

# COMMITTEE OF ADJUSTMENT

## CONSENT REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATIONS: B24/06 (1513) & B24/07 (1513)**

**RELATED FILES: CAV A190/2024 1260 Marlborough Crt.  
CAV A191/2024 1254 Marlborough Crt.**

**DATE OF MEETING:** By videoconference and live-streaming on the Town of Oakville's Live Stream webpage at [www.oakville.ca](http://www.oakville.ca) on November 27, 2024 at 7 p.m.

Owner (s)	Agent	Location of Land
1260 MARLBOROUGH COURT LIMITED 12 Lawton Blvd Toronto ON M4V 1Z4	Casey Kulchycki Zelinka Priamo Ltd 20 MAUD ST SUITE 305 Toronto ON M5V 2M5	PLAN M69 BLK A 1260 Marlborough Crt Town of Oakville

**OFFICIAL PLAN DESIGNATION: High Density Residential  
WARD: 5**

**ZONING: RH  
DISTRICT: East**

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### **APPLICATION B24/06 (1513):**

Under subsection 53(42) of the Planning Act, the applicant is requesting to permit the 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

**APPLICATION B24/07 (1513):**

Under subsection 53(42) of the Planning Act, the applicant is requesting to permit the consent for the creation of Easements.

The purpose of the application is to create easements within the portion of the retained lands (6-storey residential building) to benefit the severed lands (14 storey residential building). The application is asking to convey portions of land listed below:

**EASEMENT LANDS** - Part of Block A, Plan M69, designated as Parts 4, 6, 9 and 13 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)

**LANDS BENEFITING FROM THE EASEMENTS** - 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) (the "**Severed Lands**")

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

1. **Parts 4, 6 and 9** will be subject to an easement for access by motor vehicles and pedestrians in favour of Parts 1, 7, 8, 11 and 12 (Severed Lands).
2. **Part 13** will be subject to an easement to install, repair and maintenance utilities/services in favour of Parts 1, 7, 8, 11 and 12 (Severed 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

**CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED**

**Planning Services:**

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

**RECOMMENDATIONS**

1. That Consent Application B24/06 (1513), to sever the existing 14-storey residential building located at 1260 Marlborough Court (Lands to be severed) approximately 8,280 square metres in area with a frontage of 52.7 metres, from the six-storey residential building (Retained Lands), for the purpose of creating a new lot with easements over the retained lands, be approved, subject to the conditions attached in Appendix "A".
2. That Consent Application B24/07 (1513), to create easements over the lands containing the existing six-storey residential building at 1254 Marlborough Court (Retained Lands), being approximately 3,433 square metres in area with an approximate streetline frontage of 24.5 metres, be approved, subject to the conditions attached in Appendix "B".

## LOCATION

The subject land is located on the southwest corner of Trafalgar Road and Marlborough Court. The lands are legally described as Part of Block A, Registered Plan M-69, designated as Parts 1, 7, 8, 11 and 12 on the Draft Reference Plan, together with Part Block B, Registered Plan M-69, Part 3, Reference Plan 20R-3986 as in H144919, Town of Oakville, being part of PIN 24877-0431(LT). An aerial photo of the existing site is provided in Figure 1.



**Figure 1:** Subject Lands

Photo images of the existing buildings on the subject lands are provided in Figures 2 and 3, below.



**Figure 2:** 1260 Marlborough Court



**Figure 3:** 1254 Marlborough Court

## PURPOSE

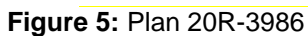
The purpose of Consent Application B24/06 (1513) is to sever the existing 14-storey residential building on 1260 Marlborough Court (Severed Parcel) and to establish easements in favour of the lands to be retained, which contains the existing six-storey residential building, municipally known as 1254 Marlborough Court (Retained Parcel). The purpose of Consent Application B24/07 (1513) is to create easements for vehicular and pedestrian access, emergency egress, as well as the installation and operation of a backup power generator, ventilation system, and the installation, repair and maintenance utilities/services.

## **BACKGROUND**

The subject lands, as depicted in Figure 4, are part of Registered Plan No. 69 which was registered on April 13, 1972. This site was initially developed in 1977 with the construction of the existing 14-storey residential building (Building A), containing 228 dwelling units, 42 surface parking spaces and additional spaces within the underground parking structure. On November 28, 1978, a reciprocal right-of-way easement was created through Plan 20R-3986 (Figure 5), allowing additional shared vehicular and pedestrian access between the subject lands and the residential building located at 1229 Marlborough Court (Figure 6). In 2018, a second residential building was constructed on the lands to the south and was assigned the municipal address of 1235 Marlborough Court (Figure 7), which also relies on the existing shared access easement with the subject lands (Figures 8 and 9).

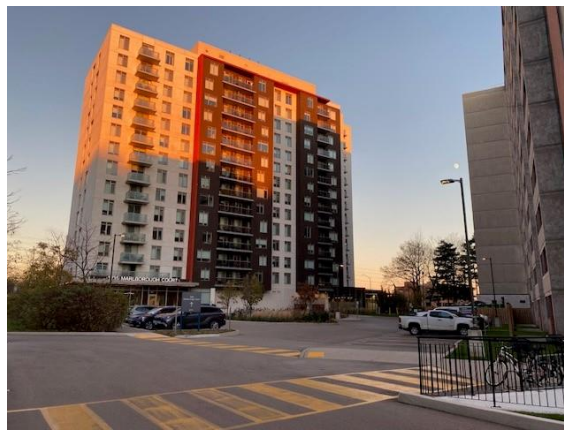




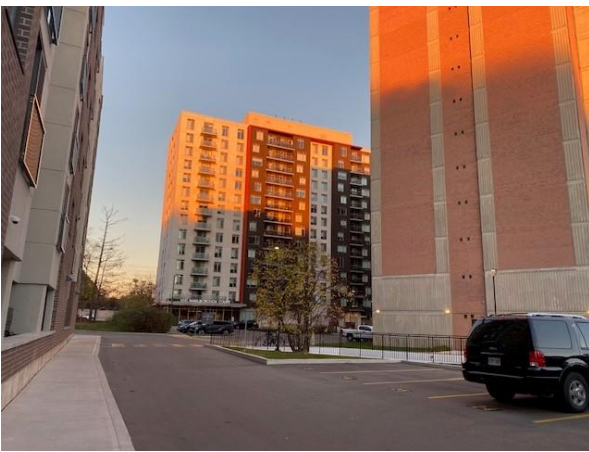




**Figure 6:** 1229 Marlborough Court



**Figure 7:** 1235 Marlborough Court



**Figure 8:** View of shared pedestrian and vehicle access looking east



**Figure 9:** View of shared pedestrian and vehicle access looking west

The existing six-storey residential building on the subject lands at 1454 Marlborough Court, (Figure 3) was constructed in 2022 as an affordable housing project. It includes 15 sheltered at-grade visitor parking spaces under the building. The building was approved under Site Plan application SP.1513.027/02 and Minor Variance Application CAV A/016/2020 provided relief from the Zoning By-law to reduce the number of resident and visitor parking spaces required between the existing 14-storey residential building and the new six-storey residential building, as well as reduced parking stall widths for 16 parking spaces. Building Services staff advised that the building permit to construct the six-storey residential building was issued on the basis that a 6.0 m setback from the "property line" was proposed for the North elevation in order to comply with OBC Div. B.3.2.3, respecting Limiting Distance and Area of Unprotected Openings (i.e., windows).

