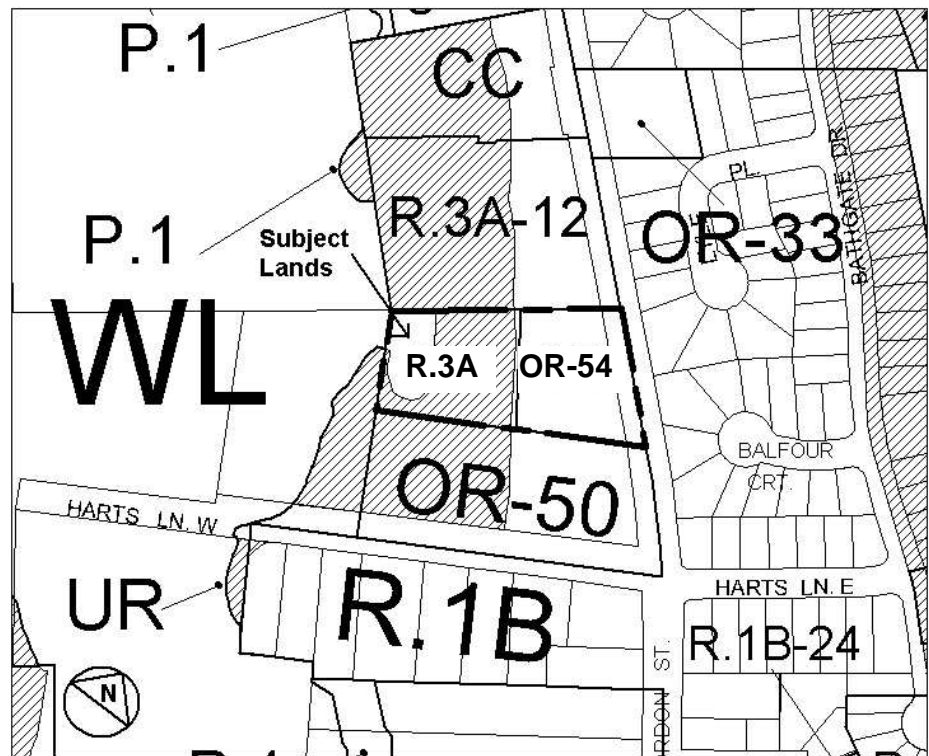
9.3.3 Council shall provide information regarding a proposed amendment to the Official Plan to such boards, commissions, agencies and the public that may have an interest in it. Prior to approving a proposed amendment, Council shall afford such organizations and the public an opportunity to submit comments.

9.3.4 Council shall, prior to approving an amendment to this Plan, provide information and hold a public meeting for the purposes of obtaining public input concerning the proposal, subject to the provisions of the Planning Act.

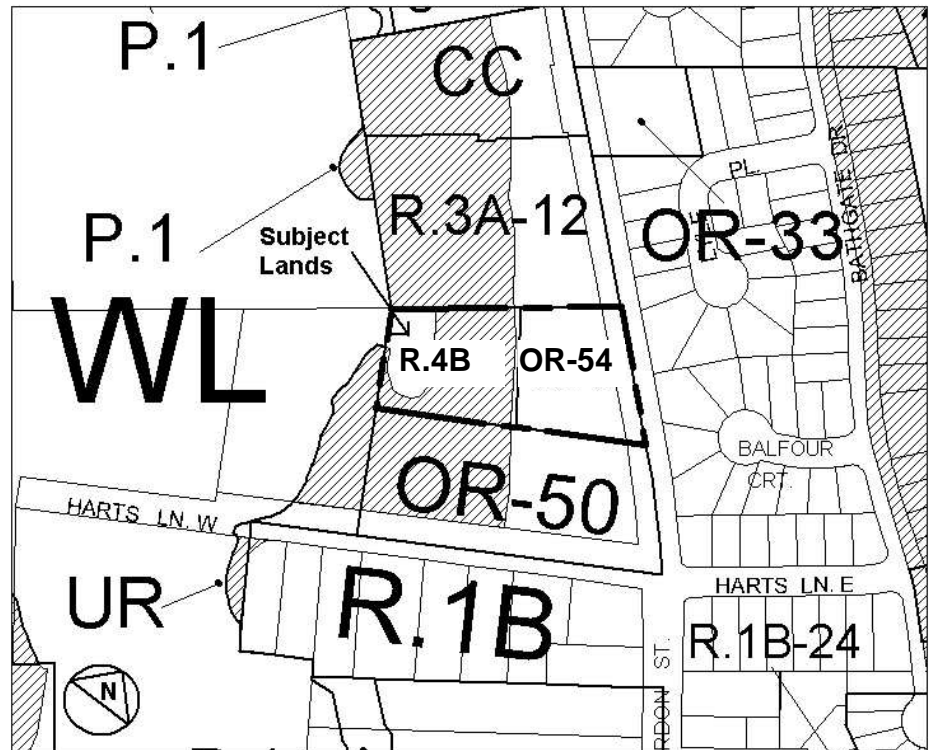
### SCHEDULE 3

#### Existing and Proposed Zoning and Details

##### EXISTING ZONING



##### PROPOSED ZONING



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## **SCHEDULE 3 (continued)**

### **Existing Zoning Details**

#### **Specialized OR-54 (Office-Residential) Zone**

1077 Gordon Street (easterly 4344 square metre portion of property)  
As shown on Defined Area Map Number 32 of Schedule "A" of the **Bylaw**.

#### **Permitted Uses**

- Accessory Apartment in accordance with Section 4.15.1
- Artisan Studio
- Bed and Breakfast establishment in accordance with Section 4.27
- Day Care Centre in accordance with Section 4.26
- Accessory Uses in accordance with Section 4.23
- Dwelling Units with permitted commercial Uses in the same Building in accordance with Section 4.15.2
- Duplex Dwelling
- Group Home in accordance with Section 4.25
- Home for the Aged or rest home developed in accordance with R.4D Zone Regulations
- Home Occupations in accordance with Section 4.19
- Occasional Uses in accordance with Section 4.21
- Medical Office
- Office
- Personal Service Establishment
- School
- Semi-Detached Dwelling
- Single Detached Dwelling
- Tourist Home

#### **Regulations**

In accordance with Section 6.5.2 of Zoning By-law (1995) – 14864, as amended, with the following exception:

- Maximum Gross Floor Area for Office Use 1900 square metres.

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#### **R.3A – Cluster Townhouse Zone (Permitted Uses)**

- Maisonette dwelling
- Stacked Townhouse
- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

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## **SCHEDULE 3 (continued)**

### **Proposed Zoning Details**

#### **New Specialized OR-54 (Office-Residential) Zone Proposed**

1077 Gordon Street (easterly 4344 square metre portion of property)

As shown on Defined Area Map Number 32 of Schedule "A" of the **Bylaw**.

#### **Permitted Uses**

- Dwelling Units with permitted commercial Uses in the same Building in accordance with Section 4.15.2
- Apartment Building developed in accordance with 5.4.2 with any of the following uses required at the ground floor level
- Live/Work Unit
- Artisan Studio
- Day Care Centre in accordance with Section 4.26
- Convenience Store
- Pharmacy
- Florist
- Dry Cleaning Outlet
- Medical Office
- Office
- Personal Service Establishment
- Commercial School
- Occasional Uses in accordance with Section 4.21
- Accessory Uses in accordance with Section 4.23

The following definition shall apply:

A "Live/Work Unit" shall mean a dwelling unit, part of which may be used as a business establishment and the dwelling unit is the principal residence of the business operator.

#### **Regulations**

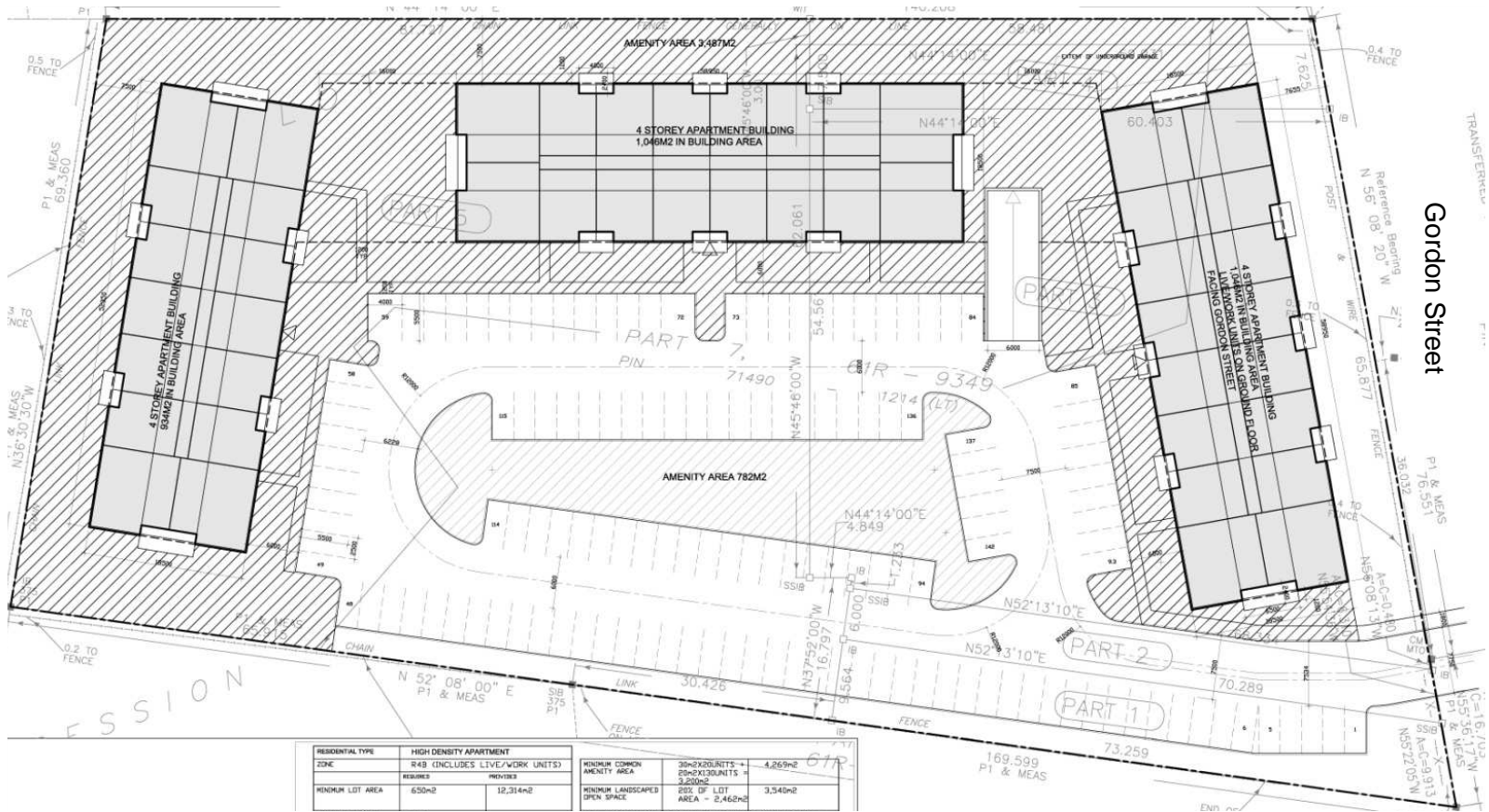
In accordance with Section 6.5.2 of Zoning By-law (1995) – 14864, as amended, with the following exception:

Maximum Gross Floor Area for Office Use

1900 square metres.



# SCHEDULE 4 Proposed Concept Plan



# COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services  
DATE February 7, 2011

**SUBJECT Official Plan Amendment No. 42 - Natural Heritage System  
DRAFT Provincial Decision**

REPORT NUMBER 11-09

## SUMMARY

### Purpose of Report:

To summarize the modifications recommended by the Province and direct staff to make the appropriate changes to OPA No. 42 following receipt of the Ministry of Municipal Affairs and Housing Final Decision.

### Council Action:

To consider the modifications and endorse the Draft Decision provided by the Ministry.

