



## Development Services Committee Meeting Agenda

Monday, March 7, 2022, 1:30 p.m.

Electronic Meeting

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For inquiries about this agenda please contact City Clerk Services at 905-436-3311 or by email at [clerks@oshawa.ca](mailto:clerks@oshawa.ca).

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### Pages

#### Public Meeting

#### Additional Agenda Items

(As may be presented at the meeting)

#### Declarations of Pecuniary Interest

(As may be presented by Council Members)

#### Presentations

None.

#### Delegations

None.

#### Correspondence Requiring Action

**DS-22-46 - Bill Forbes submitting correspondence concerning 5052 Harmony Road North and 1515 Thornton Road North (Evergreen Environmental) (INFO-22-01)**

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*[Pulled from the Information Package of January 18, 2022 at the request of Councillor McConkey to be referred to staff to be considered with the December 13, 2021 3-part referral back to Staff of Report DS-21-232, which concerns the 1515 Thornton Road North anaerobic digester and Evergreen's Harmony Road North properties.]*

## Referrals from Council and Committees

### **DS-22-56 - Notice of Motion - Ontario Housing Affordability Task Force (All Wards)**

Whereas, on February 8, 2022, a “Report of the Ontario Housing Affordability Task Force” was released publicly and presented to the Honourable Steve Clark, Ontario Minister of Municipal Affairs and Housing; and,

Whereas, the Ontario Housing Affordability Task Force was formed by the provincial government and tasked with the goal of formulating a number of actionable and concrete solutions to address the housing affordability and supply crisis in Ontario; and,

Whereas, the report contains a number of recommendations aimed to address housing affordability for Ontarians, and sets an ambitious target of 1.5 million new homes to be built in Ontario in the next ten years; and,

Whereas, several of the recommendations in the report, if implemented, would result in reduced decision-making powers for municipalities when it comes to identifying and planning for appropriate residential intensification within their respective communities, as well as result in fewer opportunities for public consultation and input in the local development approval process; and,

Whereas, while it is acknowledged that Ontario is in the midst of a housing crisis and all levels of government need to identify opportunities to increase the supply of housing to meet community needs, it is also essential to respect local decision-making and the democratic process to ensure that housing is appropriately planned at a local level and through a public process;

Therefore be it resolved that:

1. City Council supports the need to increase the supply of housing within the Province of Ontario and within the City of Oshawa, where appropriately planned at a local municipal level and advanced through a public process that involves City Council in the decision-making process; and,
2. City Council opposes those recommendations of the Ontario Housing Affordability Task Force related to such matters as limiting appeal rights, reducing public participation, limiting decision-making at the local municipal level, limiting heritage preservation efforts, reducing or eliminating minimum parking requirements, removing barriers to construction that may compromise health and safety, limiting fiscal responsibility by requiring mandatory development charge and cash in

lieu of parkland exemptions and permitting increased density as-of-right without local review of appropriate locations, servicing capacities and zoning by-law standards for intensification; and,

3. Mayor Carter, on behalf of City Council, be authorized to send a letter to the Premier of the Province of Ontario and the Minister of Municipal Affairs and Housing to express the City's concerns, as generally noted in this resolution, with respect to those recommendations of the "Report of the Ontario Housing Affordability Task Force" which seek to limit public input and local decision-making power by municipalities concerning residential intensification in their respective communities; and,
4. Development Services staff report through the Development Services Committee on any subsequent recommendations or legislative changes being advanced by the Province with respect to this matter when posted on the Environmental Bill of Rights or released publicly; and,
5. A copy of this Council resolution be sent to the Region of Durham, Durham area municipalities, Durham area M.P.P.s, the Association of Municipalities of Ontario and Ontario's Big City Mayors.

**DS-22-57 - Notice of Motion - Lake Ontario Waterfront - SO Developments (Ward 5)**

Whereas, SO Developments Inc. (the "Developer") has submitted rezoning and draft plan of subdivision applications (Files: Z-2016-15 and S-O-2016-11, respectively) to permit a residential subdivision featuring a number of single detached dwelling and semi-detached dwelling lots on the west side of Park Road South, south of Renaissance Drive and adjacent to the Lake Ontario Waterfront and the City's Waterfront Trail; and,

Whereas, the Developer appealed the applications to the Local Planning Appeal Tribunal (which is now referred to as the Ontario Land Tribunal – "O.L.T."), with the appeal case number being PL180364; and,

Whereas, the City has consistently opposed these applications primarily on the basis of protecting the majority of this property as an environmental protection area for wildlife, specifically the monarch butterfly migratory habitat located on the lands given that the monarch is a Species at Risk, and for future generations given the property's location adjacent to the waterfront; and,

Whereas, the Lake Ontario waterfront is an important asset in the City and the City has been an advocate for protecting lands along the waterfront for environmental protection purposes and for ensuring a more publicly accessible waterfront; and,

Whereas, City protection of lands for public purposes along the waterfront include examples such as the Second Marsh which is a Provincially Significant Wetland, the Gold Point Wildlife Reserve and the Ed Broadbent Waterfront Park; and,

Whereas, the City retained environmental experts to provide evidence at the O.L.T. hearing on the Developer's applications in order to protect the monarch butterfly migratory habitat; and,

Whereas, the O.L.T. did not accept the City's evidence and vision for this property and made a decision to effectively allow the entirety of the property to be developed, which demonstrated in Council's opinion that the private developer interests outweighed the considerations of the public interest; and,

Whereas, this O.L.T. decision is disappointing as the City believes the O.L.T. should have given more weight and consideration to the City's evidence and position which represented the community's voice for the waterfront on behalf of all the City's residents; and,

Whereas, if the recommendations of the Ontario Task Force on Housing Affordability are implemented by the Government of Ontario then the local positions and voices of municipalities and their residents will be further marginalized and disregarded since private interests concerning housing developments would appear to take precedence over other higher order public interests such as environmental protection along the waterfront;

Therefore be it resolved:

1. That Mayor Carter on behalf of City Council send a letter to the Minister of Municipal Affairs and Housing and the Minister of Northern Development, Mines, Natural Resources and Forestry advising of the City's disappointment with respect to the Ontario Land Tribunal's decision concerning the proposed subdivision on the west side of Park Road South, south of Renaissance Drive and adjacent to Lake Ontario and the City's Waterfront Trail, and requesting changes to the planning approval process to give considerably more weight to local municipal council positions in the public interest since council is more aware of the needs and vision of the local community; and,
2. That a copy of this resolution be sent to the Region of Durham, all local municipalities in the Region of Durham, all Durham MPPs, the Association of Municipalities of Ontario and the Ontario Big City Mayors.

**DS-22-58 - Notice of Motion - Growth Plan for the Greater Golden Horseshoe (All Wards)**

Whereas, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”) provides population and employment forecasts for all upper and single-tier municipalities in the Greater Golden Horseshoe to plan and manage growth and guide land use decision-making to 2051; and,

Whereas, the Growth Plan has a minimum density target of fifty (50) residents and jobs combined per hectare for new development in the Region of Durham’s designated Greenfield areas; and,

Whereas, aside from general open space areas, the lands within the Columbus Part II Planning Area are designated in the Durham Regional Official Plan and Oshawa Official Plan as Living Areas and Residential, respectively, and constitute a Greenfield area in accordance with the Growth Plan; and,

Whereas, the Columbus Part II Planning Area is a unique Greenfield area in Oshawa in that it contains the former hamlet of Columbus, including the existing main intersection at Columbus Road and Simcoe Street North and the approaches along Simcoe Street North and Columbus Road leading to the main intersection, commonly referred to as the Columbus Special Development Area; and,

Whereas, the former hamlet of Columbus forms the core of the Columbus Part II Planning Area and contains several identified and potential cultural heritage resources that date back to the nineteenth century; and,

Whereas, the Oshawa Official Plan contains policies to ensure that future growth within the former hamlet of Columbus occurs in a manner that is sensitive to the community’s cultural heritage, considering land use compatibility, scale of development and urban design; and,

Whereas, the community of Columbus, while unique to Oshawa, is contextually similar in terms of its built heritage resources and character to that which is found in similar, once rural, settlements across the Greater Golden Horseshoe that have subsequently become part of a municipality’s designated Greenfield area; and,

Whereas, given the existing built form and lotting fabric of many former rural settlements across the Greater Golden Horseshoe that are now within designated Greenfield areas, it is challenging to achieve the minimum density target for residents and jobs in designated Greenfield areas required under the Growth Plan while still protecting the character and built heritage resources of

such settlements; and,

Whereas, the City of Oshawa, like other lower-tier municipalities throughout the Greater Golden Horseshoe, is obligated to comply with the Growth Plan's minimum density target for designated Greenfield areas regardless of the challenges associated with preserving the existing built heritage resources and character of former rural settlements; and,

Whereas, the Draft Preferred Land Use and Road Plan developed for the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study currently underway in Oshawa achieves the requisite minimum density target of fifty (50) residents and jobs combined per hectare overall, but only through implementing a greater number of higher-density land uses surrounding the former hamlet in order to offset the substantially lower density level of the former hamlet area itself, whose character and built form it is desirable to protect;

Therefore, be it resolved:

1. That Mayor Carter on behalf of Council be authorized to send a letter to the Premier of the Province of Ontario requesting that the Province amend A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, to allow lower-tier municipalities to implement lower minimum density targets in terms of combined jobs and population in designated Greenfield areas where preservation of the existing characteristics of a former rural settlement, such as the former hamlet of Columbus, is desirable, and to allow the City to exclude the former hamlet area for the purposes of calculating the population density targets in the Growth Plan; and,
2. That a copy of this Council resolution be sent to the Region of Durham, Durham area municipalities, Durham area MPPs, and the Association of Municipalities of Ontario.

**DS-22-59 - Notice of Motion - Boundaries of the Oshawa Urban Growth Centre (Ward 4)**

Whereas there is little conformity between Schedules for the Urban Growth Centre, outlined in Schedules D, E, G, and I of the Zoning By-law Number 60-94 as Amended;

Now therefore staff investigate the benefits of providing more conformity with regards to the boundaries of the Oshawa Urban Growth Centre and the arbitrary nature of some of the current mapping boundaries.

## Reports from Advisory Committees

### **DS-22-54 - First Report of the Heritage Oshawa Committee (Ward 5)**

Heritage Oshawa respectfully reports and recommends to the Development Services Committee its First Report.

1. 827 Gordon Street Designation Request (HTG-22-11)

#### Recommendation

Whereas at its meeting of May 10, 2021 the Development Services Committee referred Correspondence DS-21-102 from AnnMarie Snider and Correspondence DS-21-103 from David Talbot concerning 827 Gordon Street to Heritage Oshawa; and,

Whereas at its meeting of May 26, 2021, Heritage Oshawa considered Correspondence HTG-21-28 (DS-21-102) and HTG-21-29 (DS-21-103) and commissioned a research report for 827 Gordon Street; and,

Whereas at its meeting of November 25, 2021, Heritage Oshawa considered a research report for 827 Gordon Street and received the report for information;

Therefore, be it resolved:

1. That 827 Gordon Street not be designated (under Part IV of the Ontario Heritage Act) at this time; and,
2. That AnnMarie Snider and David Talbot be thanked for their correspondence and interest in heritage research and heritage designation.

### **DS-22-55 - Second Report of the Heritage Oshawa Committee (All Wards)**

Heritage Oshawa respectfully reports and recommends to the Development Services Committee its Second Report.

1. Ontario Heritage Designation Plaques (HTG-22-13)

#### Recommendation

Whereas Oshawa City Council has approved the designation of a number of properties since 2019; and,

Whereas the City protocol is to have a City of Oshawa, Ontario Heritage Designation plaque ceremony at newly designated property; and,

Whereas there currently have not been public events to allow these plaque ceremonies to take place;

That staff report back on the number of properties that do not have a City of Oshawa, Ontario Heritage Designation plaque and if there is a policy in place to provide the plaques directly to the property owner without a ceremony taking place.

## **Reports Requiring Action**

None.

## **Public Consent Agenda**

### **Correspondence**

**DS-22-63 - Request from the Oshawa Markets (Ward 5)** 21

#### **Recommendation**

That Correspondence DS-22-63 from Erik Tamm, owner of Oshawa Markets submitting a request for the retroactive approval of the work and investment made to the Oshawa Markets be referred to staff for a report.

### **Staff Reports/Motions**

**DS-22-51 - Results of Staff Investigation regarding a Water Drainage Issue at 903 Black Cherry Drive (Ward 1)** 25

#### **Recommendation**

That the Development Services Committee recommend to City Council:

That Report DS-22-51 dated March 2, 2022 concerning a drainage issue at 903 Black Cherry Drive be received for information.

**DS-22-52 - Update on the Lviv Boulevard Design and Ministry of Transportation's Rehabilitation of Highway 401 and Replacement of Bridge Structures Contracts (Ward 5)** 39

#### **Recommendation**

That the Development Services Committee recommend to City Council:

1. That Report DS-22-52 dated March 2, 2022 regarding the Update on the Lviv Boulevard Design and Ministry of Transportation's Rehabilitation of Highway 401 and Replacement of Bridge Structures Contracts be endorsed as the City's comments; and,
2. That a copy of Report DS-22-52 be forwarded to the Ministry of Transportation and the Regional Municipality of Durham.

**DS-22-60 - Development Services Committee Outstanding Items List Report - First Quarter (All Wards)** 55

Recommendation

That the Development Services Committee recommend to City Council:

That Report DS-22-60, dated March 1, 2022 being the Development Services Committee's Outstanding Items Status Report for the first quarter of 2022 be received for information.

**DS-22-61 - New Municipal Powers with Respect to Delegation of Planning Act Decisions Pursuant to Schedule 19 to Bill 13, Supporting People and Businesses Act (All Wards)** 69

Recommendation

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-22-61 dated March 2, 2022, the Development Services Department be authorized to schedule a statutory public meeting under the Planning Act to consider an amendment to the Oshawa Official Plan as outlined in Section 5.3 of said Report concerning the potential delegation of authority to City staff for the passing of by-laws to remove holding symbols.

**DS-22-62 - Correspondence DS-21-232 concerning the decision of the Ministry of the Environment, Conservation and Parks regarding 1515 Thornton Road North (Wards 1 and 2)** 75

Recommendation

That the Development Services Committee recommend to City Council:

That Report DS-22-62 dated March 2, 2022 concerning Correspondence DS-21-232 concerning the decision of the Ministry of the Environment, Conservation and Parks regarding 1515 Thornton Road North be received for information.

**DS-22-64 - 1997 Operating and Option Agreement for the Oshawa Executive Airport (Ward 2)** 83

Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-22-64 dated March 2, 2022, the South Field and East Airport Accessible Trail lands as shown on Attachment 1 to said Report be deemed not necessary for the management, maintenance or operation of the Oshawa Executive Airport as an undertaking and as a result, Transport Canada be requested to amend the 1997 Operating and Option Agreement for the Oshawa Executive Airport to remove said lands from the area subject to the agreement;

and,

2. That, pursuant to Report DS-22-64 dated March 2, 2022, the Mayor and Clerk be authorized to sign any necessary agreement required to give effect to Item 1 above; and,
3. That, pursuant to Report DS-22-64 dated March 2, 2022, staff be authorized, in consultation with the Airport Manager, to advance discussions with the appropriate representatives of the Federal Government with respect to various matters concerning the current framework and terms of the 1997 Operating and Option Agreement for the Oshawa Executive Airport, as generally outlined in Section 5.4 of said Report, and report back to the Development Services Committee on the results of those discussions.

**DS-22-65 - Results of Legal Opinion and Peer Review of Transportation Matters Related to the Site Plan Approval Application for 1231 Ormond Drive (Ward 1)**

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(Also See Pages C125 to C133 - Closed Pursuant to Section 239 (2)(f) of the Municipal Act)

**Recommendation**

That the Development Services Committee recommend to City Council:

That Report DS-22-65 dated March 2, 2022, concerning the results of a legal opinion and peer review of transportation matters related to the site plan approval application (File: SPA-2018-32) for 1231 Ormond Drive, be received for information.

**DS-22-66 - Request for Sign Variance on City-owned Property at Mary Street North (Ward 4)**

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**Recommendation**

That the Development Services Committee recommend to City Council:

Whereas, Spectra Venue Management (Spectra) manages the Tribute Communities Centre (T.C.C.) on behalf of the City of Oshawa; and,

Whereas, on January 24, 2022, Spectra submitted correspondence (see Attachment 1) seeking to explore the possibility of removing the video sign board at 99 Athol Street East which is at the end of its life cycle and replacing it with a new High Definition LED video sign board in a new more visible location; and,

Whereas, Spectra has identified the west façade of the Mary Street Parking Garage located at the northeast corner of King Street East and Mary Street North as an appropriate location for the new High Definition LED video sign board (see

Attachment 1); and,

Whereas, Spectra has clarified that the new High Definition LED video sign board would primarily advertise upcoming events such as Oshawa Generals games but would also include third party advertising for T.C.C. sponsor recognition (i.e. Tribute, Pizza Pizza, Coca-Cola); and,

Whereas, Spectra has also clarified that the new High Definition LED video sign board would accommodate City of Oshawa public service announcements such as Program Registration or COVID-19 information; and,

Whereas, both the T.C.C. and the Mary Street Parking Garage are owned by the Corporation of the City of Oshawa; and,

Whereas, the Sign By-law 72-96, as amended, defines an Official Sign as any sign required by or erected on behalf of any federal, provincial, regional or municipal government or agency thereof or board or commission or public utility; and,

Whereas, a new video sign board at the Mary Street Parking garage would be considered an Official Sign; and,

Whereas, Article 3.5.1 of Sign By-law 72-96, as amended, permits the City to install an Official Sign on City property including projecting into a municipal road allowance; and,

Whereas, Article 3.11.1 of Sign By-law 72-96, as amended, permits a read-of-graph to be incorporated into a display surface as part of a permitted sign area for a fascia sign; and,

Whereas, the new High Definition LED video sign board proposed by Spectra is 6.09 metres (20 ft.) by 3.65 metres (14 ft.) (see Attachment 2); and,

Whereas, Article 3.12 of Sign By-law 72-96, as amended, provides that none of the provisions of Bylaw 72-96, as amended, apply to prevent the erection or display of any Official Sign; and,

Whereas, although Sign By-law 72-96, as amended, provides an exemption through Article 3.12.1, it is appropriate to seek Council direction on this matter owing to the third party advertising;

Therefore, be it resolved that Spectra Venue Management be advised that the City consents to a new High Definition LED video sign board, approximately 6.09 metres (20 ft.) by 3.65 metres (14 ft.) in size as shown generally on Attachments 1 and 2 to be installed at the Mary Street Parking Garage.

## **Airport (Ward 2)**

### **Recommendation**

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-22-67 dated March 2, 2022, Council adopt the Proposed Noise Abatement Procedures for the Oshawa Executive Airport for the purposes of authorizing the Airport Manager to submit the Council-adopted Proposed Noise Abatement Procedures for the Oshawa Executive Airport and all supporting material to Transport Canada for their review, consideration and final approval as outlined in said Report in accordance with Transport Canada's Advisory Circular 302-002; and,
2. That the Mayor be authorized to send a letter on behalf of City Council to the Federal Minister of Transport to advise of the City's adoption of the Noise Abatement Procedures for the Oshawa Executive Airport and that the City looks forward to the Minister's support; and,
3. That copies of this Report and associated resolution be forwarded to all Oshawa and Whitby MPs and MPPs as well as to the Town of Whitby.

## **Public Discussion Agenda**

### **Matters Excluded from Consent Agenda**

### **Items Introduced by Members**

### **Closed Consent Agenda**

### **Closed Correspondence**

#### **DS-22-48 - Region of Durham request for Right-of-Way Widening (Ward 5)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act

(See Pages C1 to C2)

### **Recommendation**

That Correspondence DS-22-48 from the Region of Durham submitting a request for Right-of-Way Widening be referred to staff for a report.

### **Closed Staff Reports/Motions**

#### **DS-22-44 - Direction on City Staff Involvement Respecting an Appeal to the Ontario Land Tribunal of an Application to Amend Zoning By-law 60-94 Concerning 1040 Cedar Street and 280 Wentworth Street West (Ward 5)**

Closed Pursuant to Section 239 (2)(e)(f) of the Municipal Act

(See Pages C3 to C22)

Recommendation

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-22-44 dated March 2, 2022, City staff be authorized to advance the Council position as recommended in Section 5.2 of said Report at the Ontario Land Tribunal concerning an appeal submitted by Karen Hodgeman with respect to an Application to Amend Zoning By-law 60-94 (File: Z-2020-04) for the lands known municipally as 1040 Cedar Street and 280 Wentworth Street West.

**DS-22-45 - Proposed Licence Agreement between the City of Oshawa and Chung & Jao Development Corp. for the Shared Use of a City-owned Parking Lot (Ward 1)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act

(See Pages C23 to C44)

Recommendation

That the Development Services Committee recommend to City Council:

That pursuant to Closed Report DS-22-45 dated March 2, 2022, the Commissioner, Development Services Department be authorized to execute an appropriate agreement with Chung & Jao Development Corp. for the shared use of a City-owned parking lot located at the south end of the Ritson Fields Park at 1523 Ritson Road North, consistent with the terms and conditions contained in said Report and in a form and content satisfactory to the Commissioner, Development Services Department and City Solicitor.

**DS-22-47 - Proposed Amending Lease Agreement with Island Heritage Realty Inc. at the Oshawa Executive Airport (Ward 2)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act

(See Pages C45 to C61)

Recommendation

That, pursuant to Item DS-22-47 dated March 2, 2022, staff be authorized to execute an amendment to the Lease Agreement dated July 10, 2018 with Island Heritage Realty Inc. for the continued use of the expanded area of the office space in the Terminal, in accordance with Item DS-22-47 in a form and content to the satisfaction of the Commissioner, Development Services Department, the Airport Manager, and the City Solicitor.

**DS-22-49 - Request for an Amended Agreement to Permit an Encroachment**

**south of Woodlea Crescent on City-owned Land on the north side of Rossland Road West, west of Ansley Court (Ward 2)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act

(See Pages C62 to C89)

**Recommendation**

That the Development Services Committee recommend to City Council:

That, pursuant to Closed report DS-22-49 dated March 2, 2022, the request for an amended encroachment agreement to permit a larger encroachment on a portion of City-owned land on the north side of Rossland Road West, west of Ansley Court be denied, as set out in Section 5.3.1 of said Report.

**DS-22-50 - Request for an Encroachment or Transfer of City-owned Land on Eulalie Avenue (Ward 4)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act

(See Pages C90 to C103)

**Recommendation**

That the Development Services Committee recommend to City Council:

That, pursuant to Closed Report DS-22-50 dated March 2, 2022, the Commissioner, Development Services Department be directed to advance Option 1 as set out in Section 5.4.1 of said Report as the City's response to the request for an encroachment or transfer of the City-owned land, located at the northwest corner of Eulalie Avenue and Huron Street, comprising 0 Eulalie Avenue.

**DS-22-53 - Request for an Encroachment Agreement to Permit an Encroachment on City-owned Land on the south side of Valewood Court, east of Sandalwood Court (Ward 2)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act

(See Pages C104 to C124)

**Recommendation**

That the Development Services Committee recommend to City Council:

That, pursuant to Closed Report DS-22-53 dated March 2, 2022, the request for an encroachment agreement to permit an encroachment on a portion of City-owned land on the south side of Valewood Court, east of Sandalwood Court be denied, as set out in Section 5.3.1 of said Report.

Closed Discussion Agenda

Matters Excluded from Consent Agenda

Items Requiring Action

Adjournment



**From:** BILL FORBES **M.F.I.P.P.A. Sec. 14 (1)**

**Sent:** Thursday, December 2, 2021 11:44 AM

**To:** clerks <[clerks@oshawa.ca](mailto:clerks@oshawa.ca)>

**Subject:** Fwd: 5052 harmony Rd N

Date: Wed, Dec 1, 2021 at 11:52 AM

Subject: 5052 harmony Rd N

To: Victoria White <[Vwhite@oshawa.ca](mailto:Vwhite@oshawa.ca)>, <[wmunro@oshawa.ca](mailto:wmunro@oshawa.ca)>, <[dcarter@oshawa.ca](mailto:dcarter@oshawa.ca)>, John Neal <[jneal@oshawa.ca](mailto:jneal@oshawa.ca)>, <[rmcconkey@oshawa.ca](mailto:rmcconkey@oshawa.ca)>, <[lindsey.park@pc.ola.org](mailto:lindsey.park@pc.ola.org)>, <[erin.otoole@parl.gc.ca](mailto:erin.otoole@parl.gc.ca)>, <[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)>, <[moshen.keyvani@ontario.ca](mailto:moshen.keyvani@ontario.ca)>, <[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)>, <[Tesfaye.Gebrezghi@ontario.ca](mailto:Tesfaye.Gebrezghi@ontario.ca)>, **M.F.I.P.P.A. Sec. 14 (1)**

<[Rwarne@kawarthaconservation.com](mailto:Rwarne@kawarthaconservation.com)>, Chris Jones <[cjones@cloca.com](mailto:cjones@cloca.com)>, <[citycouncil@oshaw.ca](mailto:citycouncil@oshaw.ca)>

It appears that some people are not aware of the connection between the 1515 Thornton Rd N Digestate Facility and 5052 Harmony Rd N Digestate trial site for Digestate material proposal..

Both of these sites are owned by RIC; as in RIC (EOR) Inc. for the Thornton site and RIC (Harmony) Inc. Harmony site and Evergreen Environmental Inc. all of which are collocated at 162 Cumberland St, Suite 600, Toronto, On.

I would like to advise that Roddy Ornella, Senior officer of the MECP, advised me, by email, on Sept 10, 2021 that it was the Ministry's understanding that Evergreen would be using the Harmony site for co-composting digestate material from the Thornton facility if their "Trial" was successful and once it is operational. We also understand that Evergreen has the right to assess the trial's success or failure.

I have attached the email for your review and records. - see note #5 - MECP Roddy Omella - He confirms that there is a plan to use 5052 Harmony N as a composting area for Digestate material from the 1515 Thornton Digestate Facility - Oshawa (Note Thornton Digestate Facility can produce 175,000 tonnes/Year of Digestate material from the Ontario area based on the ECA approval for Thornton)

Also see note #1 - We wonder who in the MECP agreed to a 1 KM notification rule for 11 neighbors .- notified on a single sheet of paper - to 11 homes at Raglan/Harmony N - for a dump site.

Also see note #1- He states that only CLOCA is responsible for this site. This is incorrect. Kawartha Conservation is responsible for the north part of the Harmony site according to CLOCA.

Bill Forbes NOTE reply from Roddy Ornella - MECP  
Senior Environmental Officer Badge 1418  
Ministry of the Environment, Conservation and Parks  
Drinking Water and environmental  
Compliance Division  
York-Durham District Office  
905 424 1390

Roddy Ornella reports to - Kristen Sones, Supervisor, York Durham District Office  
Ministry of the Environment, Conservation and Parks (MECP) 416-629-2128

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**Ornella, Roddy (MECP)** <[Roddy.Ornella@ontario.ca](mailto:Roddy.Ornella@ontario.ca)> Fri, Sep 10, 2:18 PM  
to John, Chris, Kristen, [mharrington@oshawa.ca](mailto:mharrington@oshawa.ca), me, Victoria

Greetings Mr. Forbes,

Thank you for your email. My answers to your concerns are in red.

Stay well,  
Roddy,

Areas of concern (current)

1) Notification plan request of the Ministry for contacting residents and business within a 1 km radius is in adequate given the nature of the neighbourhood and the site location on the Oak Ridges Moraine. An expansion of the notification radius and additional notifications should have been made to the City of Oshawa, Central Lake Ontario Conservation Authority and Kawartha Conservation Watershed, given their responsibility for managing under the Oak Ridges Moraine Plan and more specifically section 47.1 of the plan and the specific municipal zoning of the site. **The notification plan request of 1km is a standard capture zone given the nature of this proposed pilot project and was agreed upon during the pre-consultation meeting between the Ministry and the company earlier this year. The Ministry did notify the City of Oshawa and CLOCA of the project. The Ministry has had and will continue to have active correspondence about the pilot project with both agencies. Oshawa falls under CLOCA jurisdiction not Kawartha CA.**

2) You're directing us to speak directly with Evergreen and indeed, advising Evergreen of our communication with you is boarding on unacceptable. We came to you for your answers about what the Ministry's involvement with the proposal is and not to be redirected elsewhere. **I am sorry you feel that way Mr. Forbes. The Ministry's role will be two parts. The Ministry's Permission Branch will review the ECA submission as well as taking into consideration comments/concerns received from the public and other agencies. If the Permission's Branch decides to approve/issue the ECA to Evergreen,**

the Area Officer (myself) will monitor/inspect the operations for compliance with the conditions in said ECA and Provincial Legislation. As it stands, the Ministry has not received the ECA application submission from Evergreen so I thought it best that Evergreen answer your additional questions regarding technical details around the proposed project at this time. The Ministry has advised Evergreen to record and respond to all comments/questions from the public and provide those correspondence to the Ministry in an effort for transparency during the notification phase of the proposal.

3) Given the historic misuse of the site by the previous owner and the apparent lack of monitoring/action by the Ministry for many years, is anyone at the Ministry monitoring the clean up of this and has a timeline been provided for this? How will site monitoring take place for any future activity at the site (for current use and (God forbid an ECA is issued) future use? Although I cannot speak for the previous owner or their historic management of the Harmony Road Site, I can speak to the current clean-up activities at the site. Now that the site is out of receivership and under new ownership, the Ministry has requested that the pulp and paper biosolids be removed from the site. The Ministry is currently working with the company to ensure all applicable permits are in place for removal and deposition of the material at an approved receiving site. The Ministry will continue to monitor the site for compliance with Provincial Legislation and continue to actively engage Evergreen when abatement measures need to be taken.

#### Areas of concern (future ECA application)

4) The proposal is apparently for a trial of 1 year. What types of success criteria will be put in place, how will they be monitored and if achieved what will be the process for a second ECA to be approved? Will a second ECA be for the same site? You are correct, the current research and development pilot project temporary ECA (if granted by the Ministry) will be applicable for 1 year. If an ECA is issued by the Ministry, I will be inspecting the operations to ensure compliance with the ECA and Provincial legislation. If Evergreen wishes to continue the operations (at 5052 Harmony road or at another site) beyond the 1 year trial period, they will have to submit a new ECA application.

5) Is this proposal linked to the RIC (Thornton)/Evergreen ECA application for the Thornton Road Biodigester facility? It is the Ministry's understanding that if the pilot project is successful, Evergreen will eventually utilize the Anaerobic Digestate from 1515 Thornton Road Anaerobic Digester once it is fully operational. Both sites are owned by RIC. As mentioned in concern 4, a new ECA application will be required after the 1 year trial should Evergreen wish to continue the operations.

6) As the proposed trial is a TRIAL how will the Ministry be involved in monitoring the project: planning, execution to plan and most importantly monitoring potential impacts to the environment. (see answer to concern 2)

7) Part of the trial is to use open air windrow composting, how will monitoring be conducted for such as a. run off, a pond is located on the south portion of the site  
b. odour,

c. changes in wildlife populations (mice, rats, coyotes, bears etc.) (i.e. increase in population due to potential new food sources) and the impacts of this on local farms (beef, dairy, sheep, grain) and increase in potential danger to people and pets. **If an ECA is issued by the Ministry, there will be conditions to ensure the protection of the natural environment. These conditions will be reviewed and assessed through inspections and site visits during the duration of the 1 year trial period.**

8) Finally, we are concerned that this proposal will be rubber stamped, because it will take place in a rural area, with few neighbours and is being pushed by a large set of interrelated companies with big lobbying power irrespective of impacts on the Oak Ridges Moraine or the people who live here. **The application will undergo a detailed review by the Ministry. The Ministry has also requested Evergreen to submit a copy of the ECA application to the City of Oshawa and CLOCA to ensure compliance with all applicable legislation.**

Roddy Ornella

Senior Environmental Officer, Badge #1418

Ministry of the Environment, Conservation and Parks

Drinking Water and Environmental Compliance Division

Division de la conformité en matière d'eau potable et d'environnement

York-Durham District Office

**(P) 905-424-1390 \*NEW\***

(Spills Action Centre) 1-800-268-6060

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## DS-22-63

Attention Hailey Wright, Director of Economic Development Services

I'm writing to you today as an extremely frustrated entrepreneur who has recently invested in building our business in The City of Oshawa.

In January of 2021, my family and I made the decision to close Pickering Markets after it's rich 50+ year history in Pickering due to pandemic related closures, and rising costs. When we looked into new locations, we found our current home at 555 Simcoe St. S in Oshawa. This building has sat vacant for many years and been an eyesore for travelers leaving Oshawa and heading toward Toronto on the 401 west ramp located across the street. We didn't see an eye sore. We saw a community that needed something to rally around, something that with the right amount of work, would be a major tourist attraction and bring visitors to an area that did not draw people.

We reached out to economic development before signing our lease and were insured that this was something the City of Oshawa would support and saw as a major benefit to the growth and revitalization of an otherwise dark and vacant area.

With a renewed energy that we had the City behind us, we put pen to paper, pulled out our wallets and got to work. This company is made up of 4 individuals – myself, my girlfriend, my aunt and my uncle. This is a family business, not a large corporation with deep pockets. Since we signed the lease, there has been absolutely zero support from the City. Actually, quite the opposite. Constant red tape, lack of help or accommodation on pretty much anything we ask, and a general disregard for anything business related. All we keep being told is no, or handed a bill.

Before we first signed our lease, we were told about the "Simcoe Street South Renaissance Community Improvement Plan". This was a program that aims at supporting and encouraging investment in this area. During a time where business was tough, and businesses were throwing in the towel, we got to work. We have personally invested close to a million dollars to renovate, rejuvenate and bring this future landmark up to code as well as make it fully accessible for the public. For anybody that saw the interior of this building before we started, you know what kind of task this truly was.

We've created something amazing. A home for 200+ businesses and growing (when fully open, we will be home to about 600 businesses). A place that will draw around 15,000 customers a weekend, many from outside of Oshawa. The exact aim of this program.

We've filled out our SSSCIP application and received the following response from Hailey Wright, head of economic development. "Please do note that CIP programs will only fund work to be completed, not work already completed – so you may need to adjust based on that. Let me know if you have any questions."

## DS-22-63

“The **Simcoe Street South Community Improvement Plan** offers financial incentive programs to encourage development, redevelopment and the revitalization of buildings and properties within the Simcoe Street South corridor, between John Street and Bloor Street. “

We are now being told that because we didn't wait the 6 months between the time applications opened (September and March), and the undetermined period to decide what grants are given, we are no longer eligible for these programs.

Who is this program aimed at? Large developers who will only do work if given money? Developers who can sit on land for years until they decide to move forward with a program? If we would have waited to start our project until we knew IF we received an undetermined amount of funding, we would have lost around 1 million dollars in rent.

This application process makes it impossible for the people truly ready to invest in your city to get any aid from the City. We put our money where our mouths were (unlike many of the developments that get announced and that don't happen) and created something this City should be proud of.

Our ask is that the Development Services Committee consider retroactive approval of the work and investment made to the facility between the last closing date of September 1<sup>st</sup>, 2021 and the current deadline of March 1<sup>st</sup>, 2022.

The scope of work completed between the September 1<sup>st</sup>, 2021 deadline and March 1<sup>st</sup>, 2022 deadline is as follows:

Construction Materials: \$114,685.45  
Permits/Engineering: \$45,628.75  
Fire/Life Safety upgrades to code: \$66,241.79  
Electrical: \$43,448.18  
Garbage Removal: \$6540.55  
Labour: \$82,909.21  
Plumbing: \$118,100  
HVAC: \$3435.20  
Security: \$4,643.31  
This is a total to date renovation investment of \$485,632.44

All invoicing, payment receipts and proof of work can be provided upon request.

At a time where so many businesses have struggled, or closed their doors, we should be promoting small business and investing in our community, not creating barriers to funding and constant red tape and excess fees.

## **DS-22-63**

I hope common sense prevails on this matter and The City of Oshawa truly decides to invest in small business.

Respectfully,

Erik Tamm  
Owner  
The Oshawa Markets  
<M.F.I.P.P.A Sec. 14(1)>



To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-51

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Results of Staff Investigation regarding a Water Drainage Issue  
at 903 Black Cherry Drive

Ward: Ward 1

File: 03-05

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## **1.0 Purpose**

On September 9, 2021, the Development Services Committee considered correspondence from Ken Roberts regarding a water drainage issue at 903 Black Cherry Drive as Item DS-21-156 and referred the correspondence to staff for a report.

Mr. Roberts is the original homeowner of the single detached dwelling at 903 Black Cherry Drive. Mr. Roberts advises that he has experienced a wet backyard in the past. Mr. Roberts has experienced drainage issues with his pool since it was installed in 2019. He believes a berm on City-owned Open Space Block 89 in 40M-2264 to the rear of his property may be a contributing cause. Mr. Roberts has requested that the City remove the berm from Block 89 in 40M-2264.

The purpose of this Report is to provide the background information on the water drainage issue at 903 Black Cherry Drive.

Attachment 1 is a copy of correspondence Item DS-21-156 dated August 24, 2021.

Attachment 2 is an exhibit showing the location of 903 Black Cherry Drive and surrounding contextual elements including the location of Boreholes 7 and 9 from a Geotechnical Investigation dated May 10, 1995 prepared by Golder Associates Ltd. on behalf of the subdivider, FKT Co-Tenancy.

Attachment 3 is a Geotechnical Investigation dated May 10, 1995 prepared by Golder Associates Ltd. on behalf of FKT Co-Tenancy to determine subsurface and groundwater conditions of the area in support of the subdivision application. Owing to its size and accessibility issues, the Geotechnical Investigation is not attached to this Report but is available for viewing in Engineering Services.

Attachment 4 is a copy of the approved Lot Grading Plan for 903 Black Cherry Drive prepared by D.G Biddle and Associates Ltd. dated October 14, 2011 and submitted as part of the Building Permit process for 903 Black Cherry Drive.

Attachment 5 is a copy of a Site Alteration Permit (S.A.P.) dated May 10, 2019 for 903 Black Cherry Drive submitted by Ken Roberts for a pool installation.

Attachment 6 is a copy of a Lot Grading Certificate prepared by D.G. Biddle and Associates Ltd. on behalf of FKT Co-Tenancy for 903 Black Cherry Drive dated December 16, 2019 (Lot 49 on Plan 40M-2442).

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council that Report DS-22-51 dated March 2, 2022 concerning a drainage issue at 903 Black Cherry Drive be received for information.

## **3.0 Executive Summary**

Not Applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Commissioner, Community Services
- D.G. Biddle and Associates Ltd.

## **5.0 Analysis**

### **5.1 Background and Chronology**

The following are key dates associated with the development of 903 Black Cherry Drive:

- Draft Plan of Subdivision approved on April 20, 1998
- Draft Plan of Subdivision registered on June 24, 2011
- Lot Grading Plan was approved on October 14, 2011 (see Attachment 4)
- House occupancy was achieved in April 2012
- Pool Installation Site Alteration Permit was issued on May 10, 2019
- Lot Grading Certification was received on December 16, 2019
- The subdivision was assumed and the securities were released in February 2020

As part of the Draft Plan Approval Process of a subdivision, there are many conditions that accompany formal Draft Plan approval received through a Council Report. These conditions are subsequently included within a legally binding subdivision agreement that is executed between the City and the subdivider. These conditions typically include the need to hire an independent engineering company to complete detailed engineering subdivision plans and reports, including a Master Drainage Plan and Geotechnical Report. The Master Drainage Plan shows at a subdivision level, how the surface drainage will be

captured, routed, treated and outletted to the City's Storm Sewer/Creek system. The Geotechnical Report provides recommendations on the suitability of existing and imported soil, including groundwater conditions.

Once detailed engineering has been completed by the independent engineering company, and approved by the City, the subdivider can commence with road and sewer construction to service the subdivision lands and individual houses/lots. Once sewers and roads are in place, the Builder (which can sometimes can be the same company as the subdivider) can begin to apply for Building Permits. As a condition of the subdivision agreement, the Builder is required to submit a Lot Grading Plan to accompany each individual Building Permit. The Lot Grading Plan shows how drainage will be captured and routed within the individual lot, while in conformance to the overall Master Drainage Plan. Additionally, once construction/grading of the individual lot/house has been completed, the independent engineering company is required, as a condition of the subdivision agreement, to submit a Lot Grading Certificate for each individual lot that confirms that the grading has been completed in general conformance with the Lot Grading Plan and Master Drainage Plan.

In this particular case, FKT Co-Tenancy is the developer and Greycrest is the builder having purchased building lots from FKT Co-Tenancy.

## **5.2 Field Investigations and Desktop Review**

### **5.2.1 Field Investigation**

In the Fall of 2020 and the Spring of 2021, Engineering Services staff and Community Services staff attended the site on several occasions to consult with the homeowner and conduct field observations.

The field observations noted the following:

- Roof water leaders are currently piped underground in an area adjacent to the pool;
- Surface water was observed along the rear lot line (flowing east to west) in the swale behind the rear fence but no significant ponding/flooding was present;
- Porous stone material had been placed along the property lines (see Attachment 5); and,
- The open space area to the south of the property that is owned by the City (Block 89 in 40M-2264) is generally elevated higher than the backyard along the rear lot line, with the exception of the southwest corner of the lot which is currently providing an outlet for surface drainage.

### **5.2.2 Desktop Review**

Engineering Services staff also conducted a desktop review including a review of available information such as the Lot Grading Plan, the Master Drainage Plan, the S.A.P. and the Geotechnical Investigation dated May 10, 1995 prepared by Golder Associates Ltd.

It is noted that the Lot Grading Plan was certified by D.G. Biddle and Associates Ltd. on December 16, 2019. Engineering Services staff have confirmed with D.G. Biddle and Associates Ltd. that the Lot Grading Certificate took into consideration the grades for the S.A.P. that authorized the grading changes associated with a swimming pool in 2019. Essentially, the grades that were approved in the Master Drainage Plan, the grades that were approved in the S.A.P. and the grades that were ultimately certified by D.G. Biddle and Associates Ltd. are aligned and confirm that the lot has the appropriate grades to drain the lot in a manner that will not adversely affect this site or neighboring lots.

It is further noted that the Geotechnical Investigation dated May 10, 1995 prepared by Golder Associates Ltd. noted the following:

- The general area surrounding 903 Black Cherry Drive was a drumlinized till plain consisting of glacial tills and containing layers of water bearing sand;
- Shallow groundwater conditions were noted in 24 of the 72 boreholes ranging in depth from 0.3 metres (1 foot) to 6.1 metres (20 feet); and,
- The shallowest water level was detected in Boreholes 7 and 9, both of which are in the Open Space Block 89 in Plan 40M-2264 in proximity to 903 Black Cherry Dr. (see Attachment 2).

### **5.3 Staff Comments**

Prior to the assumption of a subdivision, it is the subdivider's engineer who has the responsibility to ensure that the individual lot grading conforms to the Master Drainage Plan for the subdivision. The subdivider's engineer is D.G. Biddle and Associates Ltd. who have confirmed in December of 2019 that the lot was in compliance with the Master Drainage Plan and the lot grading plan.

However, in 2019, the homeowner applied for a Pool Enclosure Permit and a S.A.P. The S.A.P. was issued in May 2019 and is signed by the homeowner (see Attachment 5). One condition of the S.A.P. requires that the Owner "acknowledges and agrees that the proposed work may downgrade the grading/drainage condition of the lot and will accept full liability of the condition changes, if any".

It is important to note the City's review of the S.A.P. is primarily limited to ensuring that the altered drainage patterns do not negatively affect a neighboring property and have an appropriate outlet. The drawing attached to the S.A.P., as provided by the applicant, indicates that surface drainage would flow north to south along the side lot lines and flow east to west along the rear fence line and outletting to the City-owned open space area (Block 89 in 40M-2264) at the southwest corner of the lot. This is what has been observed on site. It is also important to note that the City does not review or inspect the construction techniques or methods utilized by private pool contractors.

Finally, it is important to note that prior to the installation of the pool, the City has no record of any drainage complaints along Black Cherry Drive and it is inferred that the lot was draining in accordance with the approved drainage plans.

## **5.4 Possible Causes**

It is difficult for staff to determine the exact cause of a drainage issue on private property. In staff's experience, drainage issues are commonly caused by the following:

- Alterations to existing grades by homeowners while installing fences, sheds, gardens, pools, landscaped areas, etc.
- Broken/disconnected pipes from roof leaders; and,
- High groundwater table

### **5.4.1 Alterations to Existing Grades**

In the past, development surrounding a site would be a common cause for drainage issues. Municipal governments reacted to this issue by requiring Master Drainage Plans, Lot Grading Plans and S.A.P.s to help guide development and ensure that lots are properly graded in order to drain properly and not adversely affect adjacent properties. At the time that the subdivision was approved, the City did not have a process to require a block being transferred to the City to have a lot grading plan associated with it.

The field investigation appears to indicate that the berm at the north end of Block 89 is slightly higher than the rear of 903 Black Cherry Drive, with the exception of the southwest corner of the lot. However, staff do not believe that this is the cause of the issues related to the pool for two reasons. Firstly, there is an appropriate surface drainage outlet at the southwest corner of the lot. Secondly, there is no history of complaints prior to the pool installation.

Through the construction of the pool, porous stone material has been placed along the property lines (see Attachment 5). Water may be making its way into the pool area through the porous stone material.

### **5.4.2 Broken/disconnected pipe from Roof Water Leaders**

The field investigation confirmed that the roof water leaders are now buried below grade. Mr. Robert advises that the roof leaders discharge at the rear of 903 Black Cherry Drive into the City-owned open space block (Block 89 in 40M-2264). It is important to note that this adaptation was advanced by the homeowner after construction of the house and is contrary to the Lot Grading Plan that was submitted during the Building Permit process. It is difficult to confirm that they are functioning properly and where they are outletting. If pool construction equipment damaged below grade piping associated with the roof leaders during the pool installation process, the result would be roof rainwater discharging underground in the vicinity of the pool.

### **5.4.3 High Groundwater Table/ Soils**

The Geotechnical Investigation dated May 10, 1995 prepared by Golder Associates Ltd. indicates the location of boreholes (see Attachment 2). As noted in the Geotechnical Report, Boreholes 7 and 9 had the shallowest groundwater table. When considering the

underlying soil condition is water bearing sand, it is staff's opinion that groundwater and not surface water is the likely cause of the issues experienced by the pool.

In addition, it is possible that the permeability of the undisturbed soils around the pool excavation is less than the permeability of the backfill. Accordingly, water conveyed through perimeter stone material and/or as a result of a high water table may be saturating the pool area.

#### **5.4.4 Summary**

To the City's knowledge, the lot drainage was working adequately as designed prior to the installation of the pool. The associated S.A.P., as signed by the applicant, clearly outlined the applicant's responsibilities for drainage of the lot as a result of the construction of the pool.

Staff do not believe that the City berm in Block 89 of 40M-2264 is the cause of the issues related to the pool for two reasons. Firstly, there is an appropriate surface drainage outlet at the southwest corner of the lot. Secondly, there is no history of complaints prior to the pool installation.

Staff consider this to be a private property matter that the City has no obligation or responsibility to rectify as the pool damage is likely due to one or a combination of:

- Shallow groundwater levels;
- Roof water leader outlet/damage;
- Porous stone around the pool; and,
- Less permeable soils surrounding the pool excavation area.

## **6.0 Financial**

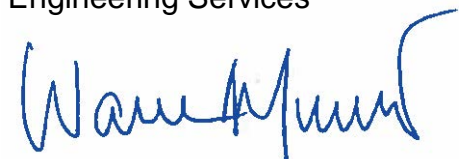
There are no financial implications as a result of the recommendation in this Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

The recommendation of this Report advances the Accountable Leadership goal of the Oshawa Strategic Plan.



Anthony Ambra, Director,  
Engineering Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

----- Forwarded message -----

From: Ken Roberts <M.F.I.P.A Sec. 14(1)>>

Date: Aug. 24, 2021 8:49 a.m.

Subject: 903 Black Cherry Drive water issues

To: clerks <[clerks@oshawa.ca](mailto:clerks@oshawa.ca)>

Cc: Rosemary McConkey <[rosemcconkey@live.com](mailto:rosemcconkey@live.com)>, Anthony Ambra

<[AAmbra@oshawa.ca](mailto:AAmbra@oshawa.ca)>, Ron Diskey <[RDiskey@oshawa.ca](mailto:RDiskey@oshawa.ca)>, Mike Saulnier

<[MSaulnier@oshawa.ca](mailto:MSaulnier@oshawa.ca)>, Rick Kerr <[RKerr@oshawa.ca](mailto:RKerr@oshawa.ca)>, John Neal <[JNeal@oshawa.ca](mailto:JNeal@oshawa.ca)>, Paul

Ralph <[PRalph@oshawa.ca](mailto:PRalph@oshawa.ca)>, Warren Munro <[WMunro@oshawa.ca](mailto:WMunro@oshawa.ca)>

Hello

My Name is Ken Roberts the current owner at 903 Black Cherry Drive in Oshawa. I am writing this to express my concerns regarding water issues we are having in our backyard causing issues with our inground pool. I would like this matter added to the agenda of the community services committee meeting on Monday September 20th at 9:30 am.

To give a summary of some of the issues we experienced over the last few years may take a bit but I will try and keep it brief. Since we purchased the home in 2012 we have had issues with our backyard being extremely wet all the time. In 2019 we installed an inground pool in the backyard and since then we have been having major issues with the pool liner floating since day one.

Knowing that the property was extremely wet upon construction of the pool, the pool company installed weeping tile around the perimeter of the pool to try and assist with channelling the water away from the liner. This unfortunately did not work, so over the past 3 summers the pool company has worked weekly with trying to find any issues if any with the pool or with their work. They have sent service techs. out to pump out the liner on a weekly basis. They have conducted numerous sonar tests on the liner to determine if there were any holes or imperfections. July 2020 the pool company decided to change the liner out for a new one thinking this would fix the problem but it did not. The pool company has exhausted all their efforts and have nothing further to check or change, so with that being said we are still faced with having to pump out the liner on a weekly basis at our cost.

As I stated earlier, we have been having these issues even before the pool was installed. Dealing with these issues over the last 3 years and trying to determine what could be causing these water issues is when we took a closer look over the fence and noticed the small berm which could

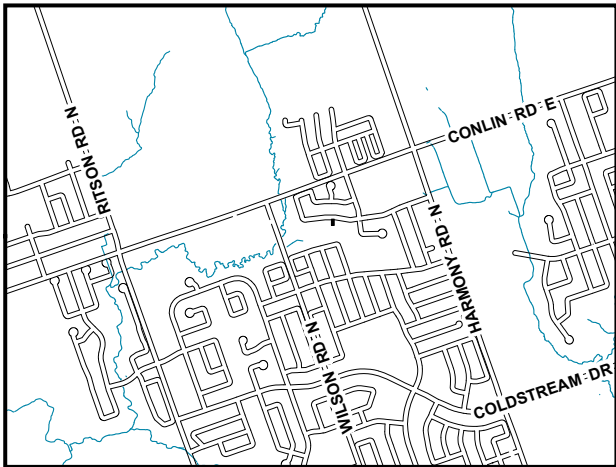
possibly be obstructing the water flow into the ravine behind our property. At this time I involved our councillor Rosemary McConkey who contacted the city for removal of this berm. City engineer Anthony Ambra did visit the property and determined that it could possibly be an issue and may help your water issues.