The owner had entered into a Contribution Agreement with the Region, concerning the provision of affordable housing at 1254 Marlborough Court. That Agreement contemplates a future consent application from 1260 Marlborough Court.



## PROVINCIAL PLANNING STATEMENT (PPS), 2024

The PPS provides for efficient development and land use patterns and appropriate range and mix of land uses. Policies within Chapter 2 direct growth and development to settlement areas, which optimizes the efficient use of land and resources, existing and planned infrastructure, and promotes active transportation. The proposal is to create a new lot and reciprocal easements to reflect the existing high-density residential buildings on the subject lands.

On this basis, the proposed Consents are consistent with the PPS.

### LIVABLE OAKVILLE PLAN

The subject land is identified as 'Residential Areas' and 'Major Commercial Areas' on Schedule A1 – Urban Structure, as shown in Figure 10 below. It is designated as 'High Density Residential' and within the 'Trafalgar Road Corridor Special Policy Area' on Schedule I – Central Land Use (Figure 11).

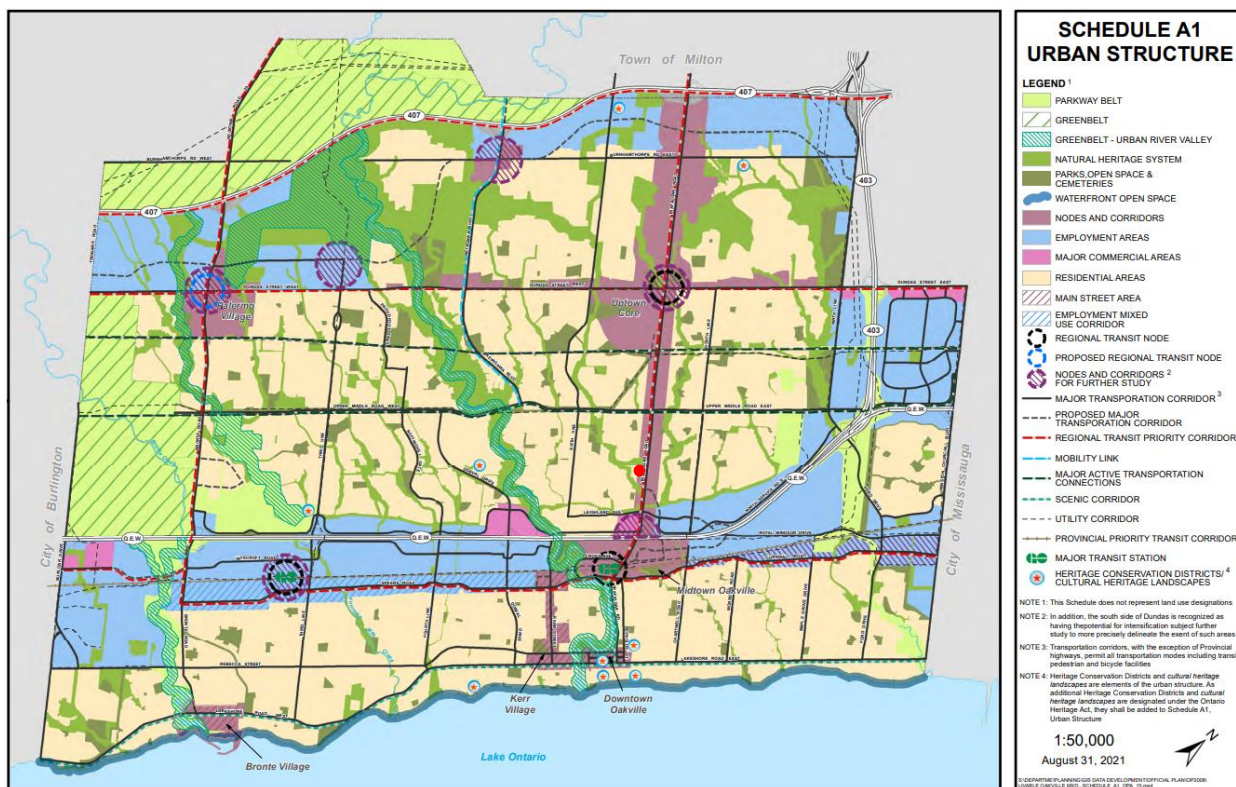
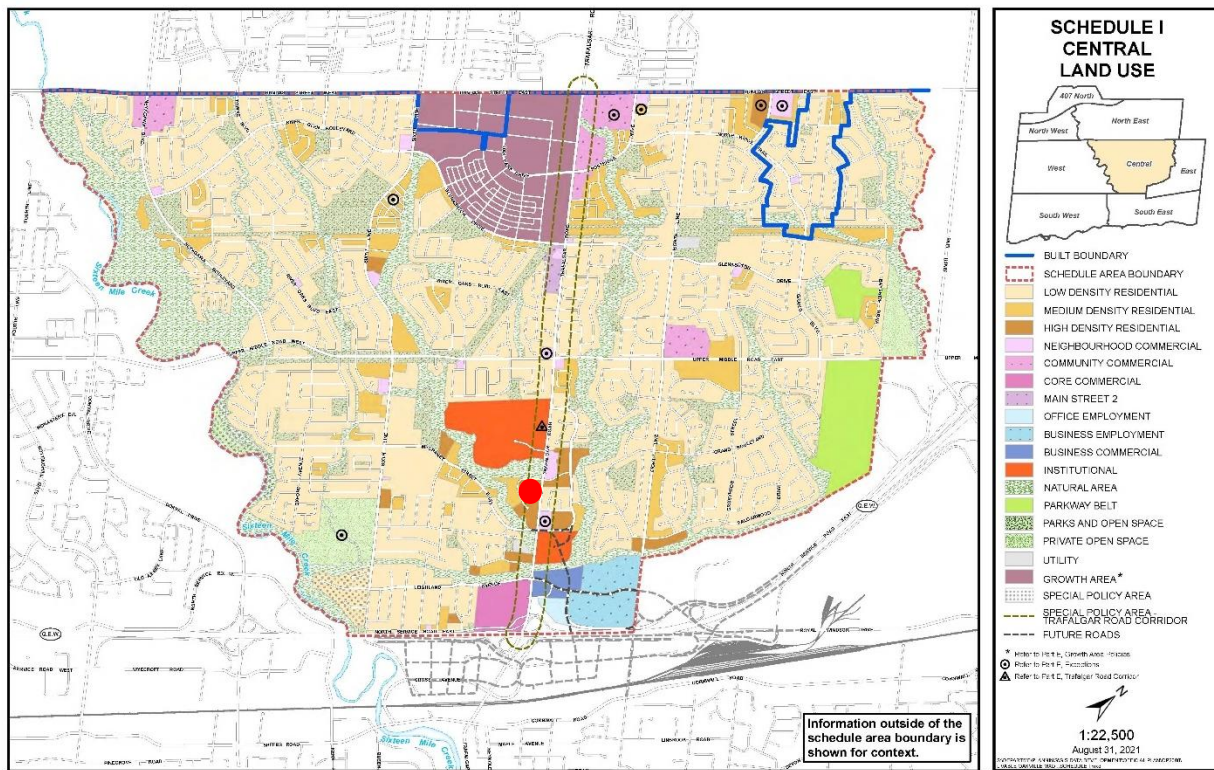