## RECOMMENDATION

"THAT Report 11-09 dated February 07, 2011 from Planning, Engineering and Environmental Services regarding Official Plan Amendment (OPA) No. 42 – Draft Provincial Decision from the Ministry of Municipal Affairs and Housing **BE RECEIVED**; and

THAT Council **ENDORSE** the recommended modifications issued in the Draft Decision by the Ministry of Municipal Affairs and Housing on January 19, 2011 regarding OPA No. 42 adopted by Council July 27, 2010; and

THAT Council **RECOMMEND** that the term *Natural Areas* as currently defined in the Glossary of the Official Plan (2001) be deleted and identified as a Modification to Item 7 in OPA No.42 as part of the Final Decision from the Ministry of Municipal Affairs and Housing; and

THAT staff **BE DIRECTED** to incorporate the Natural Heritage System policies, mapping and associated definitions with modifications within the current Official Plan following receipt of the Ministry's Final Decision."

## BACKGROUND

On July 27, 2010 Council adopted OPA No. 42 – Natural Heritage System policies, mapping and associated definitions. The Natural Heritage System policies replace the current Core and Non-Core Greenlands policies and mapping within the City's Official Plan with the Natural Heritage System that is consistent with the 2005 Provincial Policy Statement (PPS), conforms with the Growth Plan for the Greater Golden Horseshoe, and has regard to matters of provincial interest.

Specifically, Amendment No. 42:

- Replaces existing Natural Heritage Features policies (all of Chapter 6) and Greenlands System Policies (Section 7.13) with Natural Heritage System policies developed through Guelph's Natural Heritage Strategy process;
- Revises existing Official Plan Schedule 1 (Land Use Plan) to incorporate the new Natural Heritage System, removes the Natural Heritage Features from Schedule 2 (Natural Heritage Features and Development Constraints) and renames the schedule accordingly, and adds a new Schedule 10 illustrating the comprehensive Natural Heritage System along with new Schedules 10A, 10B, 10C, 10D, and 10E that illustrate the components of the Natural Heritage System; and
- Modifies the necessary references and definitions throughout the Plan to implement the Natural Heritage System.

Following Council's July 27, 2010 resolution,

"THAT Council **DECLARE** to the Minister of Municipal Affairs and Housing that Official Plan Amendment No. 42 meets the requirements of Section 26 of the Planning Act in that it conforms with the Growth Plan for the Greater Golden Horseshoe, has regard to matters of Provincial interest, and is consistent with the 2005 Provincial Policy Statement",

and pursuant to Sections 17 and 26 of the *Planning Act* the Amendment was forwarded to the Ministry of Municipal Affairs and Housing for review and a decision, as the approval agency. Since the Amendment was forwarded, City staff have corresponded and met with the Ministry on several occasions to review and discuss the Ministry's recommended modifications. The following section provides a brief summary of the Ministry's Draft Decision and recommended modifications.

## REPORT

In January 2011, the City received the Ministry's Draft Decision and recommended modifications which are included in Appendix A of this report. The modifications are generally minor in nature and provide further clarity to the Natural Heritage System policies and associated definitions. Several types of modifications are recommended including: editorial, deletions, insertions and revisions.

### Editorial

The majority of the modifications are editorial in nature to address minor items such as terms that require italics, slight wording amendments, incorporation of appropriate acronyms, etc. For example, the term "*watershed studies*" has been modified to "*watershed plans*" to reflect the Glossary definition in the current Official Plan (2001). The term "native" has been replaced with the term "indigenous" throughout the document and words that are defined in the Glossary section will be appropriately captured in italics.

### Deletions

The Ministry has proposed to delete policy 6.1.3(6) from the General Policies section as it pertains to Natural Areas and insert the same policy within Section 6.1.4.4 which addresses policy interpretation. The policy speaks to the need for a scoped Environmental Impact Study in the event that features or functions have not been adequately identified or new information becomes available. Staff are comfortable with the recommended modification.

The Ministry has requested that Policy 6.1.5.2.3(2) be deleted in its entirety. The policy was originally drafted to address potential habitat of threatened and endangered species within anthropogenic areas of the City. The Ministry has taken the position that the policy is not required and the provisions of the *Endangered Species Act* (2007) would protect the habitats of these species.

### Insertions

The Ministry has suggested that an additional policy be added to the Urban Forest Section 6.1.8.2 (5) which speaks to encouraging the removal of invasive, non-indigenous trees, shrubs and ground-cover such as European Buckthorn without the need for compensation of these species. Staff support the addition of this policy.

The Ministry has recommended that definitions for Environmental Assessment (EA), Feature, Normal Maintenance and Special Concern be added to the Glossary section of the Amendment. City staff concur and have worked with the Ministry to draft these definitions.

### Revisions

Table 6.3 has been revised to increase the width of the adjacent lands analysis for Significant Areas of Natural and Scientific Interest (ANSI), Ecological Linkages, Other Wetlands and Cultural Woodlands to ensure potential impacts of development proposals adjacent to these features are adequately assessed.

Modifications are recommended for the Cultural Woodland, Urban Forest, Plantations and Vegetation Compensation Plan policies to protect non-invasive species within the Urban Forest. These modifications are in keeping with the direction of the draft policies presented in April, 2010 and supports the City's urban forestry target of 40% canopy coverage by 2031.

The Ministry has recommended that the definition of *Significant* be modified to more clearly reflect the Significant Wildlife Habitat definition found in the Ministry of Natural Resources *Significant Wildlife Habitat Technical Guide* (OMNR, 2000).

The City's definition of "Development" has also been slightly modified by the Ministry to provide greater consistency with the PPS.

Minor modifications are recommended to a number other definitions including: Identified Habitat, Minimum Buffer, Paris Galt Moraine, Passive Recreational Activities, Feature, Natural Heritage Features and Areas, and Scoped Environmental Impact Study. These modifications will be incorporated into the Glossary section of the Official Plan.

The recommended modifications provide more consistency and improve clarity of the policies. Staff agree with the proposed modifications.

#### Additional Modification Request – Natural Areas

Through staff and the Ministry's review of OPA No. 42 it has been noted that the term "Natural Areas" defined in the Glossary section of the current Official Plan (2001) does not adequately reflect the term "Natural Areas" used in OPA No.42. "Natural Areas" in OPA No. 42 is used as a designation on Schedule 1: Land Use Plan which consists of Other Wetlands, Cultural Woodlands and Habitat for Significant Species. The existing Official Plan definition does not capture these features and the intent of the associated policies.

With direction from the Province it is staff's recommendation that Council request the definition of "Natural Areas" be deleted from the current Official Plan (2001) and identified as a modification to Item 7 of OPA No. 42.

#### Modifications - Highlighted

The more significant modifications to OPA No. 42 have been highlighted in yellow to facilitate the review of the Ministry's Draft Decision. The highlighting includes modifications 11, 12, 18, 26, 53, 54, 55, 58, 59, 60, 61, 62, 78, 79, 82 and 84.

### **CORPORATE STRATEGIC PLAN**

OPA No. 42 plays a critical role in achieved the following City Strategic Goals:

**Goal 1:** An attractive, well functioning and sustainable city

**Goal 2:** A healthy and safe community where life can be lived to the fullest

**Goal 5:** A community-focused, responsive and accountable government

**Goal 6:** A leader in conservation and resource protection/enhancement

### **FINANCIAL IMPLICATIONS**

There is sufficient funding in the Official Plan Update budget for reproduction of the policies, once approved.

### **DEPARTMENTAL and AGENCY CONSULTATION**

Through the development of OPA No. 42 consultation was conducted with:

Legal Services

Operations (Parklands and Greenways)

Environmental Services (Water Works)

Ministry of Municipal Affairs and Housing

Ministry of Energy and Infrastructure

Ministry of Natural Resources

Ministry of the Environment

First Nations – The Six Nations and Mississaugas of the New Credit.  
Grand River Conservation Authority

## **COMMUNICATIONS**

The development of the Natural Heritage System criteria and policies have involved extensive public engagement from 2004-2010.

## **NEXT STEPS**

Once the Ministry receives Council's motion to endorse the proposal modifications to OPA No. 42 it is likely that the Ministry of Municipal Affairs and Housing will approve the amendment.

Following a 20 day appeal period, if no appeals are received, staff will make the required modifications to the OPA No. 42 as adopted on July 27, 2010 to reflect the Ministry's Final Decision and incorporate the Amendment in to the City's Official Plan.

## **ATTACHMENTS**

**Appendix A** - Ministry of Municipal Affairs and Housing Draft Decision- OPA No. 42  
- January 19, 2011.

### **Prepared By:**

Suzanne Young, M.Sc., RPP  
Environmental Planner  
519-822-1260 ext. 2356  
suzanne.young@guelph.ca

Original Signed by:

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### **Recommended By:**

James N. Riddell  
General Manager of Planning and  
Building Services  
519-837-5616 ext. 2361  
jim.riddell@guelph.ca

Original Signed by:

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### **Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning, Engineering and  
Environmental Services  
519-822-1260 ext. 2237  
janet.laird@guelph.ca

**Appendix A - Ministry of Municipal Affairs and Housing Draft Decision- OPA  
No. 42 – January 19, 2011.**



**Ministry of  
Municipal Affairs  
and Housing**

Municipal Services Office -  
Western

659 Exeter Road, 2<sup>nd</sup> Floor  
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**Ministère des  
Affaires municipales  
et du Logement**

Bureau des services aux municipalités -  
région de l'Ouest

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London ON N6E 1L3  
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Télé. (519) 873-4018

January 19, 2011

Mr. Jim Riddell  
General Manager, Planning  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

Dear: Mr. Riddell,

Re: **Adopted Official Plan Amendment No. 42  
Natural Heritage Policies  
City of Guelph**

As you are aware, the Council adopted Official Plan Amendment No. 42 for the City of Guelph which was circulated by this Ministry to Provincial Ministries for review and comment. The circulation and review of the document has been completed and we are now in a position to proceed to finalize a decision on this Plan pursuant to Section 26 and subsection (17) 34 of the *Planning Act*. However, before a decision is made, we wish to advise you of the modifications so that you may obtain the concurrence of Council in advance of such a decision.

The Official Plan Amendment affords greater protection for natural heritage features and functions and is thorough in its approach. We congratulate the City of Guelph for undertaking this important initiative.

At this time, we would also like to thank your staff for working with us in preparing this draft decision. The opportunities to discuss the rationale for the City's requested editorial changes and to obtain the City's planning staff response to proposed provincial changes has been very beneficial. We certainly appreciate the time and effort that you, Ms. Suzanne Young, Mr. Jason Downham and Ms. Michelle Mercier have expended throughout this Official Plan Amendment review process. We would also like to recognize the time and effort of Ms. Marion Plaunt, former Manager of Policy Planning, City of Guelph. City staff's time and effort have enabled us to understand and come to an agreement on the modifications.

The Provincial review focused primarily on those matters of Provincial interest as they relate to land use planning, as set out in the *Planning Act*, the Provincial Policy Statement, 2005 (PPS) and the Growth Plan for the Greater Golden Horseshoe, 2006 (Growth Plan). In their review of

the Official Plan, Provincial Ministries, including the Ministry of Municipal Affairs and Housing, have considered matters of Provincial interest and have recommended some changes (modifications 8, 31, 36, 41, 12, 24, 25, 74-78, inclusive) to bring the Official Plan Amendment into conformity with the PPS, 2005 and the Growth Plan, where appropriate.

The proposed modifications are attached for Council's consideration. A few of the modifications are to implement the PPS and/or the Growth Plan. Other modifications have been requested by City planning staff for clarification purposes or to add information to enhance the interpretation of the natural heritage Official Plan policies.

We respectfully request that City of Guelph planning staff ask Council to consider the proposed modifications for the Official Plan Amendment at your earliest convenience. We are hopeful that after we receive Council's response, we will be able to recommend approval of the Official Plan Amendment in a timely manner. If you require any clarification, or have any questions, please do not hesitate to give me a call at (519) 873-4695 or by email at: [Dwayne.Evans@ontario.ca](mailto:Dwayne.Evans@ontario.ca)

Yours truly,

Dwayne Evans, M.A., MCIP, RPP  
Planner  
Municipal Services Office – Western

c.c. Tanzeel Merchant, MEI (Toronto)  
Mike Stone, MNR (Guelph)  
Barb Slattery, MOE (Hamilton)  
Nancy Davy, GRCA (Cambridge)

## **DRAFT DECISION**

### **With respect to City of Guelph Official Plan Amendment #42 Subsection 17(34) of the *Planning Act***

I hereby approve Official Plan Amendment 42 to the Official Plan for the City of Guelph, as adopted by By-law (2010)-19057, subject to the following modifications:

1. All references to the words “restoration”, “natural heritage features”, “natural heritage features and areas”; “development”, “site alteration”, “minimum buffers” and “ecological functions” in Official Plan Amendment No. 42 are hereby italicized and the italics on all references to the phrase “restoration areas” are hereby removed. Further, all references to the terms “native” and “non-native” in Official Plan Amendment No. 42 are hereby deleted and replaced with ‘indigenous’.



