



**Oshawa**<sup>®</sup>

**Economic and Development Services Committee (1:30 p.m.) and  
Planning Act Public (6:30 p.m.) Meeting Agenda**

**Monday, May 6, 2024, 1:30 p.m.**

**Council Chamber**

**Members of the Committee:**

Councillor Marimpietri, Chair  
Councillor Chapman, Vice-Chair  
Councillor Giberson  
Councillor Gray  
Councillor Kerr  
Mayor Carter, Ex Officio

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**Pages**

**Public Meeting**

**Land Acknowledgement**

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape

and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

### **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

### **Referrals from Council**

None

### **Reports from Advisory Committees**

#### **ED-24-59 - Presentation Request - BUILT Form within the Integrated Major Transit Station Area (Previously OAAC-24-21) (Ward 5)**

##### Recommendation

That the Oshawa Accessibility Advisory Committee recommends to the Economic and Development Services Committee:

That a presentation on the built form proposals in the Major Transit Station Area in terms of model accessibility be brought to the next Oshawa Accessibility Advisory Committee meeting.

### **Items Requiring Direction**

#### **ED-24-52 - Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North (Ward 4)**

13

##### Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-24-52 dated May 1, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.8

of said Report, concerning the request made by the owner of the property municipally known as 452 Simcoe Street North to repeal part of By-law 148-2011 pursuant to the process under Section 32 of the Ontario Heritage Act, for the purpose of removing one of the heritage attributes associated with said property as listed in By-law 148-2011.

**ED-24-60 - Francis and Marea Taylor submitting correspondence concerning a request for an exemption to the CIP requirements for 82-84 Simcoe Street South (Ward 4)**

31

Confidential Attachment Closed Pursuant to Section 239 (2)(i) of the Municipal Act

(See Pages C1 to C10)

**Public Consent Agenda**

**Correspondence with recommendations**

None

**Staff Reports/Motions with recommendations**

**ED-24-53 - Application Under the City's Brownfields Renaissance Community Improvement Plan for Two (2) Brownfield Study Grants, 299 Dean Avenue, B.G.S. STOUFFVILLE LTD. (Ward 5)**

33

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, B.G.S. STOUFFVILLE LTD. has submitted an application for two (2) Brownfields Study Grants under the City's Brownfields Renaissance Community Improvement Plan, which consist of the following:

- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Two Environmental Site Assessment ("E.S.A.") for soil and groundwater sampling at 299 Dean Avenue; and,
- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Three E.S.A. for remedial work plans and risk assessments at 299 Dean Avenue; and,

Whereas, the intent of the Brownfields Study Grant is that the grant is based on 50% of the actual cost of the eligible studies (e.g. Phase Two E.S.A.) to a maximum of \$10,000 for each individual study and that all grants must be approved by City Council; and,

Whereas, B.G.S. STOUFFVILLE LTD. has advised staff that the total cost to complete the required supplementary Phase Two E.S.A. for 299 Dean Avenue is \$29,785, and the total cost to complete the required supplementary Phase Three

E.S.A. for 299 Dean Avenue is \$90,000; and,

Whereas, B.G.S. STOUFFVILLE LTD. has confirmed that upon completion of the work, the City will be provided copies of the Phase Two E.S.A. and Phase Three E.S.A. for the City's records and retention; and,

Whereas, the application is consistent with the intent of the Brownfields Study Grant Program as it will stimulate the undertaking of private sector environmental studies of brownfield sites in the Brownfields Renaissance Community Improvement Area; and,

Whereas, the clean-up and development of impacted lands is in the public interest since the development of impacted lands may help to revitalize neighbourhoods, improve soil quality, improve the appearance of impacted sites, reduce greenfield development through infilling and intensification, use existing services more effectively and increase assessment and job creation;

Therefore be it resolved that the application for two (2) Brownfields Study Grants submitted by B.G.S. STOUFFVILLE LTD., for 299 Dean Avenue, be approved as follows:

- 50% of the cost of a supplementary Phase Two Environmental Site Assessment for soil and groundwater sampling for 299 Dean Avenue to a maximum of \$10,000; and,
- 50% of the cost of a supplementary Phase Three Environmental Site Assessment for remedial work plans and risk assessments for 299 Dean Avenue to a maximum of \$10,000.

**ED-24-54 - City Comments on Bill 185, the Proposed "Cutting Red Tape to Build More Homes Act, 2024" and the Proposed Provincial Planning Statement (All Wards)**

35

**Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That Report ED-24-54 dated May 1, 2024, including Attachments 5 and 6, be endorsed as the City's comments on the Province's proposed amendments to certain Acts under Bill 185, "Cutting Red Tape to Build More Homes Act, 2024" as well as the proposed Provincial Planning Statement and Ontario Regulation 73/23: Municipal Planning Data Reporting; and,
2. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-24-54 dated May 1, 2024 related to Bill 185, "Cutting Red Tape to Build More Homes Act, 2024", the proposed Provincial Planning Statement and the proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting in



response to the associated proposals posted on the Environmental Registry of Ontario website; and,

3. That staff be authorized to forward a copy of Report ED-24-54 dated May 1, 2024 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.

**ED-24-55 - Stevenson Road North Municipal Class Environmental Assessment Study 2nd Update (Ward 2)**

81

Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-24-55 dated May 1, 2024, concerning the Stevenson Road North Municipal Class Environmental Assessment Study, staff be authorized to hold a second Public Information Centre in June 2024 to present the alternative design concepts, and the next steps in the Study.

**ED-24-56 - Direction Respecting an Appeal to the Ontario Land Tribunal of a Council Decision Concerning the Issuance of a Notice of Passing of a By-law to Designate 149 Harmony Road South under the Ontario Heritage Act Part IV (Ward 3)**

95

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, the existing building located at 149 Harmony Road South and known as the former Harmony Public School (the "Subject Site") is a "listed, non-designated" property on the City's Register of Properties of Cultural Heritage Value or Interest (the "Register") under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the "Ontario Heritage Act"); and,

Whereas, on April 3, 2023, City Council considered Report ED-23-55 dated March 1, 2023 and adopted the following as part of a multi-part recommendation:

- "2. Prepare a supplemental Heritage Research Report for 149 Harmony Road South, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes;
  - a. Provide the Owner of 149 Harmony Road South with the supplemental Heritage Research Report, and request an updated position on heritage designation of the property; and,
  - b. Report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, including the supplemental Heritage Research Report and the updated stance from the Owner;" and,

Whereas, staff subsequently procured a supplemental Heritage Research Report (the “Research Report”) dated September 19, 2023 prepared by Archaeological Research Associates Ltd. (“A.R.A. Ltd.”) for the Subject Site; and,

Whereas, on September 20, 2023, Colony Real Estate Development Limited (the “Owner”) was sent a copy of the Research Report and was asked to provide a stance on designation; and,

Whereas, on September 28, 2023, Heritage Oshawa considered Item HTG-23-57 dated September 21, 2023 concerning the Research Report and made a motion recommending that the Subject Site be designated under Section 29, Part IV of the Ontario Heritage Act; and,

Whereas, through correspondence dated September 29, 2023 received from D.G. Biddle and Associates Ltd. on behalf of the Owner, it was made clear that the Owner did not support the designation; and,

Whereas, on October 30, 2023, City Council considered Report ED-23-196 dated October 11, 2023 and adopted the following as part of a multi-part recommendation:

“4. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:

- a. Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;
- b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
- c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”; and,

Whereas, on November 6, 2023, City staff issued Notice of Intention to Designate the Subject Site in accordance with the requirements of the Ontario Heritage Act; and,

Whereas, on November 30, 2023, the City received one (1) Notice of Objection to the proposed designation of the Subject Site from Overland LLP, on behalf of the Owner; and,

Whereas, on January 29, 2024, City Council considered the above noted Notice of Objection (Correspondence ED-24-05) and referred the matter to staff for a report; and,

Whereas, on February 26, 2024, City Council considered Report ED-24-16 dated January 31, 2024 and adopted the following recommendation:

“That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”; and,

Whereas, on February 26, 2024, after considering Report ED-24-16 dated January 31, 2024, City Council passed By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act; and,

Whereas, on February 28, 2024, City staff issued Notice of the Passing of a By-law to designate the Subject Site in accordance with the requirements of the Ontario Heritage Act and the City’s Public Notice Policy; and,

Whereas, on April 1, 2024, the City received one (1) appeal to the Notice of the Passing of a By-law to designate the Subject Site from Overland LLP, on behalf of the Owner, within the 30-day legislated appeal period under Section 29(11) of the Ontario Heritage Act, which period expired on April 2, 2024 (see Attachment 1); and,

Whereas, Council policy requires that the Economic and Development Services Department prepare a report to the Economic and Development Services Committee when an appeal is lodged against a Council decision;

Therefore be it resolved:

1. That, pursuant to Item ED-24-56 dated May 6, 2024, the Ontario Land Tribunal be advised that Oshawa City Council maintains their position that the former Harmony Public School at 149 Harmony Road South be designated under Part IV of the Ontario Heritage Act.
2. That, pursuant to Item ED-24-56 dated May 6, 2024, the City of Oshawa seek party status at the Ontario Land Tribunal.