Figure 10: Livable Oakville Plan – Schedule A1





**Figure 11: Livable Oakville Plan – Schedule I**

Residential Areas policies are found within Section 11 of the Official Plan and among the various objectives of the Residential Area is the promotion of “innovative housing types and forms to ensure accessible, affordable and appropriate housing for all socio-economic groups”. Policy 11.4.1 permits apartment dwellings within the high density residential designation at a range between 51 to 185 units per hectare. However, the lands are located within the Trafalgar Road Corridor which permits a maximum density of 300 units per hectare. Both the retained and severed parcels comply with the density policies of the Official Plan.

Section 28.3 concerns the Trafalgar Road Corridor (QEW to Dundas Street), which is identified as a Special Policy Area because this portion of Trafalgar provides a direct transportation link between Midtown Oakville and the Uptown Core. It includes several vacant or underutilized sites that may be redeveloped for transit-supportive land uses. The subject lands have been developed to support transit usage.

The Consent policies contained within Section 30.14 provide direction on when the creation of a new lot can be granted, and state:

### **“30.14 Consents (Severances)**

*30.14.1 Consents may be permitted for the creation of a new lot, boundary adjustments, rights-of-way, easements, long-term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.*

*30.14.2 Applications for consent to create new lots may only be granted where:*

- a) a plan of subdivision is not necessary;*
- b) the number of resulting lots is three or less;*

- c) *the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
- d) *no extension, improvement or assumption of municipal services is required;*
- e) *the lot will have frontage on a public street and access will not result in traffic hazards;*
- f) *the lot will not restrict the ultimate development of adjacent lands;*
- g) *the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and,*
- h) *the consent conforms to all relevant policies of this Plan.”*

Severing the subject land to create a new lot that will maintain the existing buildings and uses on site will not disrupt the existing lot fabric. It is staff's opinion that the proposed Consents conform to the Livable Oakville Plan, specifically Sections 11, 28.3, and 30.14.

## ZONING

The subject lands are zoned Residential High (RH) within Zoning By-law 2014-014. The RH Zone permits a range of high density housing types, including apartment dwellings. Regulations in the Residential High (RH) Zone include the following:

Table 6.3.9: Regulations in the Residential High (RH) Zone	
	<i>Apartment dwellings</i>
Minimum lot area	1,858.0 square metres
Minimum lot frontage	24.0 metres
Minimum front yard	7.5 metres
Minimum flankage yard	3.5 metres
Minimum interior side yard	4.5 metres
Minimum rear yard	7.5 metres
Maximum height	The height legally existing on the lot on the effective date of this By-law
Maximum lot coverage	35%
Minimum landscaping coverage	10%

The first sheet of the Strata Plan of Survey is also referred to as the Severance Sketch (Figure 12), provides a bird's eye view of the subject lands, illustrating the proposed lot line to sever the property. This line aligns with the extent of the underground parking garage associated with the 14-storey apartment building at 1260 Marlborough Court. To aid interpretation, the applicant has provided colour version of the plan.



