

**Notice of Decision
Committee of Adjustment
Town of Oakville**

1225 Trafalgar Road
Oakville, Ontario L6J 5A6

**In the matter of the *Planning Act*: Revised Statues of Ontario, 1990, Chapter P.13, and
In the matter of an application for Consent on behalf of:**

1260 Marlborough Court Limited
c/o Destaron Property Management Ltd.
12 Lawton Blvd.
Toronto, ON M4V 1Z4

**Re: Part of Block A, Plan M69
1260 & 1254 Marlborough Crt.
Town of Oakville, Regional Municipality of Halton**

TO DETERMINE an application made by the above-named Owner of the described property for Consent for the creation of a New Lot with Easements. The purpose of the application is to create a new lot to separate the 14-storey residential building (severed lands) from the 6-storey residential building (retained lands) together with easements to benefit the retained lands. The application is asking to convey portions of land listed below:

LANDS TO BE SEVERED

Part of Block A, Plan M69,
designated as Parts 1, 7, 8, 11 and 12 on Draft Reference Plan,
T/W Part Block B, Plan M69, Part 3, Plan 20R-3986 as in H144919,
Town of Oakville, being part of PIN 24877-0431(LT).

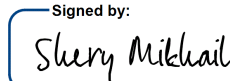
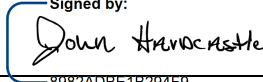

EASEMENTS: OVER THE SEVERED LANDS IN FAVOUR OF THE RETAINED LANDS:

- Part 7** will be subject to an easement for vehicular and pedestrian access in favour of Parts 2, 3, 4, 5, 6, 9, 10 and 13 (Retained Lands).
- Part 8** will be subject to an easement for the parking motor vehicles and for access by motor vehicles and pedestrians in favour of Parts 2, 3, 4, 5, 6, 9, 10 and 13 (Retained Lands).
- Parts 1, 7 and 8** will be subject to an easement for emergency egress in favour of Parts 2, 3, 4, 5, 6, 9, 10 and 13 (Retained Lands).
- Part 11** will be subject to an easement to install and operate a back up power generator in favour of Parts 2, 3, 4, 5, 6, 9, 10 and 13 (Retained Lands).
- Part 12** will be subject to an easement for the installation and operation of a ventilation system in favour of Parts 2, 3, 4, 5, 6, 9, 10 and 13 (Retained Lands).

The said parcels being more particularly described on the attached Severance Sketch based on Field work performed by Van Harten Surveying Inc., Project 32776-23 Date: September 1, 2023.

DECISION: No written or oral submissions from the public were received. Having considered the matters set out under Section 51(24) of the *Planning Act*, R.S.O. 1990, as amended, and as the application conforms to the Official Plan and Zoning By-law, the Committee recommends that the application **be approved** subject to the following conditions:

PLEASE REFER TO APPENDIX 'A' ATTACHED TO AND FORMING PART OF THIS NOTICE OF DECISION

M. Telawski	Absent		
S. Mikhail			J. Hardcastle
Chairperson, Committee of Adjustment			S. Dickie

DATE OF DECISION: November 27, 2024

DATE OF MAILING: November 28, 2024

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Town of Oakville in the Regional Municipality of Halton and this decision was concurred by the majority of the members who heard the application.


Sharon Coyne
Assistant Secretary-Treasurer, Committee of Adjustment

Last date of filing an appeal to the Ontario Land Tribunal under Section 53 of the *Planning Act*:
December 18, 2024

The Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, together with written reasons for the appeal and accompanied by the fee required by the Ontario Land Tribunal.

Only applicants, specified persons and public bodies may appeal decisions in respect of applications for Consent to the Ontario Land Tribunal. A Notice of Appeal may not be filed by any other individual, person, unincorporated association or group.

You will be entitled to receive Notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

APPENDIX 'A'

This is Appendix 'A' attached to and forming part of the Notice of Decision regarding application for Consent File B24/06 (1513).

APPENDIX A - CONDITIONS OF APPROVAL B24/06(1513)

1. That the owner/applicant receive approval of Minor Variance Applications CAV A/090/2024 and CAV A/091/2024.
2. That the owner/applicant register a Limiting Distance Agreement on title with the Land Registry Office to the satisfaction of the Director of Building Services.
3. That the owner/applicant register a blanket easement on title with the Land Registry Office to address the overland flow route of stormwater to the satisfaction of the Manager of Development Services.
4. That the owner/applicant register an easement on title with the Land Registry Office to address the overland flow route of stormwater to the satisfaction of the Manager of Development Services.
5. That the owner/applicant submit the digital copy of a reference plan showing the lands to be conveyed and a registerable legal description of the lands to be conveyed, to the Secretary-Treasurer, prior to the issuance of Consent.
6. That the owner/applicant submit to the Secretary-Treasurer a final certification fee payable to the Town of Oakville at the rate prescribed at the time of payment.
7. That the owner/applicant pay all taxes as levied on the property in full.
8. That the applicant determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service this property and the proposed lots and submit to the Region's Developer Project Manager a drawing showing the relationship of these services to the new proposed lot lines.
9. That the owner provide evidence satisfactory to the Legal Department of a shared facilities agreement between the owners of the severed lands and retained lands with provisions for cost sharing of the shared facilities.
10. That the owner provide confirmation from an Independent Professional Engineer licensed to practice in Ontario with experience in building services and systems, satisfactory to the Town's Director of Planning or designate with the cost to be paid for by the Applicant, that the severed lands and retained lands will have sufficient building systems and/or access through the proposed easements to sufficient building systems for each site to operate independently.

The Applicant must fulfill all of these conditions and the Certificate must be issued on or before the lapsing date of NOVEMBER 28, 2026 (2 years from the giving of notice).

Notes

The applicant/owner is advised that:

- The property is subject to site plan control and permits for site alteration, grading, servicing, etc. may be required if development occurs.
- The owner shall refer to the Contribution Agreement regarding the provision of affordable housing at 1254 Marlborough Court for the process of updating that Agreement.

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment

DATE OF DECISION: NOVEMBER 27 , 2024

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