- 
2. All references to the phrase “Guelph Wellington *Development* Association”, as amended, is hereby modified by removing the italics from the word ‘Development’.
  3. All extra spaces between words and phrases throughout Official Plan Amendment No. 42 are hereby deleted.
  4. The second line of the first paragraph of the subsection titled ‘Natural Heritage Strategy: Phase 2 (2007-2009)’ in Part A is hereby modified by deleting and replacing the term “floodplain” in with ‘flood plains’.
  5. The second line of the second paragraph of the subsection titled ‘Location’ under the subheading ‘Draft Natural Heritage Mapping and Official Plan Policies: Phase 3 (2010)’ in Part A (The Preamble) is hereby modified by inserting the phrase ‘2,’ after the phrase “Schedules 1,”.
  6. The first line of the first paragraph of the subsection titled ‘General Modifications’ under the subheading ‘Summary of Changes to the Official Plan’ in Part A (The Preamble) is hereby modified by deleting and replacing the word “policies” with ‘policies’.
  7. Subsection 6.1.1 (Purpose) is hereby modified as follows:
    - Deleting the phrase “(including established and *minimum buffers*)” in the fourth paragraph and replacing with the phrase ‘(and the established and minimum buffers)’;
    - Removing the italics from the word “and” in subsection 6.1.1 (i); and
    - Removing the italics from the phrase “for permanent protection or” in subsection 6.1.1. (ii).
  8. Subsection 6.1.1 (1) is hereby modified by deleting and replacing the fourth bullet point with ‘*Surface Water Features and Fish Habitat*’.
  9. Subsection 6.1.2 (a) is hereby modified by deleting the second “that” in the first line.
  10. Subsection 6.1.2 (h) is hereby modified by deleting and replacing the word “resources” with ‘features’.
  11. Subsection 6.1.3 (6) is hereby deleted in its entirety and the subsequent subsections re-numbered accordingly.
  12. Subsection 6.1.4 is hereby modified by inserting the following and re-numbering the subsequent subsections accordingly:
    - ‘4. If, through the preparation and review of a *development* application, it is found that important *Natural Heritage features* or functions have not been adequately identified or new information has become available, the applicant may be required by the City to prepare a scoped EIS of the *natural heritage*

*features* and functions in consultation with the City of Guelph, and where appropriate the OMNR and the GRCA. If the *natural heritage features* or *ecological functions* meet the criteria of the NHS, the applicable Natural Heritage policies shall apply.'

13. Subsection 6.1.4 (5), as renumbered, is hereby modified by inserting the word 'heritage' between the words "natural" and "feature" in the second line and italicizing the new phrase "natural heritage feature".
14. Subsection 6.1.4 (6), as renumbered, is hereby modified by inserting the phrase 'and areas' between the words "features" and "or" in the last line.
15. Subsection 6.1.4.1 (3) is hereby modified by deleting and replacing the phrase "studies" in the last line with 'plans'.
16. Subsection 6.1.4.1 (5) is hereby modified by deleting and replacing the phrase "natural feature" in the last line with '*natural heritage features and areas*'.
17. Subsection 6.1.4.1 (7) is hereby modified by deleting and replacing the word "or" with 'including'.
18. Table 6.1, including the notes, is hereby deleted in its entirety and is replaced as follows:

**"Table 6.1 Minimum Buffers and Width of Adjacent Lands to the Significant Natural Areas and Natural Areas**

| <b>Significant Natural Areas</b>  | <b>Width of Minimum Buffers</b>  | <b>Width of Adjacent Lands</b> |
|---|--|--------------------------------|
| <i>Significant Areas of Natural and Scientific Interest (ANSIs)</i>   | To be established through an EIS or EA in consultation with the Ontario Ministry of Natural Resources (OMNR) | 50 m - 120m                    |
| <i>Significant Habitat for Provincially Endangered and Threatened Species</i>   | To be established through an EIS in consultation with OMNR or Recovery Plans where available                 | 120 m                          |
| <i>Significant Wetlands</i><br>i. <i>Provincially Significant Wetlands</i><br>ii. <i>Locally Significant Wetlands</i> | i. 30 m<br>ii. 15 m  | i. 120 m<br>ii. 120 m          |

|   |                                      |                                  |
|---|--------------------------------------|----------------------------------|
|   |                                      |                                  |
| <i>Surface Water and Fish habitat<sup>1</sup></i>   |                                      |                                  |
| i. Cold/cool water <i>fish habitat</i>  | i. 30 m                              | i. 120 m                         |
| ii. Warm water fish habitat, permanent and <i>intermittent streams and undetermined fish habitat</i>                | ii. 15m                              | ii. 120 m                        |
| <i>Significant Woodlands</i>  | 10 m from the drip line              | 50 m                             |
| <i>Significant Valleylands</i>  | To be established by an EIS.         | 50 m                             |
| <i>Significant Landform</i>   | No buffer required                   | 50 m                             |
| <i>Significant Wildlife Habitat</i>   |                                      |                                  |
| i. Deer Wintering Areas and Waterfowl Overwintering Areas   | i. To be established through an EIS. | i. 50 m<br>ii. 50 m<br>iii. 50 m |
| ii. Significant Wildlife Habitat  | ii. No buffer required.              |                                  |
| iii. <i>Ecological Linkages</i>   | iii. No buffer required              |                                  |
| Restoration Areas   | No buffer required                   | No Adjacent Lands                |
| <i>Other Wetlands</i>   | To be established through an EIS.    | 30 m                             |
| <i>Cultural Woodlands</i>   | To be established through an EIS.    | 50 m                             |
| Potential Habitat for Significant Species (excluding provincially <i>Endangered</i> and <i>Threatened Species</i> ) | To be established through an EIS.    | 50 m                             |

19. Subsection 6.1.4.2 (3) is hereby modified by inserting the word ‘function’ between the words “ecological” and “will” in the first sentence and further, this same subsection is hereby modified by deleting the second sentence which reads as follows: “Development or site alteration change the designation of the feature as part of the Natural Heritage System”.

20. Subsection 6.1.4.4 (2) is hereby modified by removing all italics.

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21. Subsection 6.1.4.4 (4) is hereby modified by deleting the phrase “are general” between the words “10A-E” and “and” in the first sentence.
  22. Subsection 6.1.4.4 (5) is hereby modified by deleting and replacing the phrase “Environmental Impact Studies” with the acronym ‘EIS’.
  23. Subsection 6.1.4.4 (6) is hereby modified by inserting a comma after the word “including”.
  24. Subsection 6.1.5.2.2 (1) is hereby modified by deleting and replacing the phrase “that is listed or categorized as an Endangered or Threatened Species on the Ontario Ministry of Natural Resources official Species at Risk List as updated and amended from time to time” with ‘as approved by OMNR’.
  25. Subsection 6.1.5.2.3 (1) is hereby modified by inserting the phrase ‘in accordance with provincial requirements’ after the phrase “Section 6”.
  26. Subsection 6.1.5.2.3 (2) is hereby deleted in its entirety and the subsequent sections re-numbered accordingly.
  27. Subsection 6.1.5.3.1 (c) is hereby modified by deleting and replacing the phrase “i.e.” with “e.g.,”.
  28. Subsections 6.1.5.3.2 (1), 6.1.5.3.2 (2) and 6.1.5.5.2 (3) are hereby modified by deleting and replacing the word “including” with “and”.
  29. Subsections 6.1.5.3.3 (3) and 6.1.6.1.3 (3) (ii) are hereby modified by deleting and replacing the word “functions” with the phrase ‘ecological function’.
  30. Subsection 6.1.5.3.3 (4) (ii) is hereby modified by deleting and replacing the phrase “*provincially significant wetland*” with the acronym ‘PSW’ and further, this same subsection is hereby modified by deleting and replacing the phrase “*locally significant wetland*” with the acronym ‘LSW’.
  31. The title of subsection 6.1.5.4 is hereby modified by inserting the word ‘Features’ between the words ‘Water’ and ‘and’.
  32. Subsections 6.1.5.4.2 (1), 6.1.5.4.2 (2) and 6.1.5.4.2 (3) are hereby modified by deleting and replacing “GRCA” with “OMNR/GRCA” and further, this same subsection is hereby modified by deleting and replacing the word “including” with ‘and’.
  33. Subsection 6.1.5.4.3 (3) is hereby modified as follows:
    - Inserting the acronym ‘DFO’ after the phrase “the Department of Fisheries and Oceans” in the third line;

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- Deleting and replacing the phrase “Fisheries and Oceans Canada” in subsection 6.1.5.4.3 (3) (iii) with the acronym ‘DFO’; and
  - Deleting and replacing the phrase “Department of Fisheries and Oceans (DFO)” in subsection 6.1.5.4.3 (3) (iii) with the acronym ‘DFO’.
34. Subsections 6.1.5.4.3 (5) and 6.1.8.1 (d) are hereby deleted in their entirety and the subsequent sections renumbered accordingly.
  35. Subsection 6.1.5.4.3 (5), as renumbered, is hereby modified by deleting the phrase “warm water”.
  36. Subsection 6.1.5.4.3 (6), as renumbered, is hereby modified by deleting the phrase “a surface water” and replacing with ‘*surface water features*’.
  37. Subsection 6.1.5.4.3 (7), as renumbered, is hereby modified by inserting the phrase “shall be encouraged and supported” after the word “habitat”.
  38. Subsection 6.1.5.5.2 (1) is hereby deleted in its entirety and replaced as follows:

‘1. *Woodlands* (not identified as *cultural woodlands or plantations*) of 1 ha or greater in size, and a 10 m *minimum buffer*’.
  39. Subsection 6.1.5.5.2 (2) is hereby modified by deleting and replacing the phrase “, (FOD5), including” with ‘and’.
  40. Subsection 6.1.5.5.3 (4) (ii) is hereby modified by removing all italics.
  41. Subsection 6.1.5.6.3 (2) (i) is hereby modified by inserting the word ‘*normal*’ before the word “maintenance”.
  42. Subsection 6.1.5.6.3 (2) (iv) is hereby modified by deleting and replacing the word “facilities” with ‘systems’.
  43. Subsections 6.1.5.6.3 (2) (v) and 6.1.5.7.1 (a) (i) are hereby modified by inserting the word ‘*features*’ after the phrase “surface water”.
  44. Subsection 6.1.5.7.1 (a) is hereby modified by italicizing the word “significant”.
  45. Subsection 6.1.5.7.1 (b) is hereby modified by inserting the phrase ‘protect vulnerable surface water and ground water resources,’ after the word “To”.
  46. Subsection 6.1.5.7.3 (1) is hereby modified by inserting the word ‘the’ between the word “within” and “*Significant*”.
  47. Subsection 6.1.5.8.3 (11) is hereby modified by deleting and replacing the word “study” with ‘plan’ and further, subsection 6.1.5.8.3 (11) (iv) is hereby modified by deleting and replacing “widthof” with ‘width of’.