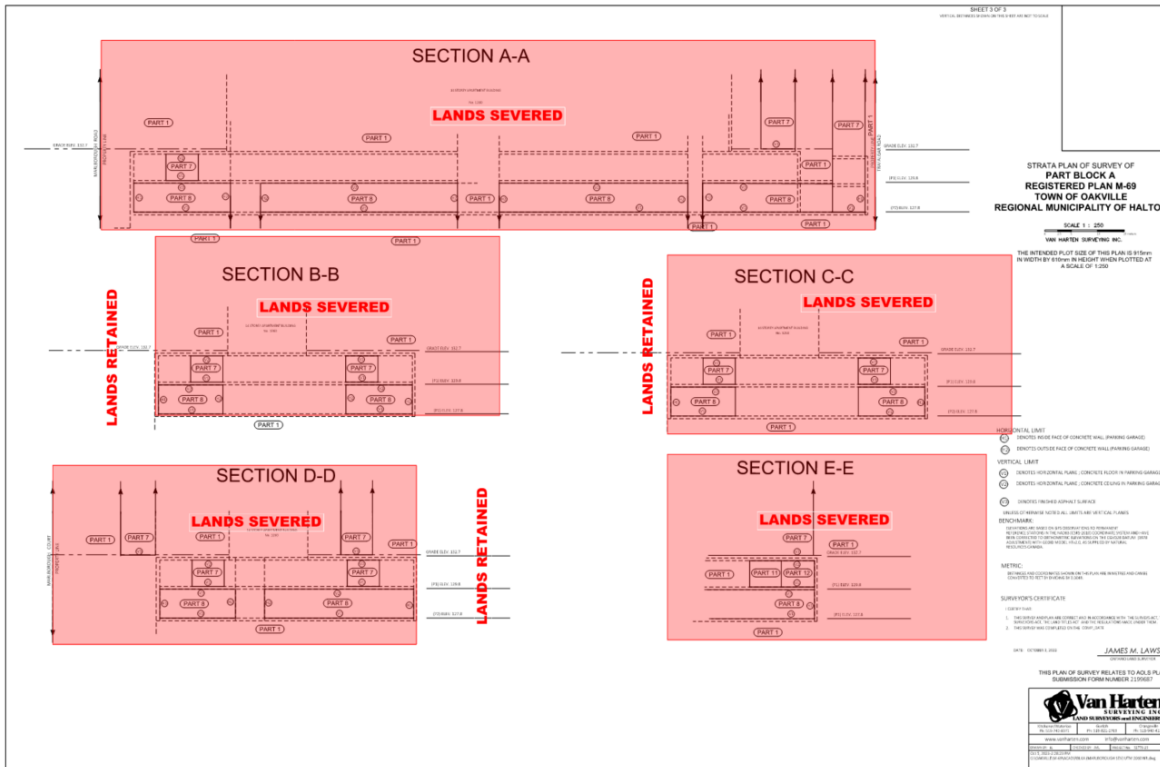


Figure 14: Strata Plan of Survey (Sheet 2 of 3)



Figure 14: Strata Plan of Survey (Sheet 3 of 3)



Based on the proposed severance sketch / strata plan of survey, the owner has submitted Minor Variance Application Nos. CAV A/090/2024 and CAV A/091/2024 to address Zoning deficiencies for the lands to be retained and the lands to be severed, as follows:

CAV A/090/2024 – 1260 Marlborough Court (Lands to be Severed)		
<i>Regulation</i>	<i>Requirement</i>	<i>Proposed</i>
Minimum Number of Parking Spaces Table 5.2.1 (Row 5, Apartment Dwelling)	297 parking spaces (rate of 1.0 space/dwelling unit less than 75 m <sup>2</sup> ; rate of 1.5 parking spaces for all other units)	159 parking spaces (rate of 0.5 space/dwelling unit less than 75 m <sup>2</sup> ; rate of 0.65 spaces for all other units)
Minimum number of Visitor Parking Spaces Table 5.2.1 (Footnote 1)	57 visitor parking spaces (rate of 0.25 visitor parking spaces per dwelling unit)	21 visitor parking spaces (rate of 0.09 visitor parking spaces per dwelling unit)
Minimum number of bicycle parking spaces Section 5.4.1 b)	30 bicycle parking spaces	0 bicycle parking spaces
Minimum setback for an underground parking structure abutting a residential zone Section 6.9 b) i)	1.0 metre	0.0 metre

CAV A/091/2024 – 1254 Marlborough Court (Lands to be Retained)		
<i>Regulation</i>	<i>Requirement</i>	<i>Proposed</i>
Minimum Number of Parking Spaces Table 5.2.1 (Row 5, Apartment Dwelling)	75 parking spaces (rate of 1.0 space/dwelling unit less than 75 m <sup>2</sup> ; rate of 1.5 parking spaces for all other units)	15 parking spaces (rate of 0.2 space/dwelling unit less than 75 m <sup>2</sup> ; rate of 0.3 spaces for all other units)
Minimum number of Visitor Parking Spaces Table 5.2.1 (Footnote 1)	18 visitor parking spaces (rate of 0.25 visitor parking spaces per dwelling unit)	13 visitor parking spaces (rate of 0.18 visitor parking spaces per dwelling unit)
Minimum Interior Side Yard Table 6.3.9 (row 5)	4.5 metres	2.07 metres

Staff support the minor variances requested to implement the proposed consent applications, the details of which have been included in a separate report. In order to allow the proposed consent to proceed, the approval of Minor Variance Applications CAV A/090/2024 and CAV A/091/2024 have been identified as conditions of approval of Consent Application Nos. B24/06 (1513) & B24/07 (1513). Staff note that the related Minor Variance applications have been scheduled for the same Committee of Adjustment meeting that will also be considering the subject Consent applications.

## COMMENT

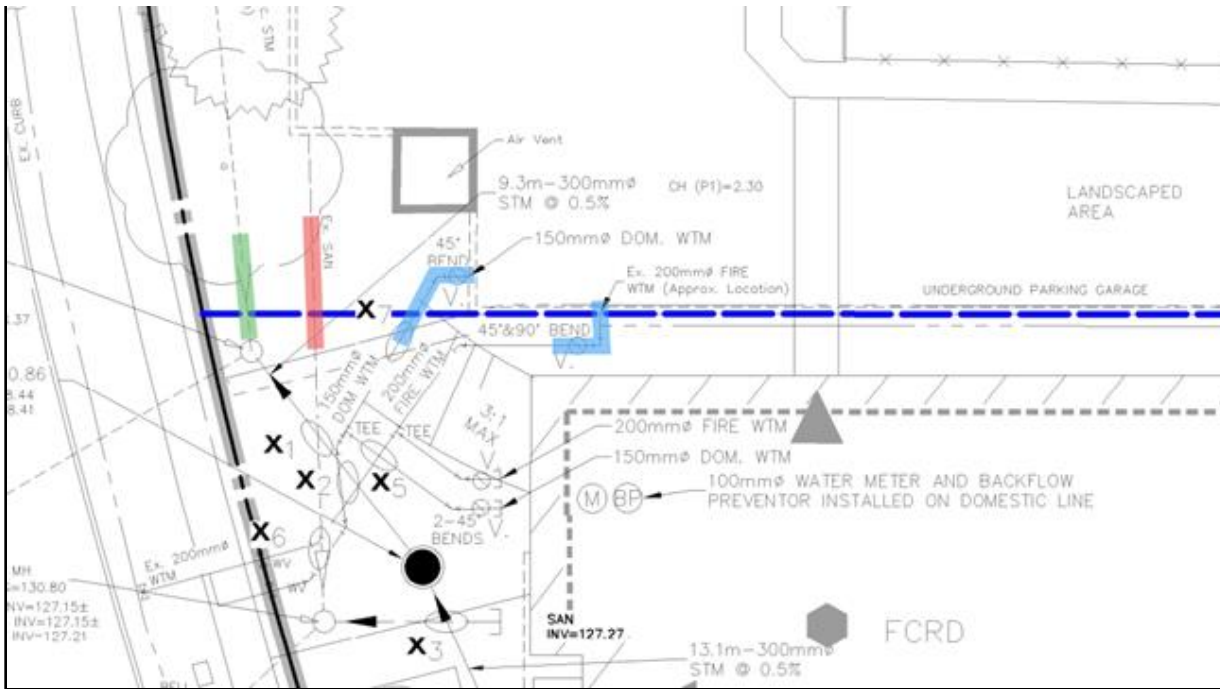
Consent Application B24/06 (1513) would have the effect of creating a new lot (Severed Lands) for the existing 14-storey residential building and establishing easements (Parts 1, 7, 8, 11, and 12) in favour of the Retained Lands with the existing six-storey residential building (Parts 2, 3, 4, 5, 6, 9, and 10). Consent Application B24/07 (1513) would have the effect of creating easements (Parts 4, 6, 9, and 13) over the Retained Lands in favour of the Severed Lands. The applications are in keeping with the Livable Oakville policies and the Zoning By-law, subject to the approval of the submitted Minor Variance application.