Trying to summarize this in an email is not easy as it has been ongoing for so long. If any further explanation is required please feel free to reach out to me. If you require me to be a delegation and speak to the committee please give me a call or provide the meeting agenda?

Thanks

Ken Roberts

<M.F.I.P.A Sec. 14(1)>



Item: DS-22-51  
Attachment 2

Development Services Department

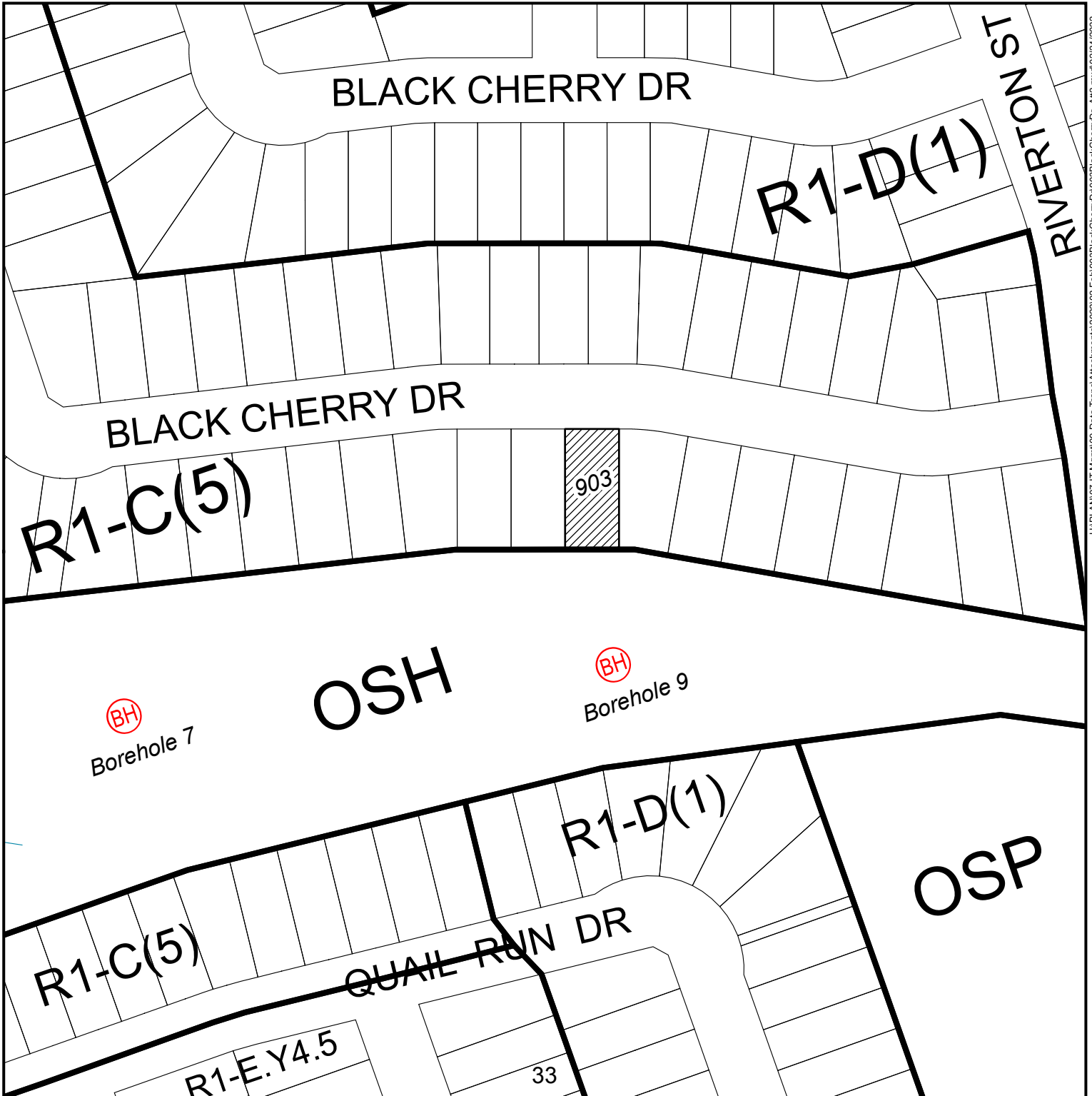
Subject: Results of Staff Investigation regarding a Water  
Drainage Issue at 903 Black Cherry Drive

Ward: Ward 1

File: 03-05

Borehole Sites

Subject Site



RECEIVED  
OCT 21 2011  
ENGINEERING  
CITY OF OSHA  
GC  
PL

FOR OFFICE USE ONLY		Value	Date
a)	Erosion & Sediment Control Plans and/or Report Received	N/A	N/A
b)	Estimated cost of Erosion & Sediment Control works	N/A	N/A
c)	Permit fee and application received	\$208.00	May 10 /19
d)	Security	\$500.00	May 10 /19
e)	Date permit issued	N/A	May 10 /19
f)	Expiry date	N/A	May 10 /20
SAB: 2019-000-31			

**The Site Alteration Permit is subject to the following conditions:**

- Proposed scope of work is as per the redlined plan submitted by the agent dated and received on April 19, 2019.
- Owner acknowledges and agrees that the proposed work may downgrade the grading/drainage condition of his lot and will accept full liability of the condition changes, if any.
- The existing ground elevations of the land within 0.60m of the property lines are to remain the same as preconstruction conditions and be kept open at all times without obstruction to ensure that the existing drainage pattern is maintained. Gravel or rock that does not obstruct the flow of water way be placed within this area.
- The location of the pool, deck associated with it, concrete pad for the pool equipment, interlocking patio, shed and any subsequent landscaping works shall be located at a distance no less than 0.6m all property lines.
- Access to the property will be as shown on the aforementioned redlined plan.
- A road occupancy permit, road restoration deposit and any other necessary permits that may be required must be obtained by the owner, contractor or agent prior to the commencement of the works.
- Construction practices employed by the homeowner's contractor should have due-regard to the concerns of the surrounding residents. The proposed works shall not have an adverse impact on the neighboring properties, either during or after construction.
- The owner acknowledges and agrees to discharge all pool water to the street in accordance with the City's Property Standards By-law 1-2002.
- Excess excavated material is to be taken off site at the time of excavation.
- Erosion control measures may be required and will be determined by onsite inspections and monitoring.
- Securities will be held until a concluding inspection of the final grading is to the satisfaction of the City.

I, KEN ROBERTS declare that I have read and fully understand all the conditions and acknowledgments in the above section and agree to comply with all of them.

Signature: 

Signature Owner ☒ Authorized Agent/Applicant ☐ Date: May 10/19

**Application Approved:**

Name:

Harshad Patel

Title:

Water Resources Engineer

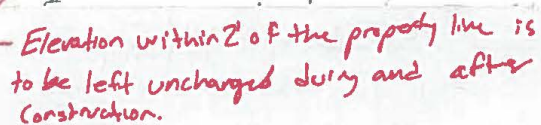
Signature:



Date:

Thursday May 9, 2019

APR 19 2019



\* All grading shall be in accordance with City By-Law 85-2006



**D.G. Biddle & Associates Limited**  
consulting engineers and planners  
96 KING ST. E., OSHAWA, ONTARIO L1H 1B9 PHONE (905) 576-8500 FAX (905) 576-8730  
e-mail: info@dgbiddle.com

December 16, 2019

The Corporation of the City of Oshawa  
Department of Engineering Services  
50 Centre Street South  
Oshawa, ON L1H 3Z7

Attention: Mr. Kim Staunton

Re: FKT Co-Tenancy  
Forest Hills Subdivision, Phase 4B  
Plan 40M - 2442  
Lots 5, 6, 11, 23, 24, 25, 27, 30, 31, 32, 33, 34, 35, 36, 37, 42, 44, 45, 47, 49,  
57, 74, 76, 77, 88, 89, 98 and 130  
City of Oshawa  
Lot Grading Certification  
Our File: 108001 / 111223

Dear Sir:

This is to certify that we have inspected the Lot Grading for Lots 5, 6, 11, 23, 24, 25, 27, 30, 31, 32, 33, 34, 35, 36, 37, 42, 44, 45, 47, 49, 57, 74, 76, 77, 88, 89, 98 and 130, Plan 40M - 2442, City of Oshawa.

The above lots have been graded according to the approved Lot Grading Plan, Drawing No. 108001-L-G-1, 108001-L-G-2 and 108001-L-G-3, prepared by D.G. Biddle & Associates Limited.

No drainage problems were apparent at the time of inspection and it is not expected that any drainage problems will occur in the future.

We recommend the release of these lots from the Subdivision Agreement.

Yours truly,

D.G. BIDDLE & ASSOCIATES LIMITED

M.B. Carswell, P.Eng.

Municipal Design Engineer, Associate  
MBCA/Medons



C.C. Greycroft Homes

H. Kassinger Construction  
Lot Grading Certification File  
Contract Administration File

Job File: 111000111223 Correspondence: 111223 Ltd Grading Certification Lots 5-130.doc



To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-52

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Update on the Lviv Boulevard Design and Ministry of  
Transportation's Rehabilitation of Highway 401 and  
Replacement of Bridge Structures Contracts

Ward: Ward 5

File: 03-05

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## **1.0 Purpose**

On November 4, 2019, City Council considered Item DS-19-187 dated October 16, 2019, a report of the Commissioner of Development Services, regarding a Recommended Option for Lviv Boulevard after Ministry of Transportation (M.T.O.) Widens Crossings at Simcoe Street South and Albert Street. City Council adopted Attachment 4 to Report DS-19-187 dated October 16, 2019, as the City's preferred configuration for Lviv Boulevard following the completion of the widening of Highway 401 including the new crossings over Simcoe Street South and Albert Street (the "Project").

In early February 2022, M.T.O. presented to the City for 90 percent design review package for the rehabilitation of Highway 401 that included:

- Designs for the closure of Lviv Boulevard;
- Designs associated with the pavement rehabilitation and replacement of the Simcoe Street South bridge structure; and,
- The proposed detour plans for the closure of Highway 401 in anticipation of the removal of the bridge structure.

The purpose of this Report is to:

1. Provide an update on the Project status and anticipated construction timing;
2. Present the 90 percent M.T.O. design for Lviv Boulevard;
3. Present the proposed detour plans for the Highway 401 closure in anticipation of the removal of the Simcoe Street South bridge structure over Highway 401; and,

4. Establish the City's comments on both the latest design for Lviv Boulevard and the detour plans.

Attachment 1 is a map showing the limits of the Lviv Boulevard right-of-way and the properties that have been purchased by M.T.O. to advance the Project.

Attachment 2 is a copy of Report DS-19-187, dated October 16, 2019 which can be found at the following link: [http://app.oshawa.ca/agendas/development\\_services/2021/09-13/report\\_ds-21-144.pdf](http://app.oshawa.ca/agendas/development_services/2021/09-13/report_ds-21-144.pdf).

Attachment 3 illustrates M.T.O.'s 2019 proposed design for the termination of Lviv Boulevard.

Attachment 4 illustrates the City's preferred configuration for Lviv Boulevard.

Attachment 5 illustrates M.T.O.'s latest design for Lviv Boulevard.

Attachment 6 illustrates proposed detour routes for the closure of Highway 401 to facilitate the removal of the Simcoe Street South bridge structure.

Attachment 7 illustrates the detour routes for the southbound left turn prohibition at the intersection of Bloor Street and Simcoe Street South.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

1. That Report DS-22-52 dated March 2, 2022 regarding the Update on the Lviv Boulevard Design and Ministry of Transportation's Rehabilitation of Highway 401 and Replacement of Bridge Structures Contracts be endorsed as the City's comments.
2. That a copy of Report DS-22-52 be forwarded to the Ministry of Transportation and the Regional Municipality of Durham.

## **3.0 Executive Summary**

Not Applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Commissioner, Community Services
- Ministry of Transportation Ontario

Staff have circulated the latest M.T.O. submission of the design review package to various City departments for comment. The staff comments presented in this Report include all comments received from the various City departments.

## **5.0 Analysis**

### **5.1 Background**

In 2015, M.T.O. completed a Municipal Class Environmental Assessment for the Highway 401 Rehabilitation and Long-Term Widening Needs from Brock Road to Courtice Road.

On June 8, 2017, the City received a Notice of Study Commencement dated June 6, 2017, from M.T.O. to provide notice of undertaking of the Detail Design and Class Environmental Assessment of Highway 401 westbound pavement rehabilitation from Stevenson Road South to Highway 35/115 (approximately 22 kilometres or 13.7 miles) and replacement of three bridge structures in the Regional Municipality of Durham, City of Oshawa and Municipality of Clarington.

As part of the Project, M.T.O. intends to remove and widen both the Simcoe Street South and Albert Street bridge structures over Highway 401.

The original 2015 Municipal Class Environmental Assessment included an intersection at Simcoe Street South and Lviv Boulevard. In 2019, through the detailed design process, it was determined that longer and wider bridge structures were required at both Simcoe Street South and Albert Street to facilitate a wider highway with more lanes and improved acceleration and deceleration lanes. As a result, the intersection with Lviv Boulevard was determined to be not feasible since the longer bridge structure at Simcoe Street South will extend past Lviv Boulevard which would result in the two roads being at different grades. Accordingly, M.T.O.'s design proposed the termination of Lviv Boulevard with a cul-de-sac adjacent to Simcoe Street South as shown in Attachment 3.

On November 4, 2019, City Council considered Item DS-19-187 dated October 16, 2019, a report of the Commissioner of Development Services, regarding a Recommended Option for Lviv Boulevard after M.T.O. Widens Crossings at Simcoe Street South and Albert Street and adopted Attachment 4 as the City's preferred configuration for Lviv Boulevard (see Attachment 4 to this Report).

In early February 2022, M.T.O. made a submission to the City for the 90 percent design review package that included:

- Designs for the closure of Lviv Boulevard;
- Designs associated with the pavement rehabilitation and replacement of the Simcoe Street South bridge structure; and,
- The proposed detour plans for the closure of Highway 401 in anticipation of the removal of the bridge structure.

### **5.2 Project Status Update**

The Highway 401 westbound pavement rehabilitation from Stevenson Road South to Highway 35/115 and the replacement of three bridge structures project is divided into five contracts. Contracts one and two are in the Municipality of Clarington and have been

completed. The other three contracts are in the City of Oshawa. Their description and project status are provided below:

- Contract 3 – Highway 401 Westbound Pavement Rehabilitation, from 0.9 kilometres west of Stevenson Road South easterly to 0.3 kilometres west of Simcoe Street South and from Drew St easterly to 2.1 kilometres west of Courtice Road (5.2 km), and rehabilitation of the Hwy 401 Oshawa Creek Bridge Structures. Construction for this contract is expected to be completed in 2022.
- Contract 4 – Highway 401 Shoulder Widening at Simcoe Street South, and replacement of the Simcoe Street Bridge. Construction for this contract is expected to start in 2022.
- Contract 5 – Highway 401 Westbound Pavement Rehabilitation, from 0.3 kilometres west of Simcoe Street South, easterly to Drew Street, extension of Hwy 401 westbound on-ramp at Drew Street, and replacement of the Albert Street Bridge. Construction is anticipated to begin in 2024.

Details of Contracts 4 and 5 are provided in Sections 5.2.1 and 5.2.2 of this Report.

#### **5.2.1 Contract 4**

Construction activities related to Contract 4 has been identified to commence in 2022 and includes the following:

- Simcoe Street South bridge structure over Highway 401 replacement and reconstruction of the intersection approaches to Simcoe Street South;
- Retaining wall construction along the north side of Highway 401;
- Highway 401 eastbound and westbound widening;
- Bloor Street westbound reconstruction;
- Lviv Boulevard cul-de-sac construction and walkway construction (from Simcoe Street South to approximately 15 metres (49.2 ft.) east of 8 Lviv Boulevard;
- Lviv Boulevard and Simcoe Street South storm sewer replacement; and,
- Region of Durham sanitary sewer and fire hydrant relocations along Simcoe Street South and Lviv Boulevard.

#### **5.2.2 Contract 5**

Construction activities related to Contract 5 is anticipated to commence in 2024 and includes the following:

- Albert Street bridge structure over Highway 401 replacement and reconstruction of the intersection approaches to Albert Street;

- Retaining wall construction along the north side of Highway 401;
- Retaining wall construction along the south side of Highway 401;
- Highway 401 eastbound and westbound widening from west of Simcoe Street South to Drew Street;
- Lviv Boulevard reconstruction of the remaining portion to Albert Street;
- Resurfacing of three Highway 401 westbound ramps; and,
- Resurfacing of Highway 401 westbound lanes from west of Simcoe Street South to Drew Street.

It should be noted that prior to any construction work on City owned right of ways it is common practice for the M.T.O. to acquire responsibility for those portions of public highway that will be impacted as part of the proposed work. Following the completion of the project the M.T.O. will return those portions of public highway back to the ownership of the municipality. These sections of public highway will typically be transferred back to the municipality by Order in Council, pursuant to applicable subsections of the Public Transportation and Highway Improvement Act. This means that the ownership of these sections of public highway and infrastructure thereon will then be vested in the City and become part of the local road network.

### **5.3 90 Percent Design for Lviv Boulevard**

As part of Contract 4, the latest M.T.O. design for Lviv Boulevard is illustrated in Attachment 5.

Contrary to the November 4, 2019 Council direction, the latest design for Lviv Boulevard is consistent with M.T.O.'s design proposed in 2019 as shown in Attachment 3 and not with the City's preferred configuration as illustrated in Attachment 4.

Through consultations, the following was brought to our attention by M.T.O.:

- The Council preferred design for Lviv Boulevard does not accommodate a sidewalk or pedestrian access to Simcoe Street South.
- The Council preferred design showed an approximate 8 metre (26.3 ft.) radius, matching the City of Oshawa's minimum standard for a Temporary Cul-De-Sac.
- As the Lviv Boulevard cul-de-sac will not be temporary, M.T.O. had concerns that the smaller radius would not be sufficient for all emergency vehicles to use.
- The 8 metre (26.3 ft.) radius cul-de-sac is also much smaller than the M.T.O. design standard and the City of Oshawa's standard for Typical Residential Cul-De-Sac at 15 metres (49.2 ft.) and there would be insufficient right-of-way to construct a Standard cul-de-sac at the location proposed in the Council preferred design.

- A standard cul-de-sac located next to the St. George's Ukrainian Catholic Church parking lot would impact the Church property by reducing their parking capacity and altering their driveway access points to the parking lot. Furthermore, direct access from Lviv Boulevard would be restricted for the lots at 597 Simcoe Street South and 8 Lviv Boulevard, both of which have been subsequently demolished.

M.T.O. further pointed out that their latest design for Lviv Boulevard would minimize impacts to adjacent property owners, provide a larger turning area for emergency vehicles, and provide pedestrian access to Simcoe Street South by maintaining a sidewalk connection. For the above reasons, M.T.O. has decided to proceed with their original design for Lviv Boulevard.

It should be noted that M.T.O. has already acquired 589 and 597 Simcoe Street South and 8 Lviv Boulevard.

## **5.4 Proposed Detour Plans**

### **5.4.1 Simcoe Street South Bridge Removal**

The removal and replacement of the Simcoe Street South bridge structure over Highway 401 is proposed in two stages over two years. The first stage would entail the removal of half of the bridge structure (west side) and would require the full closure of Highway 401 and Simcoe Street South from Highway 401 westbound on-ramp to Bloor Street for a short period of time. The removal will occur on a weekend during the off-peak hours from 11:00 p.m. Saturday to 7:00 a.m. Sunday for a total closure of 8 hours.

The closure of the Highway 401 and Simcoe Street South would require traffic to be detoured along separate signed detour routes along the adjacent nearby municipal road network.

Attachment 6 illustrates the proposed detour routes for the Highway 401 closure.

The closure of Highway 401 will entail the closure of the:

- Eastbound lanes east of the eastbound off-ramp at Simcoe Street;
- Westbound lanes west of the westbound off-ramp at Drew Street;
- Both eastbound on-ramps at Stevenson Road South;
- Westbound on-ramp at Drew Street;
- Northbound left turn lane at the intersection of Drew Street and First Avenue; and,
- Westbound on-ramp at Harmony Road South.

Eastbound traffic along Highway 401 would be required to exit the highway using the Simcoe Street off-ramp and use Bloor Street to travel east and return to the highway using the eastbound Ritson Road on-ramp.

Westbound traffic along Highway 401 would be required to exit the highway using the Drew Street off-ramp, travel north along Drew Street, make a left at First Avenue, make a left at Simcoe Street South, and return to Highway 401 using the Simcoe Street South westbound on-ramp.

To provide efficient traffic flow for detoured traffic, police patrol will be provided at the following intersections:

- Drew Street and Toronto Avenue;
- First Avenue and Drew Street;
- First Avenue and Albert Street;
- Simcoe Street South and First Avenue;
- Simcoe Street South and Highway 401 westbound on-ramp;
- Bloor Street West and Highway 401 Simcoe Street eastbound off-ramp;
- Bloor Street and Simcoe Street South; and,
- Bloor Street East and Highway 401 Ritson Road eastbound on-ramp.

Both Drew Street and First Avenue are classified as Collector Roads with approximately 9.8 metres of pavement width (32.1 ft.).

First Avenue has four residential properties with direct access while Drew Street, south of First Avenue, has 20 residential properties that have direct access and would be impacted by the proposed detour routes.

M.T.O. has indicated that due to the existing condition of Drew Street, they expect to repave Drew Street south of First Avenue as part of Contract 4. However, First Avenue has not been identified for repaving but, a decision will be made following pre and post-construction inspections. City staff have already advised M.T.O. staff that the City's expectations are that First Avenue will be repaved as well.

#### **5.4.2 Simcoe Street South Bridge Replacement – Stage 1 of Construction**

Once the first half of the bridge structure (west side) is removed, stage 1 of the construction will commence for its replacement, which would last for approximately one year. During this construction period:

- The sidewalk along the west side of Simcoe Street South from 582 Simcoe Street South to Bloor Street will be closed;
- Access to L'viv Boulevard from Simcoe Street South will be restricted to right turns only;
- Southbound left turns will be prohibited at Bloor Street;
- Trucks will not be allowed to turn left to head north from Bloor Street West (eastbound left and westbound right turns from Bloor Street);
- All Highway 401 eastbound and westbound lanes will be maintained open during peak hours; and,
- Temporary Highway 401 eastbound and westbound lane closures will be required during off-peak hours.

Attachment 7 illustrates the detour routes for the southbound left turn prohibition at the intersection of Bloor Street and Simcoe Street South.

Southbound traffic along Simcoe Street South that is headed eastbound along Bloor Street East can choose one of the following two detours:

- Continue southbound along Simcoe Street South past Bloor Street, make a left at Wentworth Street East, make a left at Ritson Road South, and make a right at Bloor Street East; or,
- Make a left at First Avenue, make a right at Ritson Road South, and make a left at Bloor Street East.

#### **5.4.3 Simcoe Street South Bridge Replacement – Stage 2 of Construction**

Following stage 1 of the construction, the second half of the Simcoe Street South bridge structure (east side) would be removed and stage 2 of the construction would commence, which would last for approximately one more year. During this construction period:

- The sidewalk along the east side of Simcoe Street South from 589 Simcoe Street South to Bloor Street will be closed;
- Lviv Boulevard and the existing sidewalk will be closed mid-way and access to the west portion would be restricted to construction traffic only;
- Southbound left turns will be prohibited at Bloor Street; and;
- Trucks will not be allowed to turn left to head north from Bloor Street West (eastbound left turn).

The detours routes for the southbound left turn prohibition at the intersection of Bloor Street and Simcoe Street South would be similar to what is proposed for stage 1 as illustrated in Attachment 7.

#### **5.5 Staff Comments**

Staff comments related to Lviv Boulevard and the proposed detour routes are provided in the below sections. Comments on other items submitted will be provided directly by staff.

##### **5.5.1 90 Percent Design for Lviv Boulevard**

Although the latest design for Lviv Boulevard is contrary to the November 4, 2019 Council direction, the fact that M.T.O. has already acquired 589, 597 Simcoe Street South and 8 Lviv Boulevard, the City has no choice but to accept the design as proposed.

##### **5.5.2 Proposed Detour Plans**

Although the proposed detour routes provide the shortest detour, they have the highest impact to the surrounding residential neighbourhoods and the residents along both First Avenue and Drew Street.

As a result, the following comments are provided to M.T.O.:

- Alternate detour routes that utilize Regional Roads should be considered. For example, using the designated Emergency Detour Route along Bloor Street by closing westbound Highway 401 at Harmony Road South. For this detour, westbound traffic along Highway 401 would exit at Harmony Road South, make a left to head westbound along Bloor Street and return to Highway 401 at Stevenson Road South. The detour for eastbound traffic would remain the same.
- It is the City's expectation that M.T.O. will develop a comprehensive communication plan to engage both residents and businesses via direct mailout to the City's satisfaction; and,
- It is the City's expectation that M.T.O. will provided advance notification of any Highway 401 closures and proposed detours via direct mailout to all residents, property owners and businesses within 500 metres (0.3 miles) of detour routes.

### **5.5.3 Contract 4 Construction**

Given that the scope of Contract 4 includes the reconstruction of the Simcoe Street South and Bloor Street intersection and would require the replacement of the sidewalk along the north side, it is recommended that a multi-use path be provided along Bloor Street to connect the Michael Starr Trail to the Joseph Kolodzie Trail in lieu of a sidewalk. The connection of the multi-use path would extend from Albert Street to Simcoe Street South, transition to the south side of Bloor Street, and connect to the Joseph Kolodzie Trail.

Furthermore, since the Michael Starr Trail connection from Albert Street to Bloor Street will no longer be available during and following the construction, it is further recommended that a multi-use connection be provided from the Albert Street bridge over Highway 401 to Bloor Street to maintain the continuity of the Michael Starr Trail. This could be facilitated either by building the multi-use path on M.T.O. property and conveying it to the City or by building it along Albert Street in lieu of the sidewalk along the west side.

## **6.0 Financial Implications**

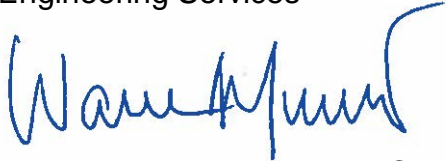
There are no financial implications resulting from the recommendation of this Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation advances the Accountable Leadership goal of the Oshawa Strategic Plan.

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Anthony Ambra, P.Eng., Director,  
Engineering Services

A handwritten signature in blue ink, appearing to read 'Warren Munro'.



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Subject: Update on the Lviv Boulevard Design and Ministry of Transportation's Rehabilitation of Highway 401 and Replacement of Bridge Structures Contracts

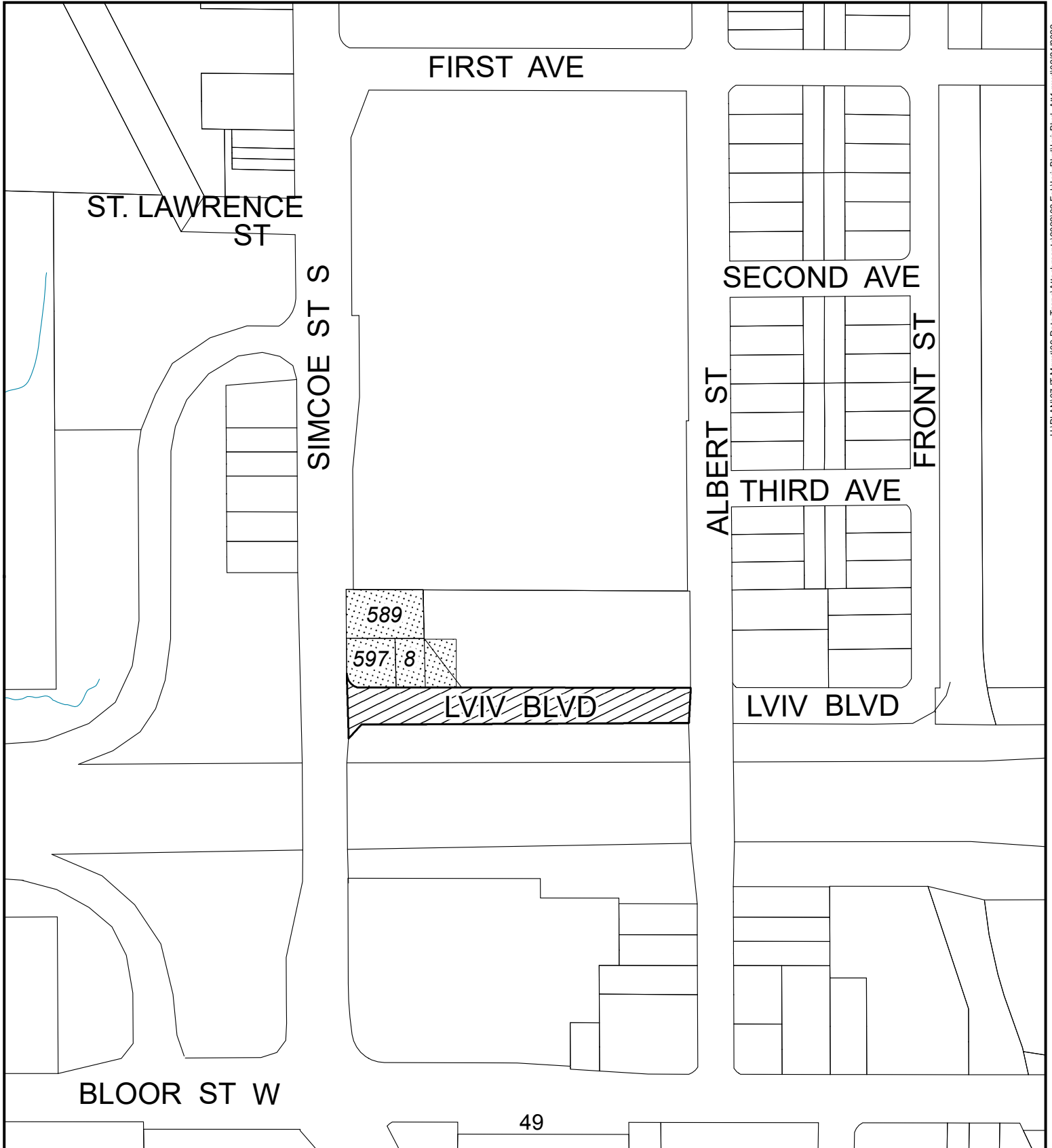
Item: DS-22-52  
Attachment 1

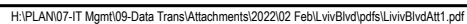
Ward: Ward 5  
File: 03-05



-  Subject Site
-  Sites required by MTO

City of Oshawa  
Development Services Department 









Subject: Update on the Lviv Boulevard Design and Ministry of Transportation's Rehabilitation of Highway 401 and Replacement of Bridge Structures Contracts

Item: DS-22-52  
Attachment 4

Ward: Ward 5

File: 03-05

-  Proposed Cul-de-Sac Concept
-  Sites required by MTO
-  Proposed Reduced LVIV Boulevard
-  Proposed Closed LVIV Boulevard Right of Way



City of Oshawa  
Development Services Department 







1. POLICE CONTROL REQUIRED TO ALLOW MAWMAN PRACTICAL FLOW OF DETOUR TRAFFIC TO TURN LEFT ONTO BLOOD STREET (TEMPORARY DOUBLE LEFT TURN AT INTERSECTION)
2. POLICE CONTROL REQUIRED AT INTERSECTION TO ALLOW MAWMAN PRACTICAL FLOW OF DETOUR TRAFFIC TO TURN LEFT ONTO BLOOD STREET (TEMPORARY DOUBLE LEFT TURN AT INTERSECTION)
3. POLICE CONTROL REQUIRED TO PROVIDE FREE MOVEMENT OF NB DETOUR TRAFFIC THROUGH TULLY HAVEN STWO CONTROLLED INTERSECTION AT SIGNALIZED INTERSECTION.
4. POLICE CONTROL REQUIRED TO PROVIDE MAWMAN PRACTICAL FLOW OF NB DETOUR TRAFFIC TO TURN LEFT ONTO FIRST AVENUE AT SIGNALIZED INTERSECTION.
5. POLICE CONTROL REQUIRED TO PROVIDE MAWMAN PRACTICAL FLOW OF NB DETOUR TRAFFIC TO TURN LEFT ONTO FIRST AVENUE AT SIGNALIZED INTERSECTION.
6. POLICE CONTROL REQUIRED TO PROVIDE MAWMAN PRACTICAL FLOW OF NB DETOUR TRAFFIC TO TURN LEFT ONTO SMOORE STREET.
7. POLICE CONTROL REQUIRED TO GUIDE SB DETOUR TRAFFIC TO TURN RIGHT ONTO HWY 401 ON-RAMP.

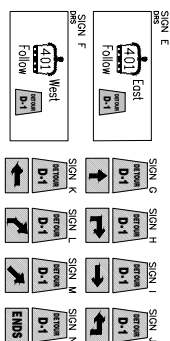


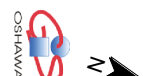


PLATE No	2022-2010	
CONT WP	2164-19-00	
HWY 401 FULL CLOSURE DETOUR ROUTES		SHEET ST-2
		

# Item: DS-22-52 Attachment 7

**Title:** Detour Routes for the Southbound Left Turn Prohibition at the Intersection of Bloor Street and Simcoe Street South  
**Subject:** Update on the Livv Boulevard Design and Ministry of Transportation's Rehabilitation of Highway 401 and Replacement of Bridge Structures Contracts  
**Ward:** Ward 5  
**File:** 03-05

City of Oshawa  
Development Services Department



CITY OF OSHAWA  
REGIONAL MUNICIPALITY OF DURHAM

METRIC

PLATE No	2022-2010
CONT	WP 2164-19-00
SIMCOE ST STAGE 1	
DETOUR ROUTES	
SHEET	ST-4
wsp	

SIGN A LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN B Bloor Street East Follow	SIGN C LEFT TURN PROHIBITED AT BLOOR ST	SIGN D LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN E LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN F LEFT TURN TO BE PROHIBITED AT BLOOR ST
SIGN G LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN H LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN I LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN J LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN K LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN L LEFT TURN TO BE PROHIBITED AT BLOOR ST
SIGN M LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN N LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN O LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN P LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN Q LEFT TURN TO BE PROHIBITED AT BLOOR ST	SIGN R LEFT TURN TO BE PROHIBITED AT BLOOR ST

NOTES:  
1. SOUTHBOUND LEFT TURN FROM SIMCOE STREET TO BLOOR STREET, PROHIBITED.

CAD FILE LOCATION AND NAME: \\infr1\ENGCAD\171-04557-00 Hwy401WB Rehab Strcuts\Highways\CAD\Contract 4\Advanced Warning Signs\171-04557\_Simcoe Street Stage 1 Detour Routes.dwg  
 MODIFIED: 1/26/2022 4:00:08 PM BY: HOPKINS, CONRAD  
 DATE PLOTTED: 1/26/2022 5:14:57 PM BY: HOPKINS, CONRAD

MINISTRY OF TRANSPORTATION, ONTARIO  
 PB-6-707 86-05

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
1.	Applications to Amend the Taunton Part II Plan and Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision S-O-2012-03, North of Coldstream Drive, Between Harmony Road North and Grandview Street North, Silwell Developments Ltd. and 1229403 Ontario Ltd.	DSC – May 27/13 DS-13-166	CNCL- June 22/20 DS-20-59	Referred to staff for a report.  Phase 1 approved by Council.  Staff directed to initiate a non-statutory public process for the Urban Design Study and Land Use Plan	Planning Services	TBD (Awaiting info from applicant)
2.	Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-04), 1500 Conlin Road East, Regita Enterprise Inc./Schleiss Development Company Limited	DSC – Feb 8/16 DS-16-19	DSC – Feb 8/16 DS-16-19	Referred to staff for a report.	Planning Services	TBD (Awaiting info from applicant)
3.	Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2014-01), 850, 880 and 1040 Conlin Road East, Conlin (Oshawa) 130 Acres Inc. (Sorbara Group)	DSC – Feb 29/16 DS-16-33	DSC – Sept. 24/18 DS-18-148	Referred to staff for a report.  Phase 1 approved by Council.	Planning Services	TBD (Awaiting info from applicant)

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
4.	Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2016-02), 2160 Harmony Road North, 1236296 Ontario Inc. (Jeffery Homes)	DSC – Feb 29/16 DS-16-34	DSC – Feb 29/16 DS-16-34	Referred to staff for a report	Planning Services	TBD (Awaiting info from applicant)
5.	Applications to Amend Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision, 135 Bruce Street and Certain City-owned lands, Bruce Street Developments Ltd. (Medallion Corporation)	DSC- June 20/16 DS-16-118	DSC– Sept. 10/18 DS-18-139	Referred to staff for a report  Phase 1 approved by Council.	Planning Services	TBD (Awaiting info from applicant)
6.	Applications to amend Official Plan and Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, for a Portion of the Lands Municipally Known as 2466 and 2651 Harmony Road North, Minto (Harmony Road) LP	DSC – Feb. 5/18 DS-18-12	DSC-June 25/20 DS-20-71	Subdivision Draft Approved – Except for Community Park	Planning Services	TBD (Awaiting info from applicant)
7.	Applications to Amend Official Plan and Zoning By-law 60-94 for lands at 35, 39 and 45 Division Street, 196, 200 and 204 Bond Street East and 46 Kenneth Ave, HVJ Properties Inc.	DSC – June 18/18 DS-18-114	DSC – Nov 8/21 DS-21-196	Referred to staff for a report.	Planning Services	TBD (awaiting info from Applicant)

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
8.	Notice of Motion – Study to Investigate and Analyse the Conversion of Celina Street and Albert Street to Two-way Traffic Operations	CNCL-Sept 23/19	CNCL-Feb 22/22 DS-22-27	Staff be authorized to advance a second virtual public engagement process and report back on the results of the input.	Planning Services	TBD
9.	Investigation of New Street Naming Policy	DSC-Oct 21/19 DS-19-208	DSC-Oct 21/19 DS-19-208	<p>That staff be directed to investigate a fair, consistent and efficient process towards adopting a new Street Naming Policy to guide how future streets will be named including respect to the important need for public consultation regarding the naming, renaming or dedication of municipal assets; and,</p> <p>That Development Services Department staff be directed to include Community Services Department and Sponsorship staff in this investigation for a fulsome municipal asset naming Corporate Policy.</p>	Planning Services	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
10.	Applications to Amend the Oshawa Official Plan, Samac Secondary Plan and Zoning By-law 60-94, 1664 Simcoe Street North, 17 and 25 Niagara Drive, Karmina Developments Ltd.  All Related Correspondence (DS-19-207, DS-19-206, DS-19-205, DS-19-203, DS-19-202, DS-19-201, DS-19-198, DS-19-194, DS-19-190, DS-19-191, DS-19-192, DS-19-193)	DSC-Oct 21/19 DS-19-186	DSC-Oct 21/19 DS-19-186	Referred to staff for a report.	Planning Services	TBD (Awaiting info from Applicant)
11.	Offer to Purchase Land at the Oshawa Executive Airport	DSC-Jan 13/20 DS-20-14	DSC-Jan 13/20 DS-20-14	Referred to staff for a report	Planning Services	TBD
12.	Offer to Purchase Land at the Oshawa Executive Airport North Field	DSC-Dec 9/19 DS-19-238	DSC-Dec 9/19 DS-19-238	Referred to staff for a report	Engineering Services	TBD
13.	South Field Master Plan Study at the Oshawa Executive Airport	DSC-Nov 18/19 DS-19-213	CNCL-Nov 29/19 DS-19-213	Referred to staff to advance various action items.	Planning Services	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
14.	Proposed Amendment to Sign By-law 72-96 to Facilitate a 3-year Pilot Project to Permit Sandwich Board Signs in the Central Business District (C.B.D.) Zones in the Downtown	DSC-Dec 5/16 DS-16-203	CNCL-Oct 26/20 DS-20-111	Staff will report back to Council on the results of the extended "Pilot Project" after the term of the "Pilot Project" expires, on April 1, 2023.	Planning Services	Second Quarter 2023
15.	Provincial Property Circulation – Broader Public Sector Review Various Surplus Lands along Highway 407 East	DSC-June 24/19 DS-19-132	CNCL-Sept 27/21 DS-21-164	That the City acquire the certain Highway 407 East Surplus Lands and staff report on the financial strategy to acquire the lands.	Planning Services	TBD
16.	Maintenance of Boulevard Fixtures	CORP-June 17/19 CORP-19-59	CNCL-May 25/20 CNCL-20-100	Part 4. Report back on Municipal Access Agreements to Council through the Development Services Committee	Planning Services	TBD
17.	Memorandum of Understanding Between the Corporation of the City of Oshawa and the Hamilton-Oshawa Port Authority	Port of Oshawa Working Group June 29/20 PORT-20-04	CNCL -Sept 27/21 PORT-21-07	Staff directed to advance various action items.	Planning Services	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
18.	Application to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision, 671, 685, 699, 709 and 723 Conlin Road East, Greycrest Homes (Oshawa) Inc. and Greycrest Homes (Conlin) Inc.  Related Correspondence (DS-20-90)	DSC-Sept 14/20 DS-20-85	DSC-Sept 14/20 DS-20-85	Referred to staff for a report	Planning Services	TBD (Awaiting info from Applicant)
19.	Process to Establish Noise Abatement Procedures and Restrictions under the Transport Canada Aviation Advisory Circular 302-002	DSC-Oct 5/20 DS-20-124	CNCL-October 25/21 DS-21-190	Staff to hold a series of four (4) public workshops, two (2) for community members and two (2) for Airport users, for the purpose of presenting for public review and input the Draft Proposed Noise Abatement Procedures Staff and the City's Airport Manager authorized to undertake consultation with all other affected stakeholder groups for the purpose of presenting the Draft Proposed Noise Abatement Procedures.	Planning Services	March 7, 2022
20.	Proposed Agreement to Purchase City-owned Land along the northerly limit of Highway 401	DSC-Jan 11/21 DS-21-08	DSC-Mar 8/21 DS-21-37	Staff to execute the disposal strategy.	Planning Services	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
21.	Request by Atria Development for use of Municipal Parking Lot on Athol Street	DSC-Feb 8/21 DS-21-21	CNCL Feb 22/22 DS-22-37	Staff to advance option 1 and report back	Planning Services	TBD
22.	Heritage Policies	DSC- Mar 8/21 DS-21-57	DSC- Mar 8/21 DS-21-57	Referred to staff	Planning Services	TBD
23.	Regional Municipality of Durham – Road Rationalization within the Region of Durham and City of Oshawa	DSC-Apr 12/21 DS-21-59	DSC-Apr 12/21 DS-21-59	Referred to staff for a report	Planning Services	TBD
24.	Direction on City Staff Involvement Respecting Appeals to the Ontario Land Tribunal of a Council Decision Concerning the Issuance of a Notice of Intent to Designate 195 Simcoe Street North Under the Ontario Heritage Act	DSC-May 10/21 DS-21-107	CNCL-May 25/21 DS-21-107	That upon the conclusion of the Conservation Review Board hearing, City staff report back to the Development Services Committee and Council with the Conservation Review Board's recommendation report with respect to the designation of the Robert McLaughlin House.	Planning Services	TBD (Awaiting info from Applicant)

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
25.	Motion - Renaming Bagot Street	CNCL -June 21/21	CNCL-September 27/21 DS-21-152	Staff to consult with Aboriginal Stakeholders, property owners, and Tenants	Planning Services	TBD
26.	Jane Clark - Letter of Objection to the Notice of Intention to Designate 1711 Simcoe Street North pursuant to the Ontario Heritage Act	June 21/21 CNCL-21-54	June 21/21 CNCL-21-54	Staff report back to the Development Services Committee and Council with the Ontario Land Tribunal's recommendation report with respect to the designation of the Camp Samac.	Planning Services	TBD
27.	Marlene Grass Requesting Designation of 310 Columbus Road East Oshawa	September 13/21 DS-21-146	September 13/21 DS-21-146	Referred to Heritage Oshawa and property owner for input	Planning Services	TBD
28.	Sharon Young and Robin Burns Requesting a Street be Named in Honour of Nancy Diamond	September 13/21 DS-21-147	September 13/21 DS-21-147	Referred to staff for a report	Planning Services	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
29.	Ken Roberts Submitting Comments concerning Water Issues on Black Cherry Drive	September 13/21 DS-21-156	September 13/21 DS-21-156	Referred to staff for a report	Engineering Services	March 7, 2022
30.	Request to Purchase City-owned Land on Bloor Street East	September 13/21 DS-21-159	CNCL - Nov 22/21 DS-21-207	Staff to execute the revised disposal strategy.	Planning Services	TBD
31.	Application to Amend Zoning By-law 60-94, 2676916 Ontario Inc., 480, 484, 490 and 506 Ritson Road South  (Related Correspondence: DS-21-170, DS-21-171, DS-21-172, DS-21-174)	September 13/21 DS-21-148	September 13/21 DS-21-148	Referred to staff for a report	Planning Services	TBD
32.	Applications to Amend the Secondary Plan for the Samac Community and Zoning By-law 60-94, 1413, 1417, 1419 and 1429 Simcoe Street North, Holland Homes Inc. and 2439967 Ontario Ltd.  (Related Correspondence: DS-21-158, DS-21-161)	September 13/21 DS-21-149	September 13/21 DS-21-149	Referred to staff for a report	Planning Services	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
33.	Application to Amend Zoning By-law 60-94, Post Office LP (Atria Development), 47 Simcoe Street South  (Related Correspondence: DS-21-165)	September 13/21 DS-21-150	September 13/21 DS-21-150	Referred to staff for a report	Planning Services	TBD
34.	Request from Robert McLaughlin Gallery to enter into a new lease for City-owned land at 72 Queen Street	November 8/21 DS-21-204	November 8/21 DS-21-204	Referred to staff for a report	Planning Services	TBD
35.	Notice of Motion – Oshawa Creek Bridge	September 20/21 CS-21-81	CNCL-September 27/21 CS-21-81	Referred to Engineering staff for a report back to the Development Services Committee	Engineering Services	TBD
36.	Request for Encroachment or Purchase of City-Owned Land on Eulalie Avenue	November 29/22 DS-21-230	November 29/22 DS-21-230	Referred to staff for a report		March 7, 2022

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
37.	Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision and a Common Elements Draft Plan of Condominium, Downing Street (1015 King Street) Inc., 1015 King Street East  (Related Correspondence: DS-21-222)	November 29/22 DS-21-219	November 29/22 DS-21-219	Referred to staff for a report		
38.	City of Oshawa Parking Study	CNCL – January 19/18 (Project # 40-0011)	CNCL-21-110 December 1/21	Referred back to staff to review comments of members of Council and further consult with individual members of Council.	Planning	TBD
39.	Mary Street Parking Garage Lease Space	CNCL - November 26/21 (Project # 11-0438)	CNCL - November 26/21 (Project # 11-0438)	Referred to staff to report back in 2022 prior to the 2023 budget on the potential economic development impacts of the provided Justification section	Planning	TBD
40.	Various Directors, Ministry of the Environment, Conservation and Parks submitting correspondence concerning the Environment Review Board decision regarding RIC (1515 Thornton) Inc.	INFO Package November 16/21	DS-21-232 December 13/21	Referred to staff for a report	Planning	March 7, 2022

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
41.	Request to Purchase City-Owned Land on Rossland Road East	January 10/22 DS-22-13	January 10/22 DS-22-13	Referred to staff for a report	Planning	TBD
42.	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Dines Plaza Inc., 400 King Street West  (Related Correspondence: DS-22-17)	January 10/22 DS-22-01	January 10/22 DS-22-01	Referred to staff for a report	Planning	TBD
43.	Proposed Community Shared Micro-Mobility Pilot Program by Bird Canada Inc.	Joint DSC/CSC January 20/22 DS-22-22	Joint DSC/CSC January 20/22 DS-22-22	Referred to staff for a report back to the Joint Committee after the public consultation process	Engineering	TBD
44.	Ron Bremner Submitting comments regarding Item DS-22-05 being the City Council referral concerning Compliance with Site Plan Agreements	DSC Jan 10/22 DS-22-15	CNCL-Jan 24/22 DS-22-12	Referred to staff to report back on results of peer review	Planning	March 7, 2022

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
45.	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, Downing Street (Ritson Road) Inc., lands east of Ritson Road North, north of Adelaide Avenue East  (Related Correspondence: DS-22-36, DS-22-38, DS-22-39)	DSC Feb 7/22 DS-22-23	DS Feb 7/22 DS-22-23	Referred to staff for a report	Planning	TBD
46.	Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, 2583422 Ontario Inc. (Nahid Corp.), lands located east of Simcoe Street South, north of Harbour Road  (Related Correspondence: DS-22-34, DS-22-35, DS-22-43)	DSC Feb 7/22 DS-22-30	DS Feb 7/22 DS-22-30	Referred to staff for a report	Planning	TBD
47.	Environmental Assessment Study - Windfields Farm Drive Connection	DSC Feb 7/22 DS-22-28	CNCL Feb 22/22 DS-22-28	Staff initiate the property acquisitions and report back	Planning	TBD

## Development Services Committee's Outstanding Items Status Report

DS-22-60

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
48.	Columbus Statutory Planning Act Public Meeting for the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study	DSC Feb 7/22 DS-22-41	CNCL Feb 22/22 DS-22-41	Planning Act Public Meeting be held no earlier than the first Quarter of 2023	Planning	TBD
49.	Investigation of a Heritage Conservation District in the Community of Columbus	DSC Feb 7/22 DS-22-42	CNCL Feb 22/22 DS-22-42	Staff initiate process to investigate a potential Heritage Conservation District for the Community of Columbus and report back	Planning	TBD

### Matters Tabled

Item	Subject	Origin	Last Direction Date and Item #	Direction/Comments	Branch Responsible	Expected Response
1.	Update Employment Land Inventory List	DSC-Mar 8/21 DS-21-58	DSC-Mar 8/21 DS-21-58	Tabled until such time as the Regional Report on such matters Region-wide has been completed	Planning Services	TBD

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-61

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: New Municipal Powers with Respect to Delegation of Planning  
Act Decisions Pursuant to Schedule 19 to Bill 13, Supporting  
People and Businesses Act

Ward: All Wards

File: 12-02

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## **1.0 Purpose**

The purpose of this Report is to seek Council authorization to initiate the public process under the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) to amend the Oshawa Official Plan to implement certain delegation powers passed under Schedule 19 to Bill 13, Supporting People and Businesses Act, 2021 (“Bill 13”). The delegation powers relate to the passing of by-laws to remove holding symbols.

The subject changes to the Planning Act came into effect on December 2, 2021.

Attachment 1 is a copy of Schedule 19 to Bill 13. Bill 13 is not attached to this Report owing to its size. However, it can be viewed at the following link:

[https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-12/b013ra\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-12/b013ra_e.pdf).

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-22-61 dated March 2, 2022, the Development Services Department be authorized to schedule a statutory public meeting under the Planning Act to consider an amendment to the Oshawa Official Plan as outlined in Section 5.3 of said Report concerning the potential delegation of authority to City staff for the passing of by-laws to remove holding symbols.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- City Solicitor

### **5.0 Analysis**

#### **5.1 Background**

Bill 13 was introduced to the Legislative Assembly of Ontario on October 7, 2021. The amendments under Schedule 19 of Bill 13 introduced, among other matters, changes to the Planning Act to expand the matters that the Council of a local municipality may delegate to a Committee of Council or staff in an effort to streamline planning approvals. The amendments provide a new discretionary authority to delegate the authority to administratively pass by-laws dealing with the removal of holding symbols.