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48. Subsection 6.1.5.9 is hereby modified by deleting and replacing the word “were” and ‘where’.
49. Subsection 6.1.5.9.3 (3) is hereby modified by inserting the word ‘*normal*’ between the word ‘their’ and ‘maintenance’ in the second line and delete the second period.
50. Subsections 6.1.6.1.3 (1) (vi) and 6.1.6.3.2 (4) are hereby modified by inserting the phrase ‘(Dougan & Associates, Guelph Natural Heritage Strategy, March, 2009)’ after the phrase “Wellington County”.
51. Subsection 6.1.6.1.3 (3) (i) is hereby modified by inserting the phrase ‘from the limits of the *feature*’ after the phrase “15 m” and further, the italics is removed from the word “buffers”.
52. Subsection 6.1.6.1.3 (5) (i) is hereby modified by inserting the phrase ‘or integral to the scientific, educational or passive recreational use of the property’ after the word “system”.
53. Subsection 6.1.6.2.1 (c) is hereby modified by deleting and replacing the word “indigenous” with ‘non-invasive’.
54. Subsections 6.1.6.2.3 (3) to 6.1.2.3 (5), inclusive are hereby deleted in their entirety and replaced as follows:
- 6.1.6.2.3.3 ‘Healthy non-invasive trees in *Cultural Woodlands* should be protected to the fullest extent possible.
- 6.1.6.2.3.4 Buffers to *Cultural Woodlands* or portions thereof, that meet the criteria for *Significant Natural Areas* will be determined through an EIS or EA, to the satisfaction of the City.
- 6.1.6.2.3.5 Storm water management facilities and structures may be permitted in the established buffers to *Cultural Woodlands* that meet the criteria for *Significant Natural Areas* where it has been demonstrated through an EIS or EA, to the satisfaction of the City that there will be no *negative impacts* to healthy non-invasive vegetation within the woodland.’
55. Subsection 6.1.6.2.3 (7) is hereby deleted in its entirety and replaced as follows:
- ‘7. A *Vegetation Compensation Plan* shall be required for the replacement of all healthy, non-invasive trees measuring over 10 cm dbh, that are proposed to be removed. The *Vegetation Compensation Plan* requirements are addressed under the Urban Forest provisions of this Plan’.
56. Subsection 6.1.6.3 (2) is hereby modified by removing and deleting all footnotes.

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57. Subsection 6.1.6.3.2 (3) is hereby modified by deleting and replacing the acronym 'OMNR' with 'NHIC'.
58. Subsection 6.1.8 is hereby modified deleting the phrase "that development may provide opportunities for enhancement and restoration of portions of these features, and/or integration of mature and healthy native trees within the proposed development" at the bottom of the third paragraph and replacing with 'that new *development* may provide opportunities for enhancement and *restoration* of portions of these *features*, and/or retention of mature and healthy non-invasive indigenous trees as part of the proposed *development* or *site alteration*'.
59. Subsection 6.1.8.2 (1) is hereby modified by deleting in its entirety and replaced as follows:
- '1. Healthy non-invasive trees within the *urban forest* shall be encouraged to be retained and integrated into proposed *development*. Where these trees cannot be retained, they will be subject to the *Vegetation Compensation Plan* addressed in Policy 6.1.9.'
60. Subsection 6.1.8 (2) is hereby modified deleted in its entirety and replaced as follows:
- '2. Where the City is undertaking infrastructure work, healthy and non-invasive trees within the urban forest will be retained to the fullest extent possible. Where trees are required to be removed, relocation or replacement plantings will be provided by the City.'
61. Subsection 6.1.8.2 is hereby modified by the addition of the following subsection:
- '5. Invasive, non-indigenous trees, shrubs and ground covers, such as European buckthorn, will be encouraged to be eradicated without the need for compensation through the *Vegetation Compensation Plan*.'
62. Subsection 6.1.8.2.1 (3) is hereby deleted in its entirety and replaced as follows:
- '3. A Vegetation Compensation Plan shall be required for the replacement of all healthy non-invasive trees measuring over 10 cm dbh, proposed to be removed.'
63. Subsection 6.1.9 (4) is hereby modified by deleting and replacing the phrase "the development or site plan application" with 'any *development* or *site alteration*'.
64. Subsection 6.1.9 (5) is hereby modified by inserting the phrase 'will be' between the word "vegetation" and "required".
65. Subsection 6.1.10.2.1 (2) is hereby deleted in its entirety and replaced as follows:

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‘2. Plantings on municipal properties shall be indigenous species where feasible and appropriate, except where harsh environmental conditions would limit their survival.’

66. Subsection 6.1.10.2.1 (4) is hereby modified by inserting the phrase ‘and *site alteration*’ between the words “development” and “applications”.

67. Subsection 6.1.10.2.3 (3) is hereby modified by deleting the first sentence in its entirety and replaced as followed:

‘3. Opportunities for plant rescue activities for plants, other than those identified for habitat protection in accordance with the *Significant* Natural Area and Natural Area policies will be encouraged’.

68. Subsections 6.2.1, 6.2.2 and 6.2.3 are hereby modified as follows:

- Deleting and replacing all references to the phrases “Environmental Impact Studies” and “Environmental Impact Study” with the acronym ‘EIS’;
- Deleting and replacing all references to the phrase “Environmental Assessments” and “Environmental Assessment” with the acronym ‘EA’;
- Deleting the second “(EIS)” in the first line of subsection 6.2.1 (a); and
- Deleting the phrase “EA (EA)”, as modified, in the first line of subsection 6.2.1 (a) and replacing with ‘EAs’.

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69. Subsection 6.2.1 (b) is hereby modified by deleting and replacing the phrase “To ensure that *development* or *site alteration* does not negatively impact, in the short term or long term the Natural Heritage System” with ‘To ensure that *development* or *site alteration* does not result in negative impacts, in the short term or long term to the NHS’.

70. Subsection 6.2.2 (7) is hereby modified by deleting and replacing the phrase “Environmental Implementation Report has been reviewed and approved by the City, in consultation with the Environmental Advisory Committee, and where applicable the Grand River Conservation Authority, and a ministry of the Province” with ‘Environmental Implementation Report (EIR) has been reviewed and approved by the City, in consultation with the Environmental Advisory Committee, and where applicable the GRCA and a provincial ministry or agency’.

71. Subsections 6.2.2 (9) to 6.2.2 (13), inclusive, are hereby deleted in their entirety and replaced as follows:

‘9. Environmental studies include:

- i) EIS;
- ii) EIR;
- iii) Environmental Assessment; and
- iv) Detailed EIS completed in conjunction with Secondary Plans.



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10. An EIS and EIR shall be carried out by professional(s) qualified in the field of environmental and hydrological sciences and shall be acceptable to the City, in consultation with the City's Environmental Advisory Committee, the GRCA and provincial ministry or agency, as applicable.

11. Prior to commencement of the study, terms of reference, acceptable to the City, shall be prepared in consultation with the Environmental Advisory Committee, GRCA, and provincial ministry or agency, as applicable.

12. EIS and EIRs shall be completed in accordance with Guidelines prepared by the City, as updated from time to time and approved by the City.

13. Additional studies may be required to be submitted in conjunction with an EIS and/or EIR as determined by the City and in accordance with the complete application provisions of this Plan.'

72. The title of subsection 6.2.3, as modified, is hereby deleted and replaced with 'Environmental Impact Studies (EIS'.

73. Subsection 6.2.3 (1) (iv) is hereby modified by deleting and replacing the phrase "*Natural Heritage System*" with 'a description of the NHS'.

74. Subsection 6.2.3 (1) (xi) is hereby modified as follows:

- Inserting the word 'City's' between the words "the" and "Environmental" in second line;
- Inserting the word 'provincial' between the words "any" and "ministry" in the second line; and
- Removing the italics from the word "or" in the last line.

75. Subsection 6.2.5.1 (ii) is hereby modified by deleting the phrase "and indigenous shrubs". Further, subsection 6.2.5 (1) (iii) is hereby deleted in its entirety and the subsequent subsections re-numbered accordingly.

76. Item 4 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "no development" in the first line of Subsection 5.2.3. Further, Item 4 of Official Plan Amendment No. 42 is hereby modified by deleting and replacing subsection 7.14.2 with:

'7.14.2 The floodways of the Speed and Eramosa Rivers are defined as a component of the NHS. The following policies are applicable to the floodway:'

77. Item 5 of Official Plan Amendment No. 42 is hereby modified by deleting the following definitions in their entirety: 'Adjacent lands'; Development Interference Regulation'; and 'Locally Significant Wetlands'.

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78. Item 5 of Official Plan Amendment No. 42 is hereby modified by inserting the following definitions in alphabetical order:

**‘Environmental Assessment (EA)** means a planning process to determine the potential impacts of an infrastructure project as determined by the Environmental Assessment Act.

**Feature** (See Natural Heritage Feature and Areas definition).

**Normal Maintenance** means activities undertaken in conjunction with public and private infrastructure including energy, communication, waste water, roads, railways, trails, water supply and storage, water management and storm water management to ensure regular operation parameters and public safety in accordance with the associated guidelines, regulations and maintenance policies, procedures and risk mitigation strategies for the infrastructure.

**Special Concern** means sensitive to human activities or natural events which may cause it to become endangered or threatened species.’

79. Item 5 of Official Plan Amendment No. 42 is hereby modified by amending the definitions for: Identified Habitat; Minimum Buffer; Paris Galt Moraine; and Passive Recreational Areas to read as follows:

**‘Identified Habitat** means habitat identified through an EIS, EA or similar study in accordance with the Significant Wildlife Technical Guide (OMNR, 2000), as may be amended from time to time.

**Minimum Buffer** means the *minimum buffers* identified on Table 10.1 of this Plan.

**Paris Galt Moraine** means the geomorphic feature referred to as the Paris Galt Moraine Complex which is a 6.4 to 8 km wide belt that extends over most of the City’s south end (south of Clair Road) and occurs in a few more isolated patches in the central portion of the City. The Paris and Galt Moraines were both deposited by the Ontario ice lobe during the Port Bruce Stadial (15,000-14,000 yr. B.P.)

**Passive Recreational Activities** means a range of outdoor activities and passive uses compatible with protecting the *Natural Heritage features* including, but not limited to, wildlife habitat, wetlands and woodlands. Activities and uses include bird watching, hiking, photography, snowshoeing, and may require the construction of a trail, benches or boardwalks in accordance with the Guelph Trail Master Plan or are integral to the scientific, educational or passive recreational use of a property.’

80. Item 5 of Official Plan Amendment No. 42 is hereby modified by deleting and replacing the word “Imperilled” in the **S-Ranks or Provincial Ranks** definition with ‘imperiled’. Further, this same definition is hereby modified by deleting the phrase “Natural Heritage Information Centre” and removing the brackets from “(NHIC)”.

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81. Item 6 of Official Plan Amendment No. 42 is hereby modified by inserting the following in alphabetical order:

‘DFO            Department of Fisheries and Ocean’

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82. Item 7 of Official Plan Amendment No. 42 is hereby modified by deleting and replacing the definition for **Development** with:

**‘Development means:**

- (a) The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act; and
- (b) site alteration activities such as fill, grading and excavation that would change the landform and natural vegetative characteristics of a site.

Development does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the *Drainage Act*.

In spite of the above definition, for the Special Policy Area Flood Plain of this Plan, development means the construction, erection or placing of one or more buildings or structures on lands, or an addition or alteration to a building or structure which adds more than 50% of the existing ground floor area to the building or structure.’

83. Item 7 of Official Plan Amendment No. 42 is hereby modified by deleting subsection iv) of the **Negative Impacts** definition in its entirety.
84. Item 7 of Official Plan Amendment No. 42 is hereby modified by deleting the **Natural Heritage Features**, **Scoped Environmental Impact Study** and **Significant** definitions in their entirety and are replaced as follows:

**Natural Heritage Features and Areas** means features and areas, including significant wetlands and other wetland, significant habitats of endangered and threatened species, significant Areas of Natural and Scientific Interest, surface water and fish habitat, significant woodlands, significant landform, significant valleylands, ecological linkages and significant wildlife habitat, habitat of significant species and cultural woodlands as defined by the criteria for designation within the NHS.

**‘Scoped Environmental Impact Study** means the form of study used in the context of assessing impact on *natural heritage features and areas* where *development* within or adjacent to a natural heritage feature is contemplated and a comprehensive study (EIS/EA/Subwatershed Plan) has been completed. In this instance an area or site specific study that addresses the issues of particular concern not previously addressed in sufficient detail in the comprehensive studies will be examined for the site specific *development* proposal.’