The easements referenced in the applications are necessary to address existing conditions of the site, including vehicular and pedestrian access, emergency egress, as well as the installation and operation of a back-up power generator, ventilation system, and the installation, repair and maintenance utilities/services. As one of the outcomes of Consent Application B24/06 (1513) is the creation of a new lot, it is necessary to ensure 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. Therefore, conditions of approval have been added to Appendices "A" and "B" for the establishment of a Shared Facilities Agreement, as well as confirmation from an Independent Professional Engineer that each lot will have sufficient building systems and/or access through the proposed easements to sufficient building systems for each site to operate independently.

As stated above, the building permit to construct the six-storey residential building was issued on the basis that a 6.0 m setback from the "property line" was proposed for the North elevation in order to comply with OBC Div. B.3.2.3, respecting Limiting Distance and Area of Unprotected Openings (i.e., windows). Notwithstanding the requested relief from the Zoning By-law for the minimum interior side yard, a Limiting Distance Agreement is required to be registered on title with the Land Registry Office to ensure that a minimum distance of 6.0 metres is maintained between the northerly elevation of the existing six-storey residential building and any buildings on the lands to be retained. While there is already a separation distance of approximately 15 metres between the two building faces, the Limiting Distance Agreement would inform the owner of 1260 Marlborough Court that any new construction must maintain a minimum of 6.0 metres separation distance between the buildings. Therefore, conditions of approval have been included within Appendices "A" and "B" in order for the proposal to comply with the Ontario Building Code.

As noted earlier, the Contribution Agreement with the Region concerning the provision of affordable housing at 1254 Marlborough Court contemplates a future severance application from 1260 Marlborough Court. Should Consent Application B24/06 (1513) to create a new lot and easements over the lands to be severed (1260 Marlborough Court) be approved, the Agreement will automatically be applied to both new PINs. If the owner wishes to discharge that Agreement from the lands to be severed (1260 Marlborough Court), the Owner shall refer to the Agreement itself, as it contains the process by which to do so.

Development Engineering staff have advised that there are existing sanitary (red), water (blue), and storm (green) services that cross the proposed lot line near the westerly frontage along Marlborough Court, as depicted in Figure 15, below.



**Figure 15:** Excerpt of Servicing Plan

To ensure a proper stormwater overland flow route, a blanket easement over the retained parcel is required to allow the overland flow from the severed parcel to discharge to Marlborough Court. Therefore, conditions of approval have been included within Appendices “A” & “B” to address this matter.

No public comments were received following the public circulation process. However, conditions were identified through the staff review and agency feedback in response to the notice and circulation. These conditions are outlined in Appendices “A” and “B” of this report, while staff and agency comments are provided in Appendix “C” .

## CONCLUSION

Consent applications B24/06 (1513) and B24/07 (1513) represent an appropriate form of development and conform to the Livable Oakville Plan and the Zoning By-law. On this basis, Staff recommend approval of both applications subject to the conditions attached as Appendices “A” and “B”.

Submitted by:

Reviewed by:

Approved by:

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Delia McPhail  
MCIP, RPP  
Planner, Current  
Planning

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Kate Cockburn  
MCIP, RPP  
Acting Manager, Current  
Planning, East District

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Gabe Charles  
MCIP, RPP  
Director, Planning and  
Development



## **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.

## 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.

## • **APPENDIX “B” – CONDITIONS OF APPROVAL B24/07 (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 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.
5. 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.
6. That the owner/applicant pay all taxes as levied on the property in full.
7. 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.
8. 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.
9. 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.

### **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.

## **APPENDIX “C” – DEPARTMENT/AGENCY COMMENTS**

With respect to B24/04 (1513) and B24/05 (1513), the following Departments and Agencies have indicated no comments or concerns with the proposal:

- Fire Department
- Conservation Halton

### **Building Services**

#### **B24/06 (1513) – New Lot/Easements and B24/07 (1513) – Easements**

Subject to approval of minor variance applications CAV A/090/2024 and CAV A/091/2024.

Building permit 20-000488 AN for 1254 Marlborough Court was issued on the basis that a 6.0 m setback from the "property line" was proposed for the North elevation. By reducing the setback to 2.0 m, the north elevation does not comply with OBC Div. B. 3.2.3.

### **Legal**

#### **B24/06 (1513) – New Lot/Easements and B24/07 (1513) – Easements**

On April 20, 2023, CILP was made in the amount of \$955,000.00 by Green Valley Construction Corp., S.P. 1513.027/02, receipt # 196533. Therefore, NO CILP Implications, previously satisfied.

### **Forestry**

#### **B24/06 (1513) – New Lot/Easements**

There are no municipal tree concerns related to the proposed easements.

#### **B24/07 (1513) – Easements**

No issues/concerns with municipal trees.

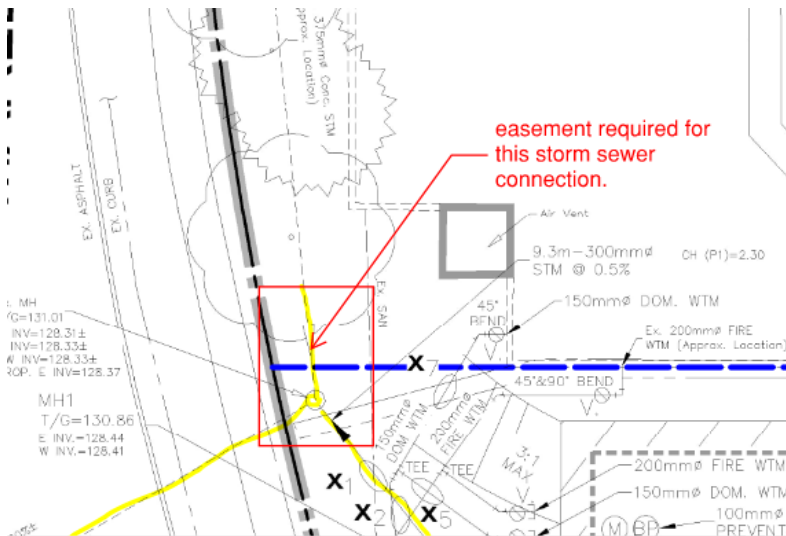
### **Development Engineering**

Development Engineering have reviewed the above-mentioned consent and have the following comments:

#### **1. Site Servicing Plan**

An easement will be required as shown in the redline below to allow the storm connection of the severed parcel to flow through the retained parcel and to the municipal sewer on Marlborough Court.