3. That, pursuant to Item ED-24-56 dated May 6, 2024, City staff, with the assistance of a heritage consultant, be authorized to attend the Ontario Land Tribunal hearing in support of Council's decision and for these costs to be accommodated through the Corporate Litigation Account.
4. That, pursuant to Item ED-24-56 dated May 6, 2024, upon the conclusion of the Ontario Land Tribunal hearing, City staff report back to the Economic and Development Services Committee with the Ontario Land Tribunal's decision with respect to the designation of the former Harmony Public School at 149 Harmony Road South.

**ED-24-57 - Update regarding Conlin Road East Front Ending Agreement Pilot (Ward 1)**

143

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, Council approved the recommendations in Report CNCL 23-03 dated January 13, 2023, regarding the request for Oshawa (Conlin) Developments (BT) Inc., a subsidiary of Treasure Hill Homes ("Treasure Hill") to enter into a Front Ending Agreement for the design and construction of Conlin Road East from Grandview to Kurelo; and,

Whereas, Council approved funding for Project 73-0455 Conlin Road East in the amount of \$4,285,000 (exclusive of H.S.T.), with \$3,424,000 being funded from the Transportation Roads Development Charge Reserve and \$861,000 from the Growth Related Non-Development Charges Reserve; and,

Whereas, in lieu of a separate Front Ending Agreement as per Section 44 of the Development Charges Act, 1997, S.O. 1997, c. 27 and for sake of efficiency, staff incorporated the conditions of the Front Ending Agreement into the Subdivision Agreement, which was prepared and signed on June 6, 2023; and,

Whereas, Treasure Hill tendered the work to be constructed in 2024 which did not result in the expected cost savings as the excess soils generated on Conlin Road were determined not to be suitable for re-use on Treasure Hill's lands, as originally contemplated; and,

Whereas, the lowest bidder was \$1.98 Million over the approved budget, for the City's share of the project; and,

Whereas, the opportunity to coordinate the reconstruction of Conlin Road with Treasure Hill's construction work for service connections along Conlin Road East has passed; and,

Whereas, the 60 day irrevocable period with the tender document to commit to the need for an extra \$1.98 million, has passed; and,

Whereas, at the time of the request to enter into a Front Ending agreement was received, access to Treasure Hill's lands was only possible via Conlin Road. However, residents will soon have the option to utilize Britannia Road East as an alternative route for access during the reconstruction of the Grandview Street roundabout; and,

Whereas, staff are recommending to return the funds to source and re-submit the works as a capital project for consideration as part of the 2025 Mayor's Budget;

Therefore be it resolved that the City reimburse Oshawa (Conlin) Developments (BT) Inc., a subsidiary of Treasure Hill Homes, for the completion of the detailed design (and associated engineering studies) for Conlin Road East from Grandview Street North to Kurelo Drive and return the remaining funds estimated to be \$4,088,963.76 from approved Project 73-0455 to source and, authorize staff to enter into an amending Subdivision Agreement with Oshawa (Conlin) Developments (BT) Inc. to remove Section 2.1 a), the requirement to construct all the works as related to the reconstruction of Conlin Road East on behalf of the City.

**ED-24-61 - Remuneration for Public Art Jury Members for the permanent public art installation at the Downtown Urban Square (Ward 4)**

145

Recommendation

That the Economic and Development Services Committee recommend to City Council:

Whereas, on October 2, 2023, Council approved that staff proceed with the process to install permanent public art at the Downtown Urban Square at the northeast corner of Bond Street East and Simcoe Street North (CNCL-23-95); and,

Whereas, the City of Oshawa Public Art Policy allows for City staff, in collaboration with the Public Art Task Force, to identify public art projects on a case by case basis that require a separate jury with specialized skills to provide expertise and recommendations relating to the acquisition of public artworks; and,

Whereas, the process outlined for the Downtown Urban Square project includes convening a specialized jury with responsibilities that include reviewing artist proposals and making selection recommendations; and,

Whereas, municipal comparator research conducted by staff has demonstrated that other municipalities are compensating public art jury members for their time and services; and,

Whereas, current examples of compensating members who provide expertise such as the members of the City of Oshawa's Committee of Adjustment who are

compensated for their participation at a rate of \$125 per member per meeting attended; and,

Whereas, relevant and professional members will be identified to provide expertise on matters relating to the future acquisition and installation of the Downtown Urban Square public art work who will form the membership of the Downtown Urban Square Public Art Jury; and,

Whereas, the costs associated to the remuneration of jury members for the Downtown Urban Square Public Art Jury can be accommodated through the existing Economic Development Services operating budget;

Therefore be it resolved:

1. That based on Item ED-24-61, dated May 1, 2024, the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be approved,
2. That the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be applied to meetings taking place in May 2024; and,
3. That the remuneration rate of \$125 per member per meeting for all future Public Art Juries be approved.

### **Public Discussion Agenda**

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

#### **Items Introduced by Council Members**

#### **Items Pulled from the Information Package**

None

#### **Questions to Staff Concerning the Committee's Outstanding Items List**

### **Closed Consent Agenda**

#### **Closed Correspondence with recommendations**

#### **Closed Staff Reports/Motions with recommendations**

**ED-24-58 - Update on the Recommended Disposal of Certain City-owned Lands: City-owned Land Known Municipally as the Christine Crescent Right-of-Way (Ward 5)**

Closed Pursuant to Section 239(2)(c) of the Municipal Act, 2001.

(See Pages C11 to C125)

#### **Recommendation**

That the Economic and Development Services Committee recommend to City

Council:

1. That, pursuant to Closed Report ED-24-58 dated May 1, 2024, the Commissioner of Economic and Development Services be authorized to enter into an agreement of purchase and sale for the City-owned lands known municipally as the Christine Crescent right-of-way, generally in accordance with Attachment 7 and the key terms as set out in Section 5.6 of said Report, together with such documents as are required to facilitate the transaction in the opinion of the City Solicitor, and further that the agreement and other required documents be in a form and content satisfactory to the City Solicitor and the Commissioner of Economic and Development Services; and,
2. That, pursuant to Closed Report ED-24-58 dated May 1, 2024, the Commissioner of Economic and Development Services be authorized, from time to time, to extend conditional, requisition and completion dates established by the respective agreement of purchase and sale in consultation with the City Solicitor; and,
3. That, pursuant to Closed Report ED-24-58 dated May 1, 2024, staff be authorized to formally close by by-law the City-owned lands known municipally as the Christine Crescent right-of-way as a public highway, if deemed necessary as part of the transfer, to the satisfaction of the Commissioner of Economic and Development Services and the City Solicitor and that the notice requirements of the City's Public Notice Policy GOV-23-02 be waived.

**Closed Discussion Agenda**

**Matters Excluded from the Consent Agenda**

**Items Requiring Direction**

**Matters Tabled**

None

**Recess**

**Planning Act Public Meeting (6:30 p.m.)**

**Additional Agenda Items**

(As may be presented at the meeting)

**Declarations of Pecuniary Interest**

(As may be presented by Council Members)

**Application ED-24-51**

**Presentation**

**Planning Services - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 (All Wards)**

Erika Kohek, Senior Planner, Planning Services, to provide a presentation concerning the City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94

**Delegations**

(As requested)

**Correspondence**

None

**Reports**

**ED-24-51 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 (All Wards)**

147

**Recommendation**

That, the Economic and Development Services Committee select an appropriate option as set out in Section 5.2 of Report ED-24-51 dated May 1, 2024.