**‘Significant** means:

- i) in regard to the habitat of provincially endangered species and threatened species, means the habitat, as approved by the OMNR, that is necessary

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- for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupies by the species during all of any part(s) of its life cycle;
- ii) in regard to the habitat of significant species that are not provincially endangered or threatened species, means the habitat that is necessary for the maintenance or survival of naturally occurring populations, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
  - iii) in regard to landform, means the portions of the Paris Galt Moraine containing concentrations of 20% slopes, and closed depressions located in close proximity to other Significant Natural Areas of the NHS;
  - iv) In regard to *natural heritage features or areas* meeting the criteria for one or more of the following NHS components:
    - a. Areas of Natural and Scientific Interest (Earth and Life Science)
    - b. Habitat for Endangered and Threatened Species
    - c. Significant Wetlands
    - d. Surface Water Features and Fish Habitat
    - e. Significant Woodlands
    - f. Significant Valleylands
    - g. Significant Landform
    - h. Significant Wildlife habitat (including Ecological Linkages);
  - v) in regard to *wetlands* means:
    - a. provincially significant wetlands as identified by the OMNR and determined to be provincially significant according to the *Ontario Wetland Evaluation System*; and
    - b. *locally significant wetlands* being (a) evaluated wetlands of at least 2 ha which are not considered to be provincially significant but are considered locally significant, or (b) unevaluated wetlands of at least 0.5 ha and less than 2 ha also considered locally significant;
  - vi) in regard to wildlife habitat (including Ecological Linkages) means areas that are ecologically important in terms of features, functions, representation or amount where plants and animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations contributing to the quality and diversity of the natural heritage system. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non migratory species;
  - vii) in regard to *woodlands* means *woodlands* that are ecologically important in terms of features such as species composition, age of trees and stand

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history, functionally important due its contribution to the broader landscape because of its location, size or due to the amount of remaining forest cover in the City;

- viii) in regard to valleylands means a *natural heritage feature or area* that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year. This includes regulatory flood plains/riverine flooding hazards, riverine erosion hazards and apparent/other valleylands ecologically important in terms of features, functions, representativeness, or amount, and contributing to the quality and diversity of an identifiable area or NHS;
- ix) in regard to vegetation types means vegetation types ranked as S, S2 or S3 by the NHIC of Ontario, as well as those determined through analysis to be uncommon or representative with the County of Wellington or City but not already captured as *significant wetlands* or *significant woodlands*.

85. Item 7 of Official Plan Amendment No. 42 is hereby modified by inserting the word 'areas' after the word "treed" in the first line of the **Woodlands** definition. Further, this same definition of Item 7 of Official Plan Amendment No. 42 is hereby modified by replacing the word "significant" in the last line with 'significance' and subsection ii) is also modified by replacing "12" with '5'.

86. Item 8 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "Locally Significant".

87. Item 10 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "and development constraints" in the first sentence and further, Item 10 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "Schedule 10F: Development Constraints".

Dated at London this            day of            , 2011

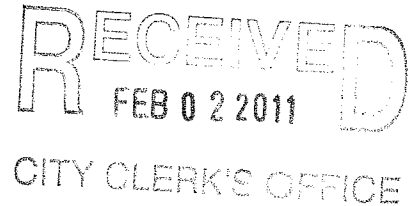
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Micheline Riopelle  
Director, Municipal Services Office-Western Region  
Ministry of Municipal Affairs and Housing

City of Guelph

Planning, Engineering and Environmental Services

Re: Proposed Zoning By-Law Amendment: 115 Fleming Road



City Council,

This letter is in response to the proposed re-zoning of 115 Fleming Road from Urban Reserve Zone to Cluster Townhouse Zone and On-Street Townhouse Zone. This would be an injustice to the residents within the area, and hypocritical of City Council to re-zone this land. Guelph has always prided itself as being different from the other cities around them, Kitchener, Cambridge, Milton, and Waterloo. The "Royal City" has been built and managed to accommodate and respect the environment. This can be seen throughout the city with parks for children to play in, open fields where animals and plants can thrive, and old mature trees providing shade on a hot day and providing fresh oxygen for everyone. Written on the homepage of the City of Guelph is:

"Guelph is ranked among the top ten places to live in Canada ... Guelph is rich in culture, architecture, parks and riverside green spaces."

Guelph would not be ranked among the top ten places to live in Canada because of cluster townhouses or on-street townhouses. If you want to find that, head south to Milton, where they have congested their city with townhouses and a Toronto mentality of "community". Guelph remains strong because people still have a sense of community and respect for each other and their surroundings. Continue along the path of selling off land to the highest bidder and we will be no different than the rest. We will lose what no amount of money can provide – the character of the City of Guelph. This is not some intangible thing; this is a reflection of every person who lives within the City and a direct reflection of the City Council and its members.

I moved to Guelph in 2000 from Owen Sound, Ontario where there is a sense of community and where people can see nature and interact with it on a daily basis. I moved here because Guelph was just like that. This area was zoned as Urban Reserve for a reason, so remember those reasons and follow the ethics and morals that have built the City of Guelph to what it is today.

Thank you,

Brad & Erin England



**55 Yarmouth Street, Guelph**

ASTRID J. CLOS

PLANNING CONSULTANTS



- # 55 Yarmouth Street, Guelph



## Guelph Vacancy Rates from CMHC Rental Reports

|         |      |      |
|---------|------|------|
| April   | 2009 | 3.7% |
| October | 2009 | 4.1% |
| April   | 2010 | 4.6% |
| October | 2010 | 3.4% |

Average Vacancy Rate 4%

Healthy Vacancy Rate 3%

**55 Yarmouth Street, Guelph**

ASTRID J. CLOS

PLANNING CONSULTANTS

## Guelph Affordable Housing Discussion Paper - October 2009

- **AFFORDABLE RENT** **\$833**
  - **AVERAGE RENT** **\$887**
  - **YARMOUTH RENT** **\$1,000**
- 
- **AFFORDABLE OWNERSHIP** **\$237,000**
  - **YARMOUTH** **\$180,000 - \$237,000**

**55 Yarmouth Street, Guelph**

ASTRID J. CLOS

PLANNING CONSULTANTS

The CMHC Spring 2010 Rental Market Report states that,

- *“Notable factors exerting upward pressure on rental vacancies include a strong shift to home ownership... First-time buyers find condominium apartment dwellings an affordable entry point into the ownership market. For a third consecutive spring session Ontario vacancy rates moved higher, albeit modestly.”*

**55 Yarmouth Street, Guelph**



## Proposed New Rental Housing

| Project Address                            | 1<br>bedroom<br>Units | 2<br>bedroom<br>Units | 3+<br>bedroom<br>Units | Total<br>Units |
|--|-----------------------|-----------------------|------------------------|----------------|
| 135 Oxford Street                          | 17                    | 10                    | ---                    | 27             |
| 401 Edinburgh Road<br>North (St. Joseph's) | 60                    | 20                    | ---                    | 80             |
| Gordon and Stone<br>Hotel Redevelopment    | ---                   | ---                   | 341                    | 341            |
| 1-7 Douglas Street<br>(Gummer)             | ---                   | 20                    | ---                    | 20             |
| <b>TOTAL</b>                               | <b>77</b>             | <b>50</b>             | <b>341</b>             | <b>468</b>     |

**55 Yarmouth Street, Guelph**



## **GUELPH OFFICIAL PLAN**

*“The City will discourage the conversion of existing rental units to condominium or co-ownership housing when the vacancy rate for rental accommodation is below **3%**, and will prohibit such conversions when the vacancy rate is below **1.5%**.”*

**55 Yarmouth Street, Guelph**

ASTRID J. CLOS

PLANNING CONSULTANTS

## GUELPH OFFICIAL PLAN

***“Encouraging and co-operating with the private sector in a full and long term program supporting downtown revitalization to ensure a favourable climate for commercial and residential activity in the core”***

**55 Yarmouth Street, Guelph**

ASTRID J. CLOS

PLANNING CONSULTANTS

## **DOWNTOWN COMMUNITY IMPROVEMENT PLAN**

- *“Despite the public investment and support for the Downtown, little new growth has occurred in the area. Between 2001 and 2007 the share of taxable assessment generated by Downtown Guelph has shrunk from \$93.3M (2001) to \$88.2M (2007).*
- *While the City wide population grew by 8.2% between 2001 and 2006, the residential population base Downtown declined by over 6% and the number of dwellings by almost 5%.*

**55 Yarmouth Street, Guelph**

ASTRID J. CLOS

PLANNING CONSULTANTS



## **DOWNTOWN COMMUNITY IMPROVEMENT PLAN**

- *The revitalization of the Downtown will also require the complementary participation of the private-sector through the reinvestment and establishment and expansion of new office and retail businesses and the development of new residential projects.*
- *There is no single planning tool, municipal investment project or Council decision that, by itself, will result in the realization of the City of Guelph's objectives for the Downtown. It will be a combination of positive activities that will tip the balance to favour an attractive environment for redevelopment."*

**55 Yarmouth Street, Guelph**



- Skyline is prepared to agree, as a condition of approval, that a minimum of 20 units in the Gummer redevelopment be new rental units.
- From April 2009, CMHC has reported a vacancy rate which fluctuated between 3.4% and 4.6%. The average vacancy rate for the last four CMHC Rental Reports is 4%. The average and all individually reported vacancy rates exceed the 3% healthy vacancy rate target.

**55 Yarmouth Street, Guelph**



- The rent for the units at 55 Yarmouth is higher than the average market rent for apartments in the City of Guelph. The Yarmouth rents are also considerably higher than what is considered “affordable” rent in the City of Guelph. The 72 apartment units within the 55 Yarmouth Street building are not part of the affordable rental housing supply.

**55 Yarmouth Street, Guelph**



- The 72 apartment units within 55 Yarmouth building are expected to sell in the range of \$180,000 to \$237,000 which would meet the affordability threshold for affordable housing ownership and would add to the City's affordable housing supply.
- Providing 72 affordable ownership units will allow those now renting elsewhere to affordably enter home ownership will free up affordable rental units for those who require them.

**55 Yarmouth Street, Guelph**



# Who is Skyline?

- We own and manage affordable rental stock across Ontario
- Skyline's general business is to purchase and improve existing rental stock - we spent \$2M improving our Guelph properties in 2010
- We are a major partner to the community when it comes to supplying well managed rental housing – we have had contracts with Wellington Housing for 10 years – affiliation with Onward Willow
- Donated \$200,000.00 to community partners in 2010 - Onward Willow, Children's Foundation, Big Brothers Big Sisters, Habitat for Humanity, etc
- We participate in clothes, toys and food drives across Ontario every year - last year alone collecting over 7000lbs of food for needy families
- We donate commercial and office space in our buildings - Red Cross, Home support groups, Local community groups, Senior citizen groups, as well as resident clubs and groups.



# Recent Accomplishments

Skyline Recently won several awards from the Federation of Rental Housing Providers of Ontario (FRPO)



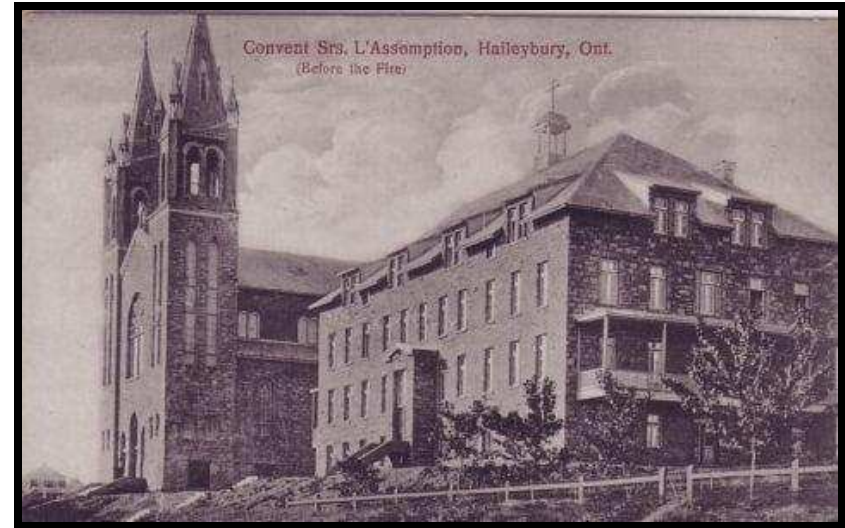
# Outstanding Community Service Award (2<sup>nd</sup> consecutive year)





# Rental Development of the Year

## 367 Sutherland Way Temiskaming Shores





# What do these achievements represent?

- Skyline's commitment to community
- Skyline's ability to redevelop heritage property



# Questions and Answers

Q: Have you met with the current residents at 55 Yarmouth?

A: **Yes**-I held two evening information sessions – 25% of attendees expressed interest to purchase

Q: Will the current residents be displaced or evicted?