The stormwater overland flow route must be able to flow out to the street for each property. The overland flow will require a blanket easement over the retained parcel to allow overland flow of the severed parcel to flow out the Marlborough Court.

### **Richard Renaud, C.E.T.**

Development Engineering Technologist  
Planning and Development Department  
[richard.renaud@oakville.ca](mailto:richard.renaud@oakville.ca)

### **Oakville Hydro**

#### **B24/06 (1513) – New Lot/Easements and B24/07 (1513) – Easements**

We do not have any objection with Notice of Consent Application B24-06-1513, as long as it does not conflict with the conditions of our registered easement HR1940665.

### **Trans-Northern Pipelines Inc.**

#### **B24/06 (1513) – New Lot/Easements and B24/07 (1513) – Easements**

Thank you for contacting Trans-Northern Pipelines Inc. (TNPI). We can confirm that TNPI has NO infrastructure in the mentioned area.

### **Halton Region**

August 15, 2024

Jen Ulcar, Secretary-Treasurer

Planning and Development Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON, L6H 0H3

Dear Jen Ulcar:

**RE: Region of Halton Comments – 1<sup>st</sup> Submission**  
**Consent Application**  
**File: B24/07 (1513)**  
**1260 Marlborough Court Holdings Limited**  
**1252 Marlborough Court, Town of Oakville**

**Bill 185 – Cutting Red Tape to Build More Homes Act, 2024:**

Due to recent Provincial legislation, as of July 1, 2024, the Halton Region's role in land use planning and development matters is changing. The Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.

As outlined in the MOU, the Region has an interest in supporting our local municipal partners by providing review and comments on a scope of interests that include:

- Water and Wastewater Infrastructure;
- Regional Transportation Systems including stormwater management infrastructure and acoustic mitigation on Regional right-of-ways;
- Waste Collection;
- Affordable and Assisted Housing;
- Responsibilities associated with a specific mandate prescribed by legislation (e.g. sourcewater protection, public health); and
- Other Regional services that have a land component.

Given the above, the Region will no longer be providing comments related to the Regional Official Plan or Provincial Policy matters, unless a request is made by the local municipality for assistance.

Any comments the Region provides in response to a request from a local municipality to support transition will be provided separately from the comments associated with the remaining Regional interests listed above and defined through the MOU.

**Background:**

Regional staff are forwarding comments in response to the circulation of the 1<sup>st</sup> submission for the above-noted application circulated on July 30, 2024. The application has been made 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.

In addition, should the consent applications be approved, the Proponent will require various minor variance applications for the severed (CAV A/090/2024) and retained (CAV A/091/2024) parcel. The proposed variances are seeking relief under Section 45(1) of the Planning Act in order to permit a decrease in the minimum number of parking spaces per dwelling unit, a decrease in the minimum number of parking spaces designated as visitor, a decrease in the minimum number of bicycle parking spaces, a decrease in the minimum setback for the underground parking structure from the lot line abutting the residential zone, and a decrease in the minimum northerly interior side yard, under the requirements of the Town of Oakville Zoning By-law. Regional staff have no objections to the above noted Minor Variance applications.

Regional staff understand that a concurrent Consent application has been made by the applicant for an easement B24/06 (1513). Both Regional Comment Letters should be read together for context and completeness.

Regional staff has no objection to the above-referenced application, subject to the conditions outlined in Schedule 'A'.

### **Water and Wastewater Servicing:**

In accordance with the MOU and to ensure water and wastewater services are provided in accordance with Regional requirements, Halton Region provides the following comments.

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing comments and conditions as they relate to the proposed development:

#### Watermain:

- A 250mm dia. watermain is located on Marlborough Court adjacent to the property.

#### Sanitary Sewer:

- A 375mm dia. sanitary sewer is located on Marlborough Court adjacent to the property.

Regional staff note that a drawing was submitted with the application that shows the locations of the proposed water services and the sanitary sewer laterals for the two lots. The drawing did not show the locations of the existing water service and/or existing sanitary sewer lateral for the existing property. Regional records indicate that the existing residential building on the property is currently serviced by both an existing water service and sanitary sewer lateral that are connected to the existing services on Marlborough Court. These service connections appear to be located in the vicinity of the proposed lot line.

Regional conditions related to municipal servicing matters on this application are outlined in Schedule 'A'.

**Finance:**

The Owner will be required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1 ,2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current information which is subject to change.

**Conclusion:**

In accordance with the MOU and to support Regional and local objectives, to ensure water and wastewater services are provided in accordance with Regional requirements and to ensure an effective Regional infrastructure.

Regional staff have no objection to the proposed application, subject to the conditions outlined in Schedule 'A'.

It is recommended that the requirements for clearance of the conditions be provided as a complete package and not in a piecemeal manner.

We trust that these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact the undersigned. Please send notice of the Town's decision on this application.

Sincerely,

*Michaela Campbell*

Michaela Campbell  
Intermediate Planner



cc: Michael Di Febo, Senior Planner (via email)  
Alex Hilder, Development Project Manager (via email)

**SCHEDULE 'A'**  
**CONDITIONS – B24/07 (1513)**

The following Regional Conditions must be satisfied and/or included in the Consent application.

**Applicant:** 1252 Marlborough Court Holdings Limited  
**Municipal Address:** 1260 Marlborough Court, Town of Oakville  
**Application File Number:** B24/07(1513)

Condition	Status
<b>Water and Wastewater Servicing</b>	
1. That the applicant determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service existing property and the proposed lot and submit to the Region's Developer Project Manager a drawing showing the relationship of these services to the new proposed lot line.	Not addressed within the 1st submission. This matter remains outstanding.
2. The Owner must demonstrate, to the satisfaction of the Region's Development Project Manager that permanent mutual private domestic watermain and sanitary sewer easements are to be provided that will ensure that access rights to and the maintenance of the private water and sewer systems in the building are addressed between property owners. The easements will be required to be described as parts on a reference plan and the transfer documents for the private water and wastewater easements will be required to stand solely on their own, and not part of any other easement or agreement.	Not addressed within the 1st submission. This matter remains outstanding.