**Adjournment**



To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-52

Date of Report: May 1, 2024

Date of Meeting: May 6, 2024

Subject: Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North

Ward: Ward 4

File: 12-04-0158

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## **1.0 Purpose**

The purpose of this Report is to obtain Council’s direction on whether or not to consent to a property owner’s application to repeal part of By-law 148-2011 pursuant to the process under Section 32 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”) for the property municipally known as 452 Simcoe Street North (the “Subject Site” – see Attachments 1 and 2).

The Subject Site features a two-and-a-half storey single detached dwelling that is representative of the late Georgian Revival style. Among the key heritage attributes associated with the dwelling that are identified in By-law 148-2011 is the shallow gabled cast roof clad in cedar shingles.

On February 26, 2024, City Council considered Correspondence Item CNCL-24-21 dated February 12, 2024, being a request from the owner of the property at 452 Simcoe Street North (the “Owner”) to repeal part of By-law 148-2011. Specifically, the request was to remove from the list of heritage attributes the reference to the roof being “clad in cedar shingles”. After considering the Owner’s request to repeal part of By-law 148-2011 pursuant to Section 32 of the Ontario Heritage Act, Council passed the following motion:

- “1. That staff be directed to publish notice in accordance with Section 32(3) of the Ontario Heritage Act; and,
2. That staff report back to Council once the process set out in the Ontario Heritage Act is complete.”

Attachment 1 is a map showing the Subject Site and the existing zoning in the area.

Attachment 2 is an aerial photo of the Subject Site showing key site features.

Attachment 3 is a copy of By-law 148-2011, being a by-law designating the Subject Site under Part IV of the Ontario Heritage Act, that was passed by Council on November 28, 2011.

Attachment 4 is a copy of Correspondence Item CNCL-24-21, being a request from the Owner to repeal part of By-law 148-2011, that was considered by Council on February 26, 2024.

Attachment 5 is a copy of the heritage research report for the Subject Site prepared by Melissa Cole dated May 2011. Owing to its length, this heritage research report is not attached but can be found at the following link: [https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt\\_452-Simcoe-St-N.pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_452-Simcoe-St-N.pdf).

Attachment 6 is a draft flow chart released by the Provincial government illustrating the process to repeal a designation by-law, or part thereof, at the owner's initiative, under Section 32 of the Ontario Heritage Act.

## **2.0 Recommendation**

That, pursuant to Report ED-24-52 dated May 1, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.8 of said Report, concerning the request made by the owner of the property municipally known as 452 Simcoe Street North to repeal part of By-law 148-2011 pursuant to the process under Section 32 of the Ontario Heritage Act, for the purpose of removing one of the heritage attributes associated with said property as listed in By-law 148-2011.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

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

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- Commissioner, Safety and Facilities Services
- City Solicitor

### **4.1 Consultation with Heritage Oshawa**

Under Section 32 of the Ontario Heritage Act, a Council must consult with its municipal heritage committee (Heritage Oshawa) prior to making a decision on a property owner's application to repeal part of a by-law passed to designate a property under Part IV of the Ontario Heritage Act.

On March 21, 2024, Heritage Oshawa was consulted on the Owner's Section 32 application to repeal part of By-law 148-2011 for the Subject Site and made the following recommendation:

“That, pursuant to HTG-24-21 dated March 15, 2024, the Section 32 application to repeal a portion of By-law 148-2011, being an application to remove the wording “clad in cedar shingles” from the description of heritage attributes, be recommended for approval under Section 32 of the Ontario Heritage Act.”

## **5.0 Analysis**

### **5.1 Background**

On November 28, 2011, City Council passed By-law 148-2011, being a by-law to designate the Subject Site under Part IV of the Ontario Heritage Act (see Attachment 3).

In December 2012, the City and the Owner entered into a Heritage Easement Agreement (“H.E.A.”) which granted the Owner eligibility for the City's Heritage Property Tax Reduction Program. The H.E.A. is still in effect and the Owner continues to receive the reduction as granted through the City's Heritage Property Tax Reduction Program.

As noted in Section 1.0 of this Report, on February 26, 2024, City Council considered Correspondence Item CNCL-24-21, being a request from the Owner to repeal part of By-law 148-2011 in order to remove “clad in cedar shingles” from the description of heritage attributes associated with the Subject Site (see Attachment 4). Staff were subsequently directed to publish notice of the Owner's application to repeal part of By-law 148-2011 in accordance with Section 32(3) of the Ontario Heritage Act and then report back to Council once the process set out under Section 32 of the Ontario Heritage Act is complete.

### **5.2 Owner's Rationale**

As outlined in Attachment 4 of this Report, the rationale for this request relates to the maintenance of the cedar shake roof. The Owner states that the maintenance of this feature has been “cumbersome and expensive”. Further to this point, the Owner advises that the cost of cedar shakes continues to increase and that the ability to find a competent contractor has been a challenge.

### **5.3 Heritage Research Report**

A heritage research report dated May 2011 prepared by Melissa Cole, a local heritage consultant, describes the cultural value and significance of the Subject Site (see Attachment 5). With respect to the roof feature, the heritage research report notes the following:

“The bell cast roof is a unique feature of this home and the integrity of the roof has been maintained with a replacement cedar shingle roof. The roofline is side gabled with simple cornice moldings. There is one chimney that peeks the roofline on the west façade.”

Staff note that the aforementioned heritage research report for the Subject Site indicates that the cedar shingle material used on the roof was a replacement.

#### **5.4 Process under Section 32 of the Ontario Heritage Act**

Under Section 32 of the Ontario Heritage Act, an owner of property designated under the Ontario Heritage Act may apply to Council to repeal the by-law, or part thereof, designating the property.

Pursuant to Council's direction of February 26, 2024, City staff issued notice of the Owner's application to repeal part of By-law 148-2011 on February 28, 2024 in accordance with the City's Public Notice Policy. The last day to submit notice of objection to the application was April 2, 2024. No objections were received.

Upon receipt of a property owner's Section 32 application, the Council of the municipality is required to issue notice of the application to repeal. Attachment 6 of this Report illustrates the process, at the property owner's initiative, to repeal a designating by-law, or part thereof, under Section 32 (Part IV) of the Ontario Heritage Act.

The Council of the municipality is required to consult with its municipal heritage committee prior to making a decision on a Section 32 application. As noted in Section 4.1 of this Report, Heritage Oshawa was consulted at their March 21, 2024 meeting and recommended that the subject Section 32 application be approved. After consulting with its municipal heritage committee and considering any objections received, the Council shall, within 120 days of issuing notice, make a decision to either refuse or consent to the property owner's Section 32 application.

Staff note that a decision by Council, whether to refuse or consent to a Section 32 application, is subject to appeal. In the event Council chooses to consent to the subject Section 32 application by selecting Option 1 outlined in Section 5.8.1 of this Report, any person may appeal the decision to the Ontario Land Tribunal. In the event Council chooses to refuse the subject Section 32 application by selecting Option 2 outlined in Section 5.8.2 of this Report, the Owner may appeal the decision to the Ontario Land Tribunal.

#### **5.5 Effect of Requested Repeal of Part of By-law 148-2011**

In their Section 32 application, the Owner has requested to have the wording "clad in cedar shingles" removed from the description of heritage attributes as described in By-law 148-2011 (see Attachment 4). The current wording in By-law 148-2011 reads "The shallow gabled bell cast roof with side gables clad in cedar shingles" (see Attachment 3).

In the event Council chooses to consent to the Section 32 application by selecting Option 1 outlined in Section 5.8.1 of this Report, a repealing by-law will need to be passed by Council. The repealing by-law will repeal and replace By-law 148-2011 resulting in the cedar shingles currently located on the roof to no longer be considered a heritage attribute. In the replacement by-law, the resulting heritage attribute will read "The shallow gabled bell cast roof with side gables".

Should the Owner (or their successors) wish to change the material used on the gabled roof in the future, this would no longer be considered an alteration to a designated property. The Owner (or their successors) could change the material used on the gabled roof as they please and Council's consent would not be required.

## **5.6 Property Standards By-law 1-2002 and Heritage Properties**

The City's Property Standards By-law 1-2002, as amended ("Property Standards By-law"), prescribes minimum standards for the maintenance and occupancy of buildings, structures, and surrounding lands. It is intended to:

- Address the City's strategic goal of "Social Equity: Ensure an inclusive, healthy and safe community";
- Provide a mechanism to maintain properties and buildings to a minimum standard;
- Provide tools to maintain and enhance the character/image of the City;
- Sustain property values;
- Preserve the tax base; and,
- Protect the safety and the quality of life of residents and businesses.

The Property Standards By-law can be found at the following link:

<https://www.oshawa.ca/en/Document-Feeds/General-By-Laws/PropertyStandardsBylaw1-2002.pdf>.

Section 9 of the Property Standards By-law provides standards for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated, except in accordance with the Ontario Heritage Act, including any permits or permissions required under such Act.

As a designated property, the Subject Site is subject to Section 9 of the Property Standards By-law.

## **5.7 Heritage Property Tax Reduction Program**

On March 21, 2011, Council adopted a Heritage Property Tax Reduction Program which provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City. The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property tax. At this time, the Region of Durham does not participate in the program and therefore there is currently no reduction of the Region's portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following criteria:

- (a) Be located in the City;

- (b) Be designated under Part IV or Part V of the Ontario Heritage Act;
- (c) Be subject to a Heritage Easement Agreement with the City; and,
- (d) Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

- (a) The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and,
- (b) The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.

In 2023, the total City and education portions of the property taxes for 452 Simcoe Street North was \$4,532.10. The Owner is currently granted the 40% reduction to the City and education portions of the property taxes which resulted in a reduction of \$1,441.36 and \$371.48, respectively, in the amount of property taxes paid to the City and School Boards by the Owner in 2023.

As noted in Section 5.1 of this Report, in December 2012, the City and the Owner entered into an H.E.A. which granted the Owner eligibility for the City's Heritage Property Tax Reduction Program. Schedule "B" of said H.E.A. includes the description of heritage attributes as described in By-law 148-2011. In the event Council chooses to consent to the Owner's Section 32 application by selecting Option 1 outlined in Section 5.8.1 of this Report, City staff would work with the Owner to amend Schedule "B" of the subject H.E.A. to include the updated description of heritage attributes.

## **5.8 Options**

### **5.8.1 Option 1: Consent to the Owner's Application to Repeal Part of By-Law 148-2011**

Should the Economic and Development Services Committee wish to recommend that Council consent to the Owner's application under Section 32 of the Ontario Heritage Act to repeal part of By-law 148-2011, the following recommendation should be adopted:

"That the Economic and Development Services Committee recommend to Council:

1. That, pursuant to Report ED-24-52 dated May 1, 2024, the application submitted by the owner of the designated property at 452 Simcoe Street North to repeal a portion of By-law 148-2011 under Section 32 of the Ontario Heritage Act, being an application to remove the wording "clad in cedar shingles" from the description of heritage attributes associated with subject property, be recommended for approval and that an appropriate by-law, which will repeal and replace By-law 148-2011, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services; and,
2. That, pursuant to Report ED-24-52 dated May 1, 2024, City staff be directed to serve notice on the property owner and the Ontario Heritage Trust of Council's decision, and

publish notice of Council's decision in accordance with Section 32(5) of the Ontario Heritage Act and the City's Public Notice Policy."

Staff note that in the event Council chooses to consent to the Section 32 application, a repealing by-law must also be passed within 120 days of the City issuing notice of the application. Given that this 120 day period ends on June 27, 2024, the repealing by-law would need to be passed by Council at their meeting on either May 27, 2024 or June 24, 2024. Accordingly, an appropriate by-law has been prepared for adoption by Council at their May 27, 2024 meeting in the event Option 1 of this Report is selected.

Staff also note that in the event Council chooses to consent to the Section 32 application, any person who objects to Council's decision may appeal to the Ontario Land Tribunal within 30 days after notice of the decision has been published.

### **5.8.2 Option 2: Refuse the Owner's Application to Repeal Part of By-Law 148-2011**

Should the Economic and Development Services Committee wish to recommend that Council refuse the Owner's application under Section 32 of the Ontario Heritage Act to repeal part of By-law 148-2011, the following recommendation should be adopted:

"That the Economic and Development Services Committee recommend to Council:

1. That, pursuant to Report ED-24-52 dated May 1, 2024, the application submitted by the owner of the designated property at 452 Simcoe Street North to repeal a portion of By-law 148-2011 under Section 32 of the Ontario Heritage Act, being an application to remove the wording "clad in cedar shingles" from the description of heritage attributes associated with the subject property, be recommended for refusal; and,
2. That, pursuant to Report ED-24-52 dated May 1, 2024, City staff be directed to serve notice on the property owner and the Ontario Heritage Trust of Council's decision in accordance with Section 32(5) of the Ontario Heritage Act."

Staff note that in the event Council chooses to refuse the Section 32 application, the Owner may appeal to the Ontario Land Tribunal within 30 days after receiving notice of Council's decision.

## **6.0 Financial Implications**

Council's decision to either refuse or consent to the Owner's Section 32 application will be subject to a 30 day appeal period after publishing the notice. In the event of an appeal and referral to the Ontario Land Tribunal, the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the hearing. These costs would be accommodated through the Corporate Litigation Account.

As the Subject Site is designated under Part IV of the Ontario Heritage Act, the Owner has applied for and currently receives a reduction of 40% of the property taxes paid annually to the City and School Boards through the City's Heritage Property Tax Reduction Program. In the event Council chooses to either refuse or consent to the Section 32 application, the Owner's eligibility for the City's Heritage Property Tax Reduction Program will still be

satisfied. The Owner will continue to receive the reduction of 40% of the property taxes paid annually to the City and School Boards.

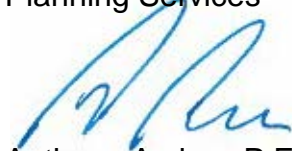
In 2023, the total City and education portions of the property taxes for 452 Simcoe Street North was \$4,532.10. The Owner is currently granted the 40% reduction to the City and education portions of the property taxes which resulted in a reduction of \$1,441.36 and \$371.48, respectively, in the amount of property taxes paid to the City and School Boards by the Owner in 2023.

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

The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.

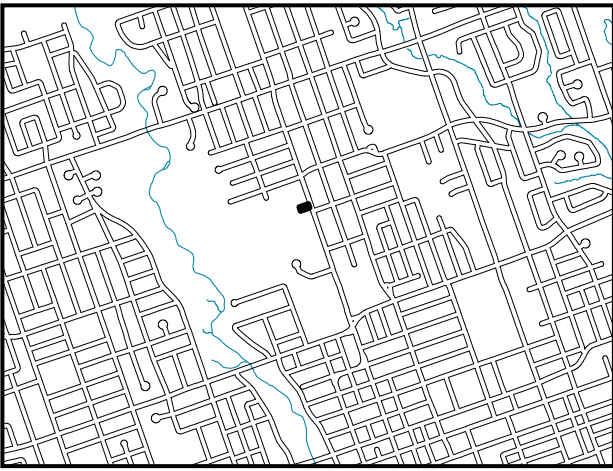


Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department





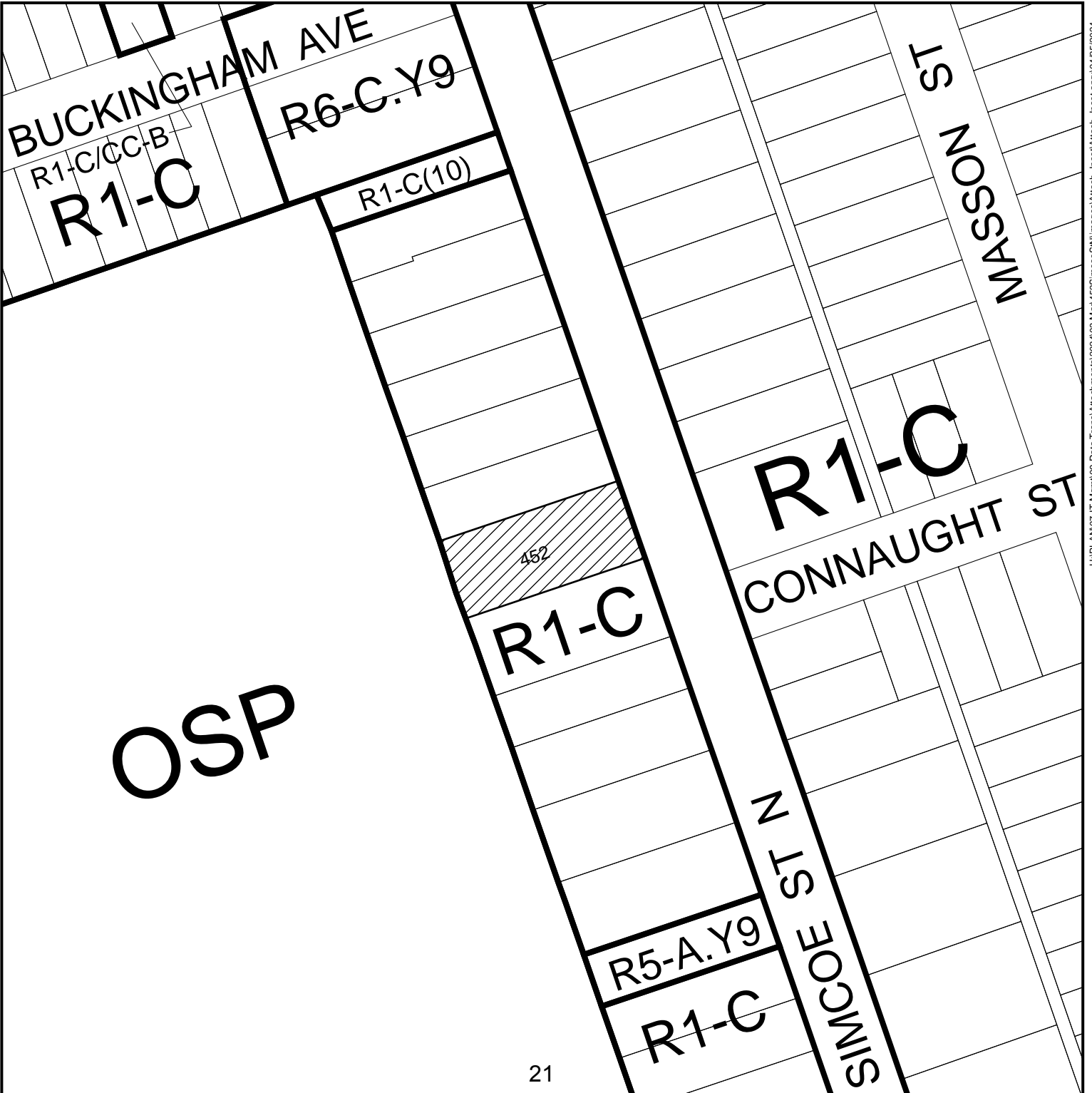
Item: ED-24-52  
Attachment 1

Economic and Development Services

Subject: Update concerning an Application under Section 32  
of the Ontario Heritage Act to Repeal Part of  
By-Law 148-2011 for the Property Municipally  
Known as 452 Simcoe Street North

Ward: Ward 4  
File: 12-04-0158

Subject Site 




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Subject: Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North

Item: ED-24-52  
Attachment 2

Ward: Ward 4  
File: 12-04-0158

 Subject Site

City of Oshawa  
Economic and Development Services 



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being a by-law to designate the property located at 452 Simcoe Street North, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

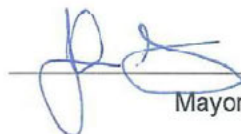
Recitals:

1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. **M.F.I.P.A. Sec. 14(1)** are the registered owners of the property located at 452 Simcoe Street North in the City of Oshawa (the "Property"). The Property contains a good representation of a two-storey, detached dwelling of Georgian revival style built in the early 1920's in the City of Oshawa.
3. On October 19, 2011 the City forwarded to the Ontario Heritage Trust a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published in the *Oshawa This Week* newspaper (which has general circulation in the City of Oshawa) on October 19, 2011.
5. The last day of serving a Notice of Objection to the Notice of Intention to designate the Property was November 18, 2011. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including the detached dwelling and its features which are described in Schedule "A" to this By-law, located at 452 Simcoe Street North, legally described as Plan 201, Lot 11, Part Lot 10, Oshawa, is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owners of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-eighth day of November, 2011.

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
City Clerk

**452 Simcoe Street North  
Designation Statement and Description**

**Location and Description of Property:**

452 Simcoe Street North consists of a single detached residential dwelling located on the west side of Simcoe Street North, south of Buckingham Street and north of Adelaide Avenue, in an area of Oshawa that has remained largely unchanged since the original homes were constructed in the early 20<sup>th</sup> century. The house is one of many high-quality residential buildings from that time period sited along Simcoe Street North. Following World War 1, the City of Oshawa's economy was booming and this area became home to many junior executives, business owners, doctors and other professionals.

The house is a stately, two-and-a-half storey home that is representative of the late Georgian Revival style. It consists of a shallow gabled bell cast roof clad in cedar shingles. The main east façade addresses Simcoe Street North and features a three bay design with a central entranceway typical of Georgian architecture. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah. This Georgian Revival style home survives on a medium sized lot with mature vegetation.

**Legal Description:**

The property is located at 452 Simcoe Street North and is legally described as Plan 201, Lot 11, Part Lot 10, Oshawa.

**Statement of Cultural Heritage Value or Interest:**

The cultural heritage value of 452 Simcoe Street North lies in the fact that this home is a good representation of early twentieth century Georgian architecture. It is located in a neighbourhood that has remained relatively stable since its formation and the dwelling has been well maintained throughout the years. This area of homes reflects an interbellum era residential neighbourhood developed following World War 1, when Oshawa's economy was thriving and many junior executives, business owners, doctors and other professionals established their homes in this neighbourhood of the City. This particular Georgian Revival style home survives on a medium sized lot with mature vegetation, and is set well back from the street.

The dwelling is a stately, two-and-a-half storey rectangular form home that has a shallow gabled bell cast roof and a simple cornice. The arrangement of the windows and door create a symmetrical three bay façade typical of Georgian architecture. The main entranceway, classical in design, is sheltered under a small gabled roof porch supported by wooden posts. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah.

**Description of Heritage Attributes:**

Key attributes that reflect the heritage value of the house at 452 Simcoe Street North:

- The two-storey Georgian Revival design, featuring a symmetrical 3-bay frontal façade with centrally positioned main entrance;
- The shallow gabled bell cast roof with side gables clad in cedar shingles;
- The smooth stucco unadorned exterior walls with straight stone window accents;
- The uniform fenestration with casement windows;
- The simple cornice moldings;
- The Edwardian double height porch on the south side gable; and
- The location of the house being set well back from Simcoe Street North.

**From:** adriana lupton <M.F.I.P.P.A. Sec 14(1)>  
**Sent:** Monday, February 12, 2024 9:57 AM  
**To:** clerks <[clerks@oshawa.ca](mailto:clerks@oshawa.ca)>  
**Subject:** Heritage Designation

Dear Clerks, Mayor Carter and Council,

I am Adriana Lupton, a third generation owner of the property located at 452 Simcoe St. North. My home is a heritage designated home within Oshawa. I would like to take the opportunity to express my gratitude for the tax rebate which has assisted in the upkeep cost of the heritage home.

Although I appreciate my heritage designation, there is one element of it that is proving problematic in terms of maintenance. Specifically, the attribute within the designation that deals with the roof. It states under the description, "the shallow gabled bell cast roof with side gables clad in cedar shingles". Through the years, I have found that maintaining the cedar shake roof has been cumbersome and expensive. I would like to ask the council to amend my designation bylaw, to remove "clad in cedar shingles". I would like to take the opportunity to explain why.