Bill 13 received Royal Assent and the aforementioned changes to the Planning Act came into effect on December 2, 2021 (see Attachment 1).

It is up to the Council of each municipality to determine whether or not to exercise this new authority.

The powers afforded under Schedule 19 of Bill 13 would not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection. Consequently, an amendment to the Oshawa Official Plan ("O.O.P.") would be required in order to permit such powers to be delegated to staff or to a Committee of Council.

The amendments under Schedule 19 of Bill 13 did not alter any notice requirements, public meeting requirements or appeal rights under the Planning Act. The amendments also did not change the Planning Act requirements for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with Provincial plans such as the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

#### **5.2 Existing Delegation of Authority**

Schedule "A" of the City's Delegation of Authority By-law 29-2009, as amended (the "Delegation By-law"), outlines those matters currently delegated to Development Services Committee and/or Development Services staff.

The amendments to the Planning Act under Schedule 19 of Bill 13 made changes to expand the matters that the council of a local municipality may delegate, in an effort to streamline planning approvals.

As it relates to the removing of holding symbols, Section 54 of Schedule “A” of the City’s Delegation By-law already delegates authority with respect to Section 36 of the Planning Act to the Commissioner of Development Services. The delegated authority allows the Commissioner of Development Services to approve applications to remove a holding symbol, with the restriction that conditions for removal of the holding symbol must be satisfied. However, authority to approve the associated By-law to remove a holding symbol currently resides with Council. Through Schedule 19 of Bill 13, authority to approve such By-laws can now be delegated to staff or a Committee of Council should Council wish to do so and if advanced by the City, would be an extension of a delegated authority that already exists for the approval of applications to remove holding symbols.

Since 2010, Development Services staff have processed 86 applications to remove a holding symbol. All were approved by the Commissioner of Development Services and Council passed each of the associated By-laws.

### **5.3 Recommended Approach to Delegate the Authority to Pass By-laws to Remove Holding Symbols**

The process for staff to investigate a proposed new delegation of authority to City staff or a Committee of Council for passing of a by-law for the removal of holding symbols as permitted under Schedule 19 of Bill 13, would involve a public process under the Planning Act.

Staff recommend that a public process be initiated to amend the Oshawa Official Plan to delegate authority to staff to pass by-laws to remove holding symbols for the following key reasons:

- It would result in more timely development to advance increased assessment, new jobs and economic development growth in the City;
- It is estimated that delegating the passing of a by-law for the removal of a holding symbol would reduce the delay between staff’s approval of the decision and Council’s approval of the By-law by 2 to 10 weeks depending on the circumstances (i.e. regular Council meeting cycle versus summer recess or election period);
- Removal of holding symbols could be advanced by City staff during Council summer recess as well as during an election when Council would not otherwise be meeting, thereby eliminating unnecessary delays in the planning approvals process;
- City staff are already delegated the authority to approve an application for removal of holding, and the proposed delegation of authority for City staff to now also administratively pass a by-law to remove a holding symbol, would be a logical extension of that delegated authority; and,
- Council will still be informed of the passing of a by-law to remove a holding symbol by the Director of Planning Services.

If the Development Services Committee and Council wish to authorize staff to hold a statutory public meeting concerning the delegation of authority to pass by-laws for the

removal of holding symbols to staff, Section 2.0 of this Report contains the appropriate language.

## **6.0 Financial Implications**

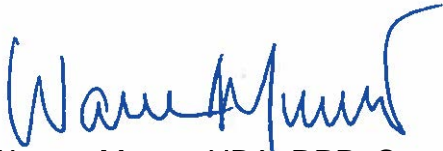
There are no financial implications associated with the comments in this Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship and Accountable Leadership goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

**SCHEDULE 19  
PLANNING ACT**

**1 The *Planning Act* is amended by adding the following section:**

**Minor by-laws — delegation**

**39.2** (1) Subject to subsection (2), the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to,

- (a) a committee of council; or
- (b) an individual who is an officer, employee or agent of the municipality.

**Official plan requirement**

(2) Subsection (1) does not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection.

**Same**

(3) Without limiting the generality of the meaning of a by-law passed under section 34 that is of a minor nature, such by-laws may include,

- (a) a by-law to remove a holding symbol; and
- (b) a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1).

**Conditions**

(4) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council, by by-law, provides.

**Withdrawal of delegation**

(5) A council may, by by-law, withdraw a delegation of authority made by it under subsection (1), and the withdrawal may be in respect of one or more by-laws in respect of which a final disposition was not made before the withdrawal.

***Municipal Act, 2001***

**2 Paragraph 5 of subsection 23.3 (1) of the *Municipal Act, 2001* is amended by adding “except as provided under section 39.2 of that Act” at the end.**

***City of Toronto Act, 2006***

**3 Paragraph 5 of subsection 22 (1) of the *City of Toronto Act, 2006* is amended by adding “except as provided under section 39.2 of that Act” at the end.**

**Commencement**

**4 This Schedule comes into force on the day the *Supporting People and Businesses Act, 2021* receives Royal Assent.**



To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-62

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Correspondence DS-21-232 concerning the decision of the  
Ministry of the Environment, Conservation and Parks regarding  
1515 Thornton Road North

Ward: Wards 1 and 2

File: 12-05

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## **1.0 Purpose**

On December 13, 2021, Council considered Correspondence DS-21-232 (formerly INFO-21-274 – see Attachment 1) concerning the decision of the Ministry of the Environment, Conservation and Parks (“M.E.C.P.”) with respect to the Environmental Compliance Approval (“E.C.A.”) application for the proposed anaerobic digestion facility located at 1515 Thornton Road North (the “Evergreen A.D. Facility”), submitted by RIC (1515 Thornton) Inc. and Evergreen Environmental Inc. (“Evergreen”). After considering the matter, Council passed the following motion:

“That Item DS-21-232 be referred to staff to report back on the following:

1. The determination of the difference between the materials accepted by the Evergreen private anaerobic digester at 1515 Thornton Rd North named in the correspondence and what is accepted at the Region’s digester and whether the City can enforce restrictions on the materials;
2. Whether the City can designate truck routes to and from the anaerobic digester; and,
3. To investigate the operational linkage between the 1515 Thornton Rd North anaerobic digester and the other Oshawa properties under the control of Evergreen in the Oak Ridges Moraine.”

The purpose of this Report is to respond to Council’s request for more information as noted above.

Attachment 1 is a copy of Report CNCL-20-98 dated May 20, 2020. Owing to its size, the report is not attached but can be viewed at the following link:

[http://www.oshawa.ca/agendas/city\\_council/2020/05-25/REPORT\\_CNCL-20-98.pdf](http://www.oshawa.ca/agendas/city_council/2020/05-25/REPORT_CNCL-20-98.pdf).

Attachment 2 is a copy of Item DS-21-232, being correspondence dated October 27, 2021 from the M.E.C.P. concerning its decision with respect to the E.C.A. application for the Evergreen A.D. Facility. Owing to its size, Item DS-21-232 is not attached but can be viewed at the following link: <https://pub-oshawa.escribemeetings.com/filestream.ashx?DocumentId=1123>.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

1. That Report DS-22-62 dated March 2, 2022 concerning Correspondence DS-21-232 concerning the decision of the Ministry of the Environment, Conservation and Parks regarding 1515 Thornton Road North be received for information.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Legal Services
- M.E.C.P.
- Region of Durham

## **5.0 Analysis**

### **5.1 City Comments on Environmental Compliance Approval Amendment Applications for the Evergreen Anaerobic Digestion Facility**

On May 25, 2020, Council considered Report CNCL-20-98 dated May 20, 2020 concerning City comments on three E.C.A. amendment applications for the proposed Evergreen A.D. Facility, and endorsed the following recommendations:

- “1. That, pursuant to Report CNCL-20-98 dated May 20, 2020, and in accordance with those reasons identified in Section 5.4.2 of said Report, staff be authorized to request the Ministry of Environment, Conservation and Parks to not approve Environmental Compliance Approval applications ERO 019-1538, ERO 019-1539 and ERO 019-1540 submitted by RIC (EOR) Inc.; and,
2. That, pursuant to Report CNCL 20-98 dated May 20, 2020, and in the event the Ministry of Environment, Conservation and Parks chooses to continue to advance the approval of Environmental Compliance Approval amendment applications ERO 019-1538, ERO 019-1539 and ERO 019-1540 related to a

proposed anaerobic digestion facility at 1515 Thornton Road North, staff comments contained in Section 5.4.2 and Attachment 8 of said Report be endorsed as the City's comments.; and,

3. That, pursuant to Report-CNCL-20-98 dated May 20, 2020, staff be authorized to forward a copy of the Report and any related Council resolution to the Ministry of the Environment, Conservation and Parks as the City's response to the postings on the Environmental Registry website with respect to Environmental Compliance Approval applications ERO 019-1538, ERO 019-1539 and ERO 019-1540 for waste, sewage and air, respectively, submitted by RIC (EOR) Inc. in support of their Anaerobic Digestion Facility proposal at 1515 Thornton Road North.
4. That, pursuant to Report CNCL 20-98 dated May 20, 2020, a copy of the Report and the related Council resolution be sent to the Region of Durham and the Central Lake Ontario Conservation Authority."

The Council-endorsed comments on the above-mentioned E.C.A. applications can be found in Section 5.4.2 and Attachment 8 of Report CNCL-20-98 dated May 20, 2020 (see Attachment 1).

M.E.C.P. approved the E.C.A. applications on October 27, 2021.

## **5.2 Background on 5052 Harmony Road North**

On September 27, 2021, Council Considered Item DS-21-168 concerning City comments on a forthcoming Research and Development Environmental Compliance Approval ("R.D.E.C.A.") application by RIC (Harmony) Inc. and Evergreen for a temporary one-year digestate co-composting trial project located at 5052 Harmony Road North (the "Trial Project"), and adopted a recommendation to, among other matters, endorse the comments contained in said Item.

Pursuant to Council's direction on Item DS-21-168 given on September 27, 2021, staff submitted the comments contained in Item DS-21-168 to the M.E.C.P., the Region of Durham, the Township of Scugog, the Municipality of Clarington, the Central Lake Ontario Conservation Authority (C.L.O.C.A.), Kawartha Conservation Authority and Evergreen.

On December 13, 2021, Council considered Correspondence DS-21-232 concerning the decision of the M.E.C.P. with respect to the E.C.A. application for the Evergreen A.D. Facility, and directed staff to report back to the Development Services Committee on certain related matters, as outlined in Section 1.0 of this Report.

## **5.3 Investigation of Matters Pursuant to Correspondence DS-21-232**

Staff have consulted with the appropriate agencies and City departments on the various matters identified by Council as put forth pursuant to Council's consideration of Correspondence DS-21-232.

### **5.3.1 Item 1 Pursuant to Correspondence DS-21-232**

Under Item 1 of Council's motion pertaining to Correspondence DS-21-232, staff were directed to report back on the following:

- "1. The determination of the difference between the materials accepted by the Evergreen private anaerobic digester at 1515 Thornton Rd North named in the correspondence and what is accepted at the Region's digester and whether the City can enforce restrictions on the materials."

Pursuant to reviewing this matter, staff note the following:

- The M.E.C.P. has advised that the materials received at anaerobic digestion facilities in Ontario is regulated through the E.C.A. process under the following Ontario Regulations ("O. Reg."):
  1. O. Reg. 347: General – Waste Management, under the Environmental Protection Act, R.S.O. 1990, c. E.19 ("Environmental Protection Act");
  2. O. Reg. 101/94: Recycling and Composting of Municipal Waste, under the Environmental Protection Act; and,
  3. O. Reg. 267/03: General, under the Nutrient Management Act, 2002, S.O. 2002, c. 4.
- The Amended Waste E.C.A (Number 6526-BZVPHT) issued on October 27, 2021 for the Evergreen A.D. Facility (see Attachment 2) states the following:
  - The Evergreen A.D. Facility may receive, temporarily store and process up to a maximum of 200,000 tonnes of Organic Waste (hereinafter defined below) per year;
  - "Organic Waste" means "solid and liquid non-hazardous organic waste derived from plants or animals, readily biodegradable and suitable for microbial biodegradation conducted under anaerobic conditions, and as further described in Condition 3.1 of this Approval. Solid Organic Waste means a municipal waste as defined in Regulation 347. Liquid Organic Waste means a liquid waste as defined in Regulation 347";
  - Section 3.1(2) provides that the Evergreen A.D. Facility is permitted to receive the following waste types:
    - (a) Organic waste from:
      - Bakeries;
      - Confectionary processing facilities;
      - Dairies and facilities that process dairy products;
      - Fruit and vegetable processing facilities;
      - Cereal and grain facilities;
      - Oil seed processing facilities;
      - Snack food processing facilities;

- Snack food manufacturing facilities;
  - Breweries and distillers grain;
  - Wineries;
  - Beverage manufacturing facilities;
  - Food processing facilities;
  - Grocery stores;
  - Food distribution companies;
  - Milling facilities;
  - Fruit and vegetable packing facilities;
  - Pet food manufacturing;
  - Production of ethanol or biodiesel;
  - Any other source allowed in writing by the District Manager;
- (b) Source separated organics (S.S.O.) from the residential (domestic) curbside collection programs operated by a municipality or on behalf of a municipality and that may contain soiled diapers, soiled incontinence products, soiled sanitary products and pet wastes; and,
- (c) S.S.O. from the institutional generators including airports, hospitals, long-term homes and schools.
- In accordance with the Amended Waste E.C.A., under Section 3.0 “Service Area, Approved Waste Types and Rates”, the Owner shall only accept the approved waste generated in the Province of Ontario.
  - The M.E.C.P. has advised that the Region of Durham will be required to obtain an E.C.A. for the proposed Clarington Anaerobic Digestion Facility (“Clarington A.D. Facility”) at the appropriate time, which will be subject to the same Ontario Regulations listed above.
  - As of March 2, 2022, the Region of Durham has not submitted an E.C.A. application for the Clarington A.D. Facility. Consequently, the exact amount and/or type of waste that will be received at this facility is unknown at this time. However, staff note that the Region of Durham’s project website for the Clarington A.D. Facility states that “waste will only be accepted from Durham Region, including waste collected from the Region’s curbside waste collection program and from multi-residential buildings”.
  - Given that the materials accepted at anaerobic digestion facilities is regulated through Provincial legislation, as noted above, the City does not have the authority to enforce restrictions on the materials received at anaerobic digestion facilities, as described in Section 5.3.1.

### **5.3.2 Item 2 Pursuant to Correspondence DS-21-232**

Under Item 2 of Council's motion pertaining to Correspondence DS-21-232, staff were directed to report back on the following:

- “2. Whether the City can designate truck routes to and from the anaerobic digester.”

Pursuant to reviewing this matter, staff note the following:

- The Amended Waste E.C.A. (Number 6526-BZVPHT) issued on October 27, 2021 for the Evergreen A.D. Facility (see Attachment 2) addresses trucks and traffic. Specifically, Section 9.1.9 of said E.C.A. states the following:

“The Owner shall determine the Site access truck traffic routes and shall ensure that all drivers of vehicles making deliveries and removing waste from to [sic] the Site are made aware of the traffic routes restrictions and requirements.”

- Given that the waste materials accepted at the Evergreen A.D. Facility may be sourced from other jurisdictions (i.e. across the Province) and that truck routes and traffic are addressed in the Amended Waste E.C.A., the City does not have the authority to impose truck routes to and from the Evergreen A.D. Facility.

### **5.3.3 Item 3 Pursuant to Correspondence DS-21-232**

Under Item 3 of Council's motion pertaining to Correspondence DS-21-232, staff were directed to report back on the following:

“3. To investigate the operational linkage between the 1515 Thornton Rd North anaerobic digester and the other Oshawa properties under the control of Evergreen in the Oak Ridges Moraine.”

Pursuant to reviewing this matter, staff note the following:

- Evergreen has expressed an interest in submitting a R.D.E.C.A. for the Trial Project located at 5052 Harmony Road North. However, the M.E.C.P. has advised that as of March 2, 2022, no such application has been submitted by Evergreen.
- The M.E.C.P. has advised that the E.C.A. application for the Evergreen A.D. Facility did not include any reference to the Trial Project at 5052 Harmony Road North.
- The source for the digestate at the R.D.E.C.A. is anticipated to be City of Toronto as noted in Item DS-21-168.
- Given that construction of the Evergreen A.D. Facility has not begun and that Evergreen has not submitted an R.D.E.C.A. for the Trial Project to the M.E.C.P., it is not possible to assess, based on the limited information available at the current time, whether or not there may be an operational linkage between the Evergreen A.D. Facility and 5052 Harmony Road North in the future.

## **6.0 Financial Implications**

There are no financial implications associated with this Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

This Report advances the Environmental Responsibility goal of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read 'Tom Goodeve', with a stylized, flowing script.

Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services

A handwritten signature in blue ink, appearing to read 'Warren Munro', with a stylized, flowing script.

Warren Munro, HBA, RPP, Commissioner,  
Development Services Department



To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-64

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: 1997 Operating and Option Agreement for the Oshawa  
Executive Airport

Ward: Ward 2

File: 12-03

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## **1.0 Purpose**

The purpose of this Report is to respond to Part 4 of Item DS-19-183 as passed by Council October 15, 2019 in response to the Town Hall meeting held on September 24, 2019 held for the purposes of public consultation on the update to the 2015-2019 Airport Business Plan, as follows:

- “4. That staff be directed to prepare an information report outlining the current status of the agreement between Oshawa and the Federal Government and any concerns that staff feel should be addressed prior to initiating discussions with Transport Canada and the Federal Government regarding the terms of the 1997 Operating Agreement for the Oshawa Executive Airport including but not limited to termination dates.”

Attachment 1 is a map of the Oshawa Executive Airport, with various areas of the Airport identified.

Attachment 2 is a copy of the 1997 Operating and Option Agreement for the Oshawa Executive Airport (the “1997 Agreement”) dated March 21, 1997 between the City and the Federal Government. Owing to its size, the report is not attached but can be viewed at the following link:

<https://www.oshawa.ca/business-and-investment/resources/Oshawa-Operating-Options-Agreement.pdf>.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-22-64 dated March 2, 2022, the South Field and East Airport Accessible Trail lands as shown on Attachment 1 to said Report be deemed not necessary for the management, maintenance or operation of the Oshawa Executive Airport as an undertaking and as a result, Transport Canada be requested to amend the 1997 Operating and Option Agreement for the Oshawa Executive Airport to remove said lands from the area subject to the agreement.
2. That, pursuant to Report DS-22-64 dated March 2, 2022, the Mayor and Clerk be authorized to sign any necessary agreement required to give effect to Item 1 above.
3. That, pursuant to Report DS-22-64 dated March 2, 2022, staff be authorized, in consultation with the Airport Manager, to advance discussions with the appropriate representatives of the Federal Government with respect to various matters concerning the current framework and terms of the 1997 Operating and Option Agreement for the Oshawa Executive Airport, as generally outlined in Section 5.4 of said Report, and report back to the Development Services Committee on the results of those discussions.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Commissioner, Finance Services
- Commissioner, Community Services
- Commissioner, Corporate Services
- City Solicitor
- Airport Manager

## **5.0 Analysis**

### **5.1 Background**

On June 24, 2019, Council considered Item DS-19-129, a report of the Commissioner of Development Services which presented the public consultation plan for the updated Oshawa Executive Airport Business Plan and passed the following resolution:

“That pursuant to Report DS-19-129 dated June 19, 2019, staff proceed with the public consultation plan for the updated Oshawa Executive Airport Business Plan as outlined in Section 5.0 of DS-19-129.”

The Airport Business Plan is a comprehensive document intended to guide actions and the decision-making process at the Airport. Updates to the Airport Business Plan typically involves an extensive consultation process involving the public and stakeholders.

The public consultation plan identified in Report DS-19-129 for the 2020-2024 Oshawa Executive Airport Business Plan update included consultation with the public at a then upcoming town hall meeting planned for September 2019.

On October 15, 2019, City Council considered and adopted the following motion as Item DS-19-183, in response to comments submitted at the Town Hall meeting held on September 24, 2019:

“Whereas on September 24, 2019 the Airport Community Liaison Committee hosted a Town Hall meeting to obtain public input on what should be included or addressed in the 2020-2024 Airport Business Plan; and,

Whereas, approximately 175 people attended the Town Hall meeting which included Oshawa residents, aviation industry representatives and other stakeholders; and,

Whereas, a number of Oshawa residents passionately and clearly expressed significant concerns with airport noise, safety and air quality and, in particular, concerns with the amount of flight training aircraft traffic and the circuit patterns and operating hours of flight training aircraft traffic; and

Whereas, it is extremely important that there be a better balance and respect to the Oshawa residents quality of life while continuing to recognize the economic benefits of the Oshawa Executive Airport;

Therefore, be it resolved:

1. That Development Services staff be directed to review the issues raised at the September 24, 2019 Airport Community Liaison Committee Town Hall meeting and specifically review issues concerning flight training with a view of reducing the amount of flight training aircraft traffic, altering the circuit patterns, addressing hours of operation, addressing noise mitigation opportunities and obtain input from NAV Canada and Transport Canada as appropriate in order to provide better balance and respect of Oshawa residents quality of life; and,
2. That Development Services staff be directed to expand the scope of work related to noise and air quality monitoring to include noise and air quality monitoring in the residential areas surrounding the Oshawa Executive Airport, that the work be advanced consistent with Purchasing By-law 45-2016, and that such funds required for this expanded scope of work come from an appropriate account determined by the Commissioner of Finance/Treasurer; and,
3. The staff be directed to host a series of small workshops (e.g. maximum of 20 participants) with residents, airport businesses and stakeholders to discuss

matters related to a number of questions raised at the Town Hall meeting before any draft Airport Business Plan is presented to Development Services Committee with the number of workshops and their form and content to be the satisfaction of the Commissioner of Development Services; and,

4. That staff be directed to prepare an information report outlining the current status of the agreement between Oshawa and the Federal Government and any concerns that staff feel should be addressed prior to initiating discussions with Transport Canada and the Federal Government regarding the terms of the 1997 Operating Agreement for the Oshawa Executive Airport including but not limited to termination dates; and,
5. That a copy of this resolution be sent to the Prime Minister, the Federal Minister of Transport and all Durham Region M.P.s, Transport Canada and Nav Canada after the October 21, 2019 Federal Election.”

A copy of Item DS-19-183 can be found at the following link:  
[http://app.oshawa.ca/agendas/City\\_Council/2019/10-15/2019-10-15\\_AGENDA\\_Council\\_Regular.pdf](http://app.oshawa.ca/agendas/City_Council/2019/10-15/2019-10-15_AGENDA_Council_Regular.pdf).

On March 29, 2021 pursuant to Report DS-21-44 dated March 3, 2021, Council determined that it is not reasonable to conclude on an Airport Business Plan in 2021 when the current Council will have only one remaining year in its term. Consequently, staff were directed to develop an action plan with a list of action items for the City to advance.

Action 13 of the 2021-2022 Oshawa Executive Airport Action Plan relates to the 1997 Agreement, and was included to address Council’s previous directions pursuant to Part 4 of Item DS-19-183, as noted above. Specifically, this action item involves the preparation of an information report outlining the current status of the 1997 Agreement, with staff to include as part of the report, matters that staff feel should be addressed with respect to the current framework and terms. Accordingly, this Report has been prepared by staff in consultation with the City’s Airport Manager to include matters that staff consider necessary to address with respect to the current framework and terms of the 1997 Agreement, as identified in Sections 5.3 and 5.4 of said Report.

## **5.2 Overview and Current Status of the 1997 Agreement**

In accordance with Council’s direction of March 29, 2021 pursuant to Report DS-21-44, staff developed an Airport Action Plan with a list of 14 items for the City to advance. As noted above, Action 13 included the preparation of an information report outlining the current status of the 1997 Agreement and any concerns that staff feel should be addressed prior to initiating discussions with the Federal Government regarding the terms of the 1997 Agreement.

The Airport Action Plan was endorsed by City Council on June 21, 2021.

In 1997, the Federal Government transferred ownership of the Airport to the City of Oshawa. As part of the transfer, the 1997 Agreement was executed between the Federal

Government and the City of Oshawa (see Attachment 2). The 1997 Agreement specifies the terms under which the City operates the Airport.

As part of the 1997 Agreement, the City is required to operate the Airport until 2047 unless it becomes redundant. The opening of an airport in Pickering could cause the Airport to become redundant. However, in 2008, Oshawa City Council passed a resolution to continue operating the Airport until at least 2033 regardless of the status of an airport in Pickering.

As discussed in Section 5.4 of this Report, the 1997 Agreement also specifies who retains the proceeds of any land sales in the event that the Airport closes, which, based on Council's 2008 commitment, will be no earlier than 2033. Currently, 100% of all land sale proceeds are retained by the City while the Airport is operational provided the proceeds are deposited into the Airport's capital reserve account and contribute to the capital needs of the Airport.

### **5.3 Removal of Certain Lands from the 1997 Agreement**

Currently, the 1997 Agreement provides a mechanism under Section 4.02, "Airport Operator's Ability to Deal with Land and Chattels", that allows lands to be removed from the 1997 Agreement if the land is disposed of during the term of the 1997 Agreement.

After consultation with the City's Airport Manager, staff recommend removing the following lands from the 1997 Agreement (see Attachment 1):

- South Field; and,
- East Airport Accessible Trail lands.

The Airport South Field does not provide any Airport-related function and is physically separated from the operational areas of the Airport (e.g., runways and taxiways) by perimeter security fencing. The South Field hosts a variety of businesses, community organizations and municipal functions that are all unrelated to the Airport. These include the Ontario Regiment Museum, the 420 Wing and Gemini Gymnastics, all of which have leases or licences with the City to use the City-owned land and/or buildings located on the South Field. Municipal functions include Airmen's Park, a soccer field, a long-established community garden, and a training facility used by and rented out by Oshawa Fire Services. The core of the South Field, which contains Airmen's Park, the former Canteen, Stores Building and No. 10 Building, has been recognized by Council as an area of cultural heritage value and interest and was designated in 2021 under Part V of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the "Ontario Heritage Act") as a Heritage Conservation District.

The East Airport Accessible Trail lands along the eastern limit of the Airport also do not provide any Airport-related function and are outside of the Airport secured area. These lands contain key natural heritage and hydrologic features associated with the Oshawa Creek and form an important component of the City's Natural Heritage System, providing important wildlife habitat and ecological functions.

The City's Active Transportation Master Plan also identifies the East Airport Accessible Trail lands as the site of a future north-south off-road multi-use trail planned to connect the South Field and Somerset Park to the existing boulevard multi-use trail running along the south side of Taunton Road West, north of the Airport.

Notwithstanding Section 4.02 of the 1997 Agreement, staff do not recommend removing the above-noted lands from the 1997 Agreement through a disposal of lands. Instead, it is recommended that the City move forward with removing them from the 1997 Agreement by declaring them not necessary for the management, maintenance or operation of the Airport as an undertaking while retaining ownership for other City purposes. In order to do so, City staff will be formally requesting the removal of the South Field and East Airport Accessible Trail lands from the agreement on the basis that the City's financial contribution to the Airport operating budget totalling \$2.2 million and the City's financial contribution to the Airport capital budget totalling \$7.5 million over the 2017-2021 period far exceed the anticipated value of the above noted lands in accordance with Article 4.02.03 of the 1997 Agreement.

A property survey will be required in order to delineate these lands for the purposes of removing them from the 1997 Agreement, as well as to show and legally describe the area associated with the new NAV Canada Airport control tower. An appraisal will also be required in order to determine the value of the lands proposed to be removed.

It is recommended that the South Field and East Airport Accessible Trail lands be removed from the 1997 Agreement and retained by the City for other municipal purposes for the following key reasons:

- Removing these lands from the 1997 Agreement would not comprise safety and security at the Airport;
- These lands, while Federally-regulated, are surplus to Airport operations and functionality and do not serve any Airport-related need;
- The City already has existing long-term leases and licences with multiple tenants at the South Field;
- The East Airport Accessible Trail lands form a key part of the City's Natural Heritage System associated with the Oshawa Creek and cannot be developed;
- The core area of the South Field is formally recognized as an area of cultural heritage value and interest and is protected under the Ontario Heritage Act as a Heritage Conservation District; and,
- These lands are currently used or planned to be used for multiple municipal functions, including fire training, active and passive recreation (parkland and sports fields), cultural heritage (including the mounted Sabre jet and historical plaques and monuments at Airmen's Park), active transportation trails/connections and community gardening.

Staff note that removal of the South Field and East Airport Accessible Trail lands from the 1997 Agreement requires the consent of the Federal Government.

#### **5.4 Matters Proposed to be Addressed Regarding the 1997 Agreement**

It is appropriate that the Federal Government be requested to implement a number of amendments to the 1997 Agreement. After consultation with the City's Airport Manager, matters that staff consider necessary to address with respect to the current framework and the terms of the 1997 Agreement are identified below:

- Add wording in the "Direct Costs" definition listed under Section 3.01.01 to ensure that lands are restored to a residential standard at the Provincial level.
- Update Sections 3.04.02 and 3.04.03 to increase the thirty (30) days requirement to ninety (90) days, in order to provide for an appropriate timeframe within which to obtain any necessary real estate appraisals.
- In addition, the 1997 Agreement should be revised to appropriately reflect and account for the following:
  - Schedule "C" of the 1997 Agreement specifies how the proceeds of any land sales are to be divided between the Federal Government and the City in the event the Airport closes. The City's portion of any land sale proceeds post-closing are as follows:

Table 1: City's Portion of Any Land Sale Proceeds

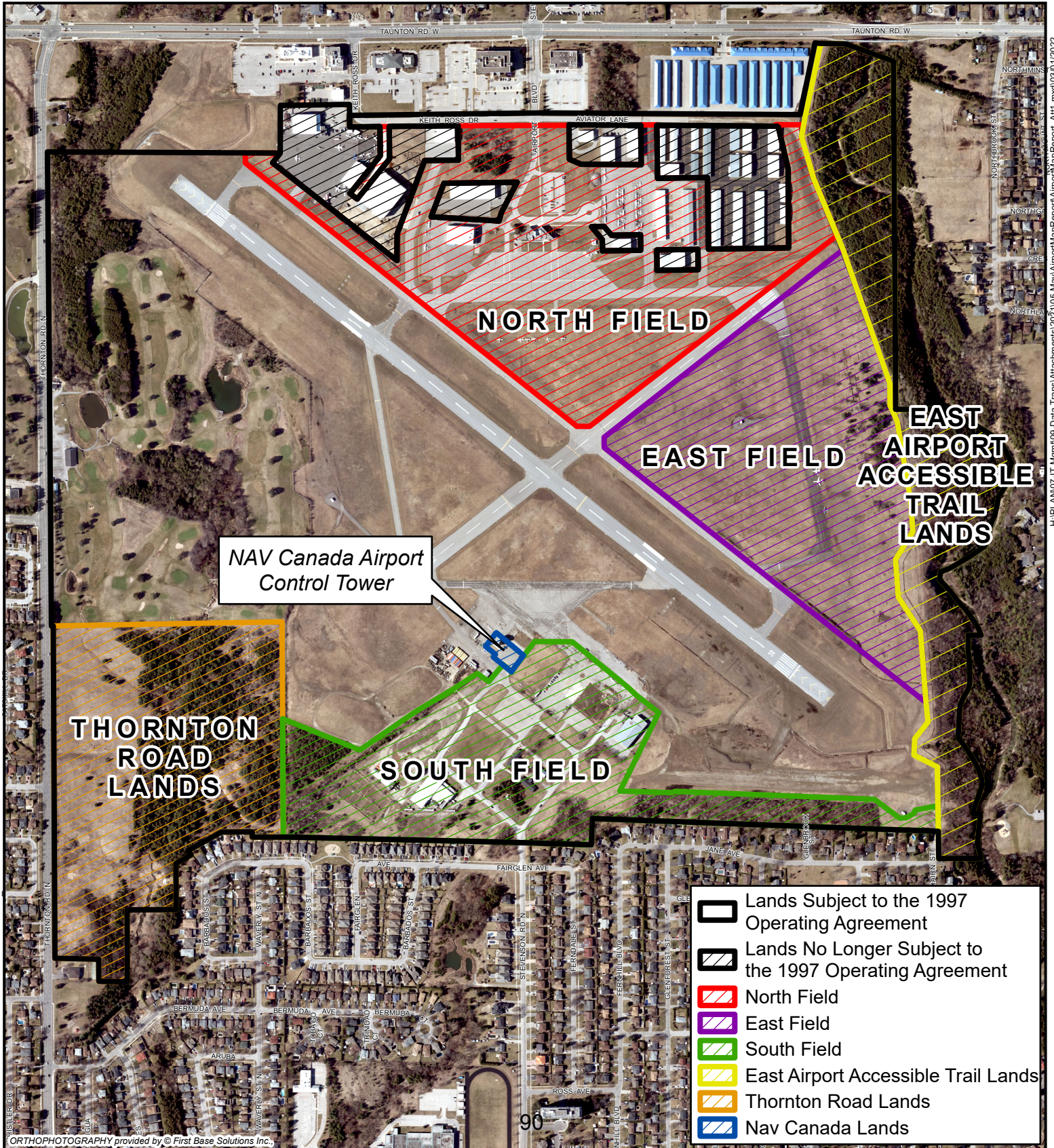
<b>Years</b>	<b>Current Percentage of Proceeds</b>	<b>Proposed Percentage of Proceeds</b>
2033 - 2037	28	100
2038 - 2043	42	100
2044 - 2047	65	100
April 1, 2047 and beyond	100	100

- The City should request an increase in the percentage of the proceeds to which it is entitled under the 1997 Agreement for the period between 2033 and 2047 as set out above. The increased percentages are appropriate given the City's investment in the Airport since 1997 and the anticipated investment going forward.
- The current scale in Schedule "C" of the 1997 Agreement is now 25 years old, and the lack of clarity that still remains with respect to the Pickering Airport issue after a quarter century now puts the City at an unfair disadvantage. The City may desire to invest in improvements to the Airport, but in the absence of having an informed long-term strategy – which is precluded due to the uncertainty associated with Pickering – the City runs the risk of making an investment only to lose it in the event that the Federal Government opens Pickering and Oshawa's Airport becomes redundant.

Subject: 1997 Operating and Option Agreement for the Oshawa Executive Airport  
Ward: Ward 2  
File: 12-03



City of Oshawa  
Development Services Department



- More control with respect to Airport matters should be provided to City Council. Staff note that the City received numerous enquiries on operational matters related to the Airport that are under Federal control (e.g. zoning, the number and type of flights at the Airport, hours of operation excluding police and medical flights, the issuance of building permits, etc.). It is appropriate that greater control over matters such as these which are not safety-related in terms of Airport operations be down-loaded to the City.

Staff recommend consulting with the appropriate Federal Government staff on these proposed amendments to the 1997 Agreement. If all goes well, staff will next report back to the Development Services Committee with a report containing recommended key terms for an amending agreement to the 1997 Agreement. In the event that challenges or unexpected matters arise, staff will report back to the Development Services Committee to provide an update and, as appropriate, seek direction and/or recommend a further course of action.

## **6.0 Financial Implications**

The estimated cost to remove certain lands from the 1997 Agreement is ±\$8,000 and is primarily related to the cost of a property survey and appraisal of the lands.

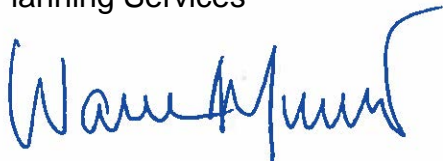
The above-noted costs can be paid from the Airport Operating account.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendations in this Report advance the Economic Prosperity and Financial Stewardship, Environmental Responsibility and Accountable Leadership goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department



To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-65

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Results of Legal Opinion and Peer Review of Transportation  
Matters Related to the Site Plan Approval Application for  
1231 Ormond Drive

Ward: Ward 1

File: SPA-2018-32

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## **1.0 Purpose**

The purpose of this Report is to respond to Part 1 of the following January 24, 2022, City Council direction:

- “1. That Development Services staff be authorized to retain an independent third party legal expert for an impartial and unbiased legal opinion on the Right in Access issue for Chartwell’s Phase III project at 1231 Ormond Drive and professional transportation consultant to undertake a peer review of the traffic study submitted in support of the application for site plan approval for a 201 unit retirement home at 1231 Ormond Drive (File: SPA-2018-32) and to review any submissions made by the residents, the Region of Durham and Chartwell to assess whether a right-in-only access from Ritson Road North is warranted from a pedestrian and vehicular traffic safety perspective and report back to the Development Services Committee on the results of the peer review and that funding for the consultant be provided from an appropriate account to be identified by the Commissioner of Finance Services; and,
2. That Community Services staff be directed to investigate the need for potential traffic calming and safety measures, including the need for a Community Safety Zone, on Ormond Drive, generally between Conlin Meadows Park and Coldstream Drive, and report back to the Community Services Committee; and,

3. That the Region of Durham be requested to review the potential need for a community safety zone on Ritson Road North, south of Conlin Road East, given the existing and proposed land uses in the area.”

Attachment 1 is a map showing the location of the subject site and the existing zoning in the area.

Attachment 2 is a copy of the proposed site plan submitted by CSH (Wynfield II) Inc. (Chartwell) and advanced through the site plan approval process.

Attachment 3 is a copy of the Local Planning Appeal Tribunal (L.P.A.T.) decision on the Committee of Adjustment applications concerning 1231 Ormond Drive, and 431 and 451 Woodmount Drive.

Attachment 4 is correspondence Item DS-22-15 received from Ron Bremner and considered by the Development Services Committee on January 10, 2022 and by Council on January 24, 2022 concerning the Development Services Department’s interpretation of the L.P.A.T. decision concerning 1231 Ormond Drive and 431 and 451 Woodmount Drive.

Attachment 5 is a copy of additional comments received from Ron Bremner on January 25, 2022 and February 7, 2022.

Attachment 6 is a copy of the peer review final report dated February 22, 2022 received from CIMA+ concerning the peer review of the traffic study submitted in support of the application for site plan approval for a 201 unit retirement home at 1231 Ormond Drive (File: SPA-2018-32) and assessment of a right-in access from Ritson Road North and a review of additional information.

Attachment 7 is a confidential attachment representing the legal opinion received from Miller Thomson LLP on the right-in access issue for the proposed retirement home at 1231 Ormond Drive.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council that Report DS-22-65 dated March 2, 2022, concerning the results of a legal opinion and peer review of transportation matters related to the site plan approval application (File: SPA-2018-32) for 1231 Ormond Drive, be received for information.

## **3.0 Executive Summary**

This Department recommends that City Council receive this Report for information based on both the legal opinion received from Miller Thomson LLP on the right-in access issue and the conclusions of the peer review of the traffic study and the assessment of a right-in access from Ritson Road North completed by CIMA+ for the proposed development at 1231 Ormond Drive.

Based on CIMA+'s peer review and past comments from Region of Durham and City staff, a right-in-only driveway from Ritson Road North is not warranted as it would not have a significant impact on traffic and safety on Ormond Drive.

It is further noted that unless directed otherwise, City staff will continue to process the site plan application as submitted by CSH (Wynfield II) Inc. (Chartwell) without a right-in driveway access from Ritson Road North.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- City Solicitor
- Miller Thomson LLP
- CIMA+

## **5.0 Analysis**

### **5.1 Background**

On November 15, 2018, Chartwell submitted an application for site plan approval to the City to permit a proposed 201 unit retirement home at 1231 Ormond Drive. Access to the proposed development is intended to be from the existing driveway to Ormond Drive through Chartwell's properties at 431 and 451 Woodmount Drive. This application is still in process and no agreement has been executed.

In March 2019, Chartwell submitted an application to the Committee of Adjustment (C. of A.) for certain variances to permit the proposed 201 unit retirement home on 1231 Ormond Drive (File: A-2019-24). An application was also submitted for variances to 431 Woodmount Drive (File: A-2019-25) to permit an addition to the existing retirement home that would connect to the proposed building and to allow for the construction of the internal access to the proposed retirement home at 1231 Ormond Drive.

On April 10, 2019, the C. of A. approved minor variance applications A-2019-24 and A-2019-25. The C. of A. decisions were appealed to the L.P.A.T. by Mr. Ron Bremner of 1230 Ormond Drive.

The following recommendation was approved by the Development Services Committee (D.S.C.) on January 13, 2020 and by Council on January 27, 2020 related to the L.P.A.T. appeals of Committee of Adjustment Decisions concerning 1231 Ormond Drive, and 431 and 451 Woodmount Drive:

1. That the Local Planning Appeal Tribunal be advised that City Council takes no position on the appeals of the approval decisions of the Committee of Adjustment concerning 1231 Ormond Drive and 431 Woodmount Drive and the City does not seek party or participant status at the Local Planning Appeal Tribunal hearing; and,

2. That the Local Planning Appeal Tribunal be advised that City Council takes no position on the additional variances identified after the Committee of Adjustment meeting that includes 451 Woodmount Drive; and,
3. That, pursuant to Report DS-19-231 dated December 4, 2019 and Report DS-20-09 dated January 8, 2020, the Local Planning Appeal Tribunal be advised that the City of Oshawa requests that conditions be imposed to permit a maximum of 201 units in the proposed retirement home at 1231 Ormond Drive, of which a maximum of 169 units may include cooking facilities in the individual units, if the minor variances are approved by the Local Planning Appeal Tribunal; and,
4. That the City of Oshawa requests that conditions be imposed on the development of the Chartwell site at 1707 Ritson Road North/1231 Ormond Drive to require a right in turn from Ritson Road that will safely accommodate the traffic of residents, visitors and staff shift changes.

The January 13, 2020, D.S.C. recommendation was provided to the L.P.A.T. and to all parties to the hearing on January 16, 2020. The D.S.C. decision was sent to the L.P.A.T. in advance of Council addressing the matter since the L.P.A.T. hearing was scheduled for January 24, 2020, which was three days before the next Council meeting on January 27, 2020.

On February 19, 2020, the L.P.A.T. issued their decision on the subject appeal. The decision of the L.P.A.T. dismissed the appeal and authorized the variances. However, the L.P.A.T. did not apply the conditions requested by Parts 3 and 4 of the January 13, 2020 D.S.C. resolution and the January 27, 2020 Council direction.

A copy of the L.P.A.T. decision was provided to Council as item INFO-20-56.

## **5.2 Traffic Concerns**

It has been Mr. Bremner's position through the C. of A. and L.P.A.T. processes that the proposed 201 unit retirement home will create traffic and parking issues on Ormond Drive, particularly at the driveway access from the subject site to Ormond Drive.

A motion was introduced at the May 6, 2019 D.S.C. meeting and subsequently considered by Council on May 21, 2019 (Item DS-19-88) with a recommendation that Council support Regional staff in further investigating a process that will find a way for the Region to support an entrance/exit on Ritson Road North to the subject site. The recommendation was carried by Council.

At the May 8, 2019 Durham Regional Works Committee, Councillor Neal made a resolution that a right-in, right-out access off of Ritson Road North into the subject site be investigated by the Region of Durham and City of Oshawa. The resolution was directed to Regional Works staff for investigation.

City staff, Regional staff and the applicant investigated a right-in, right-out access to Ritson Road North in advance of the L.P.A.T. hearing. The Region of Durham advised that an access from Ritson Road North is not warranted for the safe operation of the site but

stated that they would permit a right-in-only access from Ritson Road North if requested by the City.

The L.P.A.T. did not impose a right-in access from Ritson Road North as a condition of approval as requested by City Council and included the following comments in their decision:

“[48] Further, the Tribunal respects the request of a right turn access to the site from Ritson Road as suggested by the Appellant. The Tribunal notes that the Region of Durham in Exhibit 2, Tab 15, explored the option and is of the opinion “Parking and speeding issues would not be significantly affected by the proposed access, these issues are best addressed by the City through the Site Plan Approval Process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive”. Therefore, with the evidence provided, the Tribunal is of the opinion that the proposed variance meets the four tests under s. 45(1) of the *Planning Act*. The Tribunal encourages the City to explore other options available to address residents’ traffic concerns.”

It is the Development Services Department’s position that Council has not directed that a right-in access from Ritson Road North is required to be implemented through the site plan agreement for the proposed development. Council’s direction was related to the L.P.A.T. appeal, not direction for staff to implement a right-in driveway through the site plan approval process.

The site plan approval plans have been approved by all technical review departments and agencies, including the Region of Durham Works Department and the City’s Engineering Services Branch, and do not currently include a driveway access to Ritson Road North.

### **5.3 Legal Opinion and Traffic Study Peer Review**

On January 4, 2022, Mr. Bremner submitted Correspondence Item DS-22-15 (see Attachment 4) to the Development Services Committee expressing his position that the Development Services Department’s interpretation of the Council direction and the L.P.A.T. decision is incorrect and requested that the City Solicitor be directed to engage a third party legal opinion on the interpretation of the L.P.A.T. decision.

The Development Services Committee considered Correspondence Item DS-22-15 on January 10, 2022. City Council considered the item on January 24, 2022 and approved the following direction:

“1. That Development Services staff be authorized to retain an independent third party legal expert for an impartial and unbiased legal opinion on the Right in Access issue for Chartwell’s Phase III project at 1231 Ormond Drive and professional transportation consultant to undertake a peer review of the traffic study submitted in support of the application for site plan approval for a 201 unit retirement home at 1231 Ormond Drive (File: SPA-2018-32) and to review any submissions made by the residents, the Region of Durham and Chartwell to assess whether a right-in-only access from Ritson Road North is warranted from a pedestrian and vehicular traffic safety perspective and

report back to the Development Services Committee on the results of the peer review and that funding for the consultant be provided from an appropriate account to be identified by the Commissioner of Finance Services; and,

2. That Community Services staff be directed to investigate the need for potential traffic calming and safety measures, including the need for a Community Safety Zone, on Ormond Drive, generally between Conlin Meadows Park and Coldstream Drive, and report back to the Community Services Committee; and,
3. That the Region of Durham be requested to review the potential need for a community safety zone on Ritson Road North, south of Conlin Road East, given the existing and proposed land uses in the area.”

On January 25, 2022 and February 7, 2022, Mr. Bremner provided additional submissions which were forwarded to both CIMA+ and Miller Thomson LLP.

Chartwell did not provide any further submissions.

### **5.3.1 CIMA+ Peer Review of Traffic Study**

On February 7, 2022, the Development Services Department retained CIMA+, a multi-disciplinary consulting company, including transportation engineers, to complete a peer review of the Traffic Impact Study (T.I.S.) prepared by T.M.I.G. and submitted by Chartwell in support of the site plan approval application and to review the need for a right-in-only driveway from Ritson Road North from a pedestrian and vehicular traffic safety perspective. In addition to the T.I.S, the following items were provided to CIMA+ for their information and review as part of the peer review:

- Chartwell’s proposed Site Plan;
- All City and Regional comments related to the traffic impact study and the right-in driveway proposal;
- All staff reports related to the L.P.A.T. appeal;
- All Council directives;
- L.P.A.T. decision;
- All comments received from Mr. Bremner by February 11, 2022 regarding the proposal and the proposed right-in driveway; and,
- All comments received from Chartwell by February 11, 2022 regarding the proposal and the proposed right-in driveway.

On February 22, 2022, CIMA+ provided their final report on the peer review of Chartwell’s traffic impact study and the need for a right-in-only driveway from Ritson Road North from a pedestrian and vehicular traffic safety perspective. CIMA+’s report presents the following conclusions:

- The methodology made in the Transportation Impact Study prepared by The Municipal Infrastructure Group Ltd. is valid.

- The findings, conclusions and recommendations presented in the report are reasonable given the anticipated level of traffic presented in the report.
- Measures proposed by Chartwell Retirement Residences, indicate a willingness on their part to implement transportation demand management measures that should result in a decrease in vehicle trips to and from the facility, beyond that indicated in the transportation impact study provided by Municipal Infrastructure Group Ltd.
- CIMA+ agrees with the comment made by the Region of Durham that the right-in access is not necessary for the proposed development given the anticipated traffic volumes and the ability of the road network and associated intersections to accommodate the future development.
- CIMA+ disagrees with the comment that the access off Ormond Drive would become an 'unsafe choke point', given the analysis presented by The Municipal Infrastructure Group Ltd.
- CIMA+ believes that shift changes have been adequately accounted for in the analysis presented by The Municipal Infrastructure Group Ltd.
- There is no evidence to suggest that the layout of the access to the Wynfield Long-Term Care Facility and anticipated traffic that would be generated by the proposed development would generate any conflicts between vehicles and pedestrians beyond that typically noted at a commercial access on a local roadway, moreover sightlines at the access and on the approaches to the access are adequate.
- CIMA+ does not believe that there is any safety concern with left turns into the access that would be remedied by constructing a right-in only access, given the incremental increase in traffic, the relative ease with which motorists would be able to make the left turn and the adequate sight lines along Ormond Drive.
- Additional traffic generated by the development on the northwest corner of Ormond Drive and Coldstream Drive has been accounted for and the spacing of the two accesses is acceptable.
- The Recommendation regarding no parking restrictions will be reviewed by Community Services.

A copy of the final peer review report is included as Attachment 6 to this Report.

### **5.3.2 Legal Opinion from Miller Thompson LLP**

On February 14, 2022, Legal Services retained Miller Thomson LLP to provide a legal opinion on the right-in access issue for the proposed retirement home at 1231 Ormond Drive. The following items were provided to Miller Thomson LLP for their information and review:

- Chartwell's proposed Site Plan;

- All City and Regional comments related to the traffic impact study and the right-in-only driveway proposal;
- All staff reports related the L.P.A.T. appeal;
- All Council directives;
- L.P.A.T. decision;
- All comments received from Mr. Bremner by February 11, 2022 regarding the proposal and the proposed right-in-only driveway;
- All comments received from Chartwell by February 11, 2022 regarding the proposal and the proposed right-in-only driveway; and,
- T.I.S. peer review final report provided by CIMA+.

On March 1, 2022, Miller Thomson LLP provided their legal opinion on the right-in access issue. Miller Thomson LLP's opinion aligns with City staff's position on the matter. A copy of the final report from Miller Thomson LLP is included as Confidential Attachment 7 to this Report.

#### **5.4 Potential Impacts if Ritson Road North Driveway is Required**

If Council directs the Development Services Department to implement a right-in driveway from Ritson Road North through the site plan approval process, Chartwell may appeal the site plan approval application to the Ontario Land Tribunal (O.L.T.) as Chartwell has previously stated that they do not agree with the proposed driveway access from Ritson Road North. If the site plan is appealed to the O.L.T. by Chartwell, the O.L.T. becomes the approval authority for the site plan approval application for 1231 Ormond Drive.

The Ontario Planning Act permits appeals of site plan approval applications under the following circumstances:

- Section 41(12): If a municipality fails to approve a site plan approval application within 30 days of submission of the application and drawings; and,
- Section 41(12.0.1): The owner does not agree with any requirement or condition made by the municipality or any term of a site plan agreement made by a municipality.

Chartwell may appeal the site plan in accordance with Section 41(12) since they are well beyond the 30 day threshold for exercising their site plan application appeal rights under the provisions of the Planning Act.

In addition, if Chartwell does not agree with any requirement for a right-in driveway from Ritson Road North, they may exercise their option to appeal the site plan in accordance with Section 41(12.0.1) of the Planning Act.