3. No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.	Not addressed within the 1st submission. This matter remains outstanding.

## Delia McPhail

---

**From:** Hilder, Alex <Alex.Hilder@halton.ca>  
**Sent:** Tuesday, September 3, 2024 1:32 PM  
**To:** Azar Davis - Zelinka Priamo Ltd.  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd.; Delia McPhail  
**Subject:** [EXTERNAL] RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

You don't often get email from alex.hilder@halton.ca. [Learn why this is important](#)

Hello,

For residential/rental apartment buildings, registering appropriate easements and supporting documents (reciprocal easement agreement) will permit existing services to cross proposed lots lines.

Alex

---

**From:** Azar Davis - Zelinka Priamo Ltd. <azar.d@zpplan.com>  
**Sent:** Tuesday, September 3, 2024 1:27 PM  
**To:** Hilder, Alex <Alex.Hilder@halton.ca>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <casey.k@zpplan.com>; delia.mcphail@oakville.ca  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

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Hi Alex, to clarify, our question is regarding whether the existing services will be permitted to cross the proposed lot lines in this instance by registering appropriate easements given that the lands are occupied by rental apartment buildings (in your example, you mentioned this is possible for condominium developments). Please kindly clarify when possible.

Thanks

---

Azar Davis BURPL CPT  
Intermediate Planner  
**Zelinka Priamo Ltd. – Land Use Planners**  
(W) 416-622-6064

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---

**From:** Hilder, Alex <Alex.Hilder@halton.ca>  
**Sent:** 03 September 2024 10:57  
**To:** Azar Davis - Zelinka Priamo Ltd. <azar.d@zpplan.com>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <casey.k@zpplan.com>; delia.mcphail@oakville.ca  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

Hello Azar, correct this will apply to both properties. The reciprocal easement documents will include both properties and outline access rights to and the maintenance responsibilities of the private water and sewer systems between both property owners.

Thanks,  
Alex

---

**From:** Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>  
**Sent:** Tuesday, September 3, 2024 10:41 AM  
**To:** Hilder, Alex <[Alex.Hilder@halton.ca](mailto:Alex.Hilder@halton.ca)>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; [delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca)  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

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Hi Alex, thank you for your email. To clarify, this proposal concerns two rental buildings. Is the same opportunity still provided to clear #3 by way of establishing the necessary easements described by #2?

Thanks

---

Azar Davis BURPI, CPT  
Intermediate Planner  
**Zelinka Priamo Ltd. – Land Use Planners**  
(W) 416-622-6064

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---

**From:** Hilder, Alex <[Alex.Hilder@halton.ca](mailto:Alex.Hilder@halton.ca)>  
**Sent:** 03 September 2024 10:39  
**To:** Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; [delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca); Campbell, Michaela <[Michaela.Campbell@halton.ca](mailto:Michaela.Campbell@halton.ca)>  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

Hello,

Condition 3 and Condition 2 can both be cleared once the reciprocal easement agreements between both property owners, reference plan and transfer documents for the private domestic watermain and sanitary sewer for the severed and retained lands are provided.

As per Region policy sanitary laterals and water service connections are not to cross existing or proposed property lines. However, the only instance where this is permitted is for a condo development when reciprocal easement agreements is provided between both owners.

I included condition 3 to follow Regional policy but knowing that it can be cleared once the documents for condition 2 are provided.

Let me know if you have any further questions.

Thanks,  
Alex

**Alex Hilder**  
Development Project Manager - South



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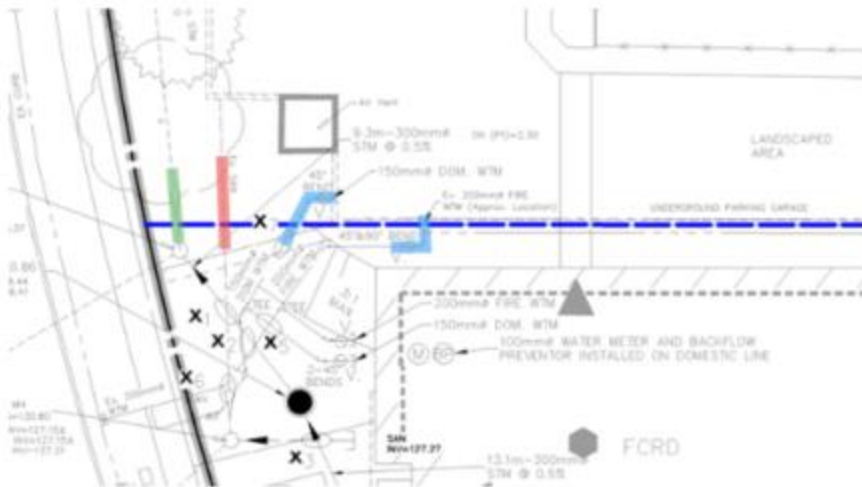
**From:** Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>  
**Sent:** Tuesday, September 3, 2024 10:22 AM  
**To:** Hilder, Alex <[Alex.Hilder@halton.ca](mailto:Alex.Hilder@halton.ca)>  
**Cc:** Casey Kulchycki - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; [delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca); Campbell, Michaela <[Michaela.Campbell@halton.ca](mailto:Michaela.Campbell@halton.ca)>  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville  
**Importance:** High

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Good morning Alex, hope you enjoyed the long weekend. As per the thread below, we are seeking your feedback as soon as possible regarding the proposed severance of the developed lands at 1254 & 1260 Marlborough Court. We had a pre-con in 2023 which the Region attended (attached).

We have recently been made aware that the Region is proposing a condition (#3 of the attached) that would require the relocation of existing water and sanitary connections to avoid crossing the proposed lot line as depicted in the image below. We are requesting that this condition be removed, as the purpose of the proposed permanent easements (which seems to be acknowledged by condition #2) are to facilitate mutual access and maintenance rights for both properties to be registered parts as described on the Draft R-Plan. **We would therefore like to discuss the feasibility of removing condition #3, as condition #2 would address existing water and wastewater infrastructure.**

The owner has been extremely patient with the extended intake and review timeline for this proposal, and we therefore would like to have this matter addressed as soon as possible. Please let us know if you would like to set up a time to chat through.