A: **No** – Tenants have the right to stay renting as long as they like as described by the RTA.

Q: If current tenants continue to rent will they have to pay any additional maintenance fees?

A: **No** - they will not have any increased cost relate to the condo conversion.

Q: Will the current residents have an opportunity to purchase their apartment?

A: **Yes** – the RTA allows current tenants the right of first refusal on any offer to purchase.

Q: What is the connection between the conversion of 55 Yarmouth and completion of the Gummer Building?

A: The connection is twofold – **First**, the addition of 20 residential suites at the Gummer will off set the loss of rental stock at 55 Yarmouth.  
**Secondly**, the surfacing of value at 55 Yarmouth will ensure construction financing for the Gummer.



## Benefits of the Conversion

- By converting 55 Yarmouth to condo's we will deliver a much needed choice for affordable ownership in the downtown core
- We will improve the appearance and efficiency of 55 Yarmouth
- Adding new residential product to the downtown through the addition of 20 residential suites at Gummer - an idea that has been of interest to council since it burnt down in 2007
- The opportunity to move Skyline's head office to the downtown core
- We will ensure the revitalization of two downtown properties



Thank you.

We are available to answer questions





Wellington & Guelph Housing Committee  
85 Westmount Road  
Guelph, Ontario N1H 5J2  
Telephone: 519-821-0571 Fax: 519-821-7847  
<mailto:jlonderv@uoguelph.ca>

January 31, 2011

Katie Nasswetter  
Planning, Engineering and Environmental Services  
City of Guelph

**RE: 55 Yarmouth Street (File 23CDM-11501)**

Dear Ms Nasswetter:

I am writing to you as chair of the Wellington & Guelph Housing Committee (WGHC). We wish to comment on the proposed Condominium conversion at 55 Yarmouth Street.

In principle, WGHC does not support the loss of rental housing units as it reduces the supply relative to demand within the Guelph market area. However, WGHC recognizes that the current market rents charged for 55 Yarmouth are over the average market rents for Guelph as reported by Canada Mortgage and Housing Corporation (CMHC), and do not represent current affordable market rents. The developer plans to add 20 rental units to the Gummer building development which partially offsets the loss of units. As well, occupied rental units in Guelph increased by 135 between 2001 and 2006.

WGHC notes that under the 2006 City of Guelph Official Plan policy, that this condominium conversion falls outside the circumstances where it would be discouraged based on current market conditions. Vacancy rates in Guelph reported by CMHC for October 2009 (4.3%) and October 2010 (3.4%) are over the 3% threshold specified in the OP. The units in the Yarmouth building are 1 and 2 bedroom; vacancy rates for one bedrooms (2009 – 3.3% and 2010 – 3.0%) and two bedrooms (2009 – 4.5% and 2010 – 3.3%) are also at or above the 3% threshold.

WGHC also recognizes the need for affordable ownership as an option for low to moderate income households. The owner has indicated that if the conversion is approved, the units would be made available at a price below the 2008 affordable homeownership price recognized by the City of Guelph of \$237,000.

Skyline owns almost 400 rental apartment units in Guelph and a similar number in the County of Wellington. These units mainly fall in the affordable category; the building to be converted is an exception. The owners recognize the challenges tenants in these units face and have contributed to organizations such as Onward Willow to help support their

tenants. They also make units in their portfolio available under the rent supplement program with the County to help house low income tenants.

Given all these considerations, the WGHC supports the need for affordable homeownership within Guelph and the conversion of these units.

Aside from this particular application, the WGHC encourages the city to consider its policy on condominium conversions and demolition of rental housing to ensure a healthy proportion of the total housing stock remains available to renters. The WGHC notes that a presentation was made to City of Guelph council on November 12, 2009 on Affordable Housing Discussions. The paper identified a several planning tools to strengthen the provision of affordable housing, including rental housing. WGHC encourages the City to examine these policies and implement them. WGHC also recognizes the City of Guelph's Official Plan inclusion of affordable housing policies such as targets to create 282 affordable ownership units, and 98 rental units per year. We are concerned that these targets will not be met without the adoption of stronger, innovative planning tools.

If you wish to discuss this further I can be reached at 519-824-4120 ext 53091.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Londerville".

Jane Londerville, Chair  
Wellington and Guelph Housing Committee



## ONWARD WILLOW-BETTER BEGINNINGS, BETTER FUTURES

20 Shelldale Crescent, Guelph, ON N1H 1C8

Phone: (519) 824-8498 Fax: (519) 824-2361 Email: [onwardwillow@netscape.net](mailto:onwardwillow@netscape.net)

Re: Draft Plan of Condominium – File 23CDM-11501

To: Mayor Farbridge and Council

Onward Willow Better Beginnings, Better Futures is a long standing organization serving the Onward Willow neighbourhood in Guelph. We are a network of neighbourhood and community organizations committed to building and sustaining the Onward Willow Neighbourhood Group, strengthening individuals and families and ensuring growth and development for every child. (*OWBBBF Mission Statement*). We do this through building partnerships with community members, service providers and businesses in the local community to support high quality programs and opportunities for community residents.

We are writing this letter to comment on our relationship with Skyline as one of our partners in building strong community in the Onward Willow neighbourhood. Skyline is a major housing provider in this immediate community. They have often been willing to work with us in helping community members secure local housing. As a property owner, Skyline has taken on projects to improve their buildings in the area, most recently renovating the hallways, windows, patio doors and balconies of their buildings. They donated property for a recent Habitat for Humanity Build, which was then occupied by one of our community members. Local residents notice these improvements. It contributes to a sense of pride and wellbeing in our community. Skyline has always been open to conversations that contribute to resident satisfaction and overall the resident feedback that I am aware of is very positive.

Skyline has also been a good corporate neighbour to Onward Willow BBBF. They practice what they preach in terms of investing in the communities they operate in, in direct and immediate ways. They understand that a healthy and strong community translates into good business opportunity. They have been generous in contributing financially to programs for kids and families at Onward Willow through their annual Golf Tournament. The door is always open if we have emergency needs that Skyline could assist with. More importantly, Skyline has facilitated information and encouragement to families in their buildings to participate in our programs and community building events.

If I can speak any further to their involvement in the Onward Willow community, please do not hesitate to contact me.

Sincerely,

Lorna Schwartzentruber  
Program Director



Lois Giles  
City Clerk

Re: Rezoning of 1077 Gordon Street

I am a resident of Balfour Court and would like to make it known that I am not for the amendment of the zoning by-law at 1077 Gordon Street. I live directly across Gordon Street from the subject land and have lived there for 20 years. Never before have I felt the need to speak up but now I am becoming disgusted with how my property taxes keep going up and my home value is going down. I did not say a word about the town houses nor the funeral home when they went up, I understand that progress happens in a growing city.

When I bought my property, we were given many stipulations on the size and type of house that could be built as it was an "executive area". We even had to sign a clause that did not allow basement rentals. I was not afraid to have my children play in the streets. It was a family neighbourhood. Today, I would guess that 70 % of the homes have tenants (probably due to the high taxes we pay). I am fine with this as most of the student tenants are in a home with homeowner on site to take care of any issues such as noise and litter.

Last year my dear neighbour decided it was time to move to a retirement home but to her dismay she could not sell her home because of the very loud noise of Gordon. After lowering her price and waiting a year, she finally sold her house to someone who put 5 students in it. There is no homeowner there and the house is looking uncared for.

Garbage is a weekly problem as they do not understand or perhaps care about our 3 bag system. The garbage is left to the wild animals and wind to carry around the street. This causes my home to lose value as who wants to live next door to 5 young men who do not maintain the property or care about the noise they make. Ten out of fourteen homes on my cul de sac have tenants, these tenants have cars--this makes for a very congested street at times where it is an obstacle course just to get my car out some days. According to the traffic police it is OK to park around both the inside circle and the outer circle of the island. God help us if we have a fire and the fire trucks need to get in! Even with all this going on in my once beautiful neighbourhood, I have never complained. I spend a good deal of money every year to maintain my home and yard but I am starting to wonder why I bother when my home's value is going down because of where it is.

This proposed amendment to the zoning of 1077 Gordon to allow them to build three 4 storey apartment buildings will just make my home's value drop even further. Who would want to spend time in my beautiful backyard when you have an apartment building looming overtop taking away all privacy. Noise is a problem now, what do you think will happen when these apartments are built? There will be no green space as it is now, to absorb at least some of the noise. Traffic now is congested on Gordon, what will happen when 200 additional vehicles are all trying to get out in the morning? You can't put a traffic light up there as there is already way too many along that stretch of Gordon. Who will live in these buildings? My guess is a lot of students. Nothing against students, I was one myself once, but when left to live on their own with no supervision, they can be loud,



inconsiderate of those who go to work everyday and those with young children, and they do not care about property value.

Vandalism has become a big problem in the last two years for us as more students walk down Gordon to reach their homes further south. In the spring and fall, we are often awoken at two in the morning by rowdy students who are drunk and yelling (which since the funeral home went up echoes very loudly). Many times they kick in our fence which runs along Gordon or throw garbage and even other people's patio furniture into our backyard. We have a pool and a dog so we always need to be ready to repair this quickly.

As a lifelong citizen of Guelph, I ask you, please do not allow these apartment buildings to go up. I wish that it could be left as a green space but if that is not possible please leave the zoning as medium density residential or specialized office residential. Please consider the noise and congestion already present on Gordon and please consider how our neighbourhood has already been turned from a lovely family place to a heavily populated student area. We quite frankly don't need anymore students in this area. Don't build these apartments or they will be full of students not families because of the close proximity to the University.

Jacqueline and Jeff Armishaw

CC: Councillor Todd Dennis  
Councillor Karl Wettstien

Dear Ms. Giles,

Please accept this letter as opposition to any development of the forest and wetlands north of Harts Land and west of Gordon Street. We have seen applications before to develop this land and so far have managed as a neighbourhood and city to maintain this section of Guelph as a natural space. At some point, and I believe that this is one of them, we must leave things be. I am not an engineer, biologist, or scientist of any sort, just a middle class citizen of Guelph who since 1972 has come to appreciate the dwindling free space left in this city. Guelph can still be an attractive and appealing place to live, but it seems to me that we are well on our way to being able to rename this historical city - Markham, Mississauga, Newmarket, Milton, or even the Niagara area if council continues to allow and reward developers to destroy this city with their greed and lack of respect for natural space. I watched you in council chambers many years ago as you spoke to the issue of destroying what is now Presevation Park. I suspect that there was a lot of activity behind the scene, and much negotiation with the spokesperson for the developer, a rather arrogant soul if I remember correctly, in order to save some of this property. Let's see the same positive outcome again. Enough with north, south, east and west being destroyed day after day. It wasn't too long ago as I travelled along Edinburgh to Gordon that I had to stop to allow wildlife to cross the street safely. More traffic and congestion in that area will destroy wildlife, fauna, forest and the possibility of increased car accidents, injuries, and perhaps worse. Please stop this development and leave this land alone. Thank you.

J AKERSTREAM

January 24, 2011-01-24

RECEIVED  
JAN 31 2011  
CITY CLERK'S OFFICE

Dear Lois Giles, City Clerk

RE: OP1101/ZC1011 1077 Gordon Street

I would like to express my concerns about the proposed development at 1077 Gordon Street, as I cannot attend the meeting on February 7, 2011.

I am opposed to the development for several reasons which I list below:

- First and foremost this area is a Single Family Residential zone not a high density apartment zone. The owners of the existing homes in this neighbourhood bought their property thinking that it would remain this way. It is not fair to all the existing home owners to change the look of the neighbourhood after they have already invested in their land.
- The value of all Single Family homes will drop in price when surrounded by apartment buildings, regardless of the number of storeys
- Pollution – it is known that people living close to areas with high traffic flows experience increased levels of asthma and allergies
- Traffic congestion....the Street in this area is not built to handle the increased traffic flow....we already experience congestion on this road as it is.
- Noise- there will be an increase of noise pollution due to the increase of traffic and people living in the area.
- Insufficient sunlight....apartment buildings will shadow the existing homes who will no longer get any sunlight

Please consider these issues before permitting a dense development of this kind in our beautiful neighbourhood that us residents are so proud of. If we wanted to be surrounded by apartment buildings we would have stayed or moved to the big Cities.

Thank you for considering this matter.