If the site plan approval application is appealed by Chartwell, the City will have to hire outside planning and transportation engineering experts to defend Council's position since Development Services Department staff have previously provided comments supporting the site plan as proposed by Chartwell.

In addition to the potential O.L.T. appeal, changes to the site design will necessitate additional variances from certain regulations of Zoning By-law 60-94 that were not

captured under the previous minor variance applications to the C. of A. (e.g. landscape open space).

## **6.0 Financial Implications**

There are no financial implications associated with the recommendation contained in this Report. However, the City has incurred costs of approximately \$13,100 plus H.S.T. to obtain the T.I.S. peer review and the legal opinion.

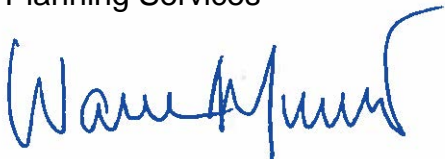
If Council directs staff to implement a right-in driveway from Ritson Road North and Chartwell appeals the site plan to the O.L.T., there will be certain costs associated with defending the City's position at the O.L.T. hearing. Given that City staff are on record indicating that the right-in driveway is not warranted from a traffic operations and safety perspective, the City will incur costs to hire an outside planner and transportation engineer to defend the City's position.

## **7.0 Relationship to the Oshawa Strategic Plan**

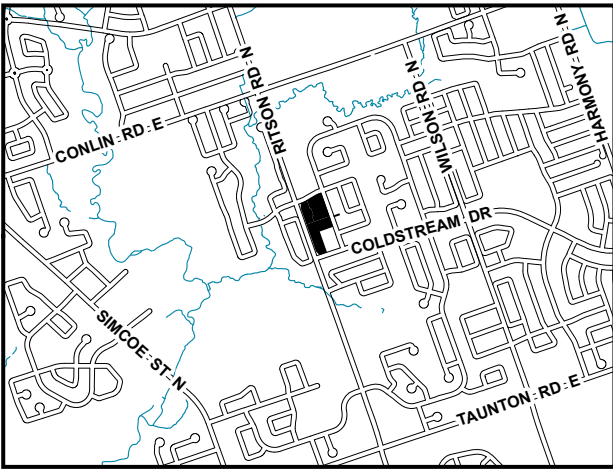
The Recommendation advances the Accountable Leadership goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department



Development Services Department





Item: DS-22-65

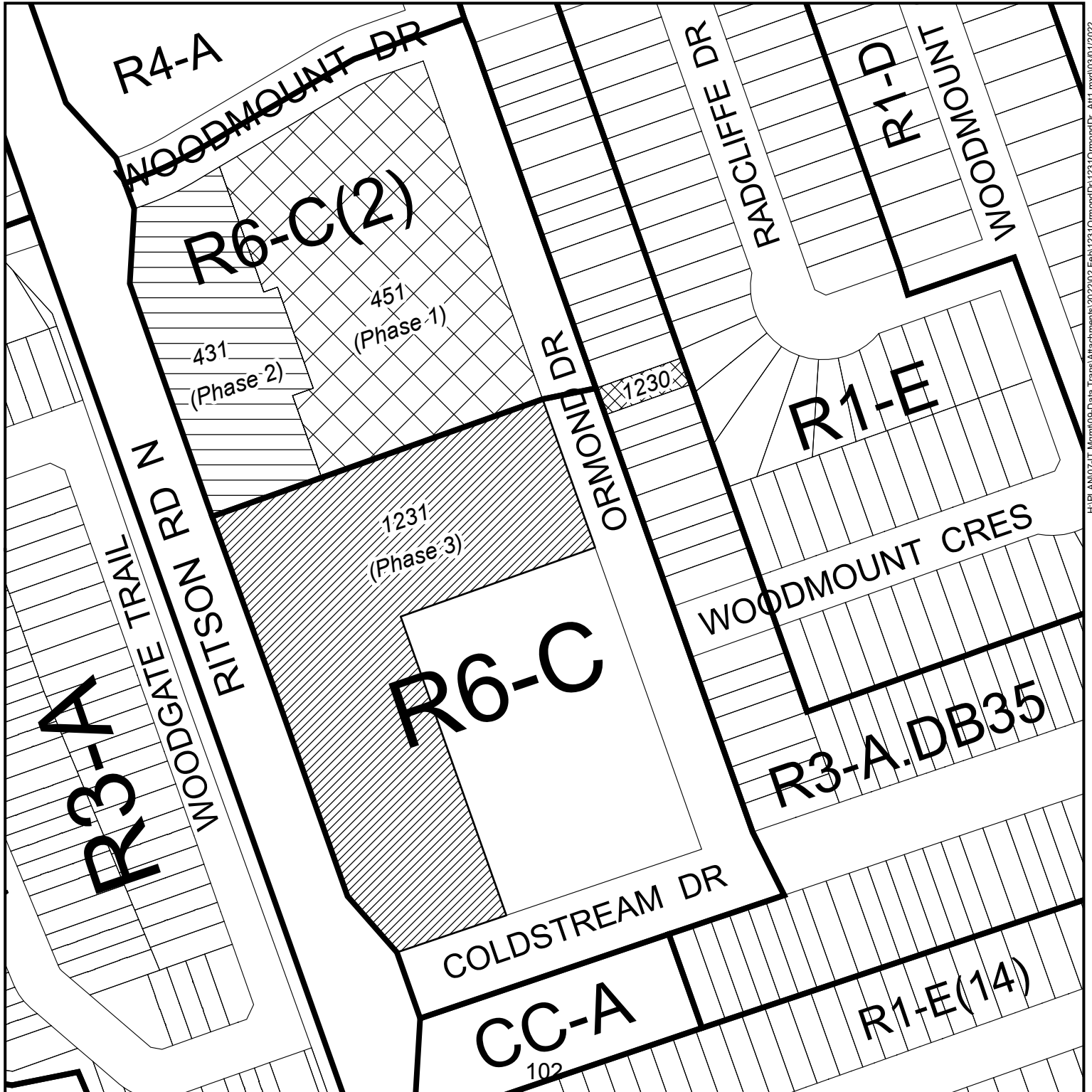
Attachment 1

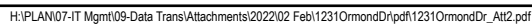
Subject: Results of Legal Opinion and Peer Review of  
Transportation Matters Related to the Site Plan  
Approval Application for 1231 Ormond Drive

Ward: Ward 1

File: SPA-2018-32

Subject Property (1231 Ormond Dr)   
Subject Property (431 Woodmount Dr)   
Subject Property (451 Woodmount Dr)   
Appellant's Property (1230 Ormond Dr) 





**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** February 19, 2020

**CASE NO(S):** PL190223

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ron Bremner
Applicant:	CSH (Wynfield II) Inc.
Subject:	Minor Variance
Variance from By-law No.:	60-94
Property Address/Description:	1231 Ormond Drive & 431 Woodmount Drive
Municipality:	City of Oshawa
Municipal File No.:	A-2019-24
LPAT Case No.:	PL190223
LPAT File No.:	PL190223
LPAT Case Name:	Bremner v. Oshawa (City)

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ron Bremner
Applicant:	CSH (Wynfield II) Inc.
Subject:	Minor Variance
Variance from By-law No.:	60-94
Property Address/Description:	1231 Ormond Drive & 431 Woodmount Drive
Municipality:	City of Oshawa
Municipal File No.:	A-2019-25
LPAT Case No.:	PL190223
LPAT File No.:	PL190224

**Heard:** January 22, 2020 at Oshawa, Ontario

**APPEARANCES:****Parties****Counsel\*/Representative**

Ron Bremner

Self-Represented

CSH (Wynfield II) Inc.

Stephen D'Agostino\*

**DECISION DELIVERED BY D. CHIPMAN AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This is the decision for an appeal by Ron Bremner (the “Appellant”) against the approval by the City of Oshawa (the “City”) Committee of Adjustment (the “CofA”) for variances from the City’s Zoning By-law No. 60-94 (“ZBL 60-94”). CSH (Wynfield II) Inc. (“Chartwell”/ “Applicant”) are the subject property owners.

[2] The subject property is located at 1231 Ormond Drive & 431 Woodmount Drive (Part Lot 8, Concession 4, 40R-29910, parts 1 and 3) in the City.

[3] The purpose of the application is to permit a retirement home with the reduced side yard and rear yard depths and to allow cooking facilities in living units.

[4] Following receipt of the minor variance appeals, the City identified the need for further variances related to this project that had been inadvertently missed by the Applicant. The Applicant accordingly applied for the necessary variances. The new variances relate to general provision of the ZBL and are initiated because the proposal encompasses more than one lot. The new variances are related to:

- a) Permission for the proposed development without a driveway access from the travelled portion of an improved street. It is proposed that there be one exit onto Ormond Drive for the entire project.

- b) Variances concerning the parking requirements for 431 and 451 Woodmount Drive are required as these sites will be deficient in on-site parking due to the relocation of some of the existing parking spaces on these properties to the parking structure in the proposed building. As a result of the location of the lot lines, the two aforementioned addresses are deficient.

[5] In assessing the circumstance of the Applicant having increased the number of sought minor variances from what was initially applied for, the Tribunal determined pursuant to s. 45(18.1.1) of the *Planning Act* (“Act”) that the revision is minor in the context of this application and notice of the additional variances was given through the revised Local Planning Appeal Tribunal, Notice of Hearing and the matter could proceed to be considered as presented.

[6] For minor variances, the Tribunal must be satisfied the requested variances meet the four-part test under the Act. The proposed minor variances must:

1. Maintain the general intent and purpose of the official plan;
2. Maintain the general intent and purpose of the zoning by-law (“ZBL”);
3. Be desirable for the appropriate development or use of the land; and
4. Be minor.

## CONTEXT

[7] Chartwell currently operates a 172 bed Long Term Care Facility (nursing home) and a 107 suite Retirement Home at 431 Woodmount Drive. Chartwell proposes to develop a 6-storey Retirement Home consisting of 169 suites with cooking facilities and 32 memory care units for a total of 201 new units on the adjacent vacant property

immediately to the south of 1231 Ormond Drive. The retirement home will have an enclosed internal walkway link to the existing retirement home at 431 Woodmount Drive, which will allow for a weather protected movement of staff and residents between retirement homes. The retirement home will include an underground garage with 223 spaces.

[8] Each site is covered by a different zoning category: R6-C for the proposed retirement home with permitted uses of Apartment Building, Long Term Care Facility, Nursing Home or Retirement Home.

[9] Zoning for 431 Woodmount Drive is R6-C (2), which has the permitted uses the same as R6 with the addition of a Day Care Centre.

[10] The zoning requirements must be addressed within the area covered by each separate zoning category (R6-C and R6-C(2)) because the proposed retirement home in R6-C Zone is physical and operationally integrated with the existing development in the R6-C(2) Zone, variances are required with respect to matters such as setbacks from lot lines.

[11] The majority of the variances (six (6)) arise from the proposed enclosed walkway link, which will be between the existing and proposed retirement home and shared driveway access of which there is one (1). The other variances are required to allow for parking located in both Zones to be used collectively by the three buildings (three variances, one for each property) and one (1) variance to permit cooking facilities in 169 of the 201 units proposed in the new retirement home. As a result, Chartwell made two minor variance applications related to the proposed development, one for each property, i.e., the existing and proposed development.

[12] City staff identified additional variances required by the proposed development. The variance for landscaped open space originally applied for and approved was later determined by City staff not to be required.

[13] The eleven (11) minor variances (including the additional variances that were not included in the CofA's applications) that the Applicant is seeking relief from, are as follows:

**1231 Ormond Drive**

Variance 1 – Front Lot Line – Coldstream Drive is the Front Lot Line (ZBL definition) to Designate Ormond Drive as the Front Lot Line;

Variance 2 – Minimum Interior Side Yard Depth (North Side) 10.5 m (ZBL requirement) to 0.0 m;

Variance 3 – Minimum Interior Side Yard Depth (South Side) 10.5 m (ZBL requirement) to 2.5 m;

Variance 4 - Minimum Rear Yard Depth 10.5 m (ZBL requirement) to 3.5 m;

Variance 5 - Definition of Retirement Home: to include "Living units may also include cooking facilities";

Variance 6 - Driveway Access: current (ZBL definition) Required from the Travelled Portion of an improved street;

Variance 7 - Parking Required in Article 39.1.1 – 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive required to accommodate parking on each individual lot (ZBL requirement) **to permit** 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces.

**431 Woodmount Drive**

Variance 8 – Minimum Exterior Side Yard depth 7.5 m (ZBL requirement) to 3.0 m;

Variance 9 – Minimum Rear Yard Depth 7.5 m (ZBL requirement) to 0.0 m;

Variance 10 – Parking Required in Article 39.1.1 – 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive required to accommodate parking on each individual lot (ZB requirement) **to permit** 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive to be considered one lot for the purpose of applying parking regulations in relation to the number and location of all required and additional parking spaces.

**451 Woodmount Drive**

Variance 11 – Parking required in Article 39.1.1 – 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive required to accommodate parking on each individual lot (ZB requirement) to permit 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces.

[14] At the hearing, Chartwell was represented by counsel and had retained a professional planner and a professional transportation consultant to provide evidence. The Appellant was self-represented and did not call any witnesses.

[15] The City attended the hearing in a monitoring capacity. City Council planned to take no substantive position at the hearing, which it had advised the Tribunal in advance.

[16] The Tribunal recognized that Gordon Whitney had provided the Tribunal with a written submission (as per s. 7.7 of the *Rules of Practice and Procedure*) and a request to be granted participant status. The Tribunal granted Mr. Whitney participant status. Mr. Whitney was present at the hearing. Others attending in an information and monitoring capacity included: Councillors Neal and McConkey, CofA Members Thompson and Smith, and Daniel Daniani as resident from the neighbourhood.

[17] Mr. D'Agostino, Counsel to the Applicant, suggested to the Tribunal that the context of the variances and the neighbourhoods might be best understood if the Applicant's land use planner gave an overview of the subject site. The Appellant, Mr. Bremner agreed that it would relieve the Tribunal of repetition and time.

[18] Counsel called to the witness stand Martin Rendl, a planning consultant ("Planner"), whose professional land use planning credentials include membership in the Canadian Institute of Canada and a Registered Professional Planner designation in Ontario, were presented to the Tribunal (Exhibit 2, Tab 26). Being satisfied with the Planner's credentials and there being no objections, the Board qualified the Planner to provide an overview of the subject site and agreed that later in the hearing he would be called to provide planning evidence and expert opinion regarding this matter. The Tribunal affirmed Mr. Rendl to provide expert testimony.

[19] In conclusion of the subject property description by Mr. Rendl, the Appellant provided an overview of the reasons for the appeal (Exhibit 1), which included comments pertaining to parking, community safety and the definition of Retirement Home as it pertains to full kitchens in units.

[20] The Appellant cited that he was not against development *per se* and he does not oppose the expansion of the number of units, he is concerned with the permitted use of cooking facilities in retirement home units and has concerns regarding the overall impact the variances would have on the subject site and surrounding neighbourhood with respect to traffic and public safety.

[21] The Appellant noted that the increase in vehicles due to the nature of the new building being more of an independent lifestyle, could potentially impact pedestrians who use the east side (sidewalk only side) of Ormond Drive to attend school and those that have mobility issues. The intersection “chokepoint” as it was explained by the Appellant, would be the only access and egress to the subject site. It was also mentioned that with parking on Ormond Drive, parking on the street driver’s view is impeded when leaving the site and turning onto Ormond Drive. It was explained that although Ormond Drive is not an arterial road, it is a collector road to Coldstream Drive on the south and Woodmount Drive to the north both of which experience heavy traffic during peak hours.

[22] Mr. Bremner held the view that with a new 201-unit building on the site, traffic would increase, and parking would be deficient. Mr. Bremner cited that the City is in the midst of a City-wide Parking Study that was embarked upon in 2018 to evaluate the appropriate parking rate by which new developments should be required to adhere to. The Appellant contends that through the numbers supplied by the Applicant’s Parking Brief and with the traffic studies supplied by The Municipal Infrastructure Group Inc. (“TMIG”) and peer reviewed by Dillion Consulting, that utilizing the low blended parking rate that the current City ZBL requires should not apply. Further, that the requested consideration to allow one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces, as per Variance (11), will result in a parking space deficit that will overflow on to the adjacent street creating parking and traffic issues.

[23] The Appellant believes that a right-hand access from Ritson Road would provide for better safety as it would relieve the number of vehicles travelling Ormond Drive to access the site and relieve the “chokepoint” of some vehicular traffic

[24] Mr. Bremner concluded his remarks citing it is his belief that the number of independent lifestyle units, the deficiency in on-site parking and the impacts on traffic and street parking are “too important to be minor”.

[25] Counsel called to the witness stand Mr. Rendl (“Planner”), to provide planning evidence and expert opinions. Having been affirmed earlier in the hearing, Mr. Rendl provided comments qualifying the proposal under the planning framework with comments relating to the Regional Municipality of Durham Official Plan (“Region of Durham OP”), City Official Plan (“City OP”), ZBL, Provincial Policy Statement 2014 (“PPS”) and Growth Plan for the Greater Golden Horseshoe 2019 (“GP”).

[26] The Planner explained that under the Region of Durham OP, the subject site is located within the “Living Areas” designation.

[27] In the hierarchy of roads comprised of freeways, arterial roads, collector roads and local roads. Ritson Road is considered an arterial road and Ormond Drive a collector road.

[28] In an email received by the Applicant, the Appellant and local councillor, (Exhibit 2, Tab 15) the Region of Durham cited that it has not identified the need for a private access from Ritson Road for the proposed development based on future traffic volumes or operations related to the retirement home.

[29] Under the City OP, the subject property is designated residential which permits predominantly residential dwellings subject to the inclusion of appropriate provision in the ZBL, other uses such as nursing homes, homes for the aged and day care centres are also included.

[30] The Planner noted that the Retirement Home definition is descriptive and does not explicitly prohibit the provision of cooking facilities.

[31] It was explained that current units have “kitchenettes” equipped with refrigerators, microwave ovens, food preparation space and sinks. The proposed retirement home will expand on this concept by adding stoves to each of the 169 units.

The building itself will also contain a central common dining room for its residents should they wish to dine in a more socialized environment.

[32] Mr. Rendl noted that this retirement community is not alone in providing for various styles of retirement living. The concept of having various levels of care within one campus allows seniors to age in one place and provides them with the various levels of personal assistance and medical needs that can be accommodated in one location.

[33] The Planner explained that the subject site is also governed by the Samac Secondary Plan which designates the site as High Density (density between 85 and 150 units per hectare). The proposed retirement home will be 120.7 units per hectare. Day cares centres are also a permitted use (Policy 4.8).

[34] It was stated that the Samac Land Use and Street Plan, Ritson Road is considered a Type "A" Arterial Street. Woodmount Drive, Ormond Drive and Coldstream Drive are designated as Collector Streets. The Plan cites that they are intended to accommodate 4,000 to 15,000 Annual Average Daily Traffic.

[35] In Mr. Rendl's professional opinion, the variances are consistent with the PPS, 2014:

1. Promotes efficient development and land use patterns (Policy 1.1.1(a));
2. Promotes cost effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1(e));
3. Is an efficient use of land (Policy 1.1.3.2 (a)1);
4. Efficiently uses the infrastructure and public service facilities, which are available (1.1.3.2(a)2);

5. Provides for an appropriate range and mix of housing types and densities including housing for older persons (Policy 1.4.3(a)).

[36] It was Mr. Rendl's professional opinion that the development conforms to the policies of the Growth Plan 2019:

1. Is located within a settlement area (Policy 2.2.1.2(d)) and within a delineated built-up area (Policy 2.2.2.1(a));
2. Provides for an urban form that will optimize infrastructure to support the achievement of complete communities through a more compact urban form (Policy 2.2.1.3(b));
3. Supports the achievement of a complete community by contributing to a diverse range and mix of housing options to accommodate people at all stages of life (Policy 2.2.1.4(c)).

[37] Mr. Rendl opined that the variances result in a development that is appropriate for the lot and compatible with the neighbourhood. He stated it was his opinion that Chartwell's development adds to the diversity of housing supply in City, specifically senior's housing.

[38] Overall, Mr. Rendl opined that from a Planner's point of view, the proposed development meets the four tests as set out in the Act.

[39] Mr. D'Agostino brought forth Michael Dowdall, a Project Manager, with TMIG. Counsel qualified Mr. Dowdall as having project experience in the identification and mitigation of traffic impacts for land development through Mr. Dowdall's Curriculum Vitae. The Tribunal recognized Mr. Dowdall as an expert in his field and affirmed him to provide expert opinion to the hearing.

[40] Mr. Dowdall spoke to the site related traffic and subsequent traffic-related impacts on the adjacent road network during the a.m. and p.m. peak hours.

[41] He opined that based on pre-consultation with municipal staff, that a five-year future horizon beyond the anticipated full build-out was examined and an annual growth rate of one percent was applied to the existing traffic counts for Coldstream Drive and Ritson Road to forecast traffic for the 2024 horizon year.

[42] Mr. Dowdall explained that the results of the total traffic analysis confirmed that the incremental impact of the estimated site traffic is minimal and does not contribute to any significant increase. Further, he stated the study concluded that the traffic generated by the proposed development can be accommodated by the adjacent street system.

[43] Mr. Dowdall's evidence is that the proposed 80 surface parking spaces and the 139 underground spaces (219 total spaces) will accommodate the estimated parking demand of the three buildings.

[44] He noted that the TMIG study was peer reviewed by Dillon Consulting with the result identifying the need for four additional visitor parking spaces.

## **FINDINGS**

[45] The Tribunal's role is to consider the evidence proffered at hearings and to make findings based on the best evidence before it, which it has done in the following reasons.

[46] Of the eleven sought minor variances, the Tribunal identifies six that are technical in nature relating to setbacks and front lot line designation (variances 1, 2, 3, 4, 8, 9); and, would not in any significant way create a building that would be out of

character with the other two buildings on the site. The Tribunal finds that these requested variances maintain the general intent and purpose of the respective ZBL and are minor.

[47] Variance 6 requests driveway access be allowed from a travelled portion of an improved street thereby granting access for one exit for vehicular traffic onto Ormond Drive to access the Chartwell site (Campus). Evidence presented by TMIG citing the traffic study analysis estimates that the proposed retirement extension residence is expected to generate a total of 40 two-way vehicle trips during the a.m. peak hours and 52 two-way trips during the p.m. peak hours. In the expert's opinion, Exhibit 2, Tab 25 "Ormond Drive is expected to have very good future operating characteristics with reserve capacity."

[48] Further, the Tribunal respects the request of a right turn access to the site from Ritson Road as suggested by the Appellant. The Tribunal notes that the Region of Durham in Exhibit 2, Tab 15, explored the option and is of the opinion "Parking and speeding issues would not be significantly affected by the proposed access, these issues are best addressed by the City through the Site Plan Approval Process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive". Therefore, with the evidence provided, the Tribunal is of the opinion that the proposed variance meets the four tests under s. 45(1) of the *Planning Act*. The Tribunal encourages the City to explore other options available to address residents' traffic concerns.

[49] Variances 7, 10 and 11 would grant that all three addresses would be considered one lot for the purpose of applying parking regulation related to the number and location of all required and additional parking spaces. The Tribunal recognizes that as it stands, each of these sites alone is deficient in on-site parking. Evidence provided by the parking study conducted by TMIG and peer reviewed by Dillon Consulting suggest that cumulatively there would be sufficient parking for the proposal to satisfy the needs of the City's ZBL s. 39.2.1 should all three addresses be considered one lot. The Tribunal agrees with the professional evidence.

[50] With regards to Variance 5 - Definition of Retirement Home: "Cooking units are not permitted in living units" to "Living units may also include cooking facilities".

Retirement Homes accommodate a range of seniors with varying needs ranging from independent living to assisted living. The proposed 169 units are specifically geared to a more independent lifestyle. The proposed building will contain three (3) central common dining rooms, (one (1) for the exclusive use of the memory units) for its residents while allowing independent preparation of meals.

[51] If the City intended to prohibit the allowance of full kitchens in the definition of a "Retirement Home" and as such the proposed building, it would have provided a special provision referencing the non-permitted use in the specific R6 and R6-C zones relating to the subject property. It did not, and in the absence of that terminology, the nature of the inclusion in the definition pertaining to this subject property zoning is allowed. As a further note, the City has in ZBL 60-94 references to several R6 and R6-C zoned sites, defined as living units within a retirement home, permitted the inclusion of cooking facilities.

[52] When implementing their statutory authority to pass by-laws, municipalities have an obligation to be clear and forthright in the structure and wording of the language employed. An onus rests with the municipality to craft its by-laws in a manner which would allow a reasonably informed citizen to understand the by-law's purpose and effect.

[53] Further, the Tribunal finds that including cooking facilities in the 169 units of the proposed building promotes the overall concept for seniors to move from independent life to assisted living within the same campus, which is supported by both the Provincial Policy Statement 2014 (Policy 1.4.3(a)) and the Growth Plan 2019 (Policy 2.2.1.4(c)).

[54] The concern of parking deficiencies with more active residents was examined in Dillon Consulting's peer review comparative site analysis with proxy sites. Dillon Consulting concluded that "there could be a slightly higher demand for resident parking

at the Oshawa site”. Results showed a “small deficiency in 4 parking spaces”. The Tribunal believes the impact of cooking facilities as it relates to increased parking and traffic impact is minor.

[55] The Tribunal finds that the eleven (11) variances are minor. The magnitude of the changes that will result from the variances compared to the standards in the ZBL is small and will result in the subject property continuing to have similar characteristics to other properties of the same nature. In terms of the impacts that the proposed variances are expected to have on adjacent traffic and the community as a whole, the Tribunal finds that based on the evidence presented they will be minimal.

[56] The Tribunal finds that the proposed variances are desirable for the appropriate use of the subject property and will add value to the local community by providing independent lifestyle retirement living while improving the use of the subject property with a structure that addresses parking concerns.

[57] Based upon the evidence, the Tribunal finds that the proposed variances meet the four tests under s. 45(1) of the *Planning Act*.

## **ORDER**

[58] The Board orders that the appeal is dismissed and the variances to Zoning By-law No. 60-94 are authorized.

*"D. Chipman"*

D. CHIPMAN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

To: Development Services Committee  
From: Ron Bremner  
Date: January 4, 2022  
Date of Meeting: January 10, 2022  
Subject: Notice of Motion

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**SITUATION:**

Areas residents have disputed the Development Services Department's interpretation of an LPAT Appeal decision (PL190223).

**OVERVIEW OF KNOWN FACTS:**

1. The Mayor directed the following Notice of Motion to the Development Services Committee: Whereas if a site plan agreement delegated to staff fails to comply with a Council approved request, as appears may be occurring with the 1231 Ormond Dr. site plan; Now therefore Council direct the City Solicitor to investigate how Council can ensure its compliance by staff.
2. Votes by the DS Committee (DS-19-88) and Council paved the way for the Region to agree to allow right-in access from Ritson Road N to Chartwell's Phase 3.
3. In January 2020, Council sought to influence the scope of the LPAT Appeal by voting unanimously to support right-in access and a 169-unit cap on units with cooking spaces.
4. Despite Council's resolutions, the LPAT Appeal decision was silent on both issues.
5. The DSD interpreted the LPAT's silence as approving the cooking space cap and denying right-in access.
6. The Appellant, Mr. Bremner, has challenged the DSD's interpretations on legal grounds, arguing that the LPAT's approval was neither a sufficient condition, nor a necessary condition. Therefore both the cap and right-in access were settled in January 2020.

**PROPOSAL:**

Direct the City Solicitor to engage a mutually agreeable, impartial third party with legal expertise to opine with respect to whether the LPAT's inaction was relevant.

**REASONS:**

1. Members of the DS Committee and Council lack the requisite legal experience to judge this legal matter on its merits.
2. This proposal is the easiest, fastest, and the most defensible way to resolve the LPAT relevance question.

# CHARTWELL TRAFFIC STUDY

25-Jan-2022

“If I had an hour to solve a problem I'd spend 55 minutes thinking about the problem and five minutes thinking about solutions.” - Einstein

## 1 INTRODUCTION:

At the LPAT Hearing, two separate concerns were identified: (1) the concentration of traffic volume on the section of Ormond Drive between Woodmount Drive and Coldstream; (2) the volume and traffic flow at the single ingress/egress point between the Chartwell campus interior driveway and Ormond Drive.

Both issues seems to follow a Pareto Distribution, i.e. 20% of the occurrences will cause 80% of the traffic congestion and the risk to public safety. That presents a significant challenge — how to design a study that will predict the traffic congestion and risk, in key places and at key moments.

Complicating issue 2 is the Daniels Group townhouse development on Ormond Drive, just south of the Phase 3 development.

## 2 SITUATION:

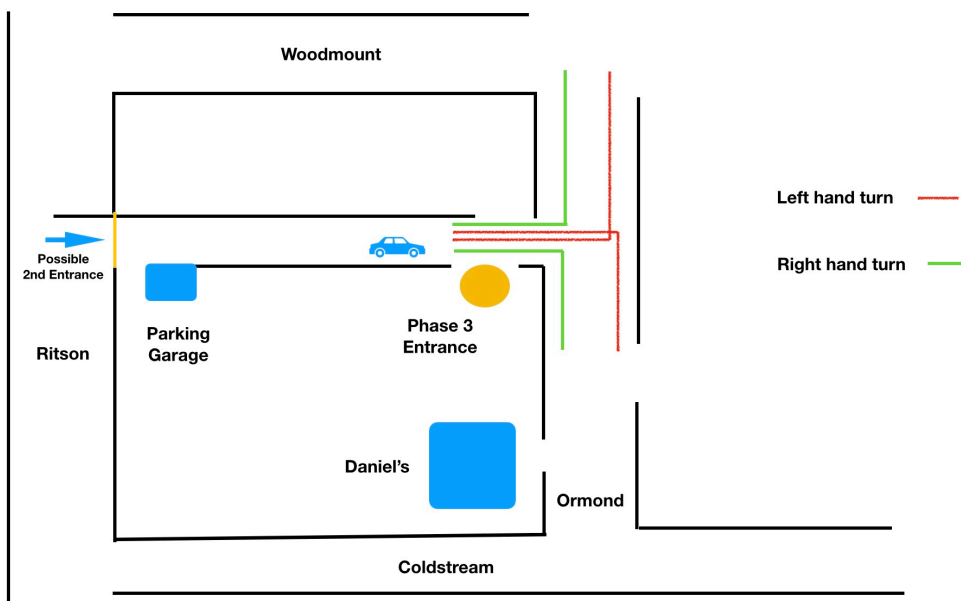


Figure 1.0

Figure 1.0 illustrates a significant part of challenge, i.e. traffic movement at the site plan “chokepoint,” the intersection of the internal driveway and Ormond Drive.

- 2.1 Left-hand turns are dangerous. According Vikash V. Gayah, Transportation Engineering Professor at Penn State, who has studied traffic flow on urban streets and transportation safety for nearly a decade, approximately 40% of all traffic accidents occur at intersections, including 50% of accidents involving serious injury and 20% of those involving fatalities.

According to the National Highway Traffic Safety Association (NHTSA), left turns occur in approximately 22.2 percent of collisions. A study by CNN found left turns are three times as likely to kill pedestrians than right turns.

- 2.2 Composition of those who use Phase 3 garage and surface parking.

	Phase 1 & 2	Phase 3	Total
<b>Daycare Staff</b>	3		3
<b>Staff</b>	85	34	119
<b>Residents</b>	7	46	53
<b>Visitors</b>	22	16	38
<b>Total</b>	117	96	213

Figure 2

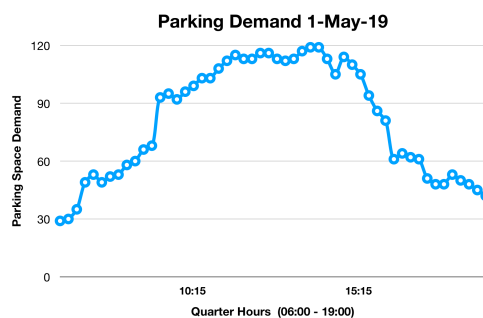
The parking demand is 213 parking spaces (conservative estimate). Fifty-six (56) permanent spaces are currently accommodated by 3 lots. It is estimated that the two lots on Woodlawn Drive, have approximately 44 spaces. (Figure 3)



Figure 3

Therefore, 169 parking spaces will be accessed by the proposed driveway. Ninety-six (96) garage spaces will meet Phase 3 needs. Seventy-three (73) spaces will satisfy the needs of Phase 1 & 2. Since 73% of Phase 1 & 2 are staff and 27% are residents and visitors. Therefore, those from Phase 1 & 2 who will park adjacent to the driveway is estimated to be 53 staff and 20 residents and visitors. So, the total composition of all those who will use the driveway is estimated to be 87 staff and 82 residents and visitors.

- 2.3 Timing of Phase 1 & 2 usage. In May 2019, Chartwell did a study that showed when the peak demand occurs for the two sites. This may not be representative of Phase 3. But timing is a factor in modelling the public risk.



- 2.4 Other considerations. In addition to the passenger vehicles that travel along the interior driveway, the road must also accommodate service vehicles (some of which back down the lane), fire trucks, ambulances, delivery vehicles and scooters used by Chartwell residents.

The driveway is narrow (estimated at 22 feet wide). It is lined with surface parking spaces and a “horseshoe” driveway close to the chokepoint. (Figure 4)

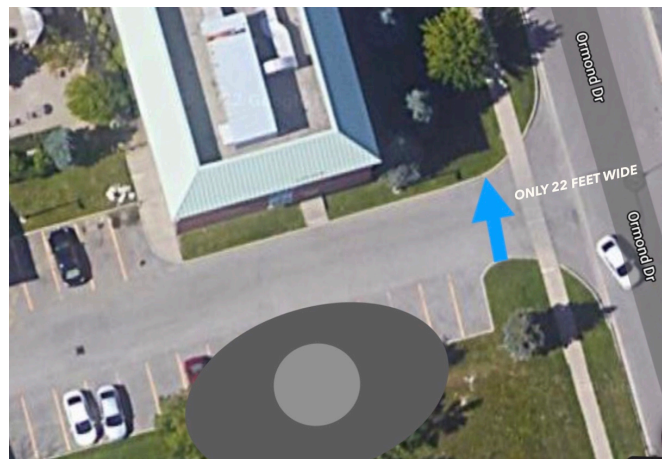


Figure 4

The ingress/egress point intersects with the sole sidewalk on the west side of Ormond Drive. Children use that sidewalk to go to the public school to the north. Chartwell's residents use that sidewalk (some with mobility and cognitive issues).

The driveway is nearly the length of a city block between the chokepoint and the Phase 3 parking garage. (Figure 5)



Figure 5

In addition to the above, Ormond Drive has regular traffic that will be forced to navigate vehicles entering and exiting both the Chartwell Campus and the Daniels development.

## **CONCLUSION:**

The required study will be challenging and complicated by

- the type of traffic movements;
- varying driving habits of staff workers versus residents and visitors;
- the peak activity versus shoulder periods, and
- the incidence of other vehicles

All these factors and possibly more will impact the modelling and prediction of risk

In contrast, a second entrance from Ritson Road N. could eliminate all left-hand turns into the Chartwell site and speed up entry because the second entrance would be almost a city block closer to the parking garage.

# ANALYSIS OF PUBLIC RISK

Prepared by: R. Bremner

07-Feb-22

## 1. INTRODUCTION

A traffic study has been commissioned by the City to determine the traffic congestion and public safety risk associated with a single ingress/egress point at the junction of Chartwell's Phase 3 site and Ormond Drive ("chokepoint"), and beyond. This single entrance affects the traffic on Ormond Drive, those entering and exiting Chartwell's campus, and pedestrians who use the sidewalk on the west side of Ormond Drive. This analysis attempts to estimate the volume, frequency, timing and nature of the vehicular activity at the chokepoint location.

## 2. VEHICLE MOVEMENT

The number of parking spaces provides a measure of vehicles at rest but only provides clues as to how often the vehicles will exit and enter the Chartwell campus.

Figure 1 estimates the parking demand when Phase 3 is built.

### PARKING SPACE DEMAND

	Phase 1 & 2	Phase 3	Total
Daycare Staff	3		3
Staff	85	34	119
Residents	7	46	53
Visitors	22	16	38
Total	117	96	213

Figure 1 - Source: Chartwell

- 2.1 The composition of driveway users. The parking demand is 213 parking spaces (conservative estimate). Fifty-six (56) permanent spaces are currently accommodated by 3 lots. It is estimated that the two lots adjacent to Woodlawn Drive have approximately 44 spaces. Therefore, 169 (213 less 44) parking spaces will be accessed by the proposed driveway. Ninety-six (96) parking garage spaces will meet Phase 3 needs. Seventy-three (73) spaces will satisfy the parking needs of Phase 1 & 2. Since 73% of Phase 1 & 2 are staff members and 27% are residents and visitors, those from Phase 1 & 2 who will park adjacent to the driveway is estimated to be 53 staff and 20 residents and visitors. So, the

composition of those associated with Phase 1 and 2 who will use the driveway is estimated to be 87 staff and 82 residents and visitors.

- 2.2 The behaviour of driveway users categories. Figure 2 shows the composition of drivers who will use Chartwell's interior driveway.

#### DRIVEWAY USER COMPOSITION

	Phase 1 & 2	Phase 3	Total
<b>Staff</b>	53	34	87
<b>Residents</b>	7	46	53
<b>Visitors</b>	13	16	29
<b>Total</b>	73	96	169

**Figure 2 - Source: Chartwell-based Estimate**

Each user category will behave differently. Permanent staff will likely move through the intersection twice, i.e. going to and from work each day.

When Phase 3 is built, the campus will have 480 residents. Of those, 53 residents are expected to own a vehicle. The vehicle owners will be considerably more active than the remaining 427 residents and will behave much like apartment dwellers.

A study by the U.S. Department of Transportation stated that households took an average of five (5) one-way trips per day. In 2017, twenty-four (24) percent of those trips were work related. The remaining 76% of trips were for such purposes as shopping, social and recreation activities, other family matters. So, we can reasonably assume that Chartwell's resident vehicle owners will pass through the intersection an average of 3.8 times per day (76% of 5 trips), i.e. taking roughly 13 two-way trips per week. Source: <https://www.energy.gov/eere/vehicles/articles/fotw-1041-august-6-2018-households-take-fewer-vehicle-trips-2017>

Visitor parking is meant to cope with the number of transient visitors at any moment in time, which is not the same as total number of visitors. With respect to the Chartwell campus, this user category includes a significant percentage of PSWs. So, the number of visitor parking spaces underestimates the total number of different vehicles entering and exiting the campus. No proxy exists for this type of vehicle movement, so an conservative minimum estimate of 2.0 chokepoint crossings per day has been used in the calculation below.

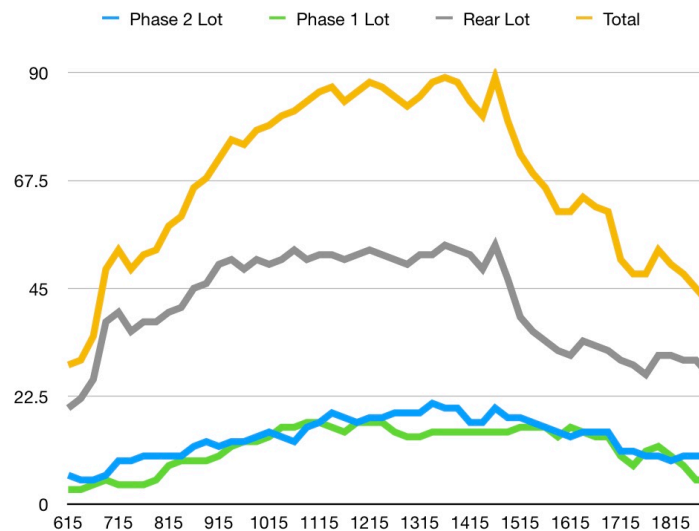
Using average trips per day, it is possible to estimate the number of times the intersection will be crossed per day (excluding trucks, etc.). Figure 3 shows the number of entrances and exits to average at least 433 times per day, i.e. 2.6 times per vehicle, per day.

### DAILY INTERSECTION CROSSINGS

	Intersection Users	Average Trips Per Day	Intersection Crossings
<b>Staff</b>	87	2.0	174
<b>Residents</b>	53	3.8	201
<b>Visitors</b>	29	2.0	58
<b>Total</b>	169		433

**Figure 3 - Source: Estimate**

- 2.3 Timing of intersection usage. On May 1, 2019, Chartwell commissioned a 12-hour study that showed the parking demand for the Phase 1 and Phase 2 sites. The shape of this curve is roughly a parabola that opens downward and is shifted up by >60 units and to the right by >30 units, i.e.  $Y-60 = -a(x-30)^2$ . The slopes of the tangents to the curve at points during the two-hour periods (07:00 - 09:00 and 15:15 - 17:15) demonstrate a heavy concentration of activity more akin to a Pareto distribution. A similar, or even greater pattern can be expected when Phase 3 comes on stream. This timing is particularly problematic because grade school children (Figure 8) use the sidewalk adjacent to the chokepoint during those time periods.



**Figure 4 - Source TMIG**

## PARKING DEMAND

- 2.4 The issue with left-hand turns. According to Vikash V. Gayah, Transportation Engineering Professor at Penn State, approximately 40% of all traffic accidents occur at intersections, including 50% of accidents involving serious injury and 20% of those involving fatalities. Source: <https://theconversation.com/sick-of-dangerous-city-traffic-remove-left-turns-161397>

Note: Report DS-22-07; section 5.2.1 Road Intersection Safety stated, "... as greater than 50% of all collisions in urban areas occur at intersections, it is critical to ensure that designs are undertaken to applicable engineering standards."

The National Highway Traffic Safety Association (NHTSA) has reported that left turns result in approximately 22.2% of collisions. A study by CNN found left turns are three times as likely to kill pedestrians than right turns.

Area residents have observed that left turns at the chokepoint intersection of the Chartwell site and Ormond Drive exceed 50% of all turns. All activities at the intersection require turns. Earlier, it was calculated that personal vehicles entering and leaving the Chartwell site will cross the sidewalk on the west side of Ormond Drive at least an average 433 times per day. Other vehicles, plows (Figure 4) fire trucks, ambulances, garbage trucks, delivery trucks, scooters (Figure 7) driven by Chartwell residents also use that intersection. Some delivery trucks are so large, like the Sysco trucks (Figure 5), that they must back down the interior driveway to align with the loading dock (Figure 6.) See Exhibit I and II for more issues.



Figure 4



Figure 5

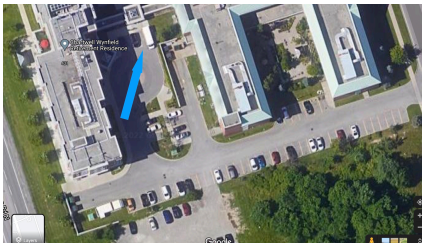


Figure 6



Figure 7

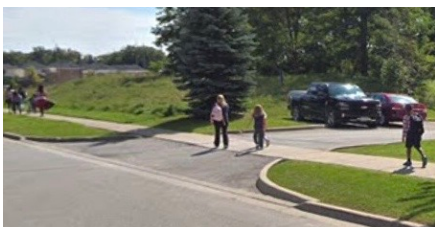


Figure 8



Figure 9

### 3. BROADER TRAFFIC CONCERNS

This document has largely focused on the issues at the Chartwell chokepoint. However, the chokepoint is adjacent to Ormond Drive, between Woodmount Drive and Coldstream Drive. Through the summer of 2019, the Region observed the traffic on Ormond Drive and made the following comment:

“The existing and projected traffic volumes on Ormond Drive are consistent with its classification as a collector road.”

According to the Development Services Department, “The Oshawa Official Plan states that Collector Roads are intended to handle moderate volumes of short distance traffic in the range of 4,000 to 15,000 Annual Average Daily Traffic (A.A.D.T.). In addition the Oshawa Official Plan specifies that direct access from Collector Roads to adjacent properties will be permitted subject to acceptable crossing and stopping sight distances.”

Area residents do not anticipate that Phase 3 will result in the A.A.D.T exceeding the Collector Road range. However, area residents submit that the chokepoint crossing will no longer be acceptable. That explains the focus of this document.

If a traffic analysis were to fail to address the chokepoint and traffic issues on the interior driveway, it would be inadequate.

The Region’s 2019 analysis was a snapshot of the past but not a projection of the future traffic activity in the lower section of Ormond Drive.

In addition to the Chartwell site, the Daniels’ Group is planning a four-story development with 68 stacked townhouses and an ingress/egress point onto the same section of Ormond Drive about 155 yards from the Chartwell chokepoint and roughly 27 yards from Coldstream Drive. Unlike the non-working residents of Phase 2 and Phase 3, the Daniels’ Group residents will have jobs. Using the U.S. Department of Transportation average of five (5) one-way trips per day (section 2.2), it is estimated that the impact at the Daniels’ crossing at Ormond Drive could average as much as 340 trips per day — drivers in the morning attempting to make right-hand turns onto Ormond Drive, barely 27 yards from Coldstream; and making left-hand or right-hand turns at Coldstream onto Ormond and then making another left-hand turn in the Daniels’ complex.

In the morning, those exiting the Daniels’ complex will encounter those destined for Chartwell. At night, the reverse will occur. Meanwhile regular traffic on Ormond Drive will be taking place.

Some will say the Daniels’ Group issue is not Chartwell’s problem, and technically they would be right. But the collective issue of the two crossings onto Ormond Drive is something the City needs to consider, especially since young children on their way to Kedron School cross Coldstream at the junction of Coldstream and Ormond Drive in order to access the sidewalk on the west side of Ormond.

## 5. DISCUSSION

A second entrance to the Chartwell site would reduce the traffic snarl at the two crossings on Ormond Drive and reduce the risk to public safety. Imposing the condition of a right-in access would eliminate incoming left-hand turns — a significant cause of traffic accidents. The right-in condition would also reduce the entry time to the Chartwell campus because the parking garage will be almost a city block closer to Ritson Road. A second entrance would also encourage Chartwell staff and visitors to use the parking garage rather than parking on the west side of Ormond Drive, which happens consistently (see Figure 9 above).

In addition, those entering the site would avoid confronting those using surface parking who are attempting to either park or exit the interior driveway and those who walk along the interior road to access the staff entrance.

It bears emphasis that the chokepoint is adjacent to a one-way drop-off area, which will require a left hand turn and add to the congestion. Also, the driveway has a lot of foot traffic. Yet, it appears that the current plan has not adequately addressed that. The campus is pinched. There is too little space to accommodate the proposed site plan.

## 4. CONCLUSION

The single entrance to Chartwell site would result in heavy traffic and potential risk to pedestrians. It is estimated that vehicles operated by 169 users of the parking garage and surface parking spaces will pass through the chokepoint an average of at least 433 times per day. This is a conservative estimate, which likely underestimates transient visitor crossings and does not include service and emergency vehicles that access Chartwell's campus through the chokepoint.

Activity at the single entrance will occur throughout the day; however, it will be particularly heavy during two 2-hour periods and exacerbated by shift changes. Of particular concern is that the periods of greatest activity occur when children are making their way to and from Kedron Public School and when regular traffic is heaviest on Ormond Drive.

It bears emphasizing that the interior driveway is relatively narrow, about 22 feet in width at the chokepoint and slightly narrower at other points. The lane was built in 2003 to permit access to staff and visitor parking, garbage trucks, Sysco trucks, maintenance and building services vehicles. It is also used as a walking access to the staff entrance at the back of the building, and for staff, and others to reach surface parking. Soon access to the Phase 3 parking garage will be added to the list of pedestrian destinations. In addition to the previously mentioned vehicles, the lane is required to handle ambulances, fire trucks, and the electric scooters of Chartwell's residents.

### Ill-conceived

The single entrance design is so inadequate and lacking in foresight that Phase 3 planners must not have contemplated that the Region would grant access from Ritson Road.

However, Chartwell has known since 6-Dec-19 that the Region is willing and City Council authorized it. Yet, Chartwell has steadfastly refused to include a second entrance that would be safer for everyone, including its residents and more efficient for staff and visitors and the general public.

# Exhibit I

## Traffic at the Chartwell Chokepoint



2-Feb-22 11:29  
Cars on Ormond Dr.



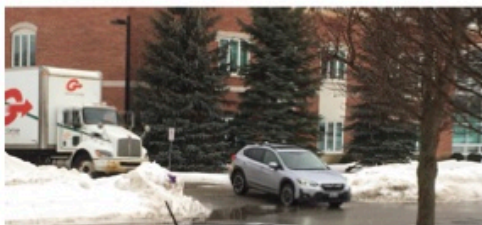
2-Feb-22 11:30  
Cars on Ormond Dr.



2-Feb-22 13:17  
Truck starts to back down driveway.



2-Feb-22 13:17  
Second truck arrives.



2-Feb-22 13:18  
Cars arrives at chokepoint and passes truck.



2-Feb-22 13:18  
Cars turns left on Ormond Dr. in front of second truck.



2-Feb-22 13:18  
Second truck enters chokepoint as first truck backs down driveway.

# **Exhibit II**

## **Activity at Chokepoint**

C.



**Chartwell resident in electric scooter crossing chokepoint into driveway.**

D.



**Chartwell resident walking dog down driveway.**

E.



**Car turning left into Chartwell campus while truck backs down driveway.**

F.



**Chartwell resident using a walker on driveway.**

# A Safe Second Entrance to the Chartwell Phase 3 Site is Warranted

Here is what you need to know:

- City Council authorized right-in access.
- The LPAT decision did not deny Council's resolution.
- Right-in access was beyond the jurisdiction of the Tribunal
- Supplementary arguments are irrelevant.

## 1. INTRODUCTION

Area residents regard City Council and staff as allies in a collective effort to protect public safety. In January 2020, Council concluded that a second entrance to the Chartwell Phase 3 site was needed. A subsequent report by the Local Planning Appeal Tribunal ("LPAT") led some staff at the City to believe the LPAT had overturned Council's decision. The purpose of this document is to provide the City with strong reasons to believe its second-entrance decision was not overturned.

Site plan by-laws can be subject to change. Under what circumstances, by whom and by how much; those are the questions.

A flexible regulatory process is positive. At each successive stage, judgements are made about whether proposed by-law variances are appropriate and minor.

When a variance is appealed, does the "higher" court confine it's ruling to the issue at hand, or does it take a more holistic view? To a degree, the issue of whether a second entrance to Chartwell's Phase 3 site has been approved turns on the answer to that question. This issue is addressed in section 3.1.

This document will argue that:

- (a) City Council authorized a second entrance to the Chartwell site;
- (b) The Tribunal did not override Council's request for a second entrance: and,
- (c) Counter-arguments are either illogical or unfounded.

This document is largely about process; however, it bears emphasis that the second entrance issue is largely about public safety risks.

Anytime hundreds of cars are crisscrossing a public sidewalk that is a safety risk.

### **Yardstick Principle**

The yardstick principle requires that those judging this matter pretend that the developer, Chartwell, wants a second entrance to its Phase 3 site; and then use that thought experiment to decide whether a second entrance is warranted.

A right-in driveway access from Ritson Road would eliminate left-hand turns into the Chartwell campus and encourage one-way traffic flow through the Phase 3 chokepoint. Vehicles entering the campus would not encounter pedestrians. A second entrance would be nearly a city block closer to the Phase 3 parking garage, so, for entrants, the time and risk associated with navigating a congested interior road would be eliminated.

## 2. BACKGROUND

This LPAT Appeal began because area residents believed that the City's Development Services Department ("DSD") and its Committee of Adjustment ("COA") had approved a variance that was major, not minor. The by-law forbid retirement homes to have units with cooking spaces. However, the City had approved a building (Phase 3) that capped cooking spaces at 169 of 201 units ("cap"). Area residents believed this decision would exacerbate a significant parking and traffic problem — a major variance.

Initially, the LPAT hearing was to appeal this one variance. But months later, the DSD discovered that the site plan had 10 other variances, so the DSD and Chartwell agreed to bypass the COA process and ask the Tribunal to consider all eleven (11) variances.

In the months leading up to the hearing, area residents became increasingly concerned about the Phase 3 ingress/egress point that intersected with a sidewalk used by children and adults, some with cognitive and mobility issues. The safety issue stemmed from the number and type of vehicles crisscrossing the sidewalk—at least 169 passenger vehicles crossing the intersection on average at least 433 times per day, plus service trucks, ambulances, garbage trucks, scooters, and fire trucks.

Area residents proposed a second entrance to Phase 3 from Ritson Road in order to divert incoming vehicles from the single chokepoint and encourage one-way traffic on the site's interior driveway. The City supported the idea and asked the Region to support it too, which it did. The developer, however, steadfastly refused to consider this enhancement. Despite that, City Council recognized the public safety concern. On January 27, 2020, Council approved a second entrance and asked staff to advise the Tribunal of its position.

Since the City took "no position" at the hearing, the LPAT appellant argued for the second entrance — a peripheral matter and not one of the eleven (11) variances.

When the Tribunal issued its report, area residents and Ward 1 Councillors believed that the Board Member had supported the second entrance and that the Development Services Department ("DSD") had reached the same conclusion. Recently, area residents and Ward 1 Councillors learned that the current site plan does not include a second entrance.

### Chokepoint Analysis

In response to the City's request for input area residents have submitted a document that claims, on average, at least 433 passenger vehicles will cross the site plan chokepoint each day.

The sidewalk on Ormond Drive is used by grade school children and adults — some with physical and cognitive disabilities. The Phase 3 driveway is also used by campus staff to access their vehicles.

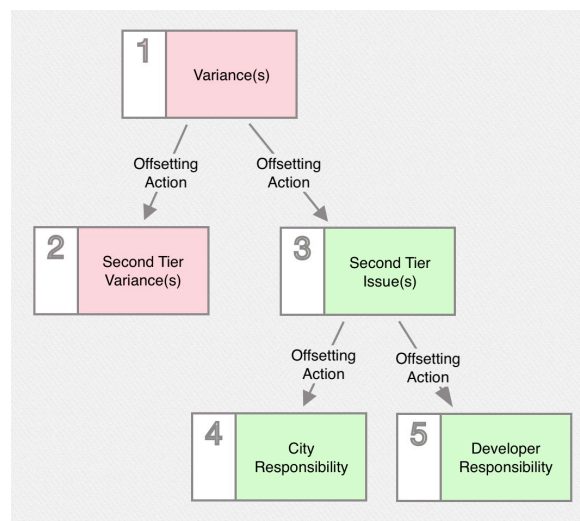
### 3. THE JURISDICTION OF THE LPAT

On January 27, 2020, City Council authorized the imposition of right-in access from Ritson Road N. to the Chartwell Phase 3 site. Subsequently (2.19. 2020), the LPAT rendered its decision. The debate about right-in access revolves around two questions: did the LPAT override the Council's resolution; did the LPAT's jurisdiction extend beyond the eleven variances being appealed.

The DSD and area residents have dissimilar perceptions of the scope of the Tribunal's discretionary powers. The City (and the developer) seem to regard the Tribunal as a "higher court" that can render unsettled, all previous site plan decisions; and can rule on both by-law variances and collateral issues.

Area residents have a narrower view of the Tribunal's discretion and authority, i.e. that the Tribunal is an appeal court that respects settled site plan decisions and only focuses on the variances being appealed. Furthermore, area residents believe that the Tribunal's actions prove it had no intention of micro-managing the site plan approval process.

#### 3.1 The scope of the LPAT's jurisdiction is limited to judging variances.



Site plans can trigger variances (1). If a variance is potentially major, the developer attempts to offset the variance with some action. That offsetting action can trigger second-tier variances (2) and second tier issues that are not variances (3), i.e. issues that don't contravene a by-law. If the second-tier issues are major, they must be addressed. Some offsetting actions are beyond the scope of the developer and become the City's responsibility (4). Others become the responsibility of the developer (5).

If category 1 and 2 variances (red) are appealed to the LPAT, they fall within the jurisdiction of the Tribunal. However, category 3 issues (green) that are not variances are addressed by the City through the site planning process.

- 3.2 How the LPAT's jurisdiction applies the Chartwell Phase 3 Appeal. The Phase 3 site plan included units with cooking spaces (category 1) — the type of units that attract active residents with cars. The combination of the insufficient parking capacity in Phase 1 and Phase 2 plus the parking demands of Phase 3 had the potential to make the original, category 1 variance major. Chartwell offset the potential major variance ruling by proposing a Phase 3 parking garage connected to an interior driveway with one ingress/ egress point. That solution triggered ten (10) additional second-tier variances (category 2). Therefore, eleven (11) variances had to be evaluated and ruled on by the Tribunal. But the parking garage solution also triggered at least two major second-tier issues: a public safety issue at the single ingress/ egress choke point (category 3) and a traffic issue on Ormond Drive (category 3). Both category 3 issues fell outside the purview of the Tribunal but needed to be addressed by the City, through the site planning process. The chokepoint safety issue is the responsibility of the developer (category 5). The traffic issue is the responsibility of the City (category 4).
- 3.3 The scope of the Appeal. Had Chartwell applied to the Tribunal to broaden the scope of the Appeal to include the whole site plan, then category 3 issues might have fallen within the purview of the Tribunal. But that was not the scope of the Appeal. The Tribunal only had the authority to consider whether category 1 and 2 variances met its tests (see 5.1).

#### **4 CITY COUNCIL AUTHORIZED RIGHT-IN ACCESS**

- 4.1 Voting history by Council and Region. Council recognized that right-in access was a category 3 issue and voted on two occasions to support a second entrance to the Chartwell Phase 3 site. The first Council vote was necessary because Council required the Region's support to obtain access from Ritson Road to the site. The second vote was required to override a decision by the Committee of Adjustment that did not include right-in access from Ritson Road.
- (a) At the May 21, 2019 City Council meeting, Council approved DS-19-88, which supported regional staff investigating a process by which the Region could support an entrance/exit from Ritson Road N. to the Chartwell site. Exhibit 1
  - (b) On December 6, 2019 the Region stated that it would be willing to permit a right-in access from Ritson Road to the Chartwell site. Exhibit 3
  - (c) On January 27, 2020, City Council voted in favour of a four-part resolution that stated the City would take "no position" at the LPAT. Also, Council declared support for a maximum of 169 units with cooking spaces and right-in access from Ritson Road N. to the Chartwell site. (Exhibit 2)
- 4.2 The LPAT hearing preceded the Council meeting. Since the Board Member's ruling is heavily influenced by the LPAT hearing, *per se*, it is useful to consider what the Board Member knew and didn't know on January 22, 2020, the date of the hearing.

On January 22, 2020, the Board Member could not have known about City Council's four-part resolution because Council did not meet until January 27, 2020 — 5 days after the hearing. But the fact that Council voted 10 to 1 in favour of a second entrance and a cap

on cooking units underscores how much Council wanted these measures adopted in the Phase 3 site plan.

Since the City did not participate at the hearing, the Board Member's opinion regarding a right-in access was based on the appellant's argument backed up by Council's May 21, 2019 second-entrance request to the Region and by the Region's December 6, 2019 support for right-in access.

The Board Member's stance vis-à-vis a second entrance is addressed more fully in section 7.

## **5. THE TRIBUNAL'S FRAME OF REFERENCE**

5.1 Tribunal's four-part test. For minor variances, the Tribunal must be satisfied that the requested variances (category 1 and 2) meet the four-part test under the Act. The proposed minor variances must:

1. Maintain the general intent and purpose of the official plan;
2. Maintain the general intent and purpose of the zoning by-law ("ZBL");
3. Be desirable for the appropriate development or use of the land; and
4. Be minor.

The Tribunal can exercise broad discretion when assessing whether a variance is "minor."

5.2 The variances approved by the LPAT. The Tribunal considered and approved eleven (11) variances that are paraphrased below: Exhibit 4

- (a) Units with cooking spaces were permitted; however, the LPAT did not limit the number of cooking space units. (Variance 5)
- (b) A parking garage with the capacity to serve three locations was permitted. (Variance 7, 10, 11)
- (c) Zero distance between Phase 3 and Phase 2 was permitted to accommodate a catwalk between the two buildings. (Variance 2 & 9)
- (d) Driveway access using an existing road for the purpose of connecting the parking garage to the street was permitted. (Variance 6)
- (e) A reduction of open space was permitted on the north side of Phase 3. (Variances 4, 8)
- (f) A reduction in open space on the south side of Phase 3. (Variance 3)
- (g) A reduction in Phase 3's distance from Ormond Drive was permitted. (Variance 1)

## **6. THE LPAT DECISION WAS NOT A NECESSARY CONDITION**

- 6.1 Argument 1 — Development Services position. The DSD’s rationale for not including right-in access was stated in the following email from Robert Bedic.

*“The LPAT did not impose a condition requiring a right-in driveway access to Ritson Rd N as requested by City Council and encouraged the City to explore others options available to address residents’ traffic concerns. Council was made aware of the LPAT decision in 2020 –INFO-20-56. In addition, Ritson Rd N is under the jurisdiction of the Region of Durham and as noted above in the excerpt from the LPAT decision, the Region is of the opinion that parking and speeding issues would not be significantly affected by a right-in access from Ritson Rd N. Therefore, in consideration that based on the evidence provided at the hearing, the LPAT did not make the right-in driveway a condition of approval of the minor variance appeal as requested by Council and a Ritson Rd N right-in driveway is not included on the site plan.*

*It is noted the LPAT also did not apply the requested conditions in Part 3 of the Council resolution.”*

The following hypothesis summarizes how City Council and the Development Services Department viewed the LPAT’s role vis-à-vis right-in access.

If the LPAT imposes a condition to require a second entrance to the Phase 3 site then a second entrance will be included.

The Development Services Department concluded that a reversal of the original hypothesis was equally valid:

If the LPAT does not impose a condition to require a second entrance to the Phase 3 site then a second entrance will not be included.

By the DSD’s logic, imposing the condition of right-in access was a threshold that the Tribunal needed to reach. Therefore, anything short of that threshold meant that a second entrance was not approved.

- 6.2 Rebuttal of Argument 1 — the LPAT decision did not deny Council’s resolution. The DSD’s argument is based on reversing the original hypothesis. Therefore the rules of logic regarding a sufficient condition and necessary condition apply.

Causal reasoning requires that the “if” statement must be a necessary condition in order for the hypothesis to be reversible. When that condition is not met, the error of reversing the hypothesis is called “denying the antecedent.”

Right-in access is a second-tier issue (category 3). Section 3.2 argues that category 3 issues are to be dealt with through the site planning process. Section 4.1 and 4.2 prove that Council voted to support right-in access prior to the LPAT decision. The

**Causal Reasoning**

- (a) Sufficient Condition: a condition that automatically leads to the production of an effect.
- (b) Necessary Condition: a condition that must be present to obtain an effect.

Region also expressed its willingness to allow right-in access.

Council's prior approval of right-in access was a sufficient condition. Therefore, the "if" statement was not a necessary condition.

The DS Department's reversed hypothesis is fallacious because there are other possible causes of the second entrance not being included in the site plan. For example, Council's denial or the Region's denial would have been sufficient conditions, i.e. they could have automatically denied a second entrance. But neither did. In fact, both parties showed their support for the right-in access prior to the Tribunal's decision on February 19, 2020.

## **7. THE TRIBUNAL DECISION WAS NOT A SUFFICIENT CONDITION**

7.1 Right-in access was beyond the jurisdiction of the Tribunal. To qualify as a variance, a proposal must contravene a City by-law. No City by-law forbids right-in access. Therefore, it was not a variance. Right-in access was an offsetting action to address the site plan chokepoint safety issue (category 3). As such, right-in access was beyond the jurisdiction of the Tribunal.

7.2 The LPAT's jurisdiction is limited to variances. Section 6.2 argues that the Tribunal's approval of right-in access was not a necessary condition because Council's approval of a second entrance was a sufficient condition; and Council exercised that authority on January 27, 2020.

The Tribunal's authority was limited to the eleven variances (category 1 & 2). For those variances, the Tribunal's decision was a sufficient condition. However, right-in access was not a variance, so an LPAT decision vis-à-vis right-in access was not a sufficient condition, i.e. could not automatically lead to right-in access.

In contrast, Council's approval of a second entrance was a sufficient and necessary condition.

## **8. THE TRIBUNAL'S ATTITUDE TOWARDS RIGHT-IN ACCESS**

The Tribunal made reference to right-in access in paragraph 48 of its report.

"[48] Further, the Tribunal respects the request of a right turn access to the site from Ritson Road as suggested by the Appellant. The Tribunal notes that the Region of Durham in Exhibit 2, Tab 15, explored the option and is of the opinion "Parking and speeding issues would not be significantly affected by the proposed access, these issues are best addressed by the City through the Site Plan Approval Process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive". Therefore, with the evidence provided, the Tribunal is of the opinion that the proposed variance meets the four tests under s. 45(1) of the Planning Act. The Tribunal encourages the City to explore other options available to address residents' traffic concerns."

Area residents do not rely on paragraph 48 because the Tribunal lacked the authority to rule on right-in access.

The safest statement that can be made about paragraph 48 is that it is confusing and so open to interpretation that it can not be relied upon. However, the DSD and Chartwell do rely on paragraph 48.

- 8.1 The DSD argues that the absence of yes means no. In sentence one, the Tribunal said, “Further, the Tribunal respects the request of a right turn access to the site from Ritson Road as suggested by the Appellant.”

According to the DSD, “The LPAT did not impose a condition requiring a right-in driveway access to Ritson Rd N ... [so] the right-in driveway is not included on the site plan.” In other words because the LPAT’s statement fell short of the threshold to *impose* right-in access, a second entrance was not required.

- 8.2 Section 6.2 proved that the DSD’s position is fallacious. City Council had already authorized right-in access, so the Tribunal’s approval was not a necessary condition.

- 8.3 The City argued that no means no. More recently, the City has speculated that the LPAT actually negated right-in access, albeit indirectly. The argument goes like this: The Tribunal did this by approving second tier variances (category 2) that permitted a catwalk between Phase 2 and Phase 3 and reduced open space. However, that “relief” had limits; and the knock-on effects of right-in access would tip the approved variances from minor to major.

- 8.4 The City has no evidence to support the claim. The Board Member did not develop a causal relationship between the right-in access issue (category 3) and the effect on category 2 variances.

Furthermore, it is area residents’ understanding that a second entrance would require the proposed catwalk to be moved to a higher floor, which would not affect variances 2 & 9, in which the depths have already been reduced to zero. A second entrance would require a paved surface through open space. Neither of these amendments would tip the relevant variances past some arbitrary threshold, i.e. from minor to major.

- 8.5 Chartwell contends the Tribunal rejected right-in access. In a recent letter to the Development Services Committee, dated January 6, 2022, Chartwell wrote the following:

“... At the LPAT hearing, Mr. Bremner noted he appealed to LPAT on the basis that with the permitted use of cooking facilities in retirement homes would have impacts on the subject site and the surrounding neighbourhood with respect to traffic and public safety. He further argued that a right-hand access from Ritson Road would provide relief to the number of vehicles travelling on Ormond Road ...

... The Board Member heard the request of a right turn access to the site from Ritson Road. The Tribunal noted that the Region of Durham’s Transportation comments dated December 6, 2019 / DS-19-240 stated that “parking and speeding issues would not be significantly affected by the access, these issues are best addressed by the City through traffic regulation, enforcement and/or traffic calming on Ormond Dr. Therefore with the evidence provided, the Tribunal is of the [o]pinion that the proposed variances meets the

four tests under s. 45 (1) of the Planning Act. The Tribunal encourages the City to explore other options available to address residents traffic concerns...”

... In summary, Chartwell has participated in five (5) site plan submissions, met with the resident, Mr. Bremner, on several occasions to try to resolve his issues, prepared parking, and traffic reports, had them peer reviewed at Chartwell’s expense and presented planning and transportation evidence at the LPAT. We respectfully defend our site plan and based on the evidence presented at the LPAT, the Board Member agrees that a Ritson Road access point is not required.”

- 8.6 Chartwell’s characterization of paragraph 48 is specious and spurious. The Board Member went further than to hear the request for a right turn access. The appellant’s request was respected by the Tribunal.

Chartwell’s carefully crafted link between sentences one and two implies that the Board Member heard the appellant’s request for right-in access as the solution to parking and speeding issues and rejected the appellant’s argument based on the Region’s opinion.

Contrary to Chartwell’s position, the request for right-in access by the appellant and the City was primarily focused on public safety and traffic problems at the single ingress/ egress chokepoint and connected internal driveway. The appellant advised the Board Member of both concerns at the LPAT hearing and described in detail the conditions and reasons for area residents’ concerns — apprehensions that were borne out by the City’s request for right-in access. Also, the Board Member was aware that the Region was willing to allow access from Ritson Road.

The Region was solely focused on parking and speeding issues. Area residents agree that right-in access would not significantly affect those issues and that they are best addressed by the measures outlined by the Region. Recently, City Council has voted to undertake a Traffic Study.

To solidify it’s claim, Chartwell quotes the Tribunal as follows:

*“Therefore with the evidence provided, the Tribunal is of the [o]pinion that the proposed variances meets the four tests under s. 45 (1) of the Planning Act.”*

That is a typo or misquote. The Tribunal did not write variances (plural); It wrote variance (singular). The Board Member was not giving an “all-clear” sign, as though the Tribunal’s purview was all aspects of the site plan. Chartwell had not applied to the LPAT to appeal the whole site plan. The Tribunal’s jurisdiction was bounded by the eleven variances under consideration.

The Board member was referring to some mysterious *proposed variance*, but it is impossible to know the variance the Tribunal was referencing. If *proposed variance* referred to one of the eleven variances over which the Tribunal had jurisdiction, the Board

Member did not state the variance, so the Board Member's statement is ambiguous and can not be relied upon by Chartwell.

Chartwell's final quote was as follows:

*"The Tribunal encourages the City to explore other options available to address residents' traffic concerns."*

Chartwell's letter implies that all the concerns expressed by the appellant can be addressed by the evaluating potential traffic issues on Ormond Drive and addressing them, as required. The traffic issues on Ormond Drive represent some, but not all, of area residents' concerns.

Characterizing the Board Member's position as exclusively about issues on Ormond Drive is convenient for Chartwell because they are category 4 issues, which become the responsibility of the City, not the developer (category 5).

Chartwell closes by saying, *"We respectfully defend our site plan and based on the evidence presented at the LPAT, the Board Member agrees that a Ritson Road access point is not required."*

Chartwell can not rely on paragraph 48. Right-in access is beyond the Tribunal's jurisdiction. Chartwell's statement that the Board Member agrees that a Ritson Road access point is not required is unfounded. There is no evidence to support that claim.

- 8.7 A different take on paragraph 48. Area residents do not rely on paragraph 48 and have proved that the DSD and Chartwell cannot successfully rely on it, either. Nevertheless, both have gone to great lengths with paragraph 48 to prop up their positions. The DSD's argument defies the rules of causal reasoning and Chartwell mischaracterizes paragraph 48 by misrepresenting and misquoting the Board Member.

But, sometimes the simplest explanation is the best (Occam's Razor). Paragraph 48 is confusing because the sentences are disjointed. For example, sentence four, which addresses traffic issues, is clearly a continuation of sentence 2. With that in mind, without altering any individual sentence, here is a more connected version of paragraph 48.

*[48] Further, the Tribunal respects the request of a right turn access to the site from Ritson Road as suggested by the Appellant. Therefore, with the evidence provided, the Tribunal is of the opinion that the proposed variance meets the four tests under s. 45(1) of the Planning Act. The Tribunal notes that the Region of Durham in Exhibit 2, Tab 15, explored the option and is of the opinion "Parking and speeding issues would not be significantly affected by the proposed access, these issues are best addressed by the City through the Site Plan Approval Process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive". The Tribunal encourages the City to explore other options available to address residents' traffic concerns.*

This is the most plausible explanation of paragraph 48. Viewed through this lens, the paragraph is no longer confusing. It addresses each thread, right-in access and traffic regulation, separately — which is the way these issues were presented by the appellant and received by the Board Member.

This sentence construction does not resolve the mystery surrounding the Board Member's reference to *proposed variance*. Technically speaking, right-in access does not contravene any City by-law, so it does not match the stipulated definition of a variance. But, if the Board Member was thinking of right-in access in more general terms, i.e. as a proposed *difference*, the Board member's statement would simply have been an expression of a general view that ("meeting the 4 tests") right-in access does not upset the site plan balance that the Board Member was trying to strike.

This explanation supports area residents' broader contention that the Tribunal deferred to Council, i.e. it respected and acknowledged the fact that Council had already authorized right-in access; and saw no justification to rule on it.

## **9. CONCLUSION**

City Council authorized right-in access on January 27, 2020. The scope of the subsequent LPAT appeal did not include all aspects of the site plan, but was bounded by the eleven (11) variances that were appealed. Because right-in access had been approved by City Council, a Board Member ruling on right-in access was not required, i.e. a necessary condition. So, it was fallacious for the DSD to conclude that the Tribunal had rejected a second entrance. Decisions by the Tribunal were sufficient conditions for the eleven appealed variances but not for right-in access because it is not a variance, *per se*. However, Council's authorization of right-in access was a sufficient condition. Council exercised its authority prior to the LPAT hearing in order to mitigate the risk to public safety and traffic issues at the site plan chokepoint and beyond. For all these reasons, the Council's authorization of right-in access is a settled matter.

## **EXHIBIT 1**

### **DEVELOPMENT SERVICES COMMITTEE**

The motion was made at Development Services meeting May 8 and passed at the Council Meeting on May 21 as DS-19-88.

“DS-19-88 Parking and Congestion on Ormond Drive

Recommendation That Council support regional staff to further investigate a process that will find a way for the Region to support an entrance/exit to a parking lot for the Chartwell Seniors Residence planned for 1321 Ormond Drive to accommodate staff parking and alleviate the parking and congestion on Ormond Drive.”

## **EXHIBIT 2**

### **JANUARY 27, 2020 COUNCIL RESOLUTION**

1. That the Local Planning Appeal Tribunal be advised that City Council takes no position on the appeals of the approval decisions of the Committee of Adjustment concerning 1231 Ormond Drive and 431 Woodmount Drive and the City does not seek party or participant status at the Local

Planning Appeal Tribunal hearing; and,

2. That the Local Planning Appeal Tribunal be advised that City Council takes no position on the additional variances identified after the Committee of Adjustment meeting that includes 451 Woodmount Drive; and,

3. That, pursuant to Report DS-19-231 dated December 4, 2019 and Report DS-20-09 dated January 8, 2020, the Local Planning Appeal Tribunal be advised that the City of Oshawa requests that conditions be imposed to permit a maximum of 201 units in the proposed retirement home at 1231 Ormond Drive, of which a maximum of 169 units may include cooking facilities in the individual units, if the minor variances are approved by the Local Planning Appeal Tribunal; and,

4. That the City of Oshawa requests that conditions be imposed on the development of the Chartwell site at 1707 Ritson Road North/1231 Ormond Drive to require a right in turn from Ritson Road that will safely accommodate the traffic of residents, visitors and staff shift changes.

### **EXHIBIT 3**

#### **REGION POSITION**

On December 6, 2019, you wrote to Councillor McConkey:

Councillor McConkey,

As requested at our meeting of December 5, 2019, this email provides a summary of the Region's assessment of the potential to provide a Ritson Road access for the Chartwell complex on Ormond Drive. This information was previously provided to City staff in October 2019, and it remains valid.

Regional staff have reviewed the studies submitted by Chartwell in support of their Phase 3 development, as well as traffic data supplied by the City and additional information provided by Mr. Bremner. Regional staff also visited the site several times throughout June, July, August and September to observe any traffic volume, parking, speeding and operations issues on Ormond Drive associated with the operation of the existing Chartwell Wynfield site.

Our findings can be summarized as follows:

- The existing and projected traffic volumes on Ormond Drive are consistent with its classification as a collector road.
- We did not observe any significant delays/queuing, even during shift change times. Chartwell's Traffic Impact Study indicates continued good traffic operations post-development.
- The speed data and our observations indicate some issues with speeding, but our observations indicate that this is generally related to through traffic on Ormond rather than Chartwell site traffic.
- There is some limited on-street parking activity associated with the existing Chartwell site that appears to be generated primarily by short-term visitors, including external (non-Chartwell) service staff. The parking is generally along the south side of Ormond Drive adjacent to the existing buildings.

As discussed at our meeting, although not ideal from a Regional road access management point of view, it is appreciated that the proposed access from Ritson Road would help to mitigate residents' concerns regarding traffic volumes/operations at Chartwell's Ormond driveway. Parking and speeding issues would not be significantly affected by the proposed access; these issues are best addressed by the City through the Site Plan Approval process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive. Although the existing and projected traffic volumes are consistent with Ormond Drive's classification as a collector road, and our findings do not indicate significant problems with the existing Chartwell site operation, we recognize that the proposed Ritson access would reduce the traffic from the expanded Chartwell site on Ormond Drive, which would help to address the residents' concerns with the proposed development.

Under the Region's Entranceway Policy, the Ritson access would not normally be allowed because suitable access is available from a lower order road (Ormond Drive). However, there is adequate space to accommodate an access as per the spacing guideline for a Type B Arterial in the Regional Official Plan (Schedule E, Table E7). As discussed at our meeting, in an effort to help the City address the residents' concerns regarding traffic volumes and operations, the Region is willing to permit a right-in access from Ritson Road to the Chartwell site because it would:

- Accommodate the major inbound traffic direction without unduly restricting outbound traffic, since most site traffic is from/to the south;
- Help to distribute site traffic better during times of peak demand and reduce the traffic using Chartwell's Ormond driveway;
- Avoid the conflicts and potential collisions on Ritson Road that would result from allowing left turns in and out of the access and outbound right turns; and
- Avoid the need for a raised median on Ritson Road (required with a right-in/right-out access), which would require significant widening and reconstruction of Ritson Road and would create a fixed obstacle collision hazard within the roadway.

We note that the developer is not currently proposing access from Ritson Road, and their current Site Plan submission does not show such an access. If the City and developer are interested in getting Regional approval for a right-in access, we will require submission of:

1. A traffic brief that provides revised site and total traffic volume projections and demonstrates that the right-in access would have significant usage;
2. A revised site plan showing how the proposed access would be incorporated into the on-site circulation; and
3. A functional design plan showing a northbound right turn auxiliary lane and entranceway design that will effectively prevent inbound left turns and all outbound movements.

All of the above have to be completed to the satisfaction of the Region before we can approve the access. All works required for the access would be 100% developer cost.

Note that since the Region has stated that the proposed development can operate acceptably without the Ritson Road access, we cannot require the developer to provide this access as a condition of Site Plan Approval. We will permit it if the City requires the developer to provide it.

Please contact me if you have any questions on the above.

Regards,

**Doug Robertson, P.Eng., PTOE**

Project Manager - Transportation Infrastructure

Regional Municipality of Durham, Works Department

605 Rossland Road East, Level 5

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## **EXHIBIT 4**

### **THE VARIANCES APPROVED BY THE LPAT**

#### **1231 Ormond Drive**

Variance 1 – Front Lot Line – Coldstream Drive is the Front Lot Line (ZBL definition) to Designate Ormond Drive as the Front Lot Line;

Variance 2 – Minimum Interior Side Yard Depth (North Side) 10.5 m (ZBL requirement) to 0.0 m;

Variance 3 – Minimum Interior Side Yard Depth (South Side) 10.5 m (ZBL requirement) to 2.5 m;

Variance 4 - Minimum Rear Yard Depth 10.5 m (ZBL requirement) to 3.5 m;

Variance 5 - Definition of Retirement Home: to include “Living units may also include cooking facilities”;

Variance 6 - Driveway Access: current (ZBL definition) Required from the Travelled Portion of an improved street;

Variance 7 - Parking Required in Article 39.1.1 – 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive required to accommodate parking on each individual lot (ZBL requirement) to permit 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces.

#### **431 Woodmount Drive**

Variance 8 – Minimum Exterior Side Yard depth 7.5 m (ZBL requirement) to 3.0 m;

Variance 9 – Minimum Rear Yard Depth 7.5 m (ZBL requirement) to 0.0 m;

Variance 10 – Parking Required in Article 39.1.1 – 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive required to accommodate parking on each individual lot (ZBL requirement) to permit 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive to be considered one lot for the purpose of applying parking regulations in relation to the number and location of all required and additional parking spaces.

#### **451 Woodmount Drive**

Variance 11 – Parking required in Article 39.1.1 – 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive required to accommodate parking on each individual lot (ZBL requirement) to permit 431 Woodmount Drive, 451 Woodmount Drive and 1231 Ormond Drive to be considered one lot for the purpose of applying parking regulations related to the number and location of all required and additional parking spaces.

## **EXHIBIT 5**

### **CHARTWELL LETTER**

**DS-22-18**



**January 6, 2022**

Mary Medeiros (service@oshawa.ca)  
City Clerk, City Clerk Services  
City of Oshawa  
5<sup>th</sup> Floor, Rundle Tower, City Hall  
50 Centre Street South  
Oshawa, Ontario  
L1H 3Z7

**Re: Chartwell Wynfield  
1231 Ormond Dr, Oshawa, Ontario  
Site Plan File: SPA-2018-32  
Minor Variance Files: A-2019-24 and A-2019-25  
LPAT File: PL190223  
January 10, 2022 Development Services Committee Agenda Item DS-22-05  
January 10, 2022 Development Services Committee Agenda Item DS-22-15**

Upon review of the January 10, 2022 Development Services Committee Agenda, we note two items, which we wish to comment on, these being DS-22-05 and DS-22-15. Below, please find the relevant background and comments related to DS-22-05, DS-22-15, site plan application file SPA-2018-32, minor variance application files A-2019-24 and A-2019-25 and LPAT file PL190223.

Chartwell submitted a complete site plan application to the City on November 15, 2018. Through this process the application was circulated to numerous City departments, including the Region of Durham and other commenting agencies. As part of this process, we continued to refine and revise the proposal resulting in city supported Minor Variance applications.

A total of 5 submissions of the site plan application were made, with the last submission being filed with the City on February 23, 2021, with our understanding being that this submission was the final one, and the plans will be used to prepare the site plan agreement. Through these various rounds of site plan comments and resubmissions, Chartwell maintained the original intent of our development with no entrance from Ritson Road. No formal comments were made by the City of Oshawa or the Region of Durham requesting that an additional vehicular access point be created along Ritson Road.

#### **Head Office**

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Throughout our site plan and minor variance process, Chartwell met with Mr. Bremner on two (2) occasions to discuss his concerns. This led to a series of traffic and parking reviews that were carried out to ensure that the proposed development met all City and Region of Durham requirements and to satisfy the concerns of Mr. Bremner. These included:

TMIG Traffic Impact Study, dated November 5, 2018 – This report was prepared as part of the initial site plan application to the City's Planning Department. This report discusses site related traffic and the subsequent traffic-related impacts on the adjacent road network during the weekday a.m. and p.m. peak hours and then are analyzed based on projected future background traffic and road network conditions. The findings of this report notes that the site plan is appropriate, the total traffic analysis confirms that the incremental impact of the estimated site traffic is minimal and that the traffic generated by the proposed development can be accommodated by the adjacent street system.

TMIG Parking Brief, dated May 31, 2019 – This report was prepared at the request of the city and was provided as part of the resubmission of the site plan application. This report notes that the site plan is appropriate with regards to parking space count.

TMIG Parking Brief Update, dated August 7, 2019 – This report is in response to the comments we received from our second submission.

TMIG Parking Forecast, dated October 7, 2019 – This Forecast was prepared to address Mr. Bremner's assertion that an under supply of parking was being proposed. The report demonstrates that parking being proposed at 0.6 parking spaces per unit is adequate.

TMIG Parking Brief Response, dated November 5, 2019 – This response was prepared to address and answer comments from Mr. Bremner.

On November 18, 2019, Dillion Consulting was commissioned by the City and paid by Chartwell to Peer Review of TMIG Parking Brief. This third-party brief recommended adding four (4) additional parking spaces to the proposal. Consequently, the site plan was updated and a subsequent resubmission of the site plan to the City included four (4) additional parking spaces.

Chartwell's minor variance application was submitted and was approved by the Committee of Adjustment on April 10, 2019. A neighbour, Mr. Bremner, appealed the decision, which

#### Head Office

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tel: 905-501-9219 • fax: 905-501-0813 [CHARTwell.com](http://CHARTwell.com)

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resulted in an LPAT hearing, which took place on January 20, 2020, with a written decision dated February 19, 2020.

At the LPAT hearing, Mr. Bremner noted he appealed to LPAT on the basis that with the permitted use of cooking facilities in retirement homes would have impacts on the subject site and the surrounding neighbourhood with respect to traffic and public safety. He further argued that a right-hand access from Ritson Road would provide relief to the number of vehicles travelling on Ormond Road.

The Tribunal's role is to consider the evidence submitted at the hearings and to make findings based on the best evidence presented.

At the Hearing, the Board Member heard expert witness statements from our Planning and Transportation Consultants and the Member accepted the Evidence brought forward by both. In particular, in our Traffic Consultant evidence, the results of the total traffic analysis confirmed that the incremental impact of the estimated site traffic is *minimal* and our development does not contribute to any significant increase. The site concluded that traffic generated by the proposed development can be accommodated by the adjacent street system.

The Board Member heard the request of a right turn access to the site from Ritson Road. The Tribunal noted that the Region of Durham's Transportation comments dated December 6, 2019 / DS-19-240 stated that "parking and speeding issues would not be significantly affected by the access, these issues are best addressed by the City through traffic regulation, enforcement and/or traffic calming on Ormond Dr. Therefore with the evidence provided, the Tribunal is of the opinion that the proposed variances meets the four tests under s. 45 (1) of the Planning Act. The Tribunal encourages the City to explore other options available to address residents traffic concerns.

Mr. Bremner failed to provide factual evidence to warrant the construction of the right in/out on Ritson Road. Chartwell is of the opinion that the Board Member adequately addressed that rationale for not requiring an entrance from Ritson Road.

The City attended the LPAT hearing in a monitoring capacity. The LPAT member noted in their decision, under clause 15, that "City Council planned to take no substantive position at the hearing, which it had advised the Tribunal in advance." The site plan used to set out required variances, that was entered as evidence at the LPAT hearing, did not include a vehicular access point along Ritson Road.

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In summary, Chartwell has participated in five (5) site plan submissions, met with the resident, Mr. Bremner, on several occasions to try to resolve his issues, prepared parking, and traffic reports, had them peer reviewed at Chartwell's expense and presented planning and transportation evidence at the LPAT. We respectfully defend our site plan and based on the evidence presented at the LPAT, the Board Member agrees that a Ritson Road access point is not required.

We would also like to add that the last site plan submission to the City was on February 23, 2021 and we were informed that this submission would be used for the creation of a site plan agreement. During that time, City of Oshawa nor Region of Durham requests have come forward since this time suggesting that a Ritson Road vehicular access form part of the proposed development.

With this in mind, we look forward to the City of Oshawa expeditiously moving forward with site plan approval of the proposed project.

Sincerely,

Kathy Kakish  
Development Manager

cc. Racheal Rossetti, Council-Committee Coordinator, City of Oshawa ([rrossetti@oshawa.ca](mailto:rrossetti@oshawa.ca))

Warren Munro, Commissioner, Development Services, City of Oshawa  
([wmunro@oshawa.ca](mailto:wmunro@oshawa.ca))

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## MEMORANDUM

**TO** : Robert Bedic (City of Oshawa)

**FROM** : Jeffrey Suggett, M. Sc.

**CC** : Jaime Garcia, P.Eng., Ph.D.

**DATE** : February 22, 2022

**SUBJECT** : Peer Review of Transportation Impact Study for Proposed Development at 1231 Ormond Drive – City of Oshawa

### 1. Introduction

The City of Oshawa has retained CIMA+ to provide an independent peer review relating to a proposed development (a 201-unit retirement home to be operated by Chartwell Retirement Residences) to be located at 1231 Ormond Drive as per **Figure 1** below. As understood, an area resident (Mr. Ronald Bremner) has expressed concern over the proposed plan to providing single access only to the proposed development from Ormond Drive and has requested that a right-in only access be provided to the proposed development from Ritson Road North. Based on the information provided by the City, it is our understanding that the Region of Durham have no objections to the additional access, but consider it has unjustified.



**Figure 1 – Proposed Development<sup>1</sup>**

<sup>1</sup> Wynfield Long-Term Care Facility, Transportation Impact Study, November 2018 (Draft) – Figure 2-1

## 2. Scope of Peer Review

To that end, Oshawa City Council has directed an external consultant to conduct a safety assessment relating to the right-in only access as to whether it is needed from a pedestrian and vehicular safety perspective as per direction provided on January 24, 2022 (City Council Meeting Minutes - DS-22-15)<sup>2</sup>.

City staff directed CIMA+ to review all correspondence provided by the owner of 1230 Ormond Drive (Mr. Ronald Bremner), the City of Oshawa, the Region of Durham and the applicant (Chartwell Retirement Residences) as it relates to the above matter.

City Council also identified additional tasks which included a review of the need for traffic calming and safety measures on Ormond Drive and a Community Safety Zone on Ritson Road North, however these tasks are not considered to be part of the scope of this assignment.

In addition, also understood not to be part of the scope of this assignment was a review of the adequacy of parking proposed for the development, as the City had already retained another consultant (Dillon) to review this as part of a previous assignment. That consultant recommended an additional four parking spaces be added to the development based on their analysis.

## 3. Review of Background Materials

The following section outlines our review of the materials provided by the City of Oshawa, organized into four groups:

- Materials provided by the applicant, Chartwell Retirement Residences and their traffic consultant, Municipal Infrastructure Group Ltd
- Materials provided by the Region of Durham
- Materials provided by the City of Oshawa
- Materials provided by Mr. Ronald Bremner

### 3.1 Chartwell Retirement Residences

A Transportation Impact Study was commissioned by Chartwell Retirement Residences for the proposed Wynfield Long-Term Care Facility<sup>3</sup>. In terms of the peer review, CIMA+ reviewed the methodology to determine whether it followed industry practice, reviewed the findings in terms of their reasonableness in the context of the existing and anticipated future traffic, and the conclusions/recommendations as to their validity in context of the stated findings in the report. CIMA+ did not however conduct their own analysis (i.e. Synchro analysis).

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<sup>2</sup> City Council Meeting Direction, DS-22-15, Ron Bremner Submitting comments regarding Item DS-22-05 being the City Council referral concerning Compliance with Site Plan Agreements (Ward 1)

<sup>3</sup> Municipal Infrastructure Group Ltd, Wynfield Long-Term Care Facility Transportation Impact Study, November 2018

As described in the study, the development will consist of a seven-story building, south of an existing facility, with 32 memory living units and 169 units described as mixed independent and care-dependent suites, totaling 201 units. Access to the proposed development would be solely from Ormond Drive, from an existing access.

Traffic data was collected for the surrounding intersections in 2015, 2017 and 2018 and a growth rate of 1.0% was applied to establish baseline traffic conditions representing 2018. Future (background) traffic conditions were assessed for the year 2024 assuming a 1.0% growth rate again. Both the Region and the City endorsed the growth rate.

Another residential development is proposed at the northeast corner of Ritson Road and Coldstream Drive. The development is expected to generate 38 weekday AM peak hour two-way trips and 44 weekday PM peak hour two-way trips, based on rates noted in the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE), 9<sup>th</sup> Edition for Multifamily Housing (Mid-Rise) Residential Condominium/Townhouses.

The Wynfield Long-Term Care Facility is anticipated to generate an additional 40 weekday AM peak hour two-way trips and 52 weekday PM peak hour two-way trips, based on rates noted in the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE), 9<sup>th</sup> Edition for Senior Adult Housing and Assisted Living. Site trip distribution was derived from the 2011 Transportation Tomorrow Survey (TTS) for the City of Oshawa.

The background traffic, assuming the 1% growth, background development traffic, together with the development traffic, were used to estimate future traffic movements on the roads surrounding the development, as presented in **Figure 2** on the following page for the AM and PM peak hour.

Capacity analysis was conducted to determine the ability of the road network to accommodate the future estimated traffic in 2024. Based on the analysis, it was determined that both the signalized and unsignalized intersections, including the access to the Wynfield Long-Term Care Facility, would operate well below capacity with minimal delay to motorists. An analysis of queuing indicated that the existing lanes (on approaches to intersections in the study area) would have adequate storage capacity for turning movements.

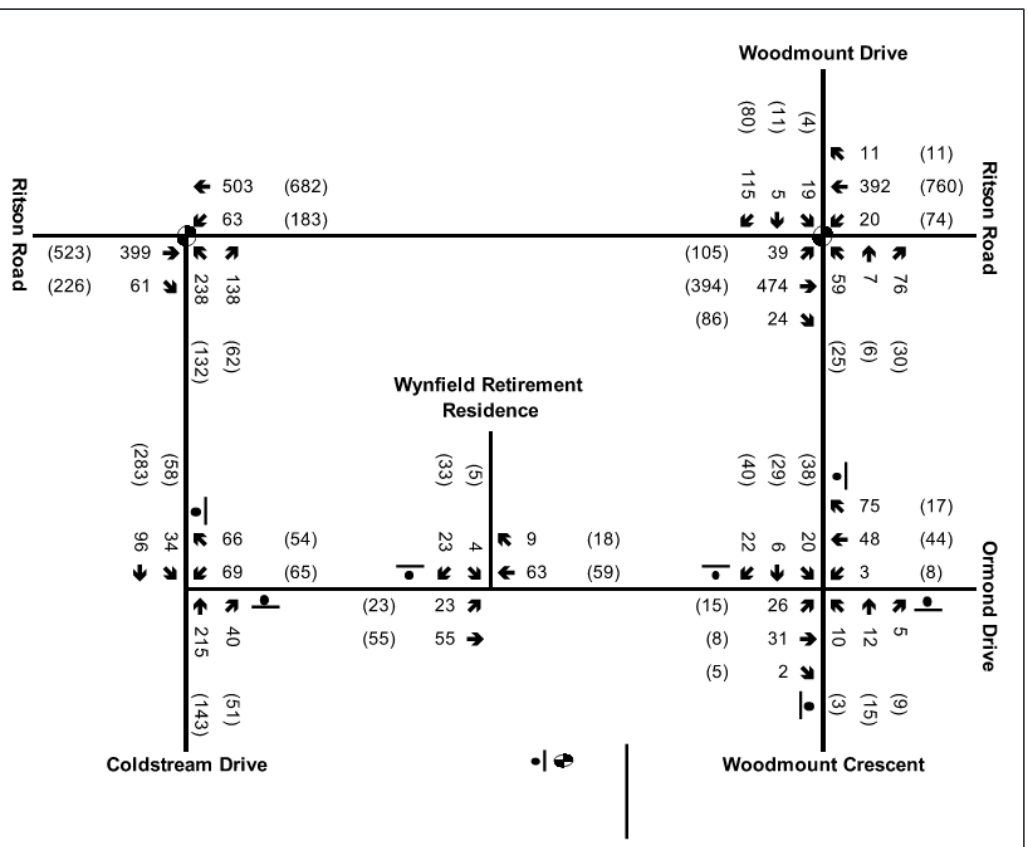
As the result of an appeal by Mr. Ronald Bremner, a report was prepared by the Development Services Department relating to the development that included minutes of the meeting held on December 9<sup>th</sup>, 2019<sup>4</sup>. The following was noted:

- A resolution was made that a right-in, right-out access off to Ritson Road North be investigated by the Region of Durham and City of Oshawa;
- In addition to a number of incentives to reduce parking demand, to limit traffic impacts on the neighbourhood, the applicant, Chartwell Retirement Residences indicated that they would:
  - Commit a bus to the Wynfield campus to provide residents with a means to commute to popular destinations on a regular basis, thereby reducing residents' need for cars
  - Provide commuter options brochures within the facility

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<sup>4</sup> Report to Development Services Committee (DS-19-231), December 9<sup>th</sup>, 2019

- Provide pedestrian and bicycle facility network maps/exhibits
- Provide transit incentives
- Review the option of implementing an in-house car-share service for residents



<sup>5</sup> Wynfield Long-Term Care Facility, Transportation Impact Study, November 2018 (Draft) – Figure 6-1

### 3.1.1 Our response

Our review of the above Transportation Impact Study indicates that it has been undertaken in accordance with accepted engineering practice for the conduct of these types of studies. We agree with the methodology and the anticipated level of traffic (post-development) as presented in the study. . With the anticipated level of traffic, the impacts to traffic as a result of the proposed development should result in minimal impacts to traffic within the neighbourhood and the proposed access on Ormond Drive would be able to accommodate the increased vehicular movements without undue delay.

The measures proposed by Chartwell Retirement Residences, indicate a willingness on their part to implement transportation demand management measures that should result in a decrease in vehicle trips to and from the facility, beyond that indicated in the Transportation Impact Study prepared by Municipal Infrastructure Group Ltd.

## 3.2 Region of Durham

In minutes of the meeting held on January 13<sup>th</sup>, 2020, relating to the matter of the right-in right-out access of Ritson Road North into the subject site (Attachment 3)<sup>6</sup>, the Region of Durham provided the following comments (summarized below):

- An access is not necessary for the proposed development given the anticipated traffic volumes
- Observed traffic on Ormond Drive is consistent with that of a collector road and no significant delays and/or queueing were observed, even during the shift change at the existing Chartwell Retirement Homes development
- There are observed issues with speed, although these are due to through traffic movements on Ormond Drive, not the Chartwell Retirement Homes development
- The Region would not oppose a right-in access to the property, however the right-in access is not necessary for the development
- The proposed right-in access would reduce traffic from the proposed development
- Parking and speed issues would not be significantly affected by the proposed right-in access, these issues are best addressed by the City through the Site Plan Approval Process and by traffic regulation, enforcement and/or traffic calming on Ormond Drive

### 3.2.1 Our response

We agree with the comment that the right-in access is not necessary for the proposed development given the anticipated traffic volumes and the ability of the road network and associated intersections to accommodate the future development. The amount of diverted traffic

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<sup>6</sup> Development Service Committee, Direction of City Staff Involvement Respecting Appeals to the Local Planning Appeal Tribunal of Committee of Adjustment Decision concerning 1231 Ormond Drive and 431 and 451 Woodmount Drive - DS-20-09

would be minimal. According to the 2018 Transportation Impact Study referenced earlier, the right-in only access would divert a total of 4 vehicle trips in the AM peak hour and 8 vehicle trips in the PM peak hour (refer to Figure 5-1)<sup>7</sup>.

The Region notes issues with speeding on Ormond Drive but notes that the speeding is not generated by traffic travelling to/from the Chartwell Retirement Homes development. We understand that the City will be investigating the need for traffic calming measures on Ormond Drive and recommend that the City collect speed data on this section of roadway and based on the findings, implement measures to reduce operating speeds, in consultation with Chartwell Retirement Homes and the local residents.

### 3.3 City of Oshawa

Relating to the unsafe 'choke point' comment, City staff indicated that Ormond Drive is designated as a Collector Road in the City's Official Plan, intended to handle traffic in the range of 4000 – 15000 vehicles per day. Direct access from Collector Roads to adjacent properties is permitted subject to acceptable crossing and stopping sight distances. Furthermore, City staff indicated if a right-in only access was implemented on Ritson Road North, it would have minimal impacts to traffic on Ormond Drive<sup>8</sup>.

#### 3.3.1 Our response

With regard to the designation of Ormond Drive as a Collector Road, even with projected future volumes with the addition of the development traffic, volumes on Ormond Drive would appear to be far below that of a Collector Road (with future peak hour volumes in the range of 70 – 170) in the AM and PM peak, suggesting that the roadway is and will behave more like a Local Roadway with lower traffic volumes.

### 3.4 Residents of Ormond Drive

Residents of Ormond Drive, specifically Mr. Ronald Bremner, have raised concerns over traffic and speed both currently and as a result of the development. In a report submitted to the Development Service Committee, a letter outlines his concerns relating to traffic and speed (Attachment 6)<sup>9</sup>. The letter documents:

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<sup>7</sup> Wynfield Long-Term Care Facility, Transportation Impact Study, November 2018 (Draft) – Figure 5-1

<sup>8</sup> See also *Development Service Committee, Direction of City Staff Involvement Respecting Appeals to the Local Planning Appeal Tribunal of Committee of Adjustment Decision concerning 1231 Ormond Drive and 431 and 451 Woodmount Drive - DS-20-09*

<sup>9</sup> *Development Service Committee, Direction of City Staff Involvement Respecting Appeals to the Local Planning Appeal Tribunal of Committee of Adjustment Decision concerning 1231 Ormond Drive and 431 and 451 Woodmount Drive - DS-19-231 (Attachment 6)*

- His concern over an anticipated significant increase in traffic in the neighbourhood; and
- His concern over conflicts between school aged children and other vulnerable road users walking across the current access to Wynfield Retirement Residence (due to the increase in traffic)

Attachment 7, also included in the report, is a petition signed by residences opposing the development. It further outlines that shift changes associated with the Wynfield Retirement Residence would have a significant impact on traffic and cites speeding as an issue on Ormond Drive<sup>10</sup>.

In the 2020 report to the Development Services committee, Attachment 2 includes a second letter prepared by Mr. Ronald Bremner<sup>11</sup>. The following is noted as it relates to speed and traffic.

- He claims that the access off Ormond Drive would become an 'unsafe choke point' and would not be able to accommodate the additional traffic generated by the new development
- He indicates a need for a right-in access off Ritson Road North and requests that the size of the development be reduced to limit traffic impacts to the neighbourhood, thereby making the neighbourhood safer

Mr. Ronald Bremner submitted further material to the City of Oshawa that was included in this review<sup>12</sup>. The following is noted:

- He presents parking demand data (noted as 213 parking spaces in total) and uses this information to make inferences about the amount of traffic that will be travelling into and out of the Wynfield Retirement Residence, by characterizing them into three groups (staff, residents and visitors)
- Based on this information, he estimates that there would be a total of 433 trips per day into and out of the access on Ormond Drive, referencing information from the U.S Department of Transportation and the Office of Energy Efficiency and Renewable Energy
- He makes inferences regarding movement into and out of the facility based an analysis of parking demand for the existing development (Phase 1 and 2), noting the greater activity as occurring during the AM peak (0700 – 0900) and PM peak (1515 – 1715), periods when school aged children would be crossing the access

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<sup>10</sup> Development Service Committee, Direction of City Staff Involvement Respecting Appeals to the Local Planning Appeal Tribunal of Committee of Adjustment Decision concerning 1231 Ormond Drive and 431 and 451 Woodmount Drive - DS-19-231 (Attachment 7)

<sup>11</sup> Development Service Committee, Direction of City Staff Involvement Respecting Appeals to the Local Planning Appeal Tribunal of Committee of Adjustment Decision concerning 1231 Ormond Drive and 431 and 451 Woodmount Drive - DS-20-09 (Attachment 2)

<sup>12</sup> Traffic Study dated February 7, 2022

- Citing research, he indicates that left turns at intersections are dangerous and typically result in a high severity outcome
- He references the additional traffic that will be generated by the development on the northwest corner of Ormond Drive and Coldstream Drive and the potential for conflict between that development access and the Wynfield Long-Term Care Facility (indicated as being 27 yards by Mr. Bremner or 25 metres apart)

### 3.4.1 Our response

Regarding the assertion that there will be a significant increase in traffic in the neighbourhood, as noted earlier, the Wynfield Long-Term Care Facility is anticipated to generate an additional 40 weekday AM peak hour two-way trips and 52 weekday PM peak hour two-way trips in the Transportation Impact Study completed by The Municipal Infrastructure Group Ltd, based on rates noted in the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE), 9<sup>th</sup> Edition for Senior Adult Housing and Assisted Living. While this represents additional traffic, in the context of the existing volumes on Ormond Drive and the capacity analysis, it has been confirmed that the road network and associated intersections would be able to accommodate the traffic without resulting in any congestion and/or delay. Based on our review of the report and the anticipated level of traffic as presented, we have no reason to disagree with those findings.

Relating to the assertion that the access off Ormond Drive would become an 'unsafe choke point', analysis in the Transportation Impact Study by The Municipal Infrastructure Group Ltd indicates that the access would operate with minimal delay, with the outbound movement operating with an average delay of 9 seconds per vehicle, the northbound left movement operating with an average delay of 2 seconds per vehicles and the southbound right movement operating with no delay<sup>13</sup>. Given the anticipated level of traffic generated by the development, we have no reason to disagree with these findings.

Relating to the assertion that there would be traffic congestion during shift changes, the values presented in the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE), 9<sup>th</sup> Edition for Senior Adult Housing and Assisted Living would account for shift changes. Moreover, the Municipal Infrastructure Group Ltd report based their traffic analysis on the period of time when there was the greatest amount of traffic travelling on Ormond Drive and in/out of the existing access to the Wynfield Long-Term Care Facility, representing the 'worst case' scenario.

Regarding the concern relating to conflicts with pedestrians at the single access on Ormond Drive, there was a total of 23 pedestrians crossing the access in the AM peak hour and a total of 19 pedestrians crossing the access in the PM peak hour, in the 2018 turning movement count data

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<sup>13</sup> Municipal Infrastructure Group Ltd, Wynfield Long-Term Care Facility Transportation Impact Study, November 2018 – Table 7-5.

provided in the report by the Municipal Infrastructure Group Ltd<sup>14</sup>. An examination of the access in Google Streetview imagery noted that sightlines at the access (for a driver exiting the facility in both directions of travel) and on northbound and southbound Ormond Drive approaching the facility were adequate given the straight and flat alignment on Ormond Drive and the absence of any sight obstructions adjacent to the access. There is no evidence to suggest that the layout of the access and anticipated traffic that would be generated by the proposed development would generate any conflicts between vehicles and pedestrians beyond that typically noted at a commercial access on a local roadway. However, the City should consider implementing a no parking prohibition on Ormond Drive immediately adjacent to the proposed access to ensure that vehicles parked on Ormond Drive do not obstruct the view of vehicles pulling out of the access or pedestrians walking on the sidewalk across the access.

Mr. Ronald Bremner makes an estimate of 433 trips per day into and out of the access on Ormond Drive based on research as described above. As noted earlier, we believe that the methodology and findings prepared by the Municipal Infrastructure Group Ltd in their transportation impact study are valid. Their estimate of traffic generated by the development is based on trip rates provided in the Institute of Transportation Engineers *Trip Generation Manual*, 9<sup>th</sup> Edition, considered an industry standard for estimating development traffic. Moreover, the traffic analysis was undertaken for the AM and PM peak hour, as noted earlier, it represents the 'worst case' scenario, when traffic demand would be at its greatest. The analysis indicates that the intersections and the access to the facility would be able to accommodate the anticipated level of traffic.

We would agree with Mr. Ronald Bremner that left turns at intersections can be dangerous and tend to result in a high severity outcome. However, specifically at this location, we would note that:

- The discussion in the article provided by him related more to intersections experiencing higher volumes and speeds (i.e. signalized intersections on busy arterial roads) that would have a greater likelihood of high severity collisions than an access on a local roadway<sup>15</sup>
- The number of additional left turns into the development that would be diverted as a result of the right-in access on Ritson Road North would be 4 and 8 trips in the AM and PM peak hour respectively, making the benefit of opening the right-in access negligible
- Left turning vehicles turning into the development, as evidenced by the minimal average vehicle delay cited in the Transportation Impact study by The Municipal Infrastructure Group Ltd, would have no difficulty finding a safe gap to make this movement and as noted earlier would have adequate sight lines along Ormond Drive

Finally, Mr. Ronald Bremner makes reference to the additional traffic that will be generated by the development on the northeast corner of Ormond Drive and Coldstream Drive. This development

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<sup>14</sup> Municipal Infrastructure Group Ltd, *Wynfield Long-Term Care Facility Transportation Impact Study*, November 2018 – Appendix D

<sup>15</sup> <https://theconversation.com/sick-of-dangerous-city-traffic-remove-left-turns-161397>

has been accounted for in the Transportation Impact Study completed by The Municipal Infrastructure Group Ltd. The spacing of the accesses noted by Mr. Ronald Bremner is acceptable under engineering standards<sup>16</sup>.

## 4. Conclusions

On the basis of the above review of the materials provided by the City of Oshawa, we offer the following:

- The methodology made in the Transportation Impact Study prepared by The Municipal Infrastructure Group Ltd. is valid
- The findings, conclusions and recommendations presented in the report are reasonable given the anticipated level of traffic presented in the report
- Measures proposed by Chartwell Retirement Residences, indicate a willingness on their part to implement transportation demand management measures that should result in a decrease in vehicle trips to and from the facility, beyond that indicated in the transportation impact study provided by Municipal Infrastructure Group Ltd
- We agree with the comment made by the Region of Durham that the right-in access is not necessary for the proposed development given the anticipated traffic volumes and the ability of the road network and associated intersections to accommodate the future development
- We disagree with the comment that the access off Ormond Drive would become an 'unsafe choke point', given the analysis presented by The Municipal Infrastructure Group Ltd.
- We believe that shift changes have been adequately accounted for in the analysis presented by The Municipal Infrastructure Group Ltd.
- There is no evidence to suggest that the layout of the access to the Wynfield Long-Term Care Facility and anticipated traffic that would be generated by the proposed development would generate any conflicts between vehicles and pedestrians beyond that typically noted at a commercial access on a local roadway, moreover sightlines at the access and on the approaches to the access are adequate.
- We do not believe that there is any safety concern with left turns into the access that would be remedied by constructing a right-in only access, given the incremental increase in traffic, the relative ease with which motorists would be able to make the left turn and the adequate sight lines along Ormond Drive

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<sup>16</sup> Transportation Association of Canada, *Geometric Guidelines for Canadian Roads, 2017 - Figure 8.9.2 Driveway Spacing Guidelines – Locals and Collectors*

- Additional traffic generated by the development on the northwest corner of Ormond Drive and Coldstream Drive has been accounted for and the spacing of the two accesses is acceptable

We understand that the City of Oshawa will be investigating vehicular operating speeds on Ormond Drive and implementing (if warranted and subject to resident approval) traffic calming measures. We support this going forward.

In addition to this, we recommend that the City of Oshawa implement a no parking restriction close to the access to the Wynfield Long-Term Care Facility to ensure that sightlines at the access provide motorists with an unobstructed view when making turns into and out of the access.

**CIMA Canada Inc. (CIMA+)**



**JEFFREY SUGGETT, M. Sc.**  
Senior Project Manager, Transportation



Development Services Committee – March 7, 2022

Request for Sign Variance on City-owned Property at Mary Street North (Ward 4)

That the Development Services Committee recommend to City Council:

Whereas, Spectra Venue Management (Spectra) manages the Tribute Communities Centre (T.C.C.) on behalf of the City of Oshawa; and,

Whereas, on January 24, 2022, Spectra submitted correspondence (see Attachment 1) seeking to explore the possibility of removing the video sign board at 99 Athol Street East which is at the end of its life cycle and replacing it with a new High Definition LED video sign board in a new more visible location; and,

Whereas, Spectra has identified the west façade of the Mary Street Parking Garage located at the northeast corner of King Street East and Mary Street North as an appropriate location for the new High Definition LED video sign board (see Attachment 1); and,

Whereas, Spectra has clarified that the new High Definition LED video sign board would primarily advertise upcoming events such as Oshawa Generals games but would also include third party advertising for T.C.C. sponsor recognition (i.e. Tribute, Pizza Pizza, Coca-Cola); and,

Whereas, Spectra has also clarified that the new High Definition LED video sign board would accommodate City of Oshawa public service announcements such as Program Registration or COVID-19 information; and,

Whereas, both the T.C.C. and the Mary Street Parking Garage are owned by the Corporation of the City of Oshawa; and,

Whereas, the Sign By-law 72-96, as amended, defines an Official Sign as any sign required by or erected on behalf of any federal, provincial, regional or municipal government or agency thereof or board or commission or public utility; and,

Whereas, a new video sign board at the Mary Street Parking garage would be considered an Official Sign; and,

Whereas, Article 3.5.1 of Sign By-law 72-96, as amended, permits the City to install an Official Sign on City property including projecting into a municipal road allowance; and,

Whereas, Article 3.11.1 of Sign By-law 72-96, as amended, permits a read-of-graph to be incorporated into a display surface as part of a permitted sign area for a fascia sign; and,

Whereas, the new High Definition LED video sign board proposed by Spectra is 6.09 metres (20 ft.) by 3.65 metres (14 ft.) (see Attachment 2); and,

Whereas, Article 3.12 of Sign By-law 72-96, as amended, provides that none of the provisions of Bylaw 72-96, as amended, apply to prevent the erection or display of any Official Sign; and,

Whereas, although Sign By-law 72-96, as amended, provides an exemption through Article 3.12.1, it is appropriate to seek Council direction on this matter owing to the third party advertising;

Therefore, be it resolved that the Development Services Committee recommend to City Council that Spectra Venue Management be advised that the City consents to a new High Definition LED video sign board, approximately 6.09 metres (20 ft.) by 3.65 metres (14 ft.) in size as shown generally on Attachments 1 and 2 to be installed at the Mary Street Parking Garage.



# Tribute Communities Centre

24<sup>th</sup> January 2022

Victoria White  
Principal Planner  
City of Oshawa  
50 Centre Street South  
Oshawa ON L1H 3Z7

## **Re: Potential Electronic Video Board Installation at the Mary Street Parking Garage**

Dear Victoria;

As you are aware, Spectra Venue Management manages the Tribute Communities Centre on behalf of the City of Oshawa. We are currently exploring the capital replacement of our existing electronic messaging boards currently installed on the north facing wall of the venue, and which were installed in 2006. One concept we are exploring is the possibility of relocating a video board to the west facing wall of the Mary Street parking garage tower at King and Mary Street (please see attached illustration). As discussed, in concept, the unit would be an HD LED outdoor video board of approximately 20'H x 12' W. As this is in concept at this time, we do not have drawings or a unit weight to provide, however; the board would be of the latest LED technology and as we know; as this new technology evolves it has become much thinner and lighter over time.

The reasoning for this request is as follows:

- New VB technology would allow the ability to run full colour video advertising, City of Oshawa PSA's, and upcoming event content. This new location provides a much higher pedestrian and traffic volume which would significantly increase viewership/impressions then what is experienced on the venue in the current location.
- Higher viewership/impressions should translate into increased market awareness, ticket sales for events, and increased impression values for title sponsors such as Tribute Communities.
- Any financial gains realized by the City through increased event revenues or through sponsorship would be City realized revenues.

It should be noted that the unit would continue to be insured, programed and maintained by Spectra and/or its third-party contractor.



# Tribute Communities Centre

At this time, understanding if such an endeavor would be possible is the first step and any conditions/restriction you may deem necessary would not only form the foundation of assessing the merit of the proposal but also provide the base RFQ content required to scope the project, and solicit quotes from recognized providers. It is anticipated that we would need some direction on approval on or before April 1<sup>st</sup>, 2022 to adequately plan this project.

Please do not hesitate to contact me if you require anything further or have any questions

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Vella", written over the typed name.

Vince Vella  
General Manager  
Tribute Communities Centre  
Spectra Venue Management  
O: 905.438.8881 ext. 101  
[Vince\\_Vella@spectrarp.com](mailto:Vince_Vella@spectrarp.com)

c.c. Stephanie Sinnott

**KING STREET EAST AND  
MARY STREET NORTH  
INTERSECTION  
- FACING EAST -**





**Quotation for Outdoor LED Display – Tribute Communities for Oshawa Generals**  
**6' x 9'– Using VISIONiQ Sealed Module System with full redundancy & diagnostics**  
**Updated Quotation #JR18-032201**

DATE

Updated May 25, 2018

6'H x 12'W	Option 1: VISIONiQ Sealed Module System
	10mm SMD
Configuration	VISIONiQ Sealed Module System with redundancy and diagnostics. Wall Mounted rear vented Display Synchronous (redundant) Controller with embedded high temperature range player, direct IP communication option, and GUARDIANiQ remote watchdog service. Webcam with mounting arm options.
Cabinet Size – each face	6' 3.6" high x 12' 7.2" wide x 8" deep
LED Viewing Area – each face	6' 3.6" high x 12' 7.2" wide
Diagnostics	Full diagnostics & lifetime monitoring with email alerting
Redundancy	At the photo cell, data signal, scanning/receiver card, controller/sender card
Box Construction	Aluminum extrusion system with powder coat. Cabinet and Modules Engineered to withstand 265 kph hurricane force winds. Cabinet shipped in 1 section on one (1) flatbed truck. System designed with unistrut clamp & angle system for rapid, on-site installation.
Warranty	5 year parts and a 1 year on site labour warranty. Additional on-site labor warranty available. <i>On-site labor for sign commissioning and local technician training included in price.</i>
Ingress Protection	Waterproof modules and cables – IP67 (front) IP66 (rear)
Service	Front or Rear Service through quick service latch system
Operating Temperature	-40° to +55° C
Brightness	+7,500 NITS plus an additional 20% brightness overhead to be released over the lifetime of the product
Viewing Angle	160 degrees H x 160 degrees V
LED Display Matrix – each face	192 pixels H x 384 pixels W (73,728 total pixels)
Product/Pixel Pitch	10mm SMD (3-in-1 RGB)
Max. Wattage (full power; pure white)	5,562 watts (1,724 avg running watts)
Price (excluding taxes, & shipping)	\$45,450 USD per single face

7'H x 10'W	Option 2: VISIONiQ Sealed Module System
	10mm SMD
Configuration	<b>VISIONiQ</b> Sealed Module System with redundancy and diagnostics. Wall Mounted rear vented Display Synchronous (redundant) Controller with embedded high temperature range player, direct IP communication option, and <b>GUARDIANiQ</b> remote watchdog service. <i>Webcam with mounting arm options.</i>
Cabinet Size – each face	7' 4.2" high x 10' 6" wide x 8" deep
LED Viewing Area – each face	7' 4.2" high x 10' 6" wide
Diagnostics	Full diagnostics & lifetime monitoring with email alerting
Redundancy	At the photo cell, data signal, scanning/receiver card, controller/sender card
Box Construction	Aluminum extrusion system with powder coat. Cabinet and Modules Engineered to withstand 265 kph hurricane force winds. Cabinet shipped in 1 section on one (1) flatbed truck. System designed with unistrut clamp & angle system for rapid, on-site installation.
Warranty	5 year parts and a 1 year on site labour warranty. Additional on-site labor warranty available. <i>On-site labor for sign commissioning and local technician training included in price.</i>
Ingress Protection	Waterproof modules and cables – IP67 (front) IP66 (rear)
Service	Front or Rear Service through quick service latch system
Operating Temperature	-40° to +55° C
Brightness	+7,500 NITs plus an additional 20% brightness overhead to be released over the lifetime of the product
Viewing Angle	160 degrees H x 160 degrees V
LED Display Matrix – each face	224 pixels H x 320 pixels W (71,680 total pixels)
Product/Pixel Pitch	10mm SMD (3-in-1 RGB)
Max. Wattage (full power; pure white)	5,408 watts (1,676 avg running watts)
Price (excluding taxes, & shipping)	\$44,680 USD per single face

## INCLUDED WITH YOUR DIGITAL DISPLAY PURCHASE

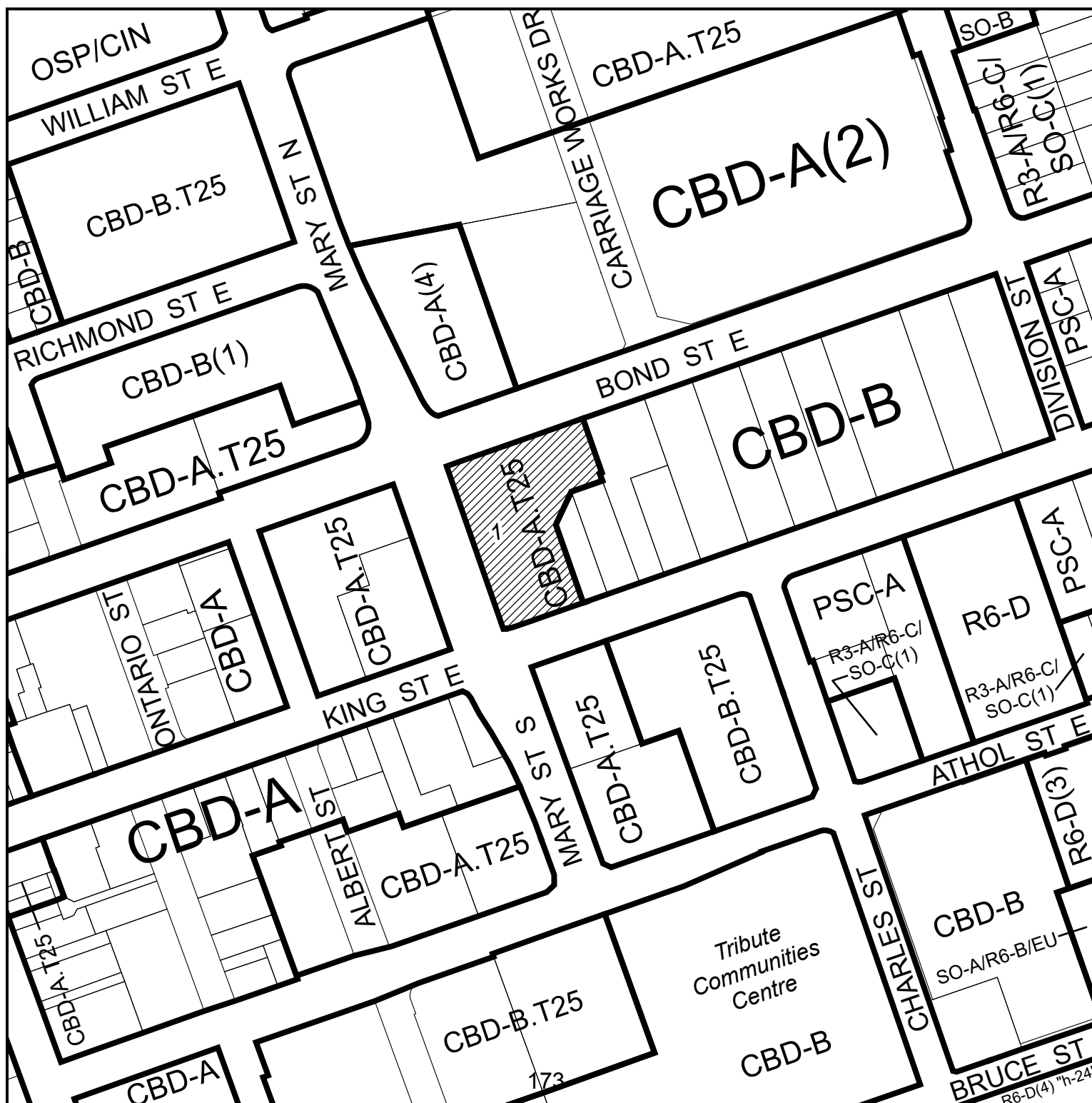
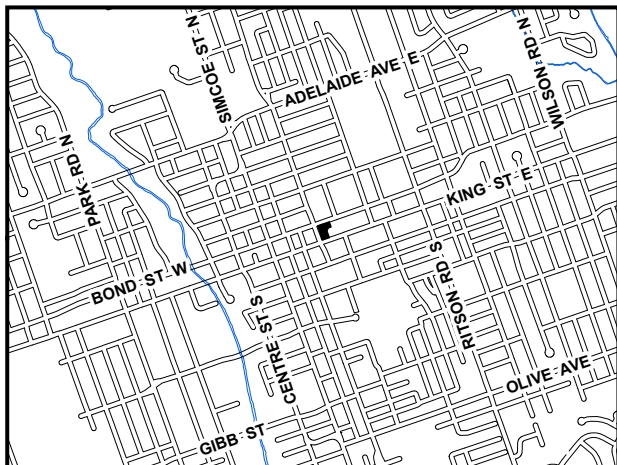
- Signs manufactured, and quality assurance performed at Media Resources manufacturing facility in Oakville, Ontario, Canada
- Warranty:
  - 5 year parts warranty. Parts warranty is a 5 year renewal warranty with parts replaced for any warranted item. Full on-site spare parts kit included; spare parts kit replenished for any spare parts used during the life of the warranty
  - 1 year on-site labor warranty.
- Photocells and Temperature Sensors
- Mounting brackets
- All computing and communication equipment house in the rack (require 3U of space)
- Video Controllers
- FULL **VISIONiQ** Control System with
  - **VISIONiQ** Fully Sealed Module System with 100,000 hour rating to half brightness.
  - Redundant control system with
    - 2 way data
    - Redundant scanning card system
    - Redundant controller architecture
    - Redundant photocells with auto dimming sensor
  - Full diagnostics capability with over 50 monitored events with remote alerting
  - Remote power management using MRI developed **GUARDIANiQ** system with automated self-cycling. Remote power management option included to allow rapid, remote repowering of electrical components.
  - **VISIONiQ** color calibration system using customer supplied DSLR camera
  - Integrated AC surge protection. Customer responsible for grounding.
  - Option: Visual verification using included webcam with mounting bracket. Webcam quality for both visually verification and Proof of Performance. \$1,495 USD
- On-Site Commissioning for Initial Displays:
  - Technician costs included to commission and train local service technicians.
  - Included on site time plus all expenses.

## NOT INCLUDED & TERMS

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- Terms: 50% deposit with order and balance prior to delivery; terms to be discussed.
- FOB Media Resources plant in Oakville, Ontario
- Pricing valid for 30 days of quote submittal
- Customer to supply data and power to digital display
- Customer responsible for damaged caused by power spikes, lightning and improper maintenance
- Excludes all permits, artwork, media stream and approvals supplied by others or extra
- Excludes primary power to the display and final electrical hook-up. Final electrical hookup by others (or quoted separately) and not included in the price
- Excludes any additional software packages or 3rd party services
- Any local authority, province or federal sign permit if required, will be extra

Ward: Ward 4

Subject Site 



To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: DS-22-67

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: Proposed Noise Abatement Procedures for the Oshawa  
Executive Airport

Ward: Ward 2

File: 12-03

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## **1.0 Purpose**

The purpose of this Report is to obtain Council's approval of the Proposed Noise Abatement Procedures for the Oshawa Executive Airport, prepared by HM Aero Aviation Consulting ("HM Aero") pursuant to the process outlined in Transport Canada's Advisory Circular 302-002 ("AC 302-002"), in order to submit the Proposed Noise Abatement Procedures to Transport Canada for consideration pursuant to the AC 302-002 process.

On February 22, 2021, City Council considered [Report DS-21-23](#) dated February 3, 2021 regarding the process to establish a new noise abatement procedure at the Oshawa Executive Airport and passed the following motion:

- "1. That, pursuant to Report DS-21-23 dated February 3, 2021, the Commissioner of Development Services, in consultation with the City's Airport Manager, be authorized to advance the process prescribed in Advisory Circular 302-002 to request Transport Canada to establish a new noise abatement procedure at the Oshawa Executive Airport; and,
2. That, the Airport Manager, in consultation with the Commissioner of Development Services, be authorized to engage a qualified, independent consultant with familiarity of the requirements of Advisory Circular 302-002 to assist in the advancement of Part 1 of the recommendation, at an upset limit of \$60,000 exclusive of H.S.T.; and,
3. That copies of this Report and associated resolution be forwarded to all Oshawa and Whitby MPs and MPPs as well as to the Town of Whitby."

In accordance with Part 2 of the above noted motion, the Airport Manager, in consultation with the Commissioner of Development Services, retained the services of HM Aero, a professional team of individuals with significant airport-related experience. HM Aero's experience includes familiarity with the creation of noise abatement procedures under AC 302-002.

On October 25, 2021, City Council considered Report [DS-21-190](#) dated September 29, 2021 regarding the Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport and passed the following motion:

- “1. That, pursuant to Report DS-21-190 dated September 29, 2021, Council approve, in principle, the Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport as outlined in said Report for the purpose of obtaining public and stakeholder input on the proposed solution, as developed in accordance with Part 1 of the Transport Canada Advisory Circular 302-002; and,
2. That, pursuant to Report DS-21-190 dated September 29, 2021, Development Services staff and the City's Airport Manager be authorized to hold a series of four (4) public workshops, two (2) for community members and two (2) for Airport users, which will be in virtual public engagement form owing to the COVID-19 pandemic for the purpose of presenting for public review and input the Draft Proposed Noise Abatement Procedures as outlined in said Report, using the approach described in Section 5.2.4 of said Report; and,
3. That, pursuant to Report DS-21-190 dated September 29, 2021, Development Services staff and the City's Airport Manager be authorized to undertake consultation in a virtual engagement form owing to the COVID-19 pandemic with all other affected stakeholder groups as identified in Section 5.2.4 of said Report for the purpose of presenting the Draft Proposed Noise Abatement Procedures as outlined in said Report for review and input, using the approach described in Section 5.2.4 of said Report.”

In accordance with Part 2 of the above noted motion, public and stakeholder consultation was undertaken by City Staff, the Airport Manager and HM Aero in order to solicit input and feedback on the Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport. Based on the input and feedback received from the public and stakeholder consultation, HM Aero has prepared updated Proposed Noise Abatement Procedures to be submitted to Transport Canada under the AC 302-002 process, if approved by Council.

Attachment 1 is a copy of the Regulations dealing with noise operating criteria under Canadian Aviation Regulations respecting aviation and activities relating to aeronautics.

Attachment 2 is a copy of the Transport Canada Advisory Circular 302-002.

Attachment 3 is Report DS-21-190 dated September 29, 2021, outlining the public and stakeholder consultation process to be undertaken and the initial fourteen (14) Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport that were

shared to solicit public and stakeholder input. Owing to its size it is not attached, but can be viewed at the following link: <https://pub-oshawa.escrimemeetings.com/filestream.ashx?DocumentId=413>.

Attachment 4 is a copy of the notice of the virtual public workshops that was mailed and emailed to the public and stakeholders.

Attachment 5 to this Report is a copy of Table 2.2, Draft Proposed Noise Abatement Procedures, taken from the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, outlining a total of fourteen (14) Draft Proposed Noise Abatement Procedures developed for public and stakeholder consultation.

Attachment 6 to this Report is a summary of the Comparison of Draft Proposed Noise Abatement Procedures, Findings Resulting in Changes to Proposed Procedures and Final Proposed Noise Abatement Procedures prepared by HM Aero, dated February 18, 2022

Attachment 7 to this Report is a copy of Table 6.2, Final Proposed Noise Abatement Procedures, taken from the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, outlining a total of nine (9) Final Proposed Noise Abatement Procedures developed using the input received from the public and stakeholders through the consultation process under AC 302-002.

Attachment 8 to this Report is the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022. Owing to its size it is not attached, but can be viewed at the following link: <https://www.oshawa.ca/business-and-investment/resources/airport/Proposed-Noise-Abatement-Procedures.pdf>.

Attachment 9 to this Report is an excerpt from the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, detailing the input received from Airport users and community members during the four (4) virtual public workshops held on November 23, 2021 and November 24, 2021 as part of the consultation process under AC 302-002.

Attachment 10 to this Report is an excerpt from the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, detailing the input received from the Airport Community Liaison Community, the Airport Business Plan Working Group, the Air Transport Association of Canada, the Canadian Business Aviation Association, the Canadian Owners and Pilots Association, the two Flight Training Units based at the Oshawa Executive Airport, the other Fixed Base Operators at the Oshawa Executive Airport, Durham Regional Police Service, NAV Canada and Transport Canada through a series of direct engagement sessions held as part of the consultation process under AC 302-002.

Attachment 11 to this Report is an excerpt from the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, detailing the input received from the online engagement feedback form

posted from November 8, 2021 to November 29, 2021 as part of the consultation process under AC 302-002.

Attachment 12 to this Report is an excerpt from the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, detailing the input received from the public and various stakeholders as individual written submissions during the consultation process under AC 302-002.

Attachment 13 shows the location of Runways 05, 12, 23 and 30.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-22-67 dated March 2, 2022, Council adopt the Proposed Noise Abatement Procedures for the Oshawa Executive Airport for the purposes of authorizing the Airport Manager to submit the Council-adopted Proposed Noise Abatement Procedures for the Oshawa Executive Airport and all supporting material to Transport Canada for their review, consideration and final approval as outlined in said Report in accordance with Transport Canada's Advisory Circular 302-002.
2. That the Mayor be authorized to send a letter on behalf of City Council to the Federal Minister of Transport to advise of the City's adoption of the Noise Abatement Procedures for the Oshawa Executive Airport and that the City looks forward to the Minister's support.
3. That copies of this Report and associated resolution be forwarded to all Oshawa and Whitby MPs and MPPs as well as to the Town of Whitby.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Commissioner, Corporate Services
- Airport Manager
- HM Aero Aviation Consulting
- The public and various stakeholders (as identified in Section 5.3 of this Report)

## **5.0 Analysis**

### **5.1 Background**

On February 22, 2021, pursuant to Report DS-21-23 dated February 3, 2021, Council directed that the Commissioner of Development Services, in consultation with the City's Airport Manager, be authorized to advance the process prescribed in AC 302-002 to

request Transport Canada to establish new noise abatement procedures at the Oshawa Executive Airport.

Council also directed that the Airport Manager, in consultation with the Commissioner of Development Services, engage a qualified, independent consultant with familiarity in the requirements of AC 302-002 to assist in the advancement of the processes (11 parts in total) outlined in AC 302-002.

HM Aero, an independent consultant with familiarity in the requirements of AC 302-002, was subsequently retained in February 2021 to assist City staff and the City's Airport Manager in the advancement of the processes as outlined in AC 302-002.

On June 21, 2021, City Council considered and adopted DS-21-137 regarding the 2021-2022 Oshawa Executive Airport Action Plan (the "Action Plan"). Action 6 of the Action Plan relates to continuing to investigate the process to establish new noise abatement procedures and restrictions.

On October 25, 2021, pursuant to Report DS-21-190 dated September 29, 2021, City Council approved, in principle, a total of fourteen (14) Draft Noise Abatement Procedures for the Oshawa Executive Airport (see Attachment 5) for the purpose of obtaining public and stakeholder input on the proposed solution, as developed in accordance with Part 1 of AC 302-002.

Public and stakeholder consultation was undertaken in November and December of 2021 through virtual public workshops, stakeholder meetings and a feedback form available online and on paper.

Based on the input and feedback received during public and stakeholder consultation, HM Aero has prepared for Committee and Council consideration a total of nine (9) updated Proposed Noise Abatement Procedures (see Attachment 7), as outlined in the Proposed Noise Abatement Procedures Transport Canada Submission document, dated February 18, 2022 (see Attachment 8).

## **5.2 Advisory Circular 302-002 – Implementation of New or Amended Noise Abatement Procedures**

Although aircraft noise concerns at airports are generally local in nature, measures to address these concerns inevitably have impacts that reach beyond the local area. In order to deal fairly with the concerns of all affected parties and yet achieve effective and enforceable measures that address noise issues, Transport Canada has established a process (i.e. Parts 1 through 11 contained in AC 302-002) for implementing or modifying noise abatement procedures and restrictions which requires the exercise of Transport Canada's regulatory authority (see Attachment 2).

The process is one that originates at the airport level and proceeds from the site to the Transport Canada regional office and eventually makes its way to the national regulatory process centre in Ottawa. The various stages of the process (11 in total) are designed to ensure that equity and fairness are observed and that consultation with the affected parties is completed.

The process is extensive and is usually undertaken by an independent consultant retained by the Airport Operator, with a background in airport planning and a familiarity with the requirements of the AC 302-002 process.

Details of Parts 1 and 2 of the AC 302-002 process are identified in Report DS-21-190 (see Attachment 3). An overview of the public and stakeholder consultation that was undertaken as part of Part 2 of the AC 302-002 process is identified below.

### **5.3 Overview of Part 2 of the Advisory Circular 302-002 Process: Public and Stakeholder Consultation**

In order to satisfy the requirements of Part 2 of the AC 302-002 process, consultation was undertaken to solicit public and stakeholder input on the fourteen (14) Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport (see Attachment 5). As described in Step 2 of the AC 302-002 process, proponents are required to conduct consultation with all affected parties, including:

- Airport management/operator;
- Noise management committee (where applicable);
- Community representatives;
- NAV Canada;
- Air Transport Association of Canada;
- Canadian Business Aviation Association;
- Canadian Owners and Pilots Association;
- All scheduled Operators who operate at the Airport;
- Transport Canada; and
- All fixed base Operators at the Airport.

Details on the consultation that was undertaken with all affected parties are described below.

Additionally, notice of the public and stakeholder consultation was promoted to the community and stakeholders through various mediums, including media materials, social media, and print and digital promotional material.

#### **5.3.1 Virtual Public Workshops**

A series of four virtual workshops were held by City staff, the Airport Manager and HM Aero for community members and Airport users. The virtual workshops consisted of two virtual workshops for community members and two virtual workshops for Airport users, offering each group availability to attend a daytime meeting or an evening meeting to provide input on the Draft Proposed Noise Abatement Procedures.

Notice of the virtual public workshops was mailed and/or emailed to:

- Property owners located in proximity to the Airport (area generally bounded by Conlin Road to the north, Ritson Road North to the east, Rossland Road to the south and the Oshawa-Whitby boundary to the west);

- All individuals who have provided their contact details at the most recent Airport Community Liaison Committee Town Hall meeting held on September 24, 2019, the South Field Master Plan Public Open House held on May 23, 2019, the two virtual Workshops held on September 29, 2020 and October 1, 2020, and the May 10, 2021 public meeting held regarding the Draft Proposed 2020-2021 Oshawa Executive Airport Action Plan;
- The key stakeholders as noted for the key stakeholder meetings;
- All individuals who have made an Airport noise submission in the last five (5) years that included a mailing address;
- The Town of Whitby; and,
- All tenants at the Oshawa Executive Airport.

A copy of the notice of the virtual public workshops that was mailed and emailed to the public and stakeholders is attached to this Report as Attachment 4.

The virtual public workshops took place on the following dates and times:

- Tuesday, November 23, 2021 from 1:00 p.m. to 3:00 p.m. (Airport Users)
- Tuesday, November 23, 2021 from 6:30 p.m. to 8:30 p.m. (Community Members)
- Wednesday, November 24, 2021 from 1:00 p.m. to 3:00 p.m. (Community Members)
- Wednesday, November 24, 2021 from 6:30 p.m. to 8:30 p.m. (Airport Users)

A combined total of 86 individuals registered for and attended the virtual public workshops. Details on the comments received at the virtual public workshops can be found under Section 3.5 of the Proposed Noise Abatement Procedures Transport Canada Submission document dated February 18, 2022 (see Attachment 9).

### **5.3.2 Stakeholder Consultation**

The City, the Airport Manager and HM Aero hosted the following key stakeholder meetings (in addition to the virtual public workshops for community members and Airport users identified above) to solicit input on the Draft Proposed Noise Abatement Procedures:

- The Airport Community Liaison Committee (held on November 1, 2021 at 2:30 p.m.)
- The Airport Business Plan Working Group (held on November 4, 2021 at 5:00 p.m.)
- Air Transport Association of Canada, Canadian Business Aviation Association and Canadian Owners and Pilots Association (held on November 11, 2021 at 11:00 a.m.)
- Flight Schools who operate at the Airport, including Canadian Flight Academy and Durham Flight Centre (held on November 24, 2021 at 9:30 a.m.)
- Fixed Base Operators at the Airport, including Enterprise Aviation Group Of Companies, Ryan Terminal Holdings, Corporate Aircraft Restorations and Aviation Unlimited (held on November 25, 2021 at 9:00 a.m.)

- NAV Canada (held on November 25, 2021 at 11:00 a.m.)
- Durham Regional Police Service (an additional Operator at the Airport) (held on November 29, 2021 at 11:00 a.m.)
- Transport Canada (held on December 13, 2021 at 12:30 p.m.)

Details on the comments received during the stakeholder meetings can be found under Section 3.4 of the Proposed Noise Abatement Procedures Transport Canada Submission document dated February 18, 2022 (see Attachment 10).

### **5.3.3 Feedback Form**

The City launched and hosted a project website through Connect Oshawa. The project website provided an overview of the project, dates and times of the virtual workshops, key dates in the process, and links to project background materials and the online feedback form.

The online feedback form was available between November 8, 2021 and November 29, 2021. Paper copies of the feedback form were also available, if requested. A total of 376 responses were received from the online feedback form posted on Connect Oshawa.

Details on the comments received from the feedback form can be found under Section 3.6 of the Proposed Noise Abatement Procedures Transport Canada Submission document dated February 18, 2022 (see Attachment 11).

### **5.3.4 Written Submissions**

In addition to the above noted consultation methods, City staff received a number of written submissions from members of the public and businesses/organizations regarding feedback on the Draft Proposed Noise Abatement Procedures, as well as other comments related to the Airport.

Details on the comments received from written submissions can be found under Section 3.7 of the Proposed Noise Abatement Procedures Transport Canada Submission document dated February 18, 2022 (see Attachment 12).

## **5.4 Part 3 of the Advisory Circular 302-002 Process**

Part 3 of the AC 302-002 process requires that the proponent:

- “(a) Fully and clearly explains the impacts to all parties, documenting this consultation and the information produced by this process such that it is clear what has been transmitted to whom and any reactions received;
- (b) Where all parties agree with the proposal, the Airport operator shall submit a description of the proposal and the consultation process.

- Included in the package will be a signoff indicating agreement of the participants; and,
- (c) The consultation process will include descriptions of what information was considered and an explicit indication of agreement to not consider particular items.”

In order to address Part 3 of the AC 302-002 process, HM Aero has documented the following in the Proposed Noise Abatement Procedures Transport Canada Submission document dated February 18, 2022 (see Attachment 8):

- An overview of the materials provided to stakeholders to explain the impacts fully and clearly to all parties;
- The consultation process, including advertising and forms of engagement; and,
- The information produced by the consultation process, including areas of consensus and dissent.

The public and stakeholder input received on the fourteen (14) Draft Proposed Noise Abatement Procedures has been used to refine the proposed solution, where appropriate, as developed in accordance with Part 1 of the AC 302-002 process. As a result, HM Aero has prepared the Proposed Noise Abatement Procedures Transport Canada Submission document, dated February 18, 2022, which contains nine (9) Proposed Noise Abatement Procedures (see Attachment 7). A comparison of the Draft Proposed Noise Abatement Procedures and the final Proposed Noise Abatement Procedures can be found in Attachment 6.

## **5.5 Part 4 of the Advisory Circular 302-002 Process**

Part 4 of the AC 302-002 process requires that:

“Where there is no consensus, the proponent shall document the consultation in the same manner as 3(b) above, include any dissenting views, and will forward this information to the Airport operator for onward transmission to Transport Canada. Dissents should contain all reasons for the position taken.”

Uniform consensus among all stakeholders was not achieved on each of the fourteen (14) Draft Proposed Noise Abatement Procedures. As a result, HM Aero has provided the following in the Proposed Noise Abatement Procedures Transport Canada Submission document, dated February 18, 2022 (see Attachment 8), to address Part 4 of the AC 302-002 process:

- The stakeholder engagement program, including parties that were consulted, information that was provided, and findings gained through consultations;
- The support for, and opposition against, each of the fourteen (14) Draft Proposed Procedures among the various consulted stakeholder groups; and,

- Revisions to the Draft Proposed Noise Abatement Procedures that have been made as a result of stakeholder feedback, resulting in a total of nine (9) updated Proposed Noise Abatement Procedures.

## **5.6 Proposed Noise Abatement Procedures**

Based on all of the information and comments received through public and stakeholder consultation, HM Aero has prepared nine (9) updated Proposed Noise Abatement Procedures for Transport Canada's consideration as mandatory procedures pursuant to the authority of Canadian Aviation Regulation 602.105 and the process established under AC 302-002.

Table 6.2 as detailed in Attachment 7 documents the final nine (9) Proposed Noise Abatement Procedures. The nine Proposed Noise Abatement Procedures relate to:

- Preferential runways;
- Hours when aircraft operations are prohibited or restricted;
- Departure procedures; and
- Prohibition or restriction of training flights.

Staff note that the final nine (9) Proposed Noise Abatement Procedures do not include the imposition of a cap on the number of aircraft movements associated with flight training, although this was thoroughly investigated. The roots of this investigation originate from the direction approved by Council on October 15, 2019 pursuant to Resolution DS-19-183, whereby staff were directed to, amongst other matters:

- review issues concerning flight training with a view of reducing the amount of flight training aircraft traffic, altering the circuit patterns, addressing hours of operation, and addressing noise mitigation opportunities; and,
- obtain input from NAV Canada and Transport Canada as appropriate in order to provide better balance and respect of Oshawa residents' quality of life.

Transport Canada's AC 302-002 process is the only process by which to amend existing or impose new noise abatement procedures, including procedures to prohibit or restrict training flights. As such, on October 26, 2020, Council passed a motion (Item DS-20-124) directing staff to, among other matters, report back to the Development Services Committee on the process under AC 302-002 to establish noise abatement procedures and restrictions at the Oshawa Executive Airport and make a recommendation on what is required for the City to advance that process.

Staff subsequently prepared Report DS-21-23 dated February 3, 2021, which was considered by Council on February 22, 2021. As noted in Section 1.0 of this Report, Council authorized the engagement of a qualified, independent consultant familiar with the AC 302-002 process, resulting in the retention of HM Aero.

In view of the foregoing, a key component of HM Aero's work included investigating how the number of flight training-related aircraft movements may be reduced in order to provide

better balance and respect of Oshawa residents' quality of life. Specifically, the potential to impose a cap on such movements was assessed by HM Aero.

A cap mechanism can theoretically be applied in one of two ways: either through the imposition of an annual cap whereby a maximum number of flight training movements are permitted in any given year, which are monitored on a regular basis by the Airport Manager, or through a booking slot system where a finite number of slots are available for flight training aircraft on a daily basis.

HM Aero advanced an investigation into the practicality of implementing either method but ultimately determined that neither provides a realistic way of imposing a cap. In this regard, HM Aero has advised that there is no manner by which to equitably assign the cap across all flight training users. Further, the data shared by NAV Canada only identifies the aircraft owner, the runway and the time of the flight. It does not identify whether the flight is for flight training purposes. As a result, the Airport Operator would have no way of knowing when an annual cap was achieved/exceeded. Only Transport Canada has the legal ability to request the log book for any aircraft, which contains the details for every flight.

However, Transport Canada has advised that it would only request to review an aircraft log book in the event a transgression of a noise abatement procedure is observed from the control tower or reported by the Airport Operator. It is not practicable to monitor every single aircraft movement to ascertain whether or not it constitutes a movement related to aircraft flight training. In any case, Transport Canada has advised that it will not review log books to determine the veracity of aircraft movements suspected by the Airport Operator to be related to flight training when the sole purpose is to monitor a cap threshold.

This is unlike the nine (9) Proposed Noise Abatement Procedures, which Transport Canada can enforce as they are currently drafted and which the Airport Operator can practicably monitor, given that transgressions with respect to any of the nine (9) procedures would be far fewer in number. This is due in large part to the fact that any pilot found violating any one of the nine (9) Proposed Noise Abatement Procedures could incur significant repercussions, including such consequences as jeopardizing their ability to acquire a commercial pilot licence.

In addition to the non-practicability of imposing a cap due to monitoring limitations, the same limitations apply to establishing a booking slot system to regulate the number of flight training aircraft movements. As noted above, there is no practicable way to determine if an aircraft movement is related to flight training, which is essential in order to allocate booking slots for flight training aircraft. In this regard, Transport Canada has advised that it will not participate in a booking slot system. Staff also note that a booking slot system represents a significant constraint during peak season operations in the event it is implemented in conjunction with the other nine (9) final Proposed Noise Abatement Procedures, as discussed in the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero (see pages 98 to 100 of Attachment 8).

The foregoing discussion regarding the outcome of HM Aero's investigation into the possibility of implementing a cap to reduce the number of flight training-related aircraft

movements exemplifies the narrow limits of the City's control over matters related to the Airport.

As a result of investigating such matters as this, the number of Proposed Noise Abatement Procedures has decreased from the fourteen (14) Draft Proposed Noise Abatement Procedures initially proposed prior to public and stakeholder consultation (identified in Attachment 5), to the nine (9) Proposed Noise Abatement Procedures as outlined in Attachment 7. A comparison of the fourteen (14) Draft Proposed Noise Abatement Procedures and the nine (9) Proposed Noise Abatement Procedures is outlined in Attachment 6. The changes were based on public and stakeholder consultation, are minor in nature and are considered to be non-material to the overall Proposed Noise Abatement Procedures. They are as follows:

- Removal of the following Draft Proposed Noise Abatement Procedures:
  - Arrival Turns
  - Approach Angle
  - Circling Procedures
  - Prior Permission for Flight Training
  - Toronto Zoo
- Clarification on timing regarding the use of preferential runways.
- Updated requirements related to wind conditions for using preferential runways when the NAV Canada tower is open.
- Updated wording to clarify that scheduled engine run-ups associated with aircraft maintenance are to be prohibited from 9:30 p.m. to 7:30 a.m.
- Clarification on when the time of day flight training restrictions are not permitted to depart on specific dates/times.

Through feedback received during the public and stakeholder consultation process and based on the publication of additional reports commissioned by the City of Oshawa (e.g. the Oshawa Executive Airport Ambient Air Quality Monitoring report and the Oshawa Executive Airport Noise Study report, both prepared by R.W.D.I. Consulting Engineers and Scientists), the nine (9) Proposed Noise Abatement Procedures have been re-evaluated based on the impacts of the following ten categories:

1. Implications of Not Proceeding
2. Noise Implications
3. Cost Implications
4. Aircraft Emissions Implications
5. Airport Capacity Implications
6. Implementation Implications
7. Aviation System Implications
8. Air Traffic Management Implications
9. Safety Implications
10. Fleet Implications

The detailed evaluation of the impacts associated with each of the above noted ten categories for the Proposed Noise Abatement Procedures can be found under Section 7 of the Proposed Noise Abatement Procedures Transport Canada Submission document dated February 18, 2022 (see Attachment 8).

## **5.7 Next Steps**

If approved by City Council, the Proposed Noise Abatement Procedures Transport Canada Submission document prepared by HM Aero, dated February 18, 2022, will be submitted to Transport Canada for consideration per Steps 5 through 11 of the AC 302-002 process.

## **6.0 Financial Implications**

The cost of retaining a qualified consultant to advance the noise abatement procedure through the AC 302-002 process was \$68,635 exclusive of H.S.T. and was approved by Council pursuant to Report DS-21-23 dated February 3, 2021. In this regard, staff note that the increased costs of engaging a consultant to advance the noise abatement procedure in excess of the upset limit of \$60,000 were a direct result of the need to hold additional meetings as part of the consultation process approved by City Council.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendations in this Report advance the Accountable Leadership, Economic Prosperity and Financial Stewardship and Environmental Responsibility goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

## Noise Operating Criteria

**CAR 602.105** No person shall operate an aircraft at or in the vicinity of an aerodrome except in accordance with the applicable noise abatement procedures and noise control requirements specified by the Minister in the *Canada Air Pilot* or *Canada Flight Supplement*, including the procedures and requirements relating to

- a) preferential runways;
- b) minimum noise routes;
- c) hours when aircraft operations are prohibited or restricted;
- d) arrival procedures;
- e) departure procedures;
- f) duration of flights;
- g) the prohibition or restriction of training flights;
- h) VFR or visual approaches;
- i) simulated approach procedures; and
- j) the minimum altitude for the operation of aircraft in the vicinity of the aerodrome.



## Advisory Circular

**Subject: Implementation of New or Amended Noise Abatement Procedures**

Issuing Office: Standards

Activity Area: Oversight

File No.: A 5140-14

RDIMS No.: 4340985v6

AC No.: 302-002

Issue No.: 01

Effective Date: 2008-10-15

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## 1.0 INTRODUCTION

This Advisory Circular (AC) is provided for information and guidance purposes. It may describe an example of an acceptable means, but not the only means of demonstrating compliance with regulations and standards. This AC on its own does not change, create, amend or permit deviations from regulatory requirements nor does it establish minimum standards.

### 1.1 Purpose

- (1) The purpose of this Advisory Circular (AC) is to introduce the new *Noise Abatement Procedures and Restrictions Implementation Process*, the completion of which is now required to implement new or amended noise abatement procedures and noise control measures made pursuant to CAR 602.105, at airports and aerodromes.

### 1.2 Applicability

- (1) This document is applicable to all Transport Canada Civil Aviation (TCCA) employees, to Canadian airport and aerodrome operators, air operators, ATS personnel, and is also available to the aviation industry for information purposes.

### 1.3 Description of Changes

- (1) This document, formerly Aerodrome Safety Circular (ASC) 2002-018, Issue 1, has been reissued as Advisory Circular (AC) 302-001. With the exception of minor editorial changes and updated references, the content is unaltered.

## 2.0 REFERENCES AND REQUIREMENTS

### 2.1 Reference Documents

- (1) It is intended that the following reference materials be used in conjunction with this document:
  - (a) Part VI subpart 02 of the Canadian Aviation Regulations (CARs) – *Operating and Flight Rules*;
  - (b) CAR [602.105](#) - *Noise Operating Criteria*;
  - (c) TP 14371 – *Transport Canada – Aeronautical Information Manual* (TC-AIM);

### 2.2 Cancelled Documents

- (1) As of the effective date of this document, the following documents are cancelled:
  - (a) Aerodrome Safety Circular (ASC) 2002-018, Issue 1, dated 2002-11-26—*Implementation of New or Amended Noise Abatement Procedures*.