Thanks

Azar Davis BURPI, CPT  
Intermediate Planner  
**Zelinka Priamo Ltd. – Land Use Planners**  
(W) 416-622-6064

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**From:** Azar Davis - Zelinka Priamo Ltd.  
**Sent:** 30 August 2024 10:40  
**To:** Hilder, Alex <[Alex.Hilder@halton.ca](mailto:Alex.Hilder@halton.ca)>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; 'Delia McPhail' <[delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca)>  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

Hi Alex, can you please advise on the below at your earliest opportunity?

Thanks

Azar Davis BURPI, CPT  
Intermediate Planner  
**Zelinka Priamo Ltd. – Land Use Planners**  
(W) 416-622-6064

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**From:** Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>  
**Sent:** 26 August 2024 14:57  
**To:** Hilder, Alex <[Alex.Hilder@halton.ca](mailto:Alex.Hilder@halton.ca)>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; 'Delia McPhail' <[delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca)>  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

Hi Alex, can you please advise on the below at your earliest opportunity?



Thanks

---

Azar Davis BURPI, CPT  
Intermediate Planner  
**Zelinka Priamo Ltd. – Land Use Planners**  
(W) 416-622-6064

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**From:** Campbell, Michaela <[Michaela.Campbell@halton.ca](mailto:Michaela.Campbell@halton.ca)>  
**Sent:** Wednesday, August 21, 2024 3:23 PM  
**To:** Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>; Hilder, Alex <[Alex.Hilder@halton.ca](mailto:Alex.Hilder@halton.ca)>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; 'Delia McPhail' <[delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca)>  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

Hello Azar,

By way of your last email, instead of asking the staff member to provide clearance on the outstanding conditions (as I don't believe this can be done as the Region does not permit services to cross lot lines), I will instead cc the Development Project Manager, Alex Hilder, to this email to provide you with a response in regards to the Region's servicing policies.

**Alex** – could you please provide a response to Azar in relation to the Region's policies and any next steps for them?  
Thanks!

Thank you,  
Michaela

---

**From:** Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>  
**Sent:** Wednesday, August 21, 2024 3:17 PM  
**To:** Campbell, Michaela <[Michaela.Campbell@halton.ca](mailto:Michaela.Campbell@halton.ca)>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; [delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca)  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

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Hi Michaela, thank you for the quick follow up. To clarify, we were not yet in receipt of the comment letters attached to your email.

We are seeking flexibility in this instance regarding the Region's policy to not permit services to cross lot lines, as the easements and reciprocal operating agreement(s) are proposed to ensure mutual access to for maintenance purposes – please advise.

Thanks

---

Azar Davis BURPI, CPT  
Intermediate Planner  
**Zelinka Priamo Ltd. – Land Use Planners**  
(W) 416-622-6064

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**From:** Campbell, Michaela <Michaela.Campbell@halton.ca>  
**Sent:** Wednesday, August 21, 2024 2:47 PM  
**To:** Azar Davis - Zelinka Priamo Ltd. <azar.d@zpplan.com>  
**Cc:** Casey Kulchyski - Zelinka Priamo Ltd. <casey.k@zpplan.com>; delia.mcphail@oakville.ca  
**Subject:** RE: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

Hello Azar,

Thank you for your email in relation to the Oakville Consent applications for B24/06 and B24/07.

Please find responses to your questions below:

1. Location of Services
  - a. Please note that during the pre-consultation meeting, DPM staff provide their submission requirements mainly based on the application type. They then review the required submission materials within the 1<sup>st</sup> submission formally circulated by the Town of Oakville and we offered servicing comments and conditions of approval through the Regional comment letters (attached). Please note that the same three conditions of approval were offered on both Consent applications.
  - b. By way of this email, are you asking for me to take the Servicing Plan to DPM staff with a formal request to clear the conditions (or if they can not be cleared, for them to note what else is required to clear the conditions)? Or are you expecting a formal 2<sup>nd</sup> submission to be made to the Town of Oakville and this material can be provided within that submission so the Region can provide comments?
  - c. Please note that Halton Region does not permit services to cross lot lines.
2. Implications for Regional funding provided for 1254 Marlborough Court
  - a. Please note that these comments were not provided by Halton Region and I would direct you to speak to the Town of Oakville.

If you could please provide a response to my email noting your path forward.

Thank you,  
Michaela

**Michaela Campbell, BURPI**  
Intermediate Planner - Oakville  
Development Services  
Public Works  
Halton Region  
905-825-6000, ext. 2830 | 1-866-442-5866



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From: Azar Davis - Zelinka Priamo Ltd. <[azar.d@zpplan.com](mailto:azar.d@zpplan.com)>

Sent: Wednesday, August 21, 2024 1:09 PM

To: Campbell, Michaela <[Michaela.Campbell@halton.ca](mailto:Michaela.Campbell@halton.ca)>

Cc: Casey Kulchyski - Zelinka Priamo Ltd. <[casey.k@zpplan.com](mailto:casey.k@zpplan.com)>; [delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca)

Subject: Region Comments - Consent & MV - 1254 & 1260 Marlborough Ct, Oakville

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Hi Michaela, on behalf of the landowner, we submitted concurrent Consent and Minor Variance applications for the above-noted lands. Through discussions with the Oakville Staff, we understand that the Region has raised questions regarding the following:

**1. Location of services**

- Please refer to the submitted Servicing Plan and markup below for ease of review – there are existing sanitary (red), water (blue), and storm (green) services which cross the proposed lot line near the westerly frontage. We note that the Servicing Plan was also provided with our pre-con submission last year, at which time no servicing concerns or advisories were provided (report attached).
- Should there be specific concerns with the proposed, please kindly advise with the appropriate contact for further discussion.



**2. Implications for Regional funding provided for 1254 Marlborough Court**

- The Owner's solicitor has advised that the Contribution Agreement entered into with the Region is specific to the recent construction of 1254 Marlborough Court for the provision of affordable housing, and contemplates a future severance application from 1260 Marlborough Court. Should the severance application be approved by Committee, the Owner's solicitor will contact the Region to review the Agreement as needed to reflect the new PIN for the 1254 lands.
- We trust this addresses the question; however, please do not hesitate to let us know if more information is needed to clarify.

Thanks

Azar Davis BURPI, CPT

Intermediate Planner

**Zelinka Priamo Ltd. – Land Use Planners**

Toronto Office

20 Maud Street, Suite 305

Toronto, ON M5V 2M5

(W) 416-622-6064

[www.zpplan.com](http://www.zpplan.com)

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## APPENDIX “D” PUBLIC COMMENTS

None.

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Sharon Coyne

Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment