



COMMITTEE OF ADJUSTMENT NOTICE OF DECISION
APPLICATION NO. B-008-2024

TAKE NOTICE that a decision has been made by the Committee of Adjustment for a consent to severance of property application from **Kyle Gavin, Applicant**, on behalf of **7131 5th Sideroad Inc., Owner**, to Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **INNISFIL CON 7 PT LOT 6 RP 51R44530 PARTS 1 2 AND 4** known municipally as **7131 5th Sideroad** and is zoned “**Industrial Business Park (IBP)**”.

The applicant is proposing to sever a portion of the subject lands for the purpose of creating two new lots. The first severed lands will have an approximate lot area of 5.9 ha and a lot frontage of 114.8 m. The second severed lands (to be conveyed to the Town) will have an approximate lot area of 4.0 ha and an approximate frontage of 30.8 m. The retained parcel will have an approximate lot area of 12.5 ha and an approximate lot frontage of 150.7 m.

The Committee of Adjustment has considered all written and oral submissions received before and/or during the hearing as part of their decision.

The Committee **APPROVED** the application and is satisfied that it is in keeping with Section 57 of the Planning Act, that a plan of subdivision will not be required, that the application constitutes proper and orderly development of the subject lands, and that the intent and purpose of the Official Plan and Zoning By-law have been maintained.

See attached Condition(s) of Approval

No Conditions

The Committee **REFUSED** the application and is of the opinion the application is not in keeping with Section 53 of the Planning Act, that the application does not constitute proper and orderly development of the subject lands and that the intent and purpose of the Official Plan and Zoning By-law have not been maintained.

The Committee **DEFERRED** the application.

DECISION DATED AT THE TOWN OF INNISFIL this 19th day of **September 2024**.

CIRCULATION DATE OF NOTICE OF DECISION: September 24, 2024

LAST DAY OF APPEAL: October 9, 2024

Rod Hicks, Chair

Marnie Adam, Member

William Van Berkel, Member

Sarah Oetinger, Member

If applicable, the owner/applicant is responsible for any legal, engineering, InnServices & Town fees and must submit to Legal Services a deposit prior to the preparation of any documents (road widening, easement, agreements). The owner/applicant will be invoiced for any additional fees over and above the deposit and will be reimbursed for those funds not utilized. All in accordance with the Fees & Charges bylaw as amended.



**COMMITTEE OF ADJUSTMENT NOTICE OF DECISION
APPLICATION NO. B-008-2024**

I, Toomaj Haghshenas, Secretary-Treasurer of the Committee of Adjustment do hereby certify that the above is a true copy of the Decision of the Committee of Adjustment for Application No. B-008-2024 rendered on September 19, 2024.

A handwritten signature in blue ink, appearing to read "Toomaj Haghshenas".

Toomaj Haghshenas
Secretary-Treasurer
Committee of Adjustment
thaghsenas@innisfil.ca
705-436-3740 ext. 3316

NOTICE OF LAST DATE OF APPEAL

In accordance with Section 17 (36) of the Planning Act, you may appeal to the Ontario Lands Tribunal (OLT) in respect to this decision by filing a notice of appeal with the Secretary-Treasurer either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting THE TOWN OF INNISFIL as the Approval Authority or by mail to Town of Innisfil, Secretary-Treasurer, Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, ON. L9S 1A1 no later than 4:30 p.m. on October 9, 2024. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$400, the current fee prescribed by the Tribunal under the Local Planning Appeal Tribunal Act, can be paid online through e-file or by certified cheque or money order made payable to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to planningservices@innisfil.ca.

Additional information relating to the application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.



COMMITTEE OF ADJUSTMENT NOTICE OF DECISION
APPLICATION NO. B-008-2024

CONDITIONS OF APPROVAL

The below Condition(s) of Approval shall be completed within **TWO YEARS** from the Circulation Date of Notice of Decision outlined on Page 1. If the Condition(s) of Approval are not completed by this date, the application shall be deemed to have been refused. After the completion of the above noted conditions, consent shall be issued by means of a Certificate of Official under Form 2 of the Planning Act.

Planning Services

1. That the Owner/Applicant shall convey to the Town, in fee simple, free and clear of all encumbrances and for nominal consideration, lands for a stormwater management pond. The Owner's solicitor shall submit a title opinion on the Town's form for such transfer. The title opinion is to be reviewed and approved by the Town prior to registration of the Transfer.
2. That the Applicant/Owner enter into and execute an external works agreement with the Town of Innisfil respecting construction of the stormwater management pond for the severed and retained lands, and that said works shall be conveyed to the satisfaction of the Town.
3. That the Owner enter into a Consent Severance Agreement with the Town which shall satisfy all requirements of the Town and be registered on title. The Consent Severance Agreement shall include but not be limited to the following condition:
 - a. The Owner acknowledges and agrees that no pollutants or substances that are detrimental to the environment or human health other than Total Suspended Solids, oil or grease are allowed to be discharged off the subject lands via stormwater into the municipal stormwater management system. For greater certainty, any substances contained on the subject lands other than Total Suspended Solids, oil and grease must be treated on-site before stormwater run-off is released into the municipal stormwater management system.
4. That the Applicant/Owner shall pay to the Town of Innisfil cash in lieu of 2% Parkland Dedication the amount of which shall be 2% of a valuation determined by a professional, and qualified appraiser engaged by the Owner/Applicant to the satisfaction of the Secretary Treasurer.
5. That the Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town, for the lot boundary adjustment. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.
6. That the Owner shall agree in the Consent Severance Agreement that prior to final approval, the Applicant/Owner shall revise/update/provide and submit all required reports, studies and/or plans and address all outstanding peer review comments to the satisfaction of the Town.



**COMMITTEE OF ADJUSTMENT NOTICE OF DECISION
APPLICATION NO. B-008-2024**

Lake Simcoe Region Conservation Authority (LSRCA)

1. That the Owner/Applicant shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.