### 2.3 Definitions and Abbreviations

The following definitions and abbreviations are used in this document:

- (a) **CARC** means the Civil Aviation Regulatory Committee;
- (b) **ANEC** means the Aircraft Noise and Emissions Committee;

## 3.0 BACKGROUND

- (1) In response to concerns expressed over the application of the *Noise Abatement Checklist* contained in Section RAC 4.1.2 of the TC-AIM (TP 14371), a multi-disciplinary working group composed of representation from Federal government departments, NAV CANADA, the Air Transport Association of Canada (ATAC), the Canadian Business Aircraft Association (CBAA), the Federation of Canadian Municipalities, the Canadian Airports Council (CAC) and individual airport operators was formed to review the entire noise abatement procedure implementation process.

- (2) This Working Group, operating under the aegis of the Aircraft Noise and Emissions Committee (ANEC), developed and agreed to a revised process that will ensure full consultation with all stakeholders, that all necessary information is collected and that decisions are made in an informed, fair, participative and transparent manner prior to the implementation of new or changes to the noise abatement procedures at an airport or aerodrome.

#### **4.0 INFORMATION**

##### **4.1 Precedence**

- (1) The moratorium, instituted on September 15, 2000, on the implementation new or changes to an airport or aerodrome's noise abatement procedures is now rescinded.

##### **4.2 Process**

- (1) This AC covers new or amended noise abatement procedures made pursuant to the *Canadian Aviation Regulation* 602.105 authority. The process described in the attached document shall be applied in all cases to enable publication of new or amended noise abatement procedures.
- (2) Proposals for new or amended noise abatement procedures shall be submitted to the Regional Aerodrome and Air Navigation office of Transport Canada and must be completed as outlined in the attached process description.
- (3) This information will be contained in the TC-AIM publication.

##### **4.3 Summary**

- (1) Implementation of new or amendments to noise abatement procedures made pursuant to *Canadian Aviation Regulation* 602.105 must be the subject of consultation with all affected parties.
- (2) Appendix A defines the process, the consultation subjects, and participants in the implementation of noise abatement procedures.

## 5.0 CONTACT OFFICE

For more information please contact the appropriate TC Regional Office – *Aerodromes and Air Navigation*, (Appendix B).

Suggestions for amendment to this document are invited and should be submitted via the Transport Canada Civil Aviation Issues Reporting System (CAIRS) at the following Internet address:

[www.tc.gc.ca/CAIRS](http://www.tc.gc.ca/CAIRS)

or by e-mail at: [CAIRS\\_NCR@tc.gc.ca](mailto:CAIRS_NCR@tc.gc.ca)

New and amended Advisory Circulars (ACs) and/or Staff Instructions (SIs) can be viewed on the Transport Canada website at <http://www.tc.gc.ca/CivilAviation/IMSdoc/menu.htm>.

D.B. Sherritt  
Director, Standards (AART)  
Civil Aviation

## **APPENDIX A – NOISE ABATEMENT PROCEDURES & RESTRICTIONS IMPLEMENTATION PROCESS**

Aircraft noise concerns at airports are local in nature. Certain airports have an obligation to manage local noise issues associated with activity at airports. Measures to address these concerns inevitably have impacts that reach beyond the local area. In order to deal fairly with the concerns of all affected parties and yet achieve effective and enforceable measures that address noise issues, Transport Canada has made revisions to the process for implementing or modifying noise abatement procedures and restrictions which will require the exercise of Transport Canada's regulatory authority. The information to be considered as part of the process has been defined by an industry/government working group reporting to Transport Canada's Aircraft Noise and Emissions Committee.

The process is one that originates at the airport level and proceeds from the site to the Transport Canada regional office and eventually makes its way to the national regulatory process centred in Ottawa. The various stages are designed to ensure that equity and fairness are observed and that consultation with the affected parties is completed. Integral to the implementation/modification of noise abatement procedures and restrictions is the assurance that the process has been followed.

***The individual steps in the process are:***

1. The noise issue is clearly identified by the proponent. Supporting documentation shall consider (where applicable) but not limited to the following, where applicable:
  - a. Description of the problem;
  - b. Proposed solution (including exceptions);
  - c. Alternatives (such as alternative procedures or land uses in the community);
  - d. Costs (such as revenue impact, direct and indirect costs to the community, airport operator and airport users);
  - e. Noise impacts of the proposed solution;
  - f. Effects on aircraft emissions;
  - g. Effect on current and future airport capacity;
  - h. Implications of not proceeding with the proposal;
  - i. Implementation issues (e.g.; aircraft technology; availability of replacement aircraft; ground facilities);
  - j. Impact on the Aviation System;
  - k. Safety implications;
  - l. Air traffic management;
  - m. Fleet impact.
2. The proponent conducts consultation on the proposal with all affected parties to include the following:
  - a. Airport management/operator;
  - b. Noise management committee (where applicable);
  - c. Community representatives;
  - d. NAV CANADA;

- e. Air transport Association of Canada (ATAC)(secretari ally or by delegate);
  - f. Canadian Business Aircraft Association (CBAA)(secretari ally or by delegate);
  - g. Canadian Owners and Pilots Association (COPA)(secretari ally or by delegate);
  - h. All scheduled Operators who operate at the airport;
  - i. Transport Canada;
  - j. All Fixed Base operators on the airport.
3. The proponent:
- a. Fully and clearly explains the impacts to all parties, documenting this consultation and the information produced by this process such that it is clear what has been transmitted to whom and any reactions received.
  - b. Where all parties agree with the proposal, the airport operator shall submit a description of the proposal and the consultation process. Included in the package will be a signoff indicating agreement of the participants
  - c. The consultation process will include descriptions of what information was considered and an explicit indication of agreement to not consider particular items.
4. Where there is no consensus, the proponent shall document the consultation in the same manner as b) above, include any dissenting views, and will forward this information to the airport operator for onward transmission to Transport Canada. Dissents should contain all reasons for the position taken.
5. Regional Aerodrome and Air Navigation Division reviews the documentation and the proposal to ensure that the consultation process has been followed and that the report is complete and accurate, and then refers it to the Director, Civil Aviation Standards (AART) with its recommendation. This report shall include the Regional concurrence or disagreement with the proposal, along with supporting rationale.
6. The Director, Civil Aviation Standards (AART) reviews the submission and obtains headquarters Office of Technical Interest signoff to ensure that the proposal meets the national policy and verifies the national airport system effects, if applicable.
7. Where there is consensus, the proposal will be sent for publication.
8. If there is no agreement, the Director, Civil Aviation Standards (AART) prepares briefing explanatory notes for forwarding to the Aircraft Noise and Emissions Committee (ANEC) members.
9. The Director, Civil Aviation Standards (AART) will call a meeting of the ANEC to schedule a proposal review.
10. Where dissents have been forwarded, the Director, Civil Aviation Standards (AART) prepares notes and forwards an issue paper to the Secretariat of the Civil Aviation Regulatory Committee (CARC) for inclusion on a CARC meeting agenda.
11. If no dissents or CARC has rendered a decision, the Director, Civil Aviation Standards (AART) arranges with the region to publish procedure or restriction.

## **SUMMARY OF HEADQUARTERS PROCESS**

Submission Receipt

No Dissent → Publish

→ c.c. CARC

Dissent → CARC Approves → Publish

↓ NO

Return to Airport Operator

## **APPENDIX B – TRANSPORT CANADA REGIONAL OFFICES**

### **1) Pacific Region**

Aerodromes and Air Navigation  
620-800 Burrard St.  
Vancouver, B.C.  
V6Z 2J8  
Phone (604) 666-2103  
Fax (604) 666-1175

### **2) Prairie & Northern Region**

Aerodromes and Air Navigation  
PO Box 8550  
344 Edmonton  
Winnipeg, Manitoba  
R3C 0P6  
Phone (204) 983-4335  
Fax (204) 983-0281

1100 Canada Place  
9700 Jasper Avenue  
Edmonton, Alberta  
T5J 4E6  
Phone (780) 495-3850  
Fax (780) 495-5190

### **3) Ontario Region**

Aerodromes and Air Navigation  
4900 Yonge St.  
Suite 300  
North York, Ontario  
M2N 6A5  
Phone (416) 952-0335  
Fax (416) 952-0050

### **4) Quebec Region**

Aerodromes and Air Navigation  
700 Leigh Capr  ol, Suite 4086  
Dorval, Quebec  
H4Y 1G7  
Phone (514) 633-3252  
Fax (514) 633-3052

### **5) Atlantic Region**

Aerodromes and Air Navigation  
P.O. Box 42  
95 Foundry Street  
Moncton N.B.  
E1C 8K6  
Phone (506) 851-3342  
Fax (506) 851-3022

# Provide feedback on the Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport



This notification is to advise you of upcoming virtual workshops hosted by the City of Oshawa to obtain input on the Draft Proposed Noise Abatement Procedures for the Oshawa Executive Airport. The draft procedures were developed in consultation with H.M. Aero Aviation Consulting, a professional team of individuals with significant airport-related experience including familiarity with the creation of noise abatement procedures. The Draft Proposed Noise Abatement Procedures outlined in Report DS-21-190 and other information including an Executive Summary are available at **[ConnectOshawa.ca/AirportFeedback](https://connectoshowa.ca/AirportFeedback)**.

Using the federal process prescribed by Transport Canada to develop a solution, the Draft Proposed Noise Abatement Procedures work to address noise, safety and air quality concerns identified in the 2021-2022 Oshawa Executive Airport Action Plan and raised during the fall 2020 virtual workshops related to flight training aircraft traffic, circuit patterns, hours of operation and noise. Community members and airport users can provide feedback on the City's Draft Proposed Noise Abatement Procedures in the following ways:

## Virtual Workshops

To ensure effective, focused workshops, participants must register in advance by visiting **<https://airportworkshops.eventbrite.ca>** and selecting one of the date options. Registration is limited to one date per participant. In the event that registration reaches capacity and registration becomes unavailable, please contact Planning Services (**[planning@oshowa.ca](mailto:planning@oshowa.ca)**; 905-436-3311).

The four date and time options are as follows:

- Tuesday, November 23; 1:00 – 3:00 p.m. Airport Users
- Tuesday, November 23; 6:30 – 8:30 p.m. Community Members
- Wednesday, November 24; 1:00 – 3:00 p.m. Community Members
- Wednesday, November 24; 6:30 – 8:30 p.m. Airport Users

The workshops will take place with Webex meeting software available via desktop, laptop, mobile app or phone. Login and phone details will be communicated to registered participants two business days before the workshop via the method they used to register. Individuals who would prefer to register via phone, or who require alternate formats or accommodations, are asked to contact Planning Services (**[planning@oshowa.ca](mailto:planning@oshowa.ca)**; 905-436-3311). Those that are unable to attend a workshop can participate by completing the feedback form online at **[ConnectOshawa.ca/AirportFeedback](https://connectoshowa.ca/AirportFeedback)**.

## Feedback Form

Community members and airport users are invited to provide feedback by visiting **[ConnectOshawa.ca/AirportFeedback](https://connectoshowa.ca/AirportFeedback)** to review the Draft Proposed Noise Abatement Procedures and complete an online feedback form. Community members and Airport users who prefer to complete the feedback form on paper are asked to call Service Oshawa at 905-436-3311 during business hours.

Feedback will be received until noon on Monday, November 29, 2021 and will be used to refine the Draft Proposed Noise Abatement Procedures where appropriate, which will be presented to the Development Services Committee and Council for consideration.

Stay informed about the Oshawa Executive Airport by subscribing (**[Oshawa.ca/Subscribe](https://oshowa.ca/Subscribe)**) to the Airport news feed and following the Oshawa Executive Airport on Twitter **[@OshExecAirport](https://twitter.com/OshExecAirport)**. For more information on the Oshawa Executive Airport, visit: **[Oshawa.ca/Airport](https://oshowa.ca/Airport)** or call 905-576-8146.

Table 2.2 - Draft Proposed Noise Abatement Procedures

No.	Draft Proposed Procedure
<b>602.105(a) Preferential Runways</b>	
1	<b>Tower Closed Preferential Runways:</b> When the Air Traffic Control Tower is closed, pilots shall use Runway 12 for arrivals and Runway 30 for departures consistent with safety of operations.
2	<b>Tower Open Preferential Runways:</b> Aircraft will use Runway 30 when the winds are from a heading of 210° (incrementally) to 030° at up to 10 kts (18.52 km/h) or from a heading of 031° (incrementally) to 209° at up to 5 kts (9.26 km/h).
<b>602.105(c) Hours When Aircraft Operations are Prohibited or Restricted</b>	
3	<b>Overnight Restricted Hours:</b> Between the hours of 9:30 PM and 7:30 AM, only police, medical and industrial emergency flights are permitted to arrive at and depart from the Airport. Airport tenants with aircraft based at the Airport are permitted to arrive between the hours described above, but are not permitted to depart, independent from police, medical, and industrial emergency flights.
4	<b>Overnight Engine Run-Ups:</b> Engine run-ups associated with aircraft maintenance are prohibited from 9:30 PM to 7:30 AM.
<b>602.105(d) Arrival Procedures</b>	
5	<b>Arrival Turns:</b> Aircraft arriving at the Airport will remain at least 1,000 ft. ASL (540 ft. AGL) before making the turn for their final approach for landing.
6	<b>Approach Angle:</b> Approaches are to remain on or above an assumed 3° glide slope.
7	<b>Circling Procedures:</b> If weather conditions permit, circling procedures are to be conducted at 1,460 ft. ASL (1,000 ft. AGL).
<b>602.105(e) Departure Procedures</b>	
8	<b>Departure Turns:</b> Aircraft departing the Airport will continue to fly on the runway heading until they reach 1,000 ft. ASL (540 ft. AGL) before making any turns.
<b>602.105(g) Prohibition or Restriction of Training Flights</b>	
9	<b>Prior Permission for Flight Training:</b> Prior permission by the Airport Manager is required for all flight training, including private and commercial pilot recurrent training.
10	<b>Time of Day Flight Training Restrictions:</b> Flight training is not permitted Friday-Monday before 8:00 AM and after 4:00 PM May 1 – September 30; and Friday-Monday before 8:00 AM and after 8:00 PM October 1 – April 30.
11	<b>Alternating Seasonal Weekend Flight Training Restrictions:</b> Flight training is not permitted on the 1 <sup>st</sup> and 3 <sup>rd</sup> Sunday of the month and 2 <sup>nd</sup> and 4 <sup>th</sup> Saturday of the month from May 1 – September 30.
12	<b>Statutory Holiday Flight Training Restrictions:</b> Flight training is not permitted on the following federal statutory holidays: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; National Day for Truth and Reconciliation; Thanksgiving Day; Remembrance Day; Christmas Day; and Boxing Day.
13	<b>Circuit Flight Training Restrictions:</b> A maximum of 4 aircraft are permitted in the circuit for training purposes for any runway at any given time.
<b>602.105(j) Minimum Aerodrome Operation Altitudes</b>	
14	<b>Toronto Zoo:</b> Pilots are to maintain 2000 ASL or above over Toronto Zoo (N43 49 05 W79 11 15).

Table 6.1 – Comparison of Draft Proposed Procedures and Final Proposed Procedures

No.	Draft Proposed Noise Abatement Procedure	Findings Resulting in Change(s) to Proposed Procedures	Final Proposed Noise Abatement Procedure
<b>602.105(a) Preferential Runways</b>			
1	<b>Tower Closed Preferential Runways:</b> When the Air Traffic Control Tower is closed, pilots shall use Runway 12 for arrivals and Runway 30 for departures consistent with safety of operations.	<ul style="list-style-type: none"> <li>• Transport Canada noted that the Draft Proposed Procedures cannot compel pilots to conduct an unsafe action. Recommended the use of more safety-forward language.</li> <li>• Concerns were voiced by aviation users regarding the potential for converging arrival and departure paths.</li> <li>• Questions were raised on implications if the Air Traffic Control Tower hours of operation are changed.</li> </ul>	<b>Overnight Preferential Runways:</b> <u>Between the hours of 9:30 PM and 7:30 AM, consideration should be given to using Runway 12 for arrivals and Runway 30 for departures,</u> consistent with safety of operations.
2	<b>Tower Open Preferential Runways:</b> Aircraft will use Runway 30 when the winds are from a heading of 210° (incrementally) to 030° at up to 10 kts (18.52 km/h) or from a heading of 031° (incrementally) to 209° at up to 5 kts (9.26 km/h).	<ul style="list-style-type: none"> <li>• Significant safety concerns were raised regarding the proposed tailwind and crosswind limits by Flight Training Units, industry associations, and aviation users.</li> <li>• NAV CANADA was concerned about the potential for runway reassignments and operational disruptions if pilots do not accept clearances for Runway 30 during crosswinds and tailwinds.</li> <li>• Transport Canada recommended that the tailwind element be removed and the crosswind element be reduced.</li> </ul>	<b>Tower Open Preferential Runways:</b> Aircraft will use Runway 30 when the winds are from a heading of 210° (incrementally) to 030° <u>at up to 5 kts.</u>

No.	Draft Proposed Noise Abatement Procedure	Findings Resulting in Change(s) to Proposed Procedures	Final Proposed Noise Abatement Procedure
<b>602.105(a) Preferential Runways</b>			
<b>602.105(c) Hours When Aircraft Operations are Prohibited or Restricted</b>			
3	<b>Overnight Restricted Hours:</b> Between the hours of 9:30 PM and 7:30 AM, only police, medical and industrial emergency flights are permitted to arrive at and depart from the Airport. Airport tenants with aircraft based at the Airport are permitted to arrive between the hours described above, but are not permitted to depart, independent from police, medical, and industrial emergency flights.	<ul style="list-style-type: none"> <li>• Transport Canada voiced concern that users and businesses would be negatively impacted.</li> <li>• Concerns were voiced by Flight Training Units, airport businesses, and users regarding the ability to conduct overnight initial and recurrent training.</li> </ul>	No changes; Draft Proposed Procedure carried forward
4	<b>Overnight Engine Run-Ups:</b> Engine run-ups associated with aircraft maintenance are prohibited from 9:30 PM to 7:30 AM.	<ul style="list-style-type: none"> <li>• Requests were received that the wording be clarified to better match the intent of the Draft Proposed Procedure.</li> </ul>	<b>Overnight Engine Run-Ups:</b> <u>Scheduled</u> engine run-ups associated with aircraft maintenance are prohibited from 9:30 PM to 7:30 AM.
<b>602.105(d) Arrival Procedures</b>			
5	<b>Arrival Turns:</b> Aircraft arriving at the Airport will remain at least 1,000 ft. ASL (540 ft. AGL) before making the turn for their final approach for landing.	<ul style="list-style-type: none"> <li>• NAV CANADA does not have the systems or radar coverage available to monitor for compliance. Clearances with altitude restrictions will not be issued.</li> <li>• Transport Canada voiced concerns that sufficient evidence may not be available to determine compliance / noncompliance with the Draft Proposed Procedures.</li> </ul>	Draft Proposed Procedures removed
6	<b>Approach Angle:</b> Approaches are to remain on or above an assumed 3° glide slope.		

No.	Draft Proposed Noise Abatement Procedure	Findings Resulting in Change(s) to Proposed Procedures	Final Proposed Noise Abatement Procedure
<b>602.105(a) Preferential Runways</b>			
7	<b>Circling Procedures:</b> If weather conditions permit, circling procedures are to be conducted at 1,460 ft. ASL (1,000 ft. AGL).	<ul style="list-style-type: none"> <li>The Proposed Procedures will continue to be published through the Instrument Approach Procedures, and noise from arrivals was not identified as a significant area of concern.</li> </ul>	
<b>602.105(e) Departure Procedures</b>			
8	<b>Departure Turns:</b> Aircraft departing the Airport will continue to fly on the runway heading until they reach 1,000 ft. ASL (540 ft. AGL) before making any turns.	<ul style="list-style-type: none"> <li>NAV CANADA does not have the systems or radar coverage available to monitor compliance. Clearances with altitude restrictions will not be issued.</li> <li>Transport Canada voiced concerns that sufficient evidence may not be available to determine compliance / noncompliance with the Proposed Procedures.</li> </ul>	<b>Departure Turns:</b> <u>Departing aircraft</u> will continue to fly on the runway heading until they reach 1,000 ft. ASL (540 ft. AGL) before making any turns.
<b>602.105(g) Prohibition or Restriction of Training Flights</b>			
9	<b>Prior Permission for Flight Training:</b> Prior permission by the Airport Manager is required for all flight training, including private and commercial pilot recurrent training.	<ul style="list-style-type: none"> <li>Transport Canada noted that the level of effort for the Airport Manager will be significant, and that consideration should be given to removal. Certified Flight Instructors should be briefing their students on applicable restrictions.</li> <li>Consulted industry associations were concerned that the proposal grants too much discretionary authority to the Airport Manager and adds another task during pre-flight preparation.</li> <li>Flight Training Units were concerned from an implementation perspective.</li> </ul>	Draft Proposed Procedure removed

No.	Draft Proposed Noise Abatement Procedure	Findings Resulting in Change(s) to Proposed Procedures	Final Proposed Noise Abatement Procedure
<b>602.105(a) Preferential Runways</b>			
10	<b>Time of Day Flight Training Restrictions:</b> Flight training is not permitted Friday-Monday before 8:00 AM and after 4:00 PM May 1 – September 30; and Friday-Monday before 8:00 AM and after 8:00 PM October 1 – April 30.	<ul style="list-style-type: none"> <li>• NAV CANADA does not have the authority to deny a takeoff, taxi, or landing clearance to a flight training aircraft, and it is assumed that flight training aircraft will be individually responsible for operating in compliance with the Proposed Procedures.</li> <li>• Transport Canada noted that it is at the City's discretion to request Transport Canada to restrict flight training activity. However, Transport Canada voiced concerns regarding the cumulative impacts of restricting flight training activity, including the decrease in movements and impacts to Flight Training Units. Enforcement will be contingent on the availability of sufficient information on the actual purpose of the flight in question.</li> </ul>	<b>Time of Day Flight Training Restrictions:</b> Flight training is not permitted to <u>depart</u> Friday-Monday before 8:00 AM and after 4:00 PM May 1 – September 30; and Friday-Monday before 8:00 AM and after 8:00 PM October 1 – April 30.
11	<b>Alternating Seasonal Weekend Flight Training Restrictions:</b> Flight training is not permitted on the 1 <sup>st</sup> and 3 <sup>rd</sup> Sunday of the month and 2 <sup>nd</sup> and 4 <sup>th</sup> Saturday of the month from May 1 – September 30.		No changes; Draft Proposed Procedure carried forward
12	<b>Statutory Holiday Flight Training Restrictions:</b> Flight training is not permitted on the following federal statutory holidays: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; National Day for Truth and Reconciliation; Thanksgiving Day; Remembrance Day; Christmas Day; and Boxing Day.	<ul style="list-style-type: none"> <li>• The consulted Flight Training Units stated that the Draft Proposed Procedures are overly restrictive. The summer months are the best periods for flight training on account of the longer daylight hours and more favorable weather.</li> <li>• Significant concerns were voiced by aviation users and stakeholders on the impacts of restricting flight training activity.</li> <li>• From a safety perspective, users requested that only departures be restricted so that aircraft can return without rushing pre-flight preparations or travelling in unfavourable conditions.</li> </ul>	No changes; Draft Proposed Procedure carried forward
13	<b>Circuit Flight Training Restrictions:</b> A maximum of 4 aircraft are permitted in the circuit for training purposes for any runway at any given time.		<b>Circuit Restrictions:</b> A maximum of 4 aircraft are permitted in the circuit for training purposes for any runway at any given time.

No.	Draft Proposed Noise Abatement Procedure	Findings Resulting in Change(s) to Proposed Procedures	Final Proposed Noise Abatement Procedure
<b>602.105(a) Preferential Runways</b>			
<b>602.105(j) Minimum Aerodrome Operation Altitudes</b>			
14	<b>Toronto Zoo:</b> Pilots are to maintain 2000 ASL or above over Toronto Zoo (N43 49 05 W79 11 15).	<ul style="list-style-type: none"> <li>• The Draft Proposed Procedure transcends the scope of noise abatement at Oshawa Executive Airport and does not address a specific community concern.</li> </ul>	Draft Proposed Procedure removed

**Table 6.2 - Final Proposed Noise Abatement Procedures**

No.	Final Proposed Noise Abatement Procedure
<b>602.105(a) Preferential Runways</b>	
1	<b>Overnight Preferential Runways:</b> Between the hours of 9:30 PM and 7:30 AM, consideration should be given to using Runway 12 for arrivals and Runway 30 for departures, consistent with safety of operations.
2	<b>Tower Open Preferential Runways:</b> Aircraft will use Runway 30 when the winds are from a heading of 210° (incrementally) to 030° at up to 5 kts.
<b>602.105(c) Hours When Aircraft Operations are Prohibited or Restricted</b>	
3	<b>Overnight Restricted Hours:</b> Between the hours of 9:30 PM and 7:30 AM, only police, medical and industrial emergency flights are permitted to arrive at and depart from the Airport. Airport tenants with aircraft based at the Airport are permitted to arrive between the hours described above, but are not permitted to depart, independent from police, medical, and industrial emergency flights.
4	<b>Overnight Engine Run-Ups:</b> Scheduled engine run-ups associated with aircraft maintenance are prohibited from 9:30 PM to 7:30 AM.
<b>602.105(e) Departure Procedures</b>	
5	<b>Departure Turns:</b> Departing aircraft will continue to fly on the runway heading until they reach 1,000 ft. ASL before making any turns.
<b>602.105(g) Prohibition or Restriction of Training Flights</b>	
6	<b>Time of Day Flight Training Restrictions:</b> Flight training aircraft are not permitted to depart Friday-Monday before 8:00 AM and after 4:00 PM May 1 – September 30; and Friday-Monday before 8:00 AM and after 8:00 PM October 1 – April 30.
7	<b>Alternating Seasonal Weekend Flight Training Restrictions:</b> Flight training is not permitted on the 1st and 3rd Sunday of the month and 2nd and 4th Saturday of the month from May 1 – September 30.
8	<b>Statutory Holiday Flight Training Restrictions:</b> Flight training is not permitted on the following federal statutory holidays: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; National Day for Truth and Reconciliation; Thanksgiving Day; Remembrance Day; Christmas Day; and Boxing Day.
9	<b>Circuit Restrictions:</b> A maximum of 4 aircraft are permitted in the circuit for training purposes for any runway at any given time.

## 3.5 Stakeholder Findings – Public Meetings

### 3.5.1 Airport Users

Two public meetings were convened with Airport users on November 23 and November 24, 2021. A combined total of 86 individuals registered for and attended the two workshops.

#### General Comments and Questions (Draft Proposed Procedures)

- Concerns were voiced that noise abatement procedures with wide-ranging impacts are being requested to address the concerns of a limited subset of the population of Oshawa.
- The Draft Proposed Procedures are overly restrictive and will detrimentally impact Airport users, Flight Training Units, and businesses.
- The Draft Proposed Procedures will make it significantly harder for individuals employed for standard work hours (i.e., “9 to 5”) to complete their flight training. The impacts analysis does not consider whether students will terminate their flight training at the Airport.
- The wording of the Draft Proposed Procedures should be simplified to assist pilots in understanding the regulations and achieving compliance. The number and complexity of the Draft Proposed Procedures may be difficult to navigate.
- The economic impacts analysis fails to consider decreased on-Airport employment as activity is reduced, including Aircraft Maintenance Engineers, support staff, etc. The loss of students altogether must also be considered if they can complete their training more expeditiously elsewhere.
- The basis for the Draft Proposed Procedures being considered (i.e., residents with noise concerns) was repeatedly called into question. Without a demonstration of the Airport’s economic and social benefits, the consultation process is based on incomplete information.
- Relying on complaint data to diagnose the problem underrepresents the wider support of residents that do not necessarily vocalize their opinions.
- Ambient noise from roads and other sources causes more noise than the Airport does – why is this process being initiated?
- Many community members see value in the Airport and enjoy its operation.
- The increased prevalence of individuals working from home during the COVID-19 pandemic skews the noise complaint dataset. Residences logging repeated complaints may be skewing the dataset, and this should be explained in greater detail in the report.
- The Draft Proposed Procedures are part of a broader push to shut down the Airport.
- The increase in aircraft activity and noise has occurred gradually and may be interpreted as a sign of Airport health and success.
- The shifting of activity to other uncontrolled airports (e.g., Peterborough, Lindsay, Toronto / Buttonville) will decrease safety at these facilities and potentially result in noise concerns in their respective communities.
- What happens if noise complaints continue to be filed or increase – will the AC 302-002 process be initiated anew? Will additional noise abatement procedures be introduced in the future?
- The combined impacts of the Draft Proposed Procedures and the revised landing fees being implemented in January 2022 should be considered.

- Not all aircraft have the same noise profiles. Less noisy aircraft should be exempted from the Draft Proposed Procedures.
- What role will NAV CANADA have in enforcing the Draft Proposed Procedures?
- Will the Automated Terminal Information Service frequency advise pilots of the Draft Proposed Procedures?
- How can this project be independent if the consultant is retained by the City?
- If aircraft movements decrease as a result of the Draft Proposed Procedures, will the NAV CANADA Air Traffic Control Tower be closed? What are the safety implications associated with that potential development?
- The definition of flight training should be clarified within Draft Proposed Procedures 9-13.
- Aircraft sizes, types, and noise profiles should be treated differently within the Draft Proposed Procedures.
- The safety implications of the concentration of traffic during unrestricted hours should be noted.
- Shifting traffic from the Airport to others in the region will increase flight times for aircraft transiting to these facilities, increasing emissions counter to climate change goals.
- The cumulative impacts of the Draft Proposed Procedures and the landing fees being implemented in January 2022 should be considered.

#### **Draft Proposed Procedure 1 – Tower Closed Preferential Runways**

- Draft Proposed Procedure 1 is atypical of procedures established at other Canadian airports and will introduce a safety risk with aircraft operators arriving and departing on converging tracks.

#### **Draft Proposed Procedure 2 – Tower Open Preferential Runways**

- Increased crosswind and tailwind limits are a safety risk and may exceed the skill levels of certain pilots.
- Tailwind operations will decrease aircraft takeoff and landing performance at Maximum Takeoff Weight.

#### **Draft Proposed Procedure 3 – Overnight Restricted Hours**

- Draft Proposed Procedure 3 unduly impacts businesses based at the Airport based on a small proportion of the total population of Oshawa.
- The Draft Proposed Procedure is unreasonably restrictive for private pilots and users of the Airport.
- Maintaining nighttime currency during the summer months will be challenging, in combination with Draft Proposed Procedures 9-13.
- Changing the hours of operation by one hour on each end may not result in a material impact for residents.
- One respondent noted that Draft Proposed Procedure 3 may be supportable.

#### **Draft Proposed Procedure 4 – Overnight Engine Run-Ups**

- The Draft Proposed Procedure may be reworded to clearly identify that it is addressing extended duration maintenance run-ups, as opposed to pre-flight checks.

- Consideration should be given to exempting run-ups for aircraft that have had a maintenance issue, and instead only limiting scheduled maintenance run-ups
- One respondent noted that Draft Proposed Procedure 4 may be supportable.

#### **Draft Proposed Procedure 5 – Arrival Turns**

- One respondent noted that Draft Proposed Procedure 5 may be supportable.
- Would lower arrival turns closer to the Airport be of more benefit versus extended duration final approach legs?

#### **Draft Proposed Procedure 6 – Approach Angle**

- One respondent noted that Draft Proposed Procedure 6 may be supportable.
- How will engine-out landings / low approaches be practiced without violating Draft Proposed Procedure 6?

#### **Draft Proposed Procedure 7 – Circling Procedures**

- One respondent noted that Draft Proposed Procedure 7 may be supportable.

#### **Draft Proposed Procedure 8 – Departure Turns**

- One respondent noted that Draft Proposed Procedure 8 may be supportable.

#### **Draft Proposed Procedure 9 – Prior Permission for Flight Training**

- How will the City / Airport Operator know if a flight is actually for flight training purposes, as opposed to a flight training aircraft being used for recreational or sightseeing purposes?
- Draft Proposed Procedure 9 should be reworded to clarify that prior contact is required, as opposed to prior permission.

#### **Draft Proposed Procedure 10 – Time of Day Flight Training Restrictions**

- The 4:00 PM restriction will increase the difficulty experienced by individuals working traditional 8:00-4:00 / 9:00-5:00 hours in scheduling their flight training.

#### **Draft Proposed Procedure 13 – Circuit Flight Training Restrictions**

- The proposed limit may be excessive, as the Airport typically operates with a maximum of 5 to 8 aircraft in the circuit.
- Limiting the circuit capacity may result in aircraft holding over residential neighbourhoods while waiting to enter the circuit.
- How will Draft Proposed Procedure 13 be implemented and enforced?

#### **Draft Proposed Procedure 14 – Toronto Zoo**

- The question was posed as to why Draft Proposed Procedure 14 is being included in the Airport-specific noise abatement procedures.

#### **General Comments and Questions (Other)**

- Increased community outreach should occur in the future to better connect residents with the Airport.
- Why are land use planning measures not also being considered to address resident noise concerns?
- Real estate agents are allegedly trying to downplay the noise impacts of the Airport to prospective buyers.

### 3.5.2 Community Members

Two public meetings were convened with community members on November 23 and November 24, 2021. A total of 109 individuals registered for the two workshops, and the combined attendance of the two workshops was 86 individuals.

#### General Comments and Questions (Draft Proposed Procedures)

- The Draft Proposed Procedures should be tailored to provide sufficient reprieve for residents of Whitby.
- Low flying aircraft are a source of concern and should be addressed through the Draft Proposed Procedures.
- How will monitoring and enforcement occur, how will repeat offenders be tracked, and what reprimands will exist? Will residents be able to report alleged deviations?
- Will the noise abatement procedures, when enacted, be reviewed on a regular (e.g., annual) basis? Can they be revisited if improvements are not experienced?
- Will activity continue to grow at the Airport in the future regardless of the Draft Proposed Procedures?
- All noise abatement procedures should be mandatory, with no voluntary procedures to remain.
- NAV CANADA should be consulted to determine whether increased separation can be provided between departures.
- Will the total number of aircraft movements be reduced, or will traffic be reallocated to nonrestricted periods?
- The Draft Proposed Procedures may negatively impact the viability of the businesses located at the Airport.
- The flight training restrictions proposed may be overly onerous for the based Flight Training Units, especially during the summer months.
- Was consideration given to capping the annual number of flight training movements?
- Was consideration given to mandating the use of less noisy aircraft, or establishing procedures specific to turbofan / turboprop aircraft?
- Was consideration given to establishing “no fly zones” near the Airport?
- Will flight training restrictions address touch-and-go’s and stop-and-go’s?
- With respect to the AC 302-002 process, do all community members need to reach consensus regarding the proposal?
- With respect to the AC 302-002 process, will residents be informed of substantive changes to the Draft Proposed Procedures?

#### Draft Proposed Procedure 2 – Tower Open Preferential Runways

- The preferential runway usage criteria may result in more frequent overflights lands northwest of the Airport.
- Runway 05 seems to be very busy; will this be addressed by Draft Proposed Procedure 3?

#### Draft Proposed Procedure 3 – Overnight Restricted Hours

- Why are industrial emergency flights exempted in the same manner as air ambulance and law enforcement operations? Who determines what constitutes an industrial emergency flight?

- How will Draft Proposed Procedure 3 address turbofan / turboprop operations overnight?

#### **Draft Proposed Procedures 5-7 – Arrival Procedures**

- Could arrival procedures specific to turbofan aircraft be created?

#### **Draft Proposed Procedure 8 – Departure Turns**

- One respondent indicated that aircraft commonly turn to the south early when departing from Runway 12. Should the minimum altitude for the departure turn be increased to 2,000 ft. ASL when they are within radar coverage?
- How will compliance with Draft Proposed Procedure 8 be tracked and enforced?
- Can turbofan aircraft be assigned a different altitude for their enroute turns?

#### **Draft Proposed Procedure 12 – Statutory Holiday Flight Training Restrictions**

- The August civic holiday should be added to the list, despite not being a federal statutory holiday.

#### **Draft Proposed Procedure 13 – Circuit Flight Training Restrictions**

- Reducing the frequency of aircraft overflights would be a welcome reprieve.
- Clarity is requested between the current voluntary maximum of 12 aircraft and the realistic practical capacity of 8 aircraft.

#### **General Comments and Questions (Other)**

- A perception was voiced that activity levels have increased significantly over the past 18 to 24 months.
- The online noise complaint tool does not allow for the input of Whitby addresses.
- Can only one Flight Training Unit be permitted at the Airport, as opposed to two?
- The Airport is unsuited for high volume flight training given its urban residential land use context. Can the Airport be moved?
- Concern was voiced that aircraft were modifying their flight paths to avoid noise monitoring units.
- One respondent noted that regardless of fluctuations in activity levels, residents may be discontent but not voicing their concerns.
- Can Runway 23 be switched from a right-hand circuit to a left-hand circuit?
- Was consideration given to closing the Flight Training Units or moving them to a more rural airport?
- When are the results of the City's noise and air quality monitoring study to be released?
- What landing fees are charged at the Airport?

## 3.4 Stakeholder Findings – Direct Engagement Sessions

### 3.4.1 Airport Community Liaison Committee

A virtual workshop was convened with the Airport Community Liaison Committee on November 1, 2021. In attendance were Committee members Andy Armstrong, Diane Rapkoski-Mash, and Alice Keenan. In attendance on behalf of the City and Airport were Councillor Jane Hurst, Tom Goodeve (Director of Planning Services), Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

#### General Comments and Questions (Draft Proposed Procedures)

- In general, the Draft Proposed Procedures are not balanced and disproportionately benefit the community versus aviation users.
- In general, the Draft Proposed Procedures are a positive step forward but are not yet enough from a community perspective.
- What authority does Transport Canada have to enable the establishment of mandatory noise abatement procedures?
- How will dissenting views be recorded through the AC 302-002 process?
- Concern was expressed that the process does not appear fair, in the view of the attendee.
- How will the Draft Proposed Procedures be enforced / compliance ensured?

#### Draft Proposed Procedure 3 – Overnight Restricted Hours

- What is defined as an Airport tenant for the application of Draft Proposed Procedure 3?
- How is “depart” defined for the application of Draft Proposed Procedure 3?

#### Draft Proposed Procedure 9 – Prior Permission for Flight Training

- Concern was expressed that a single person (Airport Manager) will have significant authority over flight training.

#### Draft Proposed Procedure 10 – Time of Day Flight Training Restrictions

- Support was given that Draft Proposed Procedure 10 will give residents reprieve during evening meals.

### **Draft Proposed Procedure 11 – Alternating Seasonal Weekend Flight Training Restrictions**

- Support was given that Draft Proposed Procedure 11 will give residents prescheduled reprieve during which to enjoy their weekends.

### **Draft Proposed Procedure 12 – Statutory Holiday Flight Training Restrictions**

- What if aviation users don't observe the noted statutory holidays?

### **Draft Proposed Procedure 13 – Circuit Flight Training Restrictions**

- Concern was expressed that 4 aircraft in the circuit will result in overflights that are too frequent for residents.

### **General Comments and Questions (Other)**

- A Noise Management Committee should be established for the Airport.

### **3.4.2 Airport Business Plan Working Group**

A virtual workshop was convened with the Airport Business Plan Working Group on November 4, 2021. Working Group members Doug Thompson, Warren Hurren, and David Carr were in attendance. In attendance on behalf of the City and Airport were Councillor John Gray, Tom Goodeve (Director of Planning Services), Hailey Wright (Director of Economic Development), Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

### **General Comments and Questions (Draft Proposed Procedures)**

- The relief afforded to residents through the Draft Proposed Procedures may be beneficial.
- Additional analysis may be warranted on the financial impacts of the Draft Proposed Procedures, including with an emphasis on impacts to the two Flight Training Units based at the Airport.

### **3.4.3 ATAC, COPA, and CBAA**

A virtual workshop was convened with representatives from the Air Transport Association of Canada (ATAC), Canadian Business Aviation Association (CBAA), and the Canadian Owners and Pilots Association (COPA) on November 22, 2021. In attendance were:

- ATAC: John McKenna, President and CEO;
- CBAA: Anthony Norejko, President and CEO; and
- COPA: Christine Gervais, President and CEO; and Fadi El Masry, Director of External Relations.

In attendance on behalf of the City and Airport were Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

### **General Comments and Questions (Draft Proposed Procedures)**

- The wording of the Draft Proposed Procedures should be simplified where possible to ensure that pilots will be able to understand and comply with the restrictions when adopted, and to mitigate potential safety issues that may arise from their misinterpretation.
- ATAC – More data should be presented in the study to ensure that the information relied upon is transparent, and clearly available to readers / stakeholders.

- ATAC – Part of the noise challenges being experienced are the result of individuals increasingly working from home and retiring, increasing their exposure to aircraft noise throughout the day. Individuals may also be more inclined to take issue with airport noise versus highways or other elements of public infrastructure.
- ATAC – Draft Proposed Procedures 10-13, are overly restrictive to flight training and may be prohibitory to the operations of the two Flight Training Units.
- ATAC – Potential reductions in activity at the Airport may result in the closure of the NAV CANADA Air Traffic Control Tower.
- ATAC / COPA – Certain elements may be missing from the evaluation of the impacts, such as impacts to on-Airport employment positions. The Flight Training Units and Airport as a whole contribute significantly to the local economy, and this is not mentioned. Further, the question is raised as to whether the economic impacts are justifiable in light of the complaints of approximately 200 residences in 2021. The community should be fully informed of the economic impacts of the Draft Proposed Procedures proceeding, before a decision is made.
- CBAA – Expectations need to be managed and a clear objective should be established – is it zero complaints, a reduction in complaints, etc.?
- CBAA – Consideration should be given to granting exemptions or incentivizing the use of quieter and more environmentally friendly aircraft, such as electric aircraft.
- COPA – How are residences that have filed repeated complaints addressed in the database?
- COPA – The Draft Proposed Procedures will dissuade pilots from operating at the Airport and cause them to fly elsewhere; accordingly, compensation should be considered.

#### **Draft Proposed Procedure 1 – Tower Closed Preferential Runways**

- Concerns were not noted by the three groups with respect to Draft Proposed Procedure 1.

#### **Draft Proposed Procedure 2 – Tower Open Preferential Runways**

- ATAC – Concerns were not noted with respect to Draft Proposed Procedure 2.
- CBAA – Concerns were not noted with respect to Draft Proposed Procedure 2.
- COPA – Draft Proposed Procedure 2 may be supportable, but the safety implications of the increased crosswind and tailwind runway usage conditions must be considered, including accounting for the lower limits of student pilots.

#### **Draft Proposed Procedure 3 – Overnight Restricted Hours**

- ATAC – If noise complaints are analyzed by the time of day, would the 9:30 PM overnight restriction be justifiable / supported by the dataset?
- CBAA – Could overnight restricted hours during the summer months be tied to Transport Canada's definition of "night" – for example, with restrictions commencing 1 hour after official night begins?
- COPA – Draft Proposed Procedure 3 will make it challenging for pilots to complete initial and recurrent nighttime training. In the summer months, could the overnight restricted period begin at 10:30 PM?

#### **Draft Proposed Procedure 4 – Overnight Engine Run-Ups**

- Concerns were not noted by the three groups with respect to Draft Proposed Procedure 4.

### **Draft Proposed Procedures 5-8 – Arrival and Departure Procedures**

- Concerns were not noted by the three groups with respect to Draft Proposed Procedures 5 to 8.

### **Draft Proposed Procedure 9 – Prior Permission for Flight Training**

- ATAC – Draft Proposed Procedure 9 is not supportable and grants too much discretionary authority to the Airport Manager, is another layer of approval to satisfy during pre-flight preparation, and is a safety concern.
- CBAA – Concerns were not noted with respect to Draft Proposed Procedure 9. A wording change may be considered to better articulate that this provision is intended for educational / awareness purposes.
- COPA – Draft Proposed Procedure 9 is not supportable based on the restrictions that it would impose on flight training.

### **Draft Proposed Procedure 10 – Time of Day Flight Training Restrictions**

- ATAC – Draft Proposed Procedure 10 is not supportable. The Draft Proposed Procedures pertaining to flight training may also require renaming to be clearer in their intent and purpose.
- CBAA – The limitations being considered on flight training through Draft Proposed Procedures 10, 11, 12, and 13 are too restrictive. For the affected Flight Training Units, consideration should be given to implementing a tax incentive or compensation program that reflects the decreased revenues that will be experienced.
- CBAA – The restrictions on flight training considered through Draft Proposed Procedures 10, 11, 12, and 13 may negatively affected the Airport's long-term viability. If Flight Training Units are unable to operate and the revenues received by the Airport from flight training decreases, then the financial sustainability of the Airport may be challenged, and the facility could potentially not be available to meet the needs of the community and the businesses that it supports.
- COPA – Draft Proposed Procedure 10 is not supportable. Draft Proposed Procedure 10 would override Draft Proposed Procedure 3, making the latter irrelevant for flight training activity from Friday to Monday. This is overly restrictive and does not represent a balanced solution.

### **Draft Proposed Procedure 11 – Alternating Seasonal Weekend Flight Training Restrictions**

- ATAC – Draft Proposed Procedure 11 is too restrictive for flight training and is not supportable.
- CBAA – Please refer to the views shared for Draft Proposed Procedure 10.
- COPA – Draft Proposed Procedure 11 is too restrictive for flight training and is not supportable.

### **Draft Proposed Procedure 12 – Statutory Holiday Flight Training Restrictions**

- ATAC – Draft Proposed Procedure 12 is not supportable, as it is overly restrictive for flight training.
- CBAA – Please refer to the views shared for Draft Proposed Procedure 10.
- COPA – Arbitrarily choosing holidays that are not observed by all residents / users is overly restrictive. Draft Proposed Procedure 12 is not supportable.

### **Draft Proposed Procedure 13 – Circuit Flight Training Restrictions**

- ATAC – Draft Proposed Procedure 13 is not supportable, as it is overly restrictive for flight training.

- CBAA – Please refer to the views shared for Draft Proposed Procedure 10.
- COPA – With respect to Draft Proposed Procedure 13, this is a significant reduction in the capacity of the circuit, vs. the practical capacity of 6 to 8 aircraft. 4 aircraft is unrealistically low, 8 aircraft may be more reasonable.

#### **Draft Proposed Procedure 14 – Toronto Zoo**

- Concerns were not noted by the three groups with respect to Draft Proposed Procedure 14.

#### **General Comments and Questions (Other)**

- The Airport should be conducting community outreach to improve relationships with its neighbours and demonstrate the economic and social value of the facility.

#### **3.4.4 Flight Training Units**

A virtual workshop with the two Flight Training Units based at the Airport was convened on November 24, 2021, including:

- Durham Flight Centre (DFC): Ken Ruffo, General Manager; Andrew Noonan, Director of Flight Operations; and Rob Thompson, Administration Manager; and
- Canadian Flight Academy (CFA): John Davis, President and David Lorbetskie, Operations Manager.

In attendance on behalf of the City and Airport were Tom Goodeve (Director of Planning Services), Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

Supplementary written comments were also provided by DFC, as documented in Appendix A.

#### **General Comments and Questions (Draft Proposed Procedures)**

- CFA – Were there similar numbers of complaints in 1998 as there were in 2019, given the similar activity levels experienced?
- CFA – Flight training was not operating between March and July of 2020, yet noise complaints continued to be received. Therefore, flight training is not the sole cause of resident discontent.
- CFA – Clarification is requested on the exclusions applied to the aircraft movement datasets.
- CFA – Flight training is highly dependent on weather conditions. Over the last 4 years, an average of 162 days are usable in a given year based on their weather limitations. Additional limitations as identified in the Draft Proposed Procedures will further challenge the operational viability to conduct flight training.
- CFA – The aggregate impact of the Draft Proposed Procedures is a 57% decrease in their operational availability period, decreasing from 2,600 annual hours to 1,111 hours.
- CFA – For the financial impacts analysis, Certified Flight Instructors will have a reduced ability to generate revenue and they may take employment opportunities at other Flight Training Units. The proportion of hours assumed for Certified Flight Instructors should be increased from 50% to 75%.
- CFA – Can the financial impacts for each Flight Training Unit be separated?
- DFC – Continuing with the existing voluntary noise abatement procedures would be a more reasonable approach.
- DFC – Please show the number of aircraft movements prior to 1997 to contextualize the activity levels of 1997 to 2020.

- DFC – Homeowners located near the Airport had to acknowledge that noise will impact their property. How should these complaints be treated – significant impacts will be realized by the Flight Training Units based on the noise concerns of the nearby population.
- DFC – Can the list of airports for which noise abatement procedures were reviewed be published?
- CFA / DFC – Can the Airport's Noise Exposure Forecast contours be plotted against the location of the noise complaints in a report figure?
- CFA / DFC – The activity levels currently being experienced are aligned with the projections of the Airport Business Plan (approximately 102,000 annual movements anticipated). Please show forecast activity levels vs. actual activity levels.
- CFA / DFC – Additional detail is requested on the number of complaints per residential address.
- CFA / DFC – How many houses are in the affected area of the Airport and what is the population?
- CFA / DFC – Are all movements by aircraft registered to a Flight Training Unit recorded / analyzed as flight training? This does not account for private rentals and sightseeing flights. The definition of flight training must be clearly established.
- CFA / DFC – Additional data transparency is requested.

#### **Draft Proposed Procedure 1 – Tower Closed Preferential Runways**

- CFA / DFC – No comments or concerns.

#### **Draft Proposed Procedure 2 – Tower Open Preferential Runways**

- CFA – Students will not be dispatched with a 5 kt tailwind, and students and instructors will be advised not to accept such a clearance by the Air Traffic Control Tower.
- DFC – Dispatching students with tailwinds of 5 kts or less will depend on their individual abilities and safety.
- CFA / DFC – A 10 kt crosswind component may be too high for select students; their Transport Canada-approved crosswind limit is 12 kts, but some students have individual limits under 10 kts. Concern was also expressed that students may not be sufficiently confident to not accept a clearance that exceeds their skill level.

#### **Draft Proposed Procedure 3 – Overnight Restricted Hours**

- CFA / DFC – Of the opinion that the existing overnight restricted hours are more appropriate. CFA noted that this would reduce their ability to generate revenues by 13%.

#### **Draft Proposed Procedure 4 – Overnight Engine Run-Ups**

- CFA / DFC – No comments or concerns.

#### **Draft Proposed Procedures 5-8 – Arrival and Departure Procedures**

- CFA – No comments or concerns.
- DFC – No major concerns were voiced; however, what information will be available to support monitoring for compliance and enforcement activities?

### **Draft Proposed Procedure 9 – Prior Permission for Flight Training**

- CFA / DFC – Both groups expressed concern from an implementation perspective, specifically with whether approval would be required prior to each flight. Refinements to the wording of the Draft Proposed Procedure are requested.

### **Draft Proposed Procedure 10 – Time of Day Flight Training Restrictions**

- CFA – Between May 1 and September 30, Draft Proposed Procedure 10 would decrease their ability to generate revenue by 18%. The summer months are the best period for flight training, and the Draft Proposed Procedure may result in good weather days being lost. From October to April, this would decrease their ability to generate revenue by 9%.
- CFA – Will returning aircraft be permitted to arrive after the commencement of the evening restricted period?
- CFA – The last booking of each day may need to be scheduled approximately 2 hours earlier to ensure students don't contravene the restricted period.
- DFC – The 5 summer months account for 56% of their total annual activity; concern was voiced that limited daylight hours during prime flight training periods would be problematic.
- DFC – Notes that the additional restrictions will limit their ability to flexibly reschedule flights that need to be rebooked from bad weather days.

### **Draft Proposed Procedure 11 – Alternating Seasonal Weekend Flight Training Restrictions**

- CFA – Draft Proposed Procedure 11 would remove a full day per week during their busiest period of operations, or a 6% decrease in their ability to generate revenue.
- DFC – Weekends aren't identified as the most problematic period for noise complaints; why are they being targeted with Draft Proposed Procedure 11?
- DFC – Alternating weekend schedules will be confusing for pilots and may result in increased levels of accidental noncompliance.

### **Draft Proposed Procedure 12 – Statutory Holiday Flight Training Restrictions**

- CFA – This would result in a 4% reduction in their annual ability to generate revenues.
- DFC – Draft Proposed Procedure 12 may be acceptable.

### **Draft Proposed Procedure 13 – Circuit Flight Training Restrictions**

- CFA – This would reduce their ability to generate revenue by 11%.
- DFC – It will be a significant challenge for both Flight Training Units to coordinate their operations and will require that the Airport establishes a slot system.

### **Draft Proposed Procedure 14 – Toronto Zoo**

- CFA / DFC – No comments or concerns.

### **General Comments and Questions (Other)**

- CFA / DFC – The City is focussing on noise abatement procedures without considering other elements of the ICAO Balanced Approach to Aircraft Noise Management, such as land use planning. Why is new development being permitted in noise sensitive areas?

### 3.4.5 Airport Businesses

A virtual workshop with businesses based at the Airport was convened on November 25, 2021, including:

- Enterprise Aviation Group of Companies: Ken Ruffo, General Manager; Andrew Noonan, Director of Flight Operations; and June Stevens, Accounting Manager;
- Aviation Unlimited: Mark Brooks and Isaac Capua;
- Ryan Terminal Holdings: Sol Prizant, President and Sharon Prizant, Director of Marketing; and
- Corporate Aircraft Restorations: Maurice Nesbitt.

In attendance on behalf of the City and Airport were Tom Goodeve (Director of Planning Services), Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

Supplementary written comments were also provided by the Enterprise Aviation Group of Companies, as documented in Appendix A.

#### General Comments and Questions (Draft Proposed Procedures)

- An overarching theme was that the Draft Proposed Procedures are imbalanced in favour of a small subset of the population of Oshawa that files noise complaints, and concern was noted that the Draft Proposed Procedures may not result in a tangible impact in complaint levels. Alternative solutions, such as community outreach, should be implemented as opposed to noise abatement procedures.
- Businesses based at the Airport will be challenged with reduced activity and revenues and may result in spin-off economic impacts such as job reductions and reduced fuel sales. Concern was noted that sufficient attention has not been paid to the impacts to businesses other than the FTUs at the Airport.
- The complexity of the Draft Proposed Procedures is considerable and will make them challenging to implement and enforce. Education of pilots and users must also be considered.
- Safety is not considered to a sufficient degree within the evaluation of the Draft Proposed Procedures and select Procedures may constitute a liability for businesses from a risk perspective.
- Aircraft should be differentiated within the Draft Proposed Procedures according to their noise profiles, and allowances made for next-generation aircraft (e.g., electric aircraft).
- Questions were posed surrounding the cumulative impacts of the Draft Proposed Procedures and the new landing fees that came into effect in January 2022, which have not been analyzed.
- Compensation to Airport businesses should be considered.
- The historical noise complaint dataset is not sufficiently specific or granular to support the development of the Draft Proposed Procedures.
- The suggestion was made that businesses that are negatively impacted should be compensated by the City.

### **Draft Proposed Procedure 1 – Tower Closed Preferential Runways**

- Corporation Aircraft Restorations indicated that Draft Proposed Procedure 1 may be supportable.
- Concern was noted over the safety implications of using a single corridor for arrivals and departures.
- The suggestion was made to tie the Draft Proposed Procedure to set times of day (e.g., aligning with the hours of Draft Proposed Procedure 3) as opposed to link it with the hours of operation of the Air Traffic Control Tower. In the future, the hours of the Tower could be reduced.
- Emergency aircraft should continue to have the ability to choose the most time-efficient runway for arrivals and departures.

### **Draft Proposed Procedure 2 – Tower Open Preferential Runways**

- The tailwind component will constitute a safety and performance risk for aircraft arrivals and departures, especially for larger aircraft that require longer takeoff and landing distances. The suggestion was made to implement a wording change to emphasize using pilot discretion and safety.

### **Draft Proposed Procedure 3 – Overnight Restricted Hours**

- Draft Proposed Procedure 3 was not supported by the Enterprise Aviation Group of Companies, Aviation Unlimited, or Corporate Aircraft Restorations.
- Additional analysis was requested to determine whether people complain at sufficient levels to justify the change contemplated in Draft Proposed Procedure 3.

### **Draft Proposed Procedure 4 – Overnight Engine Run-Ups**

- The question was posed as to why the Draft Proposed Procedure would be considered if this has not been identified as a historical issue.

### **Draft Proposed Procedures 5-8 – Arrival and Departure Procedures**

- The question was posed by the Enterprise Aviation Group of Companies as to how each of the Draft Proposed Procedures will be monitored and enforced.
- Corporate Aircraft Restorations indicated that Draft Proposed Procedures 5-8 may be supportable.

### **Draft Proposed Procedure 9 – Prior Permission for Flight Training**

- Clarification was requested on whether blanket approvals would be included as part of Draft Proposed Procedure 9, and a wording change was suggested to clarify the intent of this procedure.

### **Draft Proposed Procedure 10 – Time of Day Flight Training Restrictions**

- Draft Proposed Procedure 10 was not supported by the Enterprise Aviation Group of Companies, Aviation Unlimited, or Corporate Aircraft Restorations.
- Concern was noted on how the intent of the Draft Proposed Procedure (i.e., to provide periods of scheduled reprieve) was justifiable against the business impacts of such a restriction.

### **Draft Proposed Procedure 11 – Alternating Seasonal Weekend Flight Training Restrictions**

- Draft Proposed Procedure 11 was not supported by the Enterprise Aviation Group of Companies, Aviation Unlimited, or Corporate Aircraft Restorations.

### **Draft Proposed Procedure 12 – Statutory Holiday Flight Training Restrictions**

- The Enterprise Aviation Group of Companies and Aviation Unlimited were not in support of Draft Proposed Procedure 12.
- Corporate Aircraft Restorations indicated that Draft Proposed Procedure 12 may be supportable.

### **3.4.6 Durham Regional Police Service**

A virtual meeting was convened with the Durham Regional Police Service, which bases its law enforcement helicopter at the Airport. The Durham Regional Police Service was represented by Robert Bryan and Lyndon Greene. In attendance on behalf of the City and Airport were Tom Goodeve (Director of Planning Services), Victoria White (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

#### **General Comments and Questions (Draft Proposed Procedures)**

- As law enforcement operations continue to be an exempted activity under the Draft Proposed Procedures, the Durham Regional Police Service did not identify any concerns.
- The question was posed as to how many complaints are attributable to law enforcement helicopter operations, and whether that had been accounted for in the analysis.

### **3.4.7 NAV CANADA**

A virtual meeting was convened with NAV CANADA on November 25, 2021, as represented by Albert (Tyson) Morelli and David Purkis. In attendance on behalf of the City and Airport were Tom Goodeve (Director of Planning Services), Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

#### **General Comments and Questions (Draft Proposed Procedures)**

- NAV CANADA noted that they will not be responsible for enforcement of the Draft Proposed Procedures.
- From a procedural standpoint, NAV CANADA will not be responsible for briefing aircraft on the Draft Proposed Procedures, and it is expected that the Airport Operator will be responsible for following up with noncompliant aircraft.
- NAV CANADA does not currently have plans to reduce its hours of operation to coincide with the times identified in Draft Proposed Procedure 3 (9:30 PM / 7:30 AM). An aeronautical study and business case would be required prior to such a change being made.

### **Draft Proposed Procedure 1 – Tower Closed Preferential Runways**

- NAV CANADA did not have any comments with respect to Draft Proposed Procedure 1.

### **Draft Proposed Procedure 2 – Tower Open Preferential Runways**

- The NAV CANADA Manual of Air Traffic Services defines calm winds as being less than 5 kts – not up to and including 5 kts.
- Concern was expressed that aircraft will not accept a clearance for Runway 30 with a tailwind component and will request an alternative runway. This will disrupt the airspace and increase the workload for controllers while the request for an alternative runway is accommodated.

### **Draft Proposed Procedure 3 – Overnight Restricted Hours**

- NAV CANADA did not have any comments with respect to Draft Proposed Procedure 3.

#### **Draft Proposed Procedure 4 – Overnight Engine Run-Ups**

- NAV CANADA did not have any comments with respect to Draft Proposed Procedure 4.

#### **Draft Proposed Procedures 5-8 – Arrival and Departure Procedures**

- NAV CANADA's radar surveillance terminates at 2,000 ft. ASL and the ADS-B mandate likely won't be in place in Oshawa until approximately 2026. NAV CANADA does not have the systems available with the data granularity to monitor for compliance with Draft Proposed Procedures 5 through 8 and will not integrate third-party hardware / software solutions in their operations for this purpose.
- NAV CANADA does not typically issue clearances with altitude restrictions for VFR traffic, and the requirements of Draft Proposed Procedures 5 through 8 will not be included in aircraft clearances. While it may do so voluntarily, there is no obligation on NAV CANADA to do so.
- Consideration may be given to keeping Draft Proposed Procedures 5-8 as voluntary to address the enforcement challenges that may arise.

#### **Draft Proposed Procedure 9-12 – Flight Training Restrictions**

- NAV CANADA does not have the authority to deny a takeoff or taxi clearance to a flight training aircraft except in very rare circumstances; it is assumed that flight training aircraft will be individually responsible for operating in compliance with the Draft Proposed Procedures.
- NAV CANADA does not have the authority to reroute or redirect aircraft that intend to complete flight training at the Airport.

#### **Draft Proposed Procedure 13 – Circuit Flight Training Restrictions**

- The language of the Draft Proposed Procedures should be clarified in how it defines flight training.
- Concern was not voiced as to the limiting of traffic in the circuit - however, NAV CANADA will not be responsible for monitoring for compliance or restricting the number of aircraft in the circuit, nor will it participate in a slot system.

#### **Draft Proposed Procedure 14 – Toronto Zoo**

- NAV CANADA will not be able to monitor compliance, nor will it be responsible for enforcement.

### **3.4.8 Transport Canada**

A virtual meeting was convened with Transport Canada on December 13, 2021. In attendance from Transport Canada were Paul Baldasaro, Technical Team Lead – Flight Operations; Paul Spiers, Civil Aviation Safety Inspector – Flight Operations; and Hanif Mawji, Associate Director – Operations. In attendance on behalf of the City and Airport were Laura Moebs (Principal Planner), Stephen Wilcox (Airport Manager), and two representatives of HM Aero (Adam Martin and Ben Crooks).

Please note that the meeting notes provided below represent the perspective shared by the above-noted attendees from a civil aviation safety perspective. These meeting notes should not be interpreted as representing the departmental position of Transport Canada as a whole.

#### **General Comments and Questions (Draft Proposed Procedures)**

- Clarification was provided by the Transport Canada attendees on the following questions:
  - All flying done by a student pilot while under the supervision of a Certified Flight Instructor (CFI), whether that CFI is employed by a Flight Training Unit or on a freelance basis, is defined as flight training.

- All flying done by a licensed pilot while under the supervision of a CFI while pursuing an additional endorsement or license is defined as flight training.
- Solo flying done by a student pilot or licensed pilot under the authorization of a CFI while pursuing an additional endorsement or license is defined as flight training, while building time for a license without the authorization or supervision of a CFI is not defined as flight training.
- The rental of an aircraft owned by a FTU by a licensed pilot for recreational purposes is not defined as flight training.
- Several notes provided below are focussed on enforcement actions. The Transport Canada attendees noted through subsequent correspondence that there are many consensus building items that have to be defined before enforcement can be further established. The intention of the Transport Canada attendees was to convey that, where necessary and where consensus is not reached either in developing the noise abatement procedures or acting on them at the local level, it could then be escalated to enforcement. Enforcement is not the initial step in addressing alleged noise violations. The Airport's noise management committee and the ability to respond and resolve issues of noise violations tie into the consensus built into developing the procedures, and the mechanism for addressing violations.
  - Once all other mechanisms at the Airport level have failed to achieve consensus in response to an alleged noise violation, the Transport Canada attendees noted that they follow principles of natural justice in enforcement. Individuals reporting alleged violations will have to provide supporting information (e.g., time of day, aircraft registration, etc.) that supports their claim. The matter will be investigated / decided considering the balance of probabilities.
- Concern was raised that the redistribution of activity from the Airport to others in the region (e.g., Peterborough, Lindsay) is not an effective approach to noise management and would shift the problem to other communities.
- The findings of the City's noise monitoring and air quality studies are requested to be included in the future Transport Canada submission.
- The Transport Canada attendees suggested that the traffic pattern altitude could be increased modestly to reduce noise exposure from overflying aircraft.
- It was emphasized that a noise management committee should also be in place (i.e., the Airport Community Liaison Committee).

#### **Draft Proposed Procedure 1 – Tower Closed Preferential Runways**

- Consideration should be given to remove the use of “shall”, and instead that “consideration should be given to... if conditions permit” or similar substitute wording to ensure that flight safety is emphasized. If this wording change is made, Draft Proposed Procedure 1 may be supportable.
- Pilots should not be expected to arrive / depart with a tailwind. Safety is paramount in all Draft Proposed Procedures, including proposed Procedure 1.

#### **Draft Proposed Procedure 2 – Tower Open Preferential Runways**

- The 5-knot tailwind component of Draft Proposed Procedure 2 is a flight safety concern and should be removed; doing so may make this procedure supportable.
- Wording should be integrated, such as “...operations on a non-preferential runway may be accommodated by request,” to ensure pilots are aware that they do not have to accept wind conditions that are beyond their skill levels.

- From a flight training perspective, a 10-knot crosswind component should be supportable. A CFI should not assign a crosswind component to a student pilot that is beyond their skill level, and an alternative runway may be used during unsupervised flights at lower experience levels (e.g., the first solo flight of a student pilot) to reduce the risk posed.
- The Transport Canada attendees noted that NAV CANADA will prioritize safety in issuing clearances to pilots, and pilots are authorized to not accept a clearance that is, in their opinion, unsafe.

### **Draft Proposed Procedure 3 – Overnight Restricted Hours**

- The Transport Canada attendees noted that the City has the right to decide how to operate their Airport, including the consideration of restricted hours of operation, so long as it does not violate other Operational Agreements. With respect to noise abatement, the consideration of restricted hours must be done in consultation with all stakeholders and the process does not allow for decisions without consensus.
- Concern was raised that Draft Proposed Procedure 3 would restrict operations at the Airport and negatively impact users and businesses based at the facility. Specifically, night flight training will be limited.

### **Draft Proposed Procedure 4 – Overnight Engine Run-Ups**

- Draft Proposed Procedure 4 was identified as being potentially supportable by the Transport Canada attendees.

### **Draft Proposed Procedures 5-8 – Arrival and Departure Procedures**

- With respect to enforcement, external reports from individuals (e.g., community members) regarding alleged violations must provide credible / strong evidence to Transport Canada to prove that the aircraft in question did not comply with the Draft Proposed Procedure. The onus is on the individual reporting an alleged violation to substantiate their claim with sufficient evidence.
  - Transport Canada would be obligated to follow-up on a detection notice, but the time and resources required to investigate a subjective alleged violation would be substantial.
  - It is noted that community members may be reporting alleged violations as safety concerns as opposed to noise concerns.
  - Third-party hardware / software solutions, such as the NemoScout platform used at other airports, are not calibrated or certified and would not be relied upon by Transport Canada to support investigations.
- With respect to Draft Proposed Procedure 7 (Circling Procedures), the Transport Canada attendees noted that given the NAV CANADA Air Traffic Control Tower at the Airport and positive Air Traffic Control directions that will be applied with all maneuvering of traffic in the control zone, then visual maneuvering procedures would not apply. In addition, airspeed and altitude limits are already published in the applicable aeronautical publications.

### **Draft Proposed Procedure 9 – Prior Permission for Flight Training**

- The level of effort borne by the Airport Manager in responding to numerous requests for prior permission per day will be significant, and consideration should be given to removing Draft Proposed Procedure 9.
- CFIs should be conversant in the Draft Proposed Procedures and be responsible for briefing their students, and licensed pilots should be expected to familiarize themselves with all procedures.

### **Draft Proposed Procedures 10-13 – Flight Training Restrictions**

- The wording of Draft Proposed Procedures 10-13 should be reviewed based on Transport Canada's definitions of flight training as provided above.
- The Transport Canada attendees noted that it is within the purview of the City, as the Airport owner, to restrict activity at the facility. However, concern was noted that the cumulative impact of these Draft Proposed Procedures would most likely be the significant reduction in flight training activity and / or hindering the viability of FTUs based at the Airport.
- The Transport Canada attendees noted that if movements at the Airport decrease significantly as a result of Draft Proposed Procedures 10-13, NAV CANADA may re-evaluate the operational need for the Air Traffic Control Tower at Oshawa Airport.
- The enforcement of Draft Proposed Procedures 10-13 will be contingent on there being sufficient information to investigate an alleged violation, as noted previously.

### **Draft Proposed Procedure 14 – Toronto Zoo**

- The Transport Canada attendees questioned the inclusion of Draft Proposed Procedure 14, as it transcends the noise concerns being addressed in the community by the Draft Proposed Procedures.

### **General Comments and Questions (Other)**

- A general discussion occurred among the meeting attendees regarding noise abatement, and the Transport Canada attendees noted that additional development in the vicinity of the Airport will likely result in increased noise complaints. This factor should be accounted for when preparing new noise abatement procedures. The Transport Canada attendees noted that noise abatement procedures require consultation and consensus with all stakeholders, in line with the principles of AC 302-002.

## 3.6 Stakeholder Findings – Online Survey

### 3.6.1 Respondent Profile and Overall Support

The online engagement survey was available from November 8, 2021 until November 29, 2021. A total of 376 responses were received during the three-week period of availability from 373 unique contributors, including registered, unregistered, and anonymous respondents. Please note that the sum of all responses to each question may not equal 376, as certain questions were not answered by all respondents.

Of the 376 responses received, 240 respondents (64%) self-identified as being a user of the Airport in some capacity, including aircraft owners, business owners, mechanics, pilots, and regular airport users / flyers. 136 respondents (36%) did not identify as being a user of the Airport (“I am not an Airport user”).

Among respondents that provided place of residence information, 168 (53%) identified as being an Oshawa resident, business owner, or property owner, while 193 respondents (47%) did not identify as being an Oshawa resident, business owner, or property owner (Table 3.1). The majority of respondents from Oshawa (75%) live in the area bounded by Conlin Road, Ritson Road, Rossland Road, and Thickson Road – i.e., within approximately 3 km of the Airport.

**Table 3.1 - Survey Findings: Respondent Place of Residence**

Place of Residence		Respondents	
Oshawa	Within the area bounded by Conlin Road, Ritson Road, Rossland Road, and Thickson Road	139	39%
	Outside of the above-noted boundary	47	13%
Durham Region		63	18%
Greater Toronto Area		59	16%
Ontario		52	14%
<b>Total</b>		<b>360</b>	<b>100%</b>

At the outset of the survey, respondents were asked whether they support the introduction of mandatory noise abatement procedures at the Airport. Among individuals that did not identify as being users of the Airport, 74% were in favour such procedures being implemented (Table 3.2). Support decreased significantly among Airport users, with only 16% of respondents in this category favouring the implementation of mandatory noise abatement procedures.

As shown in Table 3.3, support for mandatory noise abatement procedures also varies based on the respondents place of residence. Support was highest among respondents living within the area bounded by Conlin Road, Ritson Road, Rossland Road, and Thickson Road, with 63% of respondents in this area in support. Support incrementally decreased by distance among respondents elsewhere in Oshawa (36% in support), Durham Region (25% in support), the Greater Toronto Area (12% in support), and in Ontario (14% in support).

**Table 3.2 - Survey Findings: Support of Noise Abatement Procedures by User Category**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>133</b>	<b>239</b>
Not Supportive	26%	84%
Supportive	74%	16%

**Table 3.3 - Survey Findings: Support of Noise Abatement Procedures by Place of Residence**

Place of Residence		Number of Responses	Not Supportive	Supportive
Oshawa	Within the area bounded by Conlin Road, Ritson Road, Rossland Road, and Thickson Road	137	37%	63%
	Outside of the above-noted boundary	47	64%	36%
Durham Region		63	75%	25%
Greater Toronto Area		59	88%	12%
Ontario		51	86%	14%

### 3.6.2 Draft Proposed Procedure 1, Tower Closed Preferential Runways

A total of 361 responses were received with respect to Draft Proposed Procedure 1. Among individuals who did not identify as being users of the Airport, 64% were supportive of the Draft Proposed Procedure. Recurrent concerns and themes among the 36% of respondents in this category that did not support Draft Proposed Procedure 1 are as follows:

- The respondent's neighbourhood will experience additional overflights;
- Aviation safety will be negatively impacted; and
- Overall aircraft noise will not be significantly impacted.

Among respondents that self-identified as being a user in some capacity of the Airport, 42% were supportive of Draft Proposed Procedure 1. Comments expressed by the 58% of respondents that did not support Draft Proposed Procedure 1 primarily followed the below-noted key themes, with concerns around aviation safety being expressed in most cases:

- The language should be changed to remove the use of "shall";
- Identifying preferred runways infringes upon a pilot's decision-making authority;
- Aviation safety will be negatively impacted through aircraft operating in crosswind and tailwind conditions;
- Aviation safety will be negatively impact by aircraft operating on converging flight paths;
- The Draft Proposed Procedure is unnecessarily complex; and
- Overall aircraft noise will not be significantly impacted.

**Table 3.4 - Survey Findings: Draft Proposed Procedure 1, Tower Closed Preferential Runways**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>123</b>	<b>238</b>
Not Supportive	36%	58%
Supportive	64%	42%
<b>Explanation Provided:</b> When the Air Traffic Control Tower is closed, pilots shall use Runway 12 for arrivals and Runway 30 for departures consistent with safety of operations.		

### 3.6.3 Draft Proposed Procedure 2, Tower Open Preferential Runways

A total of 349 responses were received with respect to Draft Proposed Procedure 2. Among individuals who did not identify as being users of the Airport, 68% were supportive of the Draft Proposed Procedure. Recurrent concerns and themes among the 32% of respondents in this category that did not support Draft Proposed Procedure 3 are as follows:

- Overall aircraft noise will not be significantly impacted and residential overflights will continue;
- Concern that aviation safety and pilot decision-making authority will be negatively impacted; and
- Concern that the Draft Proposed Procedure is too restrictive.

Additionally, a recurrent theme was that individuals without aviation expertise struggled to interpret the text of the Draft Proposed Procedure or understand its impacts.

Among respondents that self-identified as being a user in some capacity of the Airport, 47% were supportive of Draft Proposed Procedure 2. Comments expressed by the 53% of respondents that did not support Draft Proposed Procedure 2 primarily followed the below-noted key themes, with concerns around aviation safety again being expressed in the majority of comments received, similar to Draft Proposed Procedure 1:

- Aviation safety will be negatively impacted with crosswind and tailwind components, especially for less experienced pilots;
- Tailwind operations will result in reduced aircraft performance and increase the likelihood for runway excursions;
- Missed approaches and go-arounds as a result of tailwind operations may result in additional overflights and aircraft noise;
- Pilot decision-making authority will be infringed upon by the Draft Proposed Procedure; and
- The Draft Proposed Procedure is complex and difficult to interpret.

**Table 3.5 – Survey Findings: Draft Proposed Procedure 2, Tower Open Preferential Runways**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>119</b>	<b>230</b>
Not Supportive	32%	53%
Supportive	68%	47%
<b>Explanation Provided:</b> Aircraft will use Runway 30 when the winds are from a heading of 210° (incrementally) to 030° at up to 10 knots (18.52 km/h) or from a heading of 031° (incrementally) to 209° at up to 5 knots (9.26 km/h).		

### 3.6.4 Draft Proposed Procedure 3, Overnight Restricted Hours

A total of 372 responses were received with respect to Draft Proposed Procedure 3. Among individuals who did not identify as being users of the Airport, 70% were supportive of the Draft Proposed Procedure. Recurrent concerns and themes among the 30% of respondents in this category that did not support Draft Proposed Procedure 3 are as follows:

- The Draft Proposed Procedure unnecessarily restricts aircraft operators and aviation businesses;
- The nighttime restriction is not restrictive enough and should begin earlier in the evening (e.g., 8:00 PM);
- The nighttime restriction is too restrictive and should begin later in the evening (e.g., 11:00 PM);
- The current restricted hours are adequate;
- Industrial emergency flights should not be an exempted category; and
- Flight training will be negatively impacted, especially in the summer months.

Among respondents that self-identified as being a user in some capacity of the Airport, 25% were supportive of Draft Proposed Procedure 2. Comments expressed by the majority (75%) of respondents that did not support Draft Proposed Procedure 3 primarily were centred around the following key themes, the most prevalent of which was concern that night ratings and recurrency training would be difficult to complete:

- Flight training activities, including night ratings and night recurrency flights, will be significantly restricted;
- Making the Draft Proposed Procedure mandatory would incentivize pilots to rush their pre-departure preparations;
- The Draft Proposed Procedure will negatively affect the competitiveness and value proposition of the Airport;
- The restricted hours may be appropriate in the winter but are too restrictive in the summer months;
- The existing restricted hours are more appropriate, or would be appropriate with more modest revisions or a realignment to be consistent with the municipal noise bylaw;
- Concern that arriving aircraft will not be able to return to the Airport; and
- The Draft Proposed Procedure will not have a significant impact on aviation noise, as limited operations occur during the proposed hours.

**Table 3.6 - Survey Findings: Draft Proposed Procedure 3, Overnight Restricted Hours**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>135</b>	<b>237</b>
Not Supportive	30%	75%
Supportive	70%	25%
<b>Explanation Provided:</b> Between the hours of 9:30 PM and 7:30 AM, only police, medical and industrial emergency flights are permitted to arrive at and depart from the Airport. Airport tenants with aircraft based at the Airport are permitted to arrive between the hours described above, but are not permitted to depart, independent from police, medical, and industrial emergency flights.		

### 3.6.5 Draft Proposed Procedure 4, Overnight Engine Run-ups

A total of 371 responses were received with respect to Draft Proposed Procedure 4. For respondents that self-identified as not being users of the Airport, 83% indicated their support for this Draft Proposed Procedure. Among the remaining 17% that did not provide support, recurring concerns were as follows:

- The proposed hours are not sufficiently restrictive and should be extended;
- The restriction on run-ups should be based on the type and / or size of aircraft;
- If a run-up is required because of emergency maintenance, it should be permitted; and
- The proposed hours are overly restrictive and should be reduced or eliminated.

For self-identified users of the Airport, 57% were supportive of Draft Proposed Procedure 3, while 43% did not support the restriction. Reasons cited for respondents that opposed the procedure were as follows:

- The restriction will negatively impact aviation safety and force Aircraft Maintenance Engineers to rush their repair activities;
- The proposed hours are overly restrictive and should be reduced or eliminated;
- Concerns as to the effectiveness or defined need for such a restriction;
- Interpretations that the restriction would affect pre-flight run-ups;
- Operations will be disrupted if aircraft cannot be readied for early morning flights;
- Idle power run-ups should be differentiated from high-power run-ups;
- The Draft Proposed Procedure should be discarded and a noise mitigating run-up enclosure should instead be installed; and
- If the other restrictions on flight training being considered are approved, overnight maintenance on these flights will be increasingly important to improve their utilization during unrestricted hours.

**Table 3.7 - Survey Findings: Draft Proposed Procedure 4, Overnight Engine Run-Ups**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>135</b>	<b>236</b>
Not Supportive	17%	43%
Supportive	83%	57%
<b>Explanation Provided:</b> Engine run-ups associated with aircraft maintenance are prohibited from 9:30 PM to 7:30 AM.		

### 3.6.6 Draft Proposed Procedure 5, Arrival Turns

A total of 366 respondents shared their views on Draft Proposed Procedure 5. Among individuals that did not identify as being Airport users, 80% were in support; among the remaining 20%, key themes included:

- Suggestions that the minimum altitude should be increased (e.g., 1,000 ft. AGL or 2,000 ft. ASL);
- Concerns that the Draft Proposed Procedure is overly restrictive or complex;
- Suggestions that the Draft Proposed Procedure should not apply to all runways; and
- Concerns that this procedure, which is currently in effect, does not substantially address aircraft noise.

Among self-identified Airport users, 69% were in support of Draft Proposed Procedure 5. Among the 31% of respondents that did not support this restriction, comments generally centred around:

- The Draft Proposed Procedure will negatively impact pilots practicing engine-out landings and tight circuits;
- Concern that the turning altitude will result in pilots practicing non-standard circuits or conducting an unstable approach;
- Suggestions that this should remain a voluntary procedure;
- Concern that the restriction will not have a material impact on resident noise exposure; and
- Concern that this procedure will extend the length of the final approach leg, exposing additional residents to aircraft overflights and potentially limiting the ability of an aircraft to glide to the Airport following an engine failure.

**Table 3.8 - Survey Findings: Draft Proposed Procedure 5, Arrival Turns**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>128</b>	<b>238</b>
Not Supportive	20%	31%
Supportive	80%	69%
<b>Explanation Provided:</b> Aircraft arriving at the Airport will remain at least 1,000 ft. ASL (540 ft. AGL) before making the turn for their final approach for landing.		

### 3.6.7 Draft Proposed Procedure 6, Approach Angle

A total of 361 responses were received with respect to Draft Proposed Procedure 6. Among respondents that did not self-identify as being Airport users, 88% were in support. Concerns articulated by individuals not in support included:

- Challenges with interpreting the wording of the procedure or lack of clarity on its impacts;
- Suggestions that a steeper approach angle should be used; and
- Concern that aviation safety should be prioritized.

73% of respondents who identified as Airport users supported Draft Proposed Procedure 6; concerns noted by individuals not in support included:

- Concerns about making the glide slope a mandatory procedure, acknowledging that variability should be expected based on pilot technique and experience, weather conditions, etc.;
- Questions about monitoring and enforcement;
- Concerns that this will negatively impact flight training and will be challenging for ab initio student pilots (e.g., demonstrating varying approach paths); and
- Concerns that Draft Proposed Procedures 5 and 6 are not compatible with one another.

**Table 3.9 - Survey Findings: Draft Proposed Procedure 6, Approach Angle**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>126</b>	<b>235</b>
Not Supportive	12%	27%
Supportive	88%	73%
<b>Explanation Provided:</b> Approaches are to remain on or above an assumed 3° glide slope.		

### 3.6.8 Draft Proposed Procedure 7, Circling Procedures

For Draft Proposed Procedure 7, 363 responses were received. Among respondents that did not self-identify as being Airport users, 81% were in support. Comments included:

- Suggestions that a higher altitude should be used (e.g., 2,000 ft. ASL);
- Concern that aviation safety should be prioritized; and
- Challenges with interpreting the wording of the procedure or lack of clarity on its impacts.

Among Airport users, 81% supported Draft Proposed Procedure 6. Comments submitted by respondents not in support included:

- Concerns about the safety implications if a pilot is unable to maintain visual contact with the runway;
- Suggestions to keep this restriction as a voluntary procedure;
- Comments indicating that circling procedures should be removed altogether on account of aviation safety;
- Suggestions that such altitude limitations are standard and that a procedure is not required for pilots to operate as such; and
- The recommendation that training should not be limited.

**Table 3.10 - Survey Findings: Draft Proposed Procedure 7, Circling Procedures**

Response	Non-Airport Users	Airport Users
Number of Responses	129	234
Not Supportive	19%	19%
Supportive	81%	81%
<b>Explanation Provided:</b> If weather conditions permit, circling procedures are to be conducted at 1,460 ft. ASL (1,000 ft. AGL).		

### 3.6.9 Draft Proposed Procedure 8, Departure Turns

A total of 361 responses were received in relation to Draft Proposed Procedure 8. Among individuals that did not identify as being Airport users, 75% were in support while 25% did not support the procedure. Comments shared by respondents that did not support Draft Proposed Procedure 8 included:

- Suggestions that a higher turning altitude should be used and concerns about the effectiveness of a 1,000 ft. ASL restriction;
- Questions about the interpretation of the Draft Proposed Procedure; and
- Suggestions that the safest procedures should prevail.

Among Airport users, 84% were in support of Draft Proposed Procedure 8. Comments submitted where respondents had concerns centred around:

- Suggestions that the proposal be maintained as a voluntary or safety-dependent procedure;
- Concerns that pilot decision-making would be overly limited;
- Notes that the Draft Proposed Procedure is currently in effect on a voluntary basis; and
- Concerns that this will extend the length of time that it takes for an aircraft to fly the circuit and enlarge the circuit, potentially increasing the gliding distance to the Airport.

**Table 3.11 - Survey Findings: Draft Proposed Procedure 8, Departure Turns**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>126</b>	<b>235</b>
Not Supportive	25%	16%
Supportive	75%	84%
<b>Explanation Provided:</b> Aircraft departing the Airport will continue to fly on the same heading/alignment as the departure runway until they reach 1,000 ft. ASL (540 ft. AGL) before making any turns.		

### 3.6.10 Draft Proposed Procedure 9, Prior Permission for Flight Training

A total of 369 survey responses were received for Draft Proposed Procedure 9. Among non-Airport users, 76% were supportive of the procedure, while 24% did not indicate their support. Reasons cited among individuals not in support of the procedure included:

- Concerns on restricting flight training activity and impacts to business operations;
- Opposition to flight training at the Airport as a whole;
- Questions regarding implementation, including the level of effort that would be required by the Airport Manager and the discretion afforded to the Airport Manager – i.e., whether training can be unreasonably withheld; and
- Concerns as to the additional level of effort required by student pilots and CFIs during pre-flight planning.

Among Airport users, 75% of respondents indicated that they are not supportive of Draft Proposed Procedure 9. The primary reasons cited included:

- Recurring concerns that this provision will result in the restriction of flight training activities at the Airport and make the facility a less conducive environment for such operations, and opposition to such reductions in activity fundamentally;
- Concerns regarding the level of effort that would be borne by the Airport Manager (i.e., the process would be too onerous), the discretion afforded to the Airport Manager, and what criteria will be considered in approving or denying flight training permission;
- Potential implementation challenges, including whether unaware pilots arriving from other airports will accidentally violate the Draft Proposed Procedure and how approvals will be coordinated between the two FTUs and other training operations; and
- Concerns that this requirement will delay pre-flight planning and flexibility.

**Table 3.12 - Survey Findings: Draft Proposed Procedure 9, Prior Permission for Flight Training**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>133</b>	<b>236</b>
Not Supportive	24%	75%
Supportive	76%	25%
<b>Explanation Provided:</b> Prior permission by the Airport Manager is required for all flight training, including private and commercial pilot recurrent training.		

### 3.6.11 Draft Proposed Procedure 10, Time of Day Flight Training Restrictions

For Draft Proposed Procedure 10, 366 survey responses were received. This procedure was supported by 60% of respondents who did not identify as being Airport users; among the 40% that did not support the proposal, comments included:

- Concerns that flight training activity is being overly restricted and will be negatively impacted;
- Suggestions that the hours of the day and / or days of the week should be reduced to increase the restricted period;
- Concerns that flight training activity should not be permitted at the Airport more broadly; and
- Suggestions that hours of operation should be expanded to be less restrictive on flight training.

Among Airport users, 91% opposed Draft Proposed Procedure 9. Comments from this group of respondents included:

- Overarching concern that flight training activity at the Airport will be significantly limited and the based FTUs will be at a competitive disadvantage vs. other FTUs, with associated revenue, employment, student progress, and economic impacts;
- Suggesting later evening cut-offs;
- Concern that nighttime training will especially be impacted during the summer months;
- Concern that the summer months which typically have weather more favourable for flight training will be overly restricted;
- Concern that pilots may be pressured to fly during unrestricted hours / days, even if the weather is not favourable for such operations;
- Concern that individuals working during typical business hours ("9 to 5") will not be limited in advancing their training;
- Concern that flight training activity will be concentrated in unrestricted hours, increasing activity levels during these times;
- Questions as to the effectiveness of the Draft Proposed Procedure in resolving noise concerns; and
- Concerns as to the complexity of the wording of the procedure.

**Table 3.13 - Survey Findings: Draft Proposed Procedure 10, Time of Day Flight Training Restrictions**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>129</b>	<b>237</b>
Not Supportive	40%	91%
Supportive	60%	9%
<b>Explanation Provided:</b> Flight training is not permitted Friday-Monday before 8:00 AM and after 4:00 PM from May 1 to September 30 of any calendar year; and Friday-Monday before 8:00 AM and after 8:00 PM from October 1 to April 30 of any calendar year.		

### 3.6.12 Draft Proposed Procedure 11, Alternating Seasonal Weekend Flight Training Restrictions

A total of 365 respondents provided their perspectives on the Draft Proposed Procedure 11. For respondents not identifying as Airport users, 60% were supportive of this proposal, while 40% were not in support. Among individuals in the latter category, comments included:

- Suggestions that flight training should not be permitted at all on weekends;
- Suggestions that this procedure should be applied to alternating weekends year-round;
- Questions as to how the Draft Proposed Procedure would apply in months with more than 4 Saturdays or Sundays;
- Concerns that the restrictions contemplated are arbitrary and / or overly complex for pilots to adhere to; and
- Concerns that flight training activity is being overly restricted and will be negatively impacted, with impacts especially experienced by student pilots working standard workweeks.

For Airport users, 91% were in opposition to Draft Proposed Procedure 11 for reasons that included:

- Concern that FTUs at the Airport will be significantly negatively impacted, as the summer weekends represent peak periods for flight training;
- Concerns that pilots that are only able to fly / train on weekends will be significantly impacted by the restrictions being considered, especially when considering weekends that are lost due to poor weather;
- Suggestions that the proposed restriction on flight training should only apply to circuit training during the periods contemplated, but other activities (e.g., cross-countries) could continue;
- Concern that restricting the days available for flight training will lead to pilots choosing to fly on suboptimal nonrestricted days and that activity levels will increase significantly on nonrestricted days;
- Concerns regarding the complexity of the wording and potential for pilot error in interpretation;
- Concern that Draft Proposed Procedures 10 and 11 could be reasonable individually, but are overly burdensome when combined;
- Concern that the dates prescribed are arbitrary and may be ineffective in addressing resident concerns;
- Suggestions that the type of training that can occur on weekends (e.g., commercial vs. private) be differentiated; and
- Suggestions that provisions be implemented to address bad weather that would limit training on an otherwise unrestricted day.

**Table 3.14 - Survey Findings: Draft Proposed Procedure 11, Alternating Seasonal Weekend Flight Training Restrictions**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>129</b>	<b>236</b>
Not Supportive	40%	91%
Supportive	60%	9%
<b>Explanation Provided:</b> Flight training is not permitted on the 1st and 3rd Sundays of any given month and the 2nd and 4th Saturdays of the month from May 1 to September 30.		

### 3.6.13 Draft Proposed Procedure 12, Statutory Holiday Flight Training Restrictions

A total of 369 responses were received for Draft Proposed Procedure 12. Among non-Airport users, 75% were in support of the proposal. Comments made by respondents not in support of the proposal included:

- Questions as to the rationale behind the proposed restriction and its effectiveness;
- Comments indicating that the restrictions are onerous and would disrupt student training;
- Suggestions to add civic holidays to the restricted list; and
- Concerns that flight training at the Airport in its entirety should be terminated.

Among Airport users, 66% of respondents did not support Draft Proposed Procedure 12. Comments made by respondents in this category included:

- Concern as to the business impacts of FTUs and disruptions to flight training progress by students, including individuals that work full-time jobs;
- The suggestion that this restriction should be limited to circuit training as opposed to all flight training, or that the existing voluntary restriction should be maintained as is;
- Restricting activity on statutory holidays may result in displaced activity being concentrated on other unrestricted days;
- Concern that not all individuals celebrate the noted statutory holidays; and
- Questions as to the effectiveness or rationale behind the proposed restriction given the limited operations that currently occur on these days.

**Table 3.15 - Survey Findings: Draft Proposed Procedure 12, Statutory Holiday Flight Training Restrictions**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>133</b>	<b>236</b>
Not Supportive	25%	66%
Supportive	75%	34%
<b>Explanation Provided:</b> Flight training is not permitted on the following federal statutory holidays: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; National Day for Truth and Reconciliation; Thanksgiving Day; Remembrance Day; Christmas Day; and Boxing Day.		

### 3.6.14 Draft Proposed Procedure 13, Circuit Flight Training Restrictions

For Draft Proposed Procedure 13, 365 survey responses were received. For individuals that self-identified as not being users of the Airport, 63% were supportive of the proposal, while 37% did not support the restriction. Among respondents that identified a reason for not supporting Draft Proposed Procedure 13, key themes included:

- Opposition to circuit training as a whole due to the frequency of overflights;
- Concern that a limit of four aircraft will permit overflights on a basis that continues to be too frequent (i.e., the procedure is not sufficiently restrictive);
- Conversely, concern that a limit of four aircraft is too restrictive;
- Flight training will be unable to effectively occur at the Airport; and
- Concern that displaced circuit traffic will be redistributed throughout the day, lengthening the daytime noise problem.

Among self-identified Airport users, 77% were not in support of Draft Proposed Procedure 13. Recurrent concerns for this position were as follows:

- The maximum number of aircraft will be prohibitively restrictive, negatively impact the viability of Flight Training Units based at the Airport, and hinder the training programs of student pilots and increase the costs borne by these individuals;
- Training effectiveness will decrease without operations in a high-volume operational environment;
- Rescheduled circuit traffic will be redistributed throughout the day, lengthening the daytime noise problem;
- Aircraft will be required to wait prior to departure on a taxiway or holding bay, or entering a holding pattern near the Airport, until a slot becomes available in the circuit;
- Questions as to the effectiveness of the Draft Proposed Procedure in reducing noise exposure and the net difference in impact vs. other limits (e.g., eight aircraft);
- Questions as to how this will be coordinated between the two FTUs;
- The Air Traffic Control Tower already does an effective job at controlling circuit capacity; and
- Concerns that the restriction will be unenforceable and difficult to implement.

**Table 3.16 - Survey Findings: Draft Proposed Procedure 13, Circuit Flight Training Restrictions**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>130</b>	<b>235</b>
Not Supportive	37%	77%
Supportive	63%	23%
<b>Explanation Provided:</b> A maximum of 4 aircraft are permitted in the circuit for training purposes for any runway at any given time.		

### 3.6.15 Draft Proposed Procedure 14, Toronto Zoo

A total of 369 responses were received with respect to Draft Proposed Procedure 14. Among individuals who did not identify as being users of the Airport, 86% were supportive of the Draft Proposed Procedure. Among the 14% of respondents in this category that did not support Draft Proposed Procedure 14, recurrent themes included:

- Questions as to why higher minimum altitudes apply over zoos but not over residential areas;
- Concern that the minimum altitude should be higher; and
- Concern that the Draft Proposed Procedure is unnecessary or beyond the scope of the Airport's noise concerns

Similarly, among respondents that self-identified as being a user in some capacity of the Airport, 87% were supportive of Draft Proposed Procedure 14. For respondents that did not support the Draft Proposed Procedure, the primary comments addressed the fact that a limitation for overflights of the Toronto Zoo is currently published in the Canada Flight Supplement, and concerns that the Draft Proposed Procedure extends beyond the jurisdiction of the Airport and the purpose of the noise abatement study.

**Table 3.17 - Survey Findings: Draft Proposed Procedure 14, Toronto Zoo**

Response	Non-Airport Users	Airport Users
<b>Number of Responses</b>	<b>132</b>	<b>237</b>
Not Supportive	14%	13%
Supportive	86%	87%
<b>Explanation Provided:</b> Pilots are to maintain 2000 ASL or above over Toronto Zoo (N43 49 05 W79 11 15).		

### 3.7 Stakeholder Findings – Written Submissions

A total of 15 written submissions were received by City Staff from 11 private individuals, in addition to submissions received by the following businesses or organizations: Durham Flight Centre, the Enterprise Aviation Group of Companies, Canadian Owners and Pilots Association – Flight 70, and Ban Urban Flight Schools. Accordingly, a total of 19 written submissions were received from 15 individuals, businesses, or organizations, as documented in Appendix A.

Of the 19 submissions, 10 were characterized as generally being opposed to, or having concerns with, the Draft Proposed Procedures or efforts to restrict operations at the Airport. Among submissions that were opposed to the Draft Proposed Procedures or against measures to limit activity at the Airport more generally, key themes included:

- Questions as to why noise abatement procedures are being considered given the size of the population that is filing complaints, the level of movements vs. historical peaks in the 1970s and 1980s, whether the level of complaints are comparable to other airports, and concerns that justifying the Draft Proposed Procedures on account of increasing complaint levels in 2020-2021 is due to residents increasingly working from home during the COVID-19 pandemic;
- Concerns regarding the impacts to Airport businesses, users, and the viability of the Airport facility. Specifically, a recurring theme is that the Airport's usability for flight training will be significantly hindered;
- Concerns about the effectiveness of the Draft Proposed Procedures and implementation matters, such as NAV CANADA staffing;
- Concerns that noise challenges are primarily a result of residential development in the vicinity of the Airport;
- Concerns that Draft Proposed Procedure 3 will limit the periods of the year during which pilots can complete their nighttime recurrency requirements;
- Suggestions that abatement procedures may not be required with the increased adoption of aircraft with lower noise profiles, or that such aircraft should be exempted from the Draft Proposed Procedures;
- Concerns regarding the safety of Draft Proposed Procedure 1;
- Questions regarding the implementation of Draft Proposed Procedure 13, including how aircraft operating in the circuit that are not conducting training are addressed;
- Concerns that the Draft Proposed Procedures are overly complex; and
- Concerns that the Draft Proposed Procedures will increase noise exposure at other airports (e.g., Peterborough, Kawartha Lakes), potentially creating challenges in these communities.

A total of 9 submissions were characterized as being in favour of the Draft Proposed Procedures or of broader measures to restrict activity at the Airport. For submissions in this category, findings included:

- Points made that elaborate on resident concerns, including the frequency of overflights, aviation safety, and environmental impacts;
- The suggestion that community members that may otherwise be concerned about Airport-related noise are not filing complaints, thus underrepresenting the extent of the issue;
- Concerns that resident noise issues have not been heard or that the Draft Proposed Procedures may not cause meaningful change;
- Concerns that substantial change will not occur through the Draft Proposed Procedures and that implementation will be a challenge for the City and Airport Operator;
- Suggestions for additional restrictions, such as implementing a cap on annual movements; and
- With respect to the stakeholder engagement program, views were also shared that the engagement opportunities were overly technical in nature, that certain attendees of the open houses were unable to share their views, and that an open town hall meeting is requested.


Suggestions or comments that were made that transcend the scope of the AC 302-002 process through the written submissions included:

- Investigating the use of electric powered aircraft or restricting aircraft with higher noise profiles;
- Closing or relocating the Airport;
- Ceasing flight training at the facility and / or relocating this activity to other airports, given the urban land use context of the Airport and noise, safety, and environmental impact concerns;
- Implementing increased landing fees, as well as the consideration of the impacts of the recently increased landing fees;
- Concerns that the NAV CANADA Air Traffic Control Tower may close; and
- Further restricting development in the vicinity of the Airport.

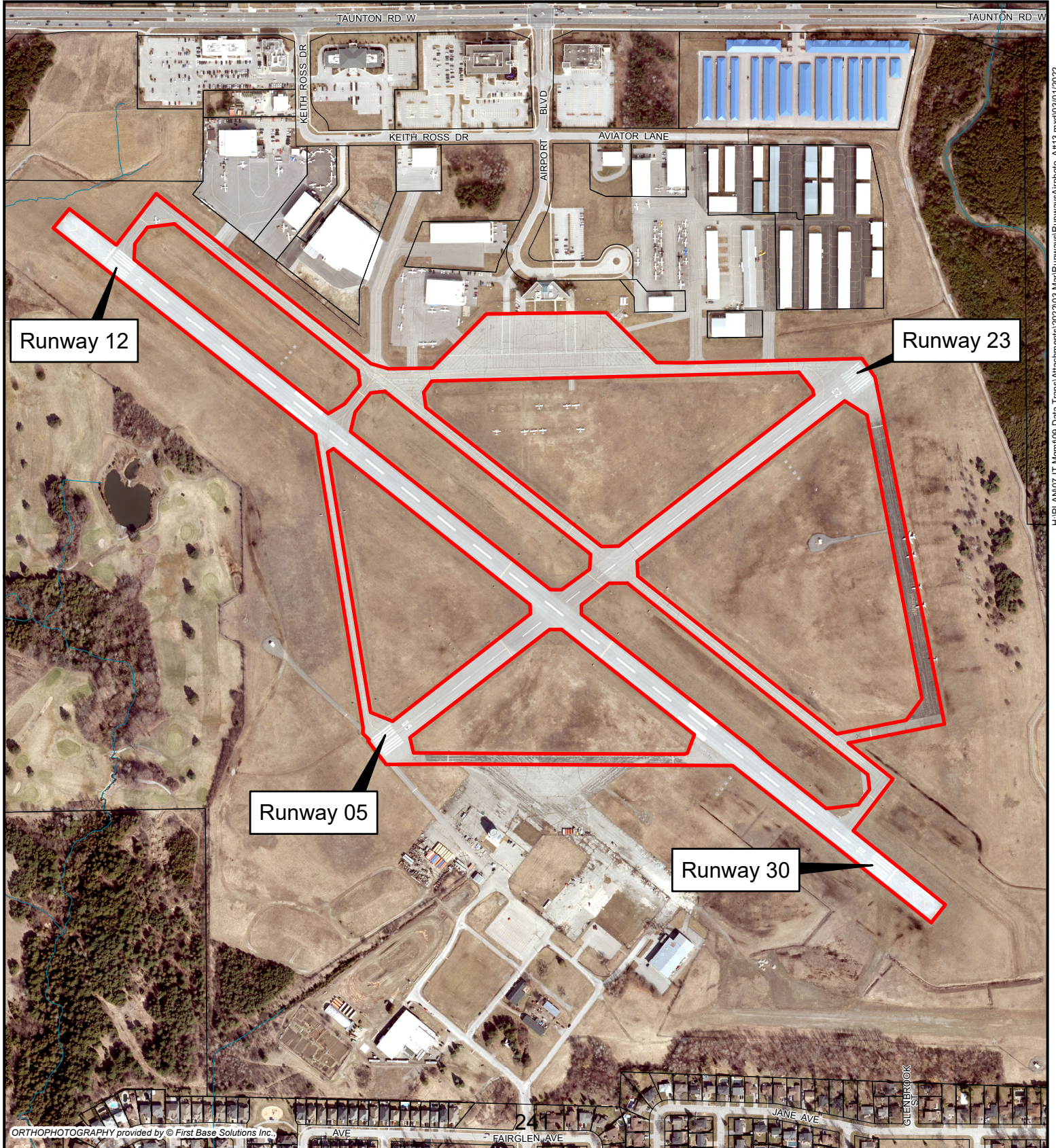
Subject: Proposed Noise Abatement Procedures for the Oshawa Executive Airport  
Ward: Ward 2  
File: 12-03

Item: DS-22-67  
Attachment 13



 Subject Site

City of Oshawa  
Development Services Department 



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