  
Frances Barnett

## CONSENT AGENDA

**February 7, 2011**

Her Worship the Mayor  
and  
Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

#### **A Reports from Administrative Staff**

| <b>REPORT</b>   | <b>DIRECTION</b> |
|---|------------------|
| <p><b>A-1) 133 GRANGE STREET UPCOMING ONTARIO MUNICIPAL BOARD HEARING FILE A-67/10</b></p> <p>THAT Report 11-04 regarding an appeal from the Committee of Adjustment Decision A-67/10 refusing a minor variance for a wider driveway at 133 Grange Street, City of Guelph, from Planning, Engineering and Environmental Services dated February 7, 2011, be received;</p> <p>AND THAT the City not be a party at the upcoming Ontario Municipal Board hearing regarding an appeal from the Committee of Adjustment's Decision A-67/10 refusing a minor variance to permit a wider driveway.</p> |                  |
| <p><b>B ITEMS FOR DIRECTION OF COUNCIL</b></p>  |                  |

attach.

# COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services  
DATE February 7, 2011

SUBJECT **133 Grange Street  
Upcoming Ontario Municipal Board Hearing  
File A-67/10**

REPORT NUMBER 11-04

## SUMMARY

### **Purpose of Report:**

To determine if the City wishes to be a party at an upcoming Ontario Municipal Board (OMB) hearing regarding the appeal of a decision refusing a minor variance application to permit a wider driveway at 133 Grange Street.

### **Council Action:**

Council is being asked to direct staff not to attend any future OMB proceedings relating to the appeal of a minor variance decision refusing to permit a wider driveway at 133 Grange Street.

## RECOMMENDATION

**"THAT Report 11-04 regarding an appeal from the Committee of Adjustment Decision A-67/10 refusing a minor variance for a wider driveway at 133 Grange Street, City of Guelph, from Planning, Engineering and Environmental Services dated February 7, 2011, BE RECEIVED; and**

**THAT the City not be a party at the upcoming Ontario Municipal Board hearing regarding an appeal from the Committee of Adjustment's Decision A-67/10 refusing a minor variance to permit a wider driveway."**

## BACKGROUND

**Location:** The subject property is on the south side of Grange Street, west of Stevenson Street North (see **Schedule 1** – Location Map) and was created by way of severance in 1996. At the time of the severance, a minor variance was also granted to permit a reduced lot frontage of 10.97m (36 ft.); whereas a minimum frontage of 15.0m (49.2 ft.) would be required for this property.

**Current Zoning:** The subject property is zoned R.1B (Detached Residential) which permits detached dwellings on lots with a minimum area of 460m<sup>2</sup> (4,951.6 sq. ft.)

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and a minimum frontage equal to the average frontage of the Block Face to a maximum of 15.0m (49.2 ft.). The average of the Block Face is 16.5m (54.3 ft.) in this instance, which means that the required lot frontage for this property would be 15.0m (49.2 ft.). As indicated above, a minor variance was granted to reduce the required lot frontage to 10.97 m (36 ft.). The existing frontage of this lot is in keeping with the standard typically required in the R.1D zone rather than the R.1B zone. A driveway is permitted to occupy 40% of the front yard in the R.1B zone and 56% of the front yard in the R.1D zone.

**Application Details:** On November 9, 2010 the Committee of Adjustment considered an application (A-67/10) requesting a minor variance to permit a driveway width of 5.0m (16.4 ft.), which is equal to 45.57% of the front yard when the By-law permits the driveway to occupy a maximum of 40% of the front yard in an R.1B zone which means a driveway with a maximum width of 4.4 m (14.4 ft.) in this instance. (see Schedule 2 – Notice of Public Meeting). The applicant is requesting a wider driveway in order to accommodate the required parking for an accessory apartment. The minimum driveway width required to accommodate the parking for an accessory apartment is 5.0m (16.4 ft.).

The application was refused by the Committee. Subsequently, the applicant appealed the Committee's decision to the Ontario Municipal Board (OMB). The applicant appealed the committee's decision on the basis that:

- the variance application should be considered minor;
- if the property had been rezoned to reflect the reduced lot frontage, then the additional driveway width would be permitted as of right; and,
- the additional driveway width allows for intensification of the property by way of creating an accessory apartment which is in accordance with the Provincial Policy Statement and the Growth Plan.

## REPORT

At the November 9, 2010 Committee of Adjustment meeting, Planning staff recommended to the Committee of Adjustment that the application for minor variance for 133 Grange Street be refused. The Planning comments outlined that the intent of the Zoning By-law in restricting the maximum driveway width is to ensure that there is an appropriate amount of soft landscaped areas and that the streetscape is not dominated by driveways and cars (see **Schedule 3** – Comments from Staff, Public & Agencies).

After considering staff comments, hearing from the applicant and reviewing correspondence received from area residents, the Committee of Adjustment refused the minor variance application (see **Schedule 4** – November 9, 2010 Meeting Minutes and **Schedule 5** – Committee of Adjustment Decision). The Committee's decision to refuse the minor variance request was in keeping with the recommendation from Planning staff.

The applicant submitted a letter of appeal on November 29, 2010 which submits that the requested minor variance should be considered minor; that the minor variance would allow for the property to be intensified in accordance with the

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Provincial Policy Statement and the Growth Plan; and the additional driveway width would be permitted if the property was zoned to reflect the reduced lot frontage (see **Schedule 6** – Letter of Appeal). In the Letter of Appeal, it is also indicates that the applicant will be represented at the hearing by a Professional Planner.

An OMB hearing has not yet been scheduled for this appeal. It is anticipated that the OMB hearing will be scheduled for one day.

Planning staff recommend that the City not be a party at any future OMB proceedings for this appeal as there is no significant municipal interest in the application. If Council approves the staff recommendation, the City would not be represented at the hearing and City staff would not attend this hearing except under summons.

## **CORPORATE STRATEGIC PLAN**

N/A

## **FINANCIAL IMPLICATIONS**

N/A

## **DEPARTMENTAL CONSULTATION**

Legal Services have reviewed this report.

## **COMMUNICATIONS**

N/A

## **ATTACHMENTS**

Schedule 1 – Location Map

Schedule 2 – Notice of meeting

Schedule 3 – Comments from Staff, Public & Agencies

Schedule 4 – Committee of Adjustment Meeting Minutes

Schedule 5 – Committee of Adjustment Decision

Schedule 6 – Letter of Appeal

### **Prepared By:**

Stacey Laughlin  
Development & Urban Design Planner  
519-837-5616, ext 2327  
stacey.laughlin@guelph.ca

Original Signed by:

### **Recommended By:**

R. Scott Hannah  
Manager of Development Planning  
519-837-5616, ext 2359  
scott.hannah@guelph.ca

Original Signed by:

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### **Recommended By:**

James N. Riddell  
General Manager  
Planning and Building Services  
519-837-5616, ext 2361  
jim.riddell@guelph.ca

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### **Recommended By:**

Janet L. Laird, Ph.D.  
Executive Director  
Planning, Engineering and  
Environmental Services  
519-822-1260, ext 2237  
janet.laird@guelph.ca





## SCHEDULE 2 – Notice of Meeting

### COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC MEETING



**An Application for Minor Variance(s) has been filed with the Committee of Adjustment.**

**LOCATION  
of PROPERTY:** 133 Grange Street

**PROPOSAL:** The applicant proposes to extend the existing driveway 0.6 metres (2 feet) to a total width of 5 metres (16.04 feet) to provide the three off-street parking spaces required to establish an accessory apartment..

**BY-LAW  
REQUIREMENTS:** The property is located in the Residential Single Detached (R.1B) Zone.  
A variance from Table 5.1.2, Row 12 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires that in the R.1B Zone a driveway shall have a maximum width of 40% of the front yard [4.4 metres (14.44 feet)].

**REQUEST:** The applicant is seeking relief from the By-law requirements to permit the driveway to have width of 5.0 metres (16.04 feet) which is 45.57% of the front yard.

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

|                                  |   |
|----------------------------------|---|
| <b>DATE OF HEARING</b>           | <b>November 9, 2010</b>   |
| <b>APPLICATION WILL BE HEARD</b> | <b>4:10 p.m.<br/>City Hall<br/>1 Carden Street, Guelph, Ontario</b> |
| <b>APPLICATION NUMBER</b>        | <b>A-67/10</b>  |

#### HOW DO I PROVIDE COMMENTS?

You may provide your comments, in support or opposition, regarding this application:

##### By appearing at the Public Hearing:

Please advise the Secretary-Treasurer of the Committee of Adjustment of your intention to appear before the Committee.

##### In Writing:

Written comments received by November 4, 2010 will be forwarded to the Committee members. Comments submitted after this date will be summarized at the hearing.

By Mail: Secretary Treasurer, Committee of Adjustment,  
City of Guelph, 1 Carden Street, Guelph, ON N1H 3A1

By Fax: 519-822-4632

By Email: [cofa@guelph.ca](mailto:cofa@guelph.ca)


#### HOW DO I GET MORE INFORMATION?

In Person: City Hall, 1 Carden Street, 3<sup>rd</sup> Floor

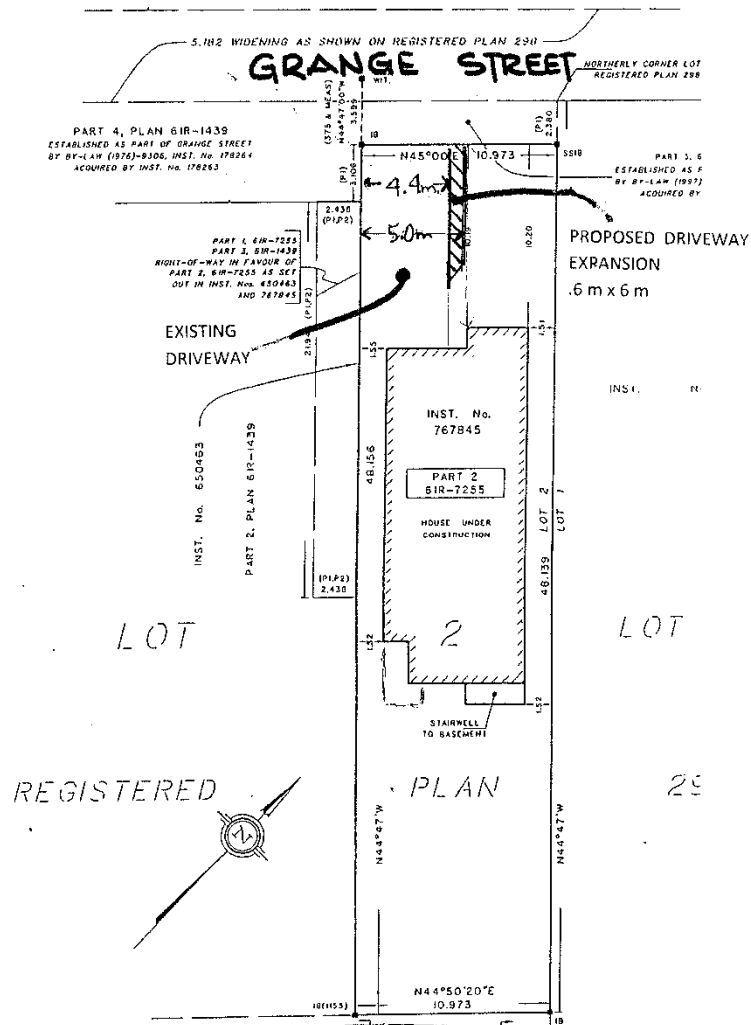
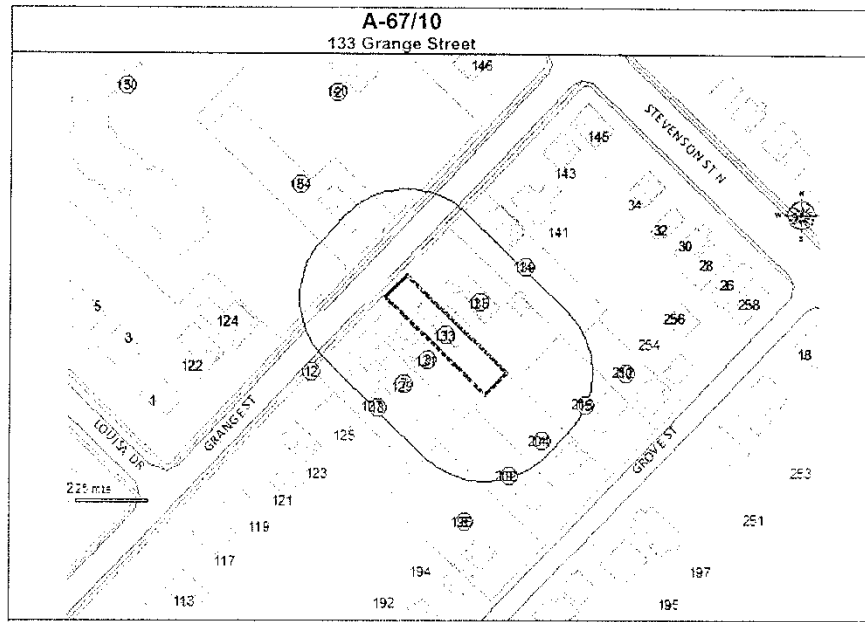
By Telephone: 519-837-5615, Ext. 2524

#### HOW DO I RECEIVE NOTIFICATION OF THE DECISION?

You *must* make a written request for Notice of Decision to the Secretary-Treasurer, Committee of Adjustment.

  
Kim Fairfull, ACST  
Secretary-Treasurer  
Committee of Adjustment

Dated this 22nd day of October, 2010



## SCHEDULE 3 – Comments from Staff, Public & Agencies

### COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES



#### APPLICATION DETAILS

**APPLICATION NUMBER:** A-67/10  
**LOCATION:** 133 Grange Street  
**DATE AND TIME OF HEARING:** November 9, 2010 at 4:10 p.m.  
**APPLICANT:** David Copeland and Erin Copeland  
**AGENT:** David Copeland and Erin Copeland  
**OFFICIAL PLAN DESIGNATION:** General Residential  
**ZONING BY-LAW:** Residential Single Detached (R.1B)

**REQUEST:** Driveway width variance

#### **CONDITIONS RECOMMENDED:**

##### GUELPH HYDRO

1. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.

#### COMMENTS

##### **ENGINEERING SERVICES:**

We have no objection to the requested driveway width variance, to permit the driveway to have a width of 5.0-metres (16.04 feet) to provide three off-street parking spaces required to establish an accessory apartment.

##### **PLANNING SERVICES:**

Planning staff are not supportive of the requested variance to permit a driveway to occupy more than 45% of the front yard. The intent of the zoning by-law in limiting the maximum permitted driveway width is to ensure that there is an appropriate amount of soft landscaped areas and that the streetscape is not dominated by driveways and cars. Planning staff conclude that the requested variance does not meet the intent of the zoning by-law and recommend that it be refused.

##### **PERMIT AND ZONING ADMINISTRATOR:**

The Zoning Division of Community Design and Development Services have no concerns with the variance request to permit an enlarged driveway of 0.6 metres to have a width of 45.57% of the front yard. Zoning notes that the property is zoned R.1B and was severed in 1996. The actual size of the property is developed to R.1D standards which would allow this size of driveway as of right. Zoning therefore, has no concerns with the driveway widening.

Permits have been applied for to create a one bedroom basement apartment.

##### **GUELPH HYDRO:**

Please include the condition if the application is approved.

##### **GRAND RIVER CONSERVATION AUTHORITY:**

No comment.

**REPORT COMPILED BY: LINDA CHAPMAN**

**LETTERS ATTACHED**

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## **SCHEDULE 4 – Committee of Adjustment Meeting Minutes**

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday November 9, 2010 at 3:30 p.m. in Committee Room 112, City Hall, with the following members present:

R. Funnell, Chair  
J. Andrews (until 5:15 p.m.)  
P. Brimblecombe  
A. Diamond (until 6:00 p.m.)  
D. Kelly  
B. Birdsell  
L. McNair

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**Application:**            **A-67/10**  
**Applicant:**            **David and Erin Copeland**  
**Agent:**                **David Copeland**  
**Location:**            **133 Grange Street**  
**In Attendance:**       **David Copeland**

The Secretary-Treasurer advised correspondence was received from neighbours for the application. In addition she read an email received on November 8, 2010.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Copeland replied the notice sign was posted and comments were received from staff. He distributed photographs for the Committee to review. He explained the photos include the driveway for 131 and 133 Grange Street along with existing driveways along Grange Street. He noted the sidewalk to the front of the house will be removed and driveway extended so there will be no reduction in soft landscaping. He noted there will be no reduction in soft landscaping. He noted the driveways to the east at 127 and 129 Grange Street are consistent to what exists in the neighbourhood.

Committee member P. Brimblecombe questioned if a vehicle could be parked in the garage now.

Mr. Copeland replied his daughter and her friend resides in the house with him and the attached garage is used as a parking space.

Committee member L. McNair questioned staff what the maximum driveway width would be for a R.1D lot.

Planner S. Laughlin replied the driveway is allowed to occupy 56% of the front yard.

Committee member L. McNair questioned why staff did not support this request when the width is a fraction above what they would normally support.

Planner S. Laughlin suggested staff would not support any driveway width greater than 40% of the front yard and this driveway would occupy more than 45% of the front yard.

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Committee member P. Brimblecombe noted there are four cars parked in the driveway at 129 Grange Street and no landscaped strip has been provided.

Planner S. Laughlin replied the regulations for landscaped strip would not have been in effect at that time.

Committee member J. Andrews commented refusal would be consistent with decisions the Committee has made in the past.

Committee member P. Brimblecombe questioned if a building permit for an accessory apartment had been applied for.

Mr. Copeland replied he has applied for a one bedroom accessory apartment for his daughter.

Committee member J. Andrews questioned if the apartment complies with the regulations in the By-law.

Planner S. Laughlin replied the proposed apartment meets the regulations in the By-law with the exception of the parking space which requires a variance to width.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. McNair and seconded by P. Brimblecombe,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 133 Grange Street, to permit a driveway with of 5 metres (16.04 feet) which is 45.57% of the front yard when the By-law requires the driveway have a maximum width equal to 40% of the front yard [4.4 metres (14.44 feet)], be approved, subject to the following condition:

1. That prior to issuance of a building permit, the applicant submits a site plan showing the driveway location maintaining a minimum clearance of 1.5 metres from the existing hydro pole, satisfactory to the Technical Services Department of Guelph Hydro Electric Systems Inc.”

The motion would not carry.

Moved by A. Diamond and seconded by D. Kelly,

“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 133 Grange Street, to permit a driveway with of 5 metres (16.04 feet) which is 45.57% of the front yard when the By-law requires the driveway have a maximum width equal to 40% of the front yard [4.4 metres (14.44 feet)], be refused.”

Carried.

## SCHEDULE 5 – Committee of Adjustment Decision

# DECISION

### COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-67/10



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2-Row 12 of Zoning By-law (1995)-14864, as amended, for 133 Grange Street, to permit a driveway with of 5 metres (16.04 feet) which is 45.57% of the front yard when the By-law requires the driveway have a maximum width equal to 40% of the front yard [4.4 metres (14.44 feet)], be refused."

Members of Committee  
Concurring in this  
Decision

I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on November 9, 2010.

Dated: November 12, 2010

Signed:

The last date on which a Notice  
of Appeal to the Ontario  
Municipal Board may be filed  
is November 29, 2010.

Community Design and Development Services  
Building Services  
T 519-837-5615  
F-519-822-4632  
E cofa@guelph.ca

## SCHEDULE 6 – Letter of Appeal



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
 FAX: (416) 326-5370  
 www.elt.o.gov.on.ca

### APPELLANT FORM (A1) PLANNING ACT

**SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY**

*Date Stamp - Appeal Received by Municipality*

*Receipt Number (OMB Office Use Only)*

#### Part 1: Appeal Type (Please check only one box)

| SUBJECT OF APPEAL                           | TYPE OF APPEAL  | PLANNING ACT<br>REFERENCE<br>(SECTION) |
|---|---|--|
| Minor Variance                              | <input checked="" type="checkbox"/> Appeal a decision   | 45(12)                                 |
| Consent/Severance                           | <input type="checkbox"/> Appeal a decision  | 53(19)                                 |
|   | <input type="checkbox"/> Appeal conditions imposed  |  |
|   | <input type="checkbox"/> Appeal changed conditions  | 53(27)                                 |
|   | <input type="checkbox"/> Failed to make a decision on the application within 90 days  | 53(14)                                 |
| Zoning By-law or<br>Zoning By-law Amendment | <input type="checkbox"/> Appeal the passing of a Zoning By-law  | 34(19)                                 |
|   | <input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days | 34(11)                                 |
|   | <input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality                                  |  |
| Interim Control By-law                      | <input type="checkbox"/> Appeal the passing of an Interim Control By-law  | 38(4)                                  |
| Official Plan or<br>Official Plan Amendment | <input type="checkbox"/> Appeal a decision  | 17(24) or 17(36)                       |
|   | <input type="checkbox"/> Failed to make a decision on the plan within 180 days  | 17(40)                                 |
|   | <input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days | 22(7)                                  |
|   | <input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality                                  |  |
| Plan of Subdivision                         | <input type="checkbox"/> Appeal a decision  | 51(39)                                 |
|   | <input type="checkbox"/> Appeal conditions imposed  | 51(43) or 51(48)                       |
|   | <input type="checkbox"/> Failed to make a decision on the application within 180 days   | 51(34)                                 |

#### Part 2: Location Information

133 Grange Street (Part 2, Plan 61R-7255)

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of Guelph

A1 Revised April 2010

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**Part 3: Appellant Information**First Name: David Last Name: Copeland

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: [REDACTED]

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 519-822-2011 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: [REDACTED] Guelph

Street Address

Apt/Suite/Unit#

City/Town

Ontario

Province

Country (if not Canada)

[REDACTED]

Postal Code

Signature of Appellant: [Signature] Date: November 29/10

(Signature not required if the appeal is submitted by a law office.)

**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

**Part 4: Representative Information (if applicable)****I hereby authorize the named company and/or individual(s) to represent me:**First Name: Nancy Last Name: ShoemakerCompany Name: Black, Shoemaker, Robinson & Donaldson LimitedProfessional Title: Ontario Professional PlannerE-mail Address: nancy@bsrd.com

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 519-822-4031 Alternate Telephone #: \_\_\_\_\_Fax #: 519-822-1220Mailing Address: 351 Speedvale Avenue West Guelph

Street Address

Apt/Suite/Unit#

City/Town

Ontario

Province

Country (if not Canada)

N1H 1C6

Postal Code

Signature of Appellant: [Signature] Date: November 29/10

**Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.**

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.



**Part 5: Language and Accessibility**

Please choose preferred language: ☒ English ☐ French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

**Part 6: Appeal Specific Information**

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Appeal of decision of Guelph Committee of Adjustment recommending refusal of minor variance application A-67/100 to permit a driveway width of 5 metres (45.57% of front yard). By-law restricts driveway width in R.1B Zone to a maximum of 40% of front yard or 4.4 metres in this instance.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). \*\*If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

The variance application should be considered minor. The enlarged driveway of an additional 0.6 metres will allow for the creation of an accessory apartment in the existing dwelling. The Provincial Policy Statement sets out policies addressing affordable housing and residential intensification. The Growth Plan also establishes the importance of residential intensification. At the time the severance was approved in 1996, the size of the property was deemed to be appropriate for the area. Had the property been rezoned to reflect this reduced lot size, the additional 0.6 metre width of driveway would have been recognized "as of right".

**THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.**

- a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: \_\_\_\_\_

(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

- b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:

\*\*If more space is required, please continue in Part 9 or attach a separate page.

**Part 7: Related Matters (if known)**

Are there other appeals not yet filed with the Municipality? YES ☐ NO ☒

Are there other planning matters related to this appeal? YES ☐ NO ☒

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

## Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☐ half day ☒ 1 day ☐ 2 days ☐ 3 days  
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: \_\_\_\_\_

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
One

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
Land Use Planner

Do you believe this matter would benefit from mediation? YES ☒ NO ☐  
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES ☐ NO ☒  
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? \_\_\_\_\_

**Part 9: Other Applicable Information \*\*Attach a separate page if more space is required.**

[illegible]

### Part 10: Required Fee

**Total Fee Submitted: \$ 125.00**

**Payment Method:** ☐ Certified cheque ☐ Money Order ☐ Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**