The cedar shake continues to go up in price and is incredibly expensive now. More importantly, finding a competent contractor to do the job properly has been a challenge. I had a contractor who would repair/maintain it and his prices were high as he was one of the few that knew how to repair it. He has now retired and is no longer available. The cedar shake is not common any longer and as a result repairing and maintaining this roof has become near impossible for me. Cedar shake roofs require more maintenance over their lifespan, and add to the overall cost of the roof. It fades, warps, spits, and rot leaving my home vulnerable to water damage, pests and costly repairs. Maintaining this kind of roof takes a lot of work, and proper maintenance and cedar shake roof treatments needs to be done regularly to avoid faster deterioration. It is vital to me to keep my home in good repair, and there are many other roofing options that would be cost effective and keep the integrity of the home.

I cannot afford to continue with the expenses involved in maintaining the cedar shake roof. I am requesting that the above attribute from the heritage designation description By-law 148-2011 be removed. Thank you for your time and attention in this matter.

Yours sincerely,

Adriana Lupton





**By-Law 148-2011  
of The Corporation of the City of Oshawa**

being a by-law to designate the property located at 452 Simcoe Street North, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:

1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. **M.F.I.P.A. Sec. 14(1)** are the registered owners of the property located at 452 Simcoe Street North in the City of Oshawa (the "Property"). The Property contains a good representation of a two-storey, detached dwelling of Georgian revival style built in the early 1920's in the City of Oshawa.
3. On October 19, 2011 the City forwarded to the Ontario Heritage Trust a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published in the *Oshawa This Week* newspaper (which has general circulation in the City of Oshawa) on October 19, 2011.
5. The last day of serving a Notice of Objection to the Notice of Intention to designate the Property was November 18, 2011. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including the detached dwelling and its features which are described in Schedule "A" to this By-law, located at 452 Simcoe Street North, legally described as Plan 201, Lot 11, Part Lot 10, Oshawa, is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owners of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-eighth day of November, 2011.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

Schedule "A" to By-law 148-2011  
of The Corporation of the City of Oshawa

**452 Simcoe Street North  
Designation Statement and Description**

**Location and Description of Property:**

452 Simcoe Street North consists of a single detached residential dwelling located on the west side of Simcoe Street North, south of Buckingham Street and north of Adelaide Avenue, in an area of Oshawa that has remained largely unchanged since the original homes were constructed in the early 20<sup>th</sup> century. The house is one of many high-quality residential buildings from that time period sited along Simcoe Street North. Following World War 1, the City of Oshawa's economy was booming and this area became home to many junior executives, business owners, doctors and other professionals.

The house is a stately, two-and-a-half storey home that is representative of the late Georgian Revival style. It consists of a shallow gabled bell cast roof clad in cedar shingles. The main east façade addresses Simcoe Street North and features a three bay design with a central entranceway typical of Georgian architecture. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah. This Georgian Revival style home survives on a medium sized lot with mature vegetation.

**Legal Description:**

The property is located at 452 Simcoe Street North and is legally described as Plan 201, Lot 11, Part Lot 10, Oshawa.

**Statement of Cultural Heritage Value or Interest:**

The cultural heritage value of 452 Simcoe Street North lies in the fact that this home is a good representation of early twentieth century Georgian architecture. It is located in a neighbourhood that has remained relatively stable since its formation and the dwelling has been well maintained throughout the years. This area of homes reflects an interbellum era residential neighbourhood developed following World War 1, when Oshawa's economy was thriving and many junior executives, business owners, doctors and other professionals established their homes in this neighbourhood of the City. This particular Georgian Revival style home survives on a medium sized lot with mature vegetation, and is set well back from the street.

The dwelling is a stately, two-and-a-half storey rectangular form home that has a shallow gabled bell cast roof and a simple cornice. The arrangement of the windows and door create a symmetrical three bay façade typical of Georgian architecture. The main entranceway, classical in design, is sheltered under a small gabled roof porch supported by wooden posts. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah.

**Description of Heritage Attributes:**

Key attributes that reflect the heritage value of the house at 452 Simcoe Street North:

- The two-storey Georgian Revival design, featuring a symmetrical 3-bay frontal façade with centrally positioned main entrance;
- The shallow gabled bell cast roof with side gables clad in cedar shingles;
- The smooth stucco unadorned exterior walls with straight stone window accents;
- The uniform fenestration with casement windows;
- The simple cornice moldings;
- The Edwardian double height porch on the south side gable; and
- The location of the house being set well back from Simcoe Street North.

### Heritage Property Tax Reduction

The City of Oshawa has a Heritage Property Tax Reduction Program. Owners of property designated under the Ontario Heritage Act are eligible for this program.

The annual property tax reduction you may receive is 40% of the City and school board portions on eligible property. However, Regional taxes are not included in this program.

### Process for altering a designated property

After a property owner submits an application to either alter or demolish a designated property, City staff will initially review the application to determine if any of the heritage attributes will be impacted. These heritage attributes are laid out in the designation by-law that is passed on the date that each property is designated. For this instance, I have attached a PDF of Designation By-law 148-2011 which lists the heritage attributes for 452 Simcoe St N. If staff determine that any of these heritage attributes will be impacted, the application will be circulated to our Heritage Oshawa Advisory Committee for their comment. Then, the application will be reviewed by City Council (with Heritage Oshawa's comments), and they will make a decision to either approve, approve with conditions, or refuse.

If an owner objects to a Council decision to refuse or apply conditions to a proposed alteration, they may appeal the decision to the Ontario Land Tribunal.

For future use, more information can be found at the following webpage:

<https://www.oshawa.ca/en/parks-recreation-and-culture/alterations-and-demolition.aspx>

### Process for repealing a designation by-law

The first step would be for the property owner to submit correspondence to City Council requesting that the designation by-law on their property be repealed. The Heritage Oshawa Advisory Committee would provide any comments on the request. Then, City Council would decide to either begin the process to repeal the designation by-law, or refuse the request.

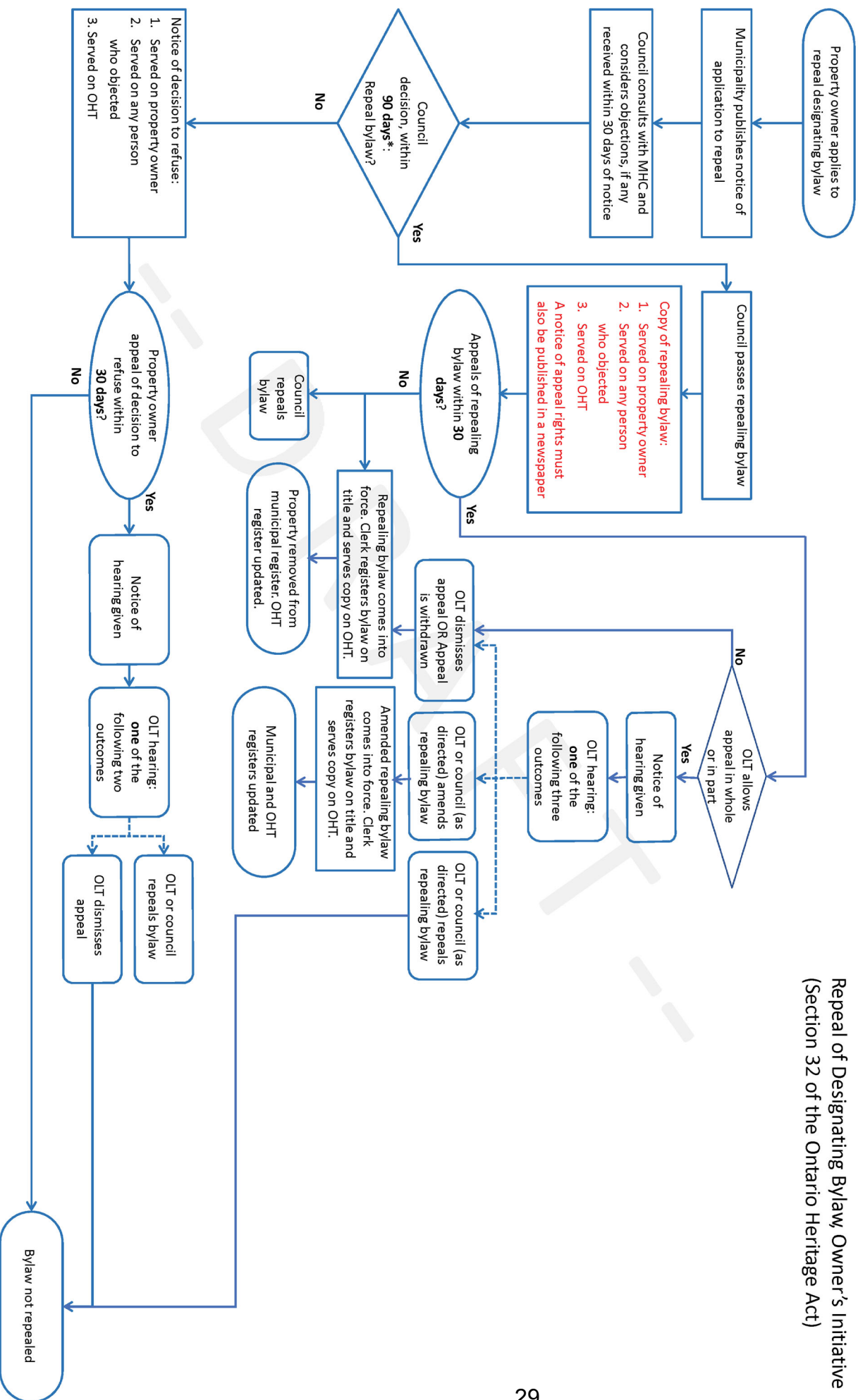
Similar to the above-mentioned process, if the owner objects to Council's decision, they may appeal the decision to the Ontario Land Tribunal.

In the other attached file labelled 'Heritage Toolkit – Designating Heritage Properties', there is a flowchart in the appendix (page 38) which generally lays out the process for when a property owner wishes to repeal the designation bylaw. I note that the CRB (Conservation Review Board) that is mentioned in this flowchart has since been amalgamated into the Ontario Land Tribunal.



Title: Flow Chart Prepared by the Provincial Government Illustrating the Process to Designate a Property Under Section 29, Part IV of the Ontario Heritage Act  
 Subject: Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North  
 Ward: Ward 4  
 File: 12-04-0158

Repeal of Designating Bylaw, Owner's Initiative  
(Section 32 of the Ontario Heritage Act)





## ED-24-60

Dear Council Members,

Our family purchased 82/84 Simcoe Street South in August of 2018. At the time, the venture was envisioned as an opportunity for our family to create wealth for our retirement, and to become a part of the Oshawa community. We had chosen Oshawa for its history, potential for growth, and its proximity to Toronto.

Our venture initially exceeded expectations, and a partnership with Durham Mental Health made us feel like a contributing member of the community. Unfortunately, the impact of the subsequent Pandemic shutdown had profound and negative consequences on the building. Within months, 50% of our tenants ceased payments, and incidents of drug usage within the premises escalated. This distressing situation reached its pinnacle when drug dealers took control of a unit, resulting in extensive damage and the ultimate condemnation of the building by Oshawa Fire in September 2023.

Since the condemnation of the building, we have made plans to fix-up and revitalize the building. These include new windows for the complete building, upgrades to all units (including kitchens and bathrooms), enhancements to the exterior (fencing and courtyard), and the creation of three new rental units. The urgency of the situation has compelled us to initiate much of the work, with an anticipated completion date of March 2024.

During a recent meeting with Mayor Dan Carter to discuss our plans, he suggested exploring the Community Improvement Plan grants (CIPs) offered by the City of Oshawa to support such initiatives. Upon consultation with the Economic Development team, we learned that eligibility for CIPs typically requires work not to have commenced before the submission of

the application. However, it was also conveyed that the Council has, on occasion, approved CIPs retroactively in cases of extenuating circumstances demanding immediate attention.

This letter serves as a humble request for an exemption from the eligibility criterion, allowing us to apply for CIPs despite work having already commenced. We fully understand and appreciate the regulations in place, but the severity of the challenges we have faced necessitated urgent action to salvage our investment.

It is crucial to emphasize that we are not a large corporation but a family facing an unexpected and daunting situation. Our intention is to transform this adversity into a positive outcome by revitalizing the building and turning it into a beacon rather than a blight on the city. We sincerely hope that the Council recognizes the sincerity of our efforts and grants our request for retroactive consideration to apply for CIPs.

Thank you for your time and consideration. We look forward to the possibility of collaborating for the betterment of our community.

Sincerely,

Francis and Marea Taylor

Economic and Development Services Department – May 6, 2024

Application Under the City's Brownfields Renaissance Community Improvement Plan for Two (2) Brownfields Study Grants, 299 Dean Avenue, B.G.S. STOUFFVILLE LTD.  
(File: 12-04-2117) (Ward 5)

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That the Economic and Development Services Committee recommend to City Council:

Whereas, B.G.S. STOUFFVILLE LTD. has submitted an application for two (2) Brownfields Study Grants under the City's Brownfields Renaissance Community Improvement Plan, which consist of the following:

- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Two Environmental Site Assessment ("E.S.A.") for soil and groundwater sampling at 299 Dean Avenue; and,
- A grant in the amount of \$10,000 in order to undertake a supplementary Phase Three E.S.A. for remedial work plans and risk assessments at 299 Dean Avenue; and,

Whereas, the intent of the Brownfields Study Grant is that the grant is based on 50% of the actual cost of the eligible studies (e.g. Phase Two E.S.A.) to a maximum of \$10,000 for each individual study and that all grants must be approved by City Council; and,

Whereas, B.G.S. STOUFFVILLE LTD. has advised staff that the total cost to complete the required supplementary Phase Two E.S.A. for 299 Dean Avenue is \$29,785, and the total cost to complete the required supplementary Phase Three E.S.A. for 299 Dean Avenue is \$90,000; and,

Whereas, B.G.S. STOUFFVILLE LTD. has confirmed that upon completion of the work, the City will be provided copies of the Phase Two E.S.A. and Phase Three E.S.A. for the City's records and retention; and,

Whereas, the application is consistent with the intent of the Brownfields Study Grant Program as it will stimulate the undertaking of private sector environmental studies of brownfield sites in the Brownfields Renaissance Community Improvement Area; and,

Whereas, the clean-up and development of impacted lands is in the public interest since the development of impacted lands may help to revitalize neighbourhoods, improve soil quality, improve the appearance of impacted sites, reduce greenfield development through infilling and intensification, use existing services more effectively and increase assessment and job creation;

Therefore be it resolved that the application for two (2) Brownfields Study Grants submitted by B.G.S. STOUFFVILLE LTD., for 299 Dean Avenue, be approved as follows:

- 50% of the cost of a supplementary Phase Two Environmental Site Assessment for soil and groundwater sampling for 299 Dean Avenue to a maximum of \$10,000; and,
- 50% of the cost of a supplementary Phase Three Environmental Site Assessment for remedial work plans and risk assessments for 299 Dean Avenue to a maximum of \$10,000.

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-54

Date of Report: May 1, 2024

Date of Meeting: May 6, 2024

Subject: City Comments on Bill 185, the Proposed "Cutting Red Tape to Build More Homes Act, 2024" and the Proposed Provincial Planning Statement

Ward: All Wards

File: 12-03-3612

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## **1.0 Purpose**

The purpose of this Report is to obtain Council approval of City comments on:

- Bill 185, the Province’s proposed “Cutting Red Tape to Build More Homes Act, 2024”, being an Act to amend various statutes to “reduce red tape and remove costly burdens in order to make government work better for the families, business owners, municipalities and workers that are building Ontario” (“Bill 185”);
- the Province’s proposed new Provincial Planning Statement (the “P.P.S.”); and,
- the Province’s proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting (“Ontario Regulation 73/23”).

Bill 185 consists of the proposed amendments to the following Acts:

- An Act to incorporate the Trinity College School
- The Arts Council Act
- The Building Opportunities in the Skilled Trades Act, 2021
- The City of Toronto Act, 2006
- The Coroners Act
- The Development Charges Act, 1997
- The Hazel McCallion Act (Peel Dissolution), 2023
- The Line Fences Act
- The Municipal Act, 2001
- The Niagara Parks Act
- The Ontario Energy Board Act, 1998

- The Planning Act
- The Poet Laureate of Ontario Act (In Memory of Gord Downie), 2019
- The Redeemer Reformed Christian College Act, 1998
- The Université de Hearst Act, 2021

For the purposes of this Report to the Economic and Development Services Committee and Council, staff are only providing comments on the Province's proposed amendments under Bill 185 to:

- The Development Charge Act, 1997;
- The Municipal Act, 2001; and,
- The Planning Act.

Additional information on Bill 185 and the proposed amendments to the various Acts can be found at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185>.

The proposed amendments to the various Acts were posted on the Province's Environmental Registry of Ontario ("E.R.O.") website on April 10, 2024 with comments due by May 10, 2024.

The proposed P.P.S. was posted on the E.R.O. website on April 10, 2024 and later updated on April 12, 2024, with comments due by May 12, 2024.

In addition, the Province is seeking comments on proposed amendments to Ontario Regulation 73/23. These proposed amendments were posted on the E.R.O. website on April 10, 2024 with comments due by May 10, 2024.

Staff are seeking Council authority to send City comments on the associated E.R.O. postings in advance of Council's endorsement of the comments in order to meet the May 10, 2024 and May 12, 2024 commenting deadlines.

Attachment 1 is a copy of Bill 185, which was introduced into the Ontario Legislature with first reading on April 10, 2024. Owing to the size of the document, it is not attached to this Report but a copy of the proposed Bill 185 can be viewed at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185>.

Attachment 2 is a copy of the proposed P.P.S., which was released on April 10, 2024, and later updated on the E.R.O. website on April 12, 2024. Owing to the size of the document, it is not attached to this Report but a copy of the proposed P.P.S. can be viewed at the following link: <https://ero.ontario.ca/notice/019-8462>.

Attachment 3 outlines the various P.P.S. policies as they were originally proposed by the Province when the initial draft version of the P.P.S. was released on April 6, 2023, in the form of the Proposed Planning Statement, 2023.

Attachment 4 is a list of E.R.O. postings under Bill 185, the proposed P.P.S. and Ontario Regulation 73/23 for which staff have prepared comments for Council's approval through this Report.



Attachment 5 presents staff comments on Bill 185 and the proposed amendments to Ontario Regulation 73/23.

Attachment 6 presents staff comments on the proposed P.P.S.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That Report ED-24-54 dated May 1, 2024, including Attachments 5 and 6, be endorsed as the City's comments on the Province's proposed amendments to certain Acts under Bill 185, "Cutting Red Tape to Build More Homes Act, 2024" as well as the proposed Provincial Planning Statement and Ontario Regulation 73/23: Municipal Planning Data Reporting.
2. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-24-54 dated May 1, 2024 related to Bill 185, "Cutting Red Tape to Build More Homes Act, 2024", the proposed Provincial Planning Statement and the proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting in response to the associated proposals posted on the Environmental Registry of Ontario website.
3. That staff be authorized to forward a copy of Report ED-24-54 dated May 1, 2024 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

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

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- City Solicitor

## **5.0 Analysis**

### **5.1 Overview of Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

On April 10, 2024, the Ministry of Red Tape Reduction released a bulletin on the E.R.O. website entitled "Bill 185, the Proposed Cutting Red Tape to Build More Homes Act, 2024." The bulletin can be viewed at the following link: <https://ero.ontario.ca/notice/019-8492>.

On April 10, 2024, the Ministry of Municipal Affairs and Housing also released a bulletin on the E.R.O. website entitled "Bill 185, the Proposed Cutting Red Tape to Build More Homes

Act, 2024 – Housing Initiatives”. This bulletin provides measures related to housing. The bulletin can be viewed at the following link: <https://ero.ontario.ca/notice/019-8365>.

Bill 185, as it relates to housing initiatives, is proposing a suite of legislative, regulatory and policy initiatives. This includes initiatives to:

- build homes cheaper and faster;
- prioritize infrastructure for housing projects that are ready to go;
- improve consultation processes and provide greater certainty once a decision is made; and,
- build more types of homes for more people.

## **5.2 Proposed Amendments Resulting from Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

The following subsections outline the proposed changes to the Planning Act, Development Charge Act, 1997 and Municipal Act, 2001 resulting from Bill 185, as well as the proposed amendments to Ontario Regulation 73/23.

### **5.2.1 Proposed Amendments to the Planning Act**

The proposed amendments to the Planning Act under Schedule 12 of Bill 185, if passed, would, among other matters, address the following:

- Removal of Planning Responsibilities from Upper Tier Municipalities:
  - The upper tier Regional municipalities of Halton, Peel and York will no longer have planning responsibilities as of July 1, 2024.
  - The dates for the Regional municipalities of Simcoe, Durham, Niagara and Waterloo to no longer have planning responsibilities have not yet been set, and will be released at a later date.
- Elimination of Minimum Parking Requirements in Major Transit Station Areas and Areas Surrounding Higher Order Transit Stations and Stops:
  - The Planning Act would be amended to prohibit minimum parking requirements in protected major transit station areas, and areas delineated in an official plan surrounding existing and planned higher order transit stations and stops, within which areas the official plan policies identify the minimum number of residents and jobs planned to be accommodated, in accordance with a provincial plan or policy statement.
- Limitations on Third Party Appeals to the Ontario Land Tribunal:
  - Third party appeals of official plans, official plan amendments, zoning by-laws and zoning by-law amendments will be limited to key participants, including applicants,

the minister, public bodies and specified persons (e.g. utility companies). Third party appeals filed prior to Bill 185 coming into force by anyone not considered a key participant, and where the hearing has not started, will be dismissed.

- Voluntary Pre-consultation:
  - Pre-application consultations with municipalities will be voluntary and not mandatory.
  - Applicants can bring a motion to the Ontario Land Tribunal (“Tribunal”) at any time during pre-consultation for a determination as to whether the requirements for a complete application are reasonable, or have been met.
- Settlement Area Boundary Expansions:
  - An applicant will be able to appeal a municipality’s decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an ‘area of settlement’, outside of the Greenbelt Area.
- Revocation of Fee Refund Provisions:
  - The fee refund provisions put in place by Bill 109, More Homes for Everyone Act, 2022 are proposed to be revoked.
- Minister Zoning Orders/Community Infrastructure Housing Accelerators:
  - The Province is proposing to put in place a new framework for requesting a Minister’s Zoning Order including criteria that will consider whether a ministerial zoning order delivers on provincial priorities and whether it is supported by a municipal council or a mayor with strong mayor powers. The requirements also include demonstrating why the normal municipal process cannot be used, as well as information on Indigenous engagement and public consultation.
  - The community infrastructure housing accelerator process introduced under Bill 23, More Homes Built Faster Act, 2022 is proposed to be repealed.
- Reducing Barriers to Building Additional Residential Units:
  - The Province is proposing an enhanced regulation-making authority to help create additional residential units such as “garden, laneway or basement suites”, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.
- “Use it or lose it” Provisions:
  - Developments with approved site plans which do not pull permits within a specified period of time can have their approvals withdrawn.
  - Draft plans of subdivision will have mandatory lapsing provisions with the time frames to be set by regulation.

- Draft plans of subdivision that were approved before March 27, 1995 will lapse if not registered within three years of Bill 185 passing.
- Exempt Universities from the Planning Act:
  - Publicly-assisted universities will be exempt from the Planning Act and planning provisions for university-led student housing projects on- and off-campus.
- Fast-Tracking Priority Government Projects:
  - The Province is exploring options to get shovels in the ground faster for priority government projects by consulting on a new expedited approval process for community service facilities (e.g. schools, long-term care homes and hospitals). The Province is proposing to amend the Planning Act to provide the regulation-making authority to exempt community service facilities from any or all provisions of the Planning Act, and prescribe any requirements that a community service facility must meet.
- Public Notices:
  - Changes are proposed to the regulations that govern how notices are given by a municipality to reflect current practices of most municipalities. This includes changes to enable municipalities to give notice of a proposed new/amending by-law or passage of a by-law on a municipal website, if local papers are not available.

Attachment 5 provides staff comments on the proposed amendments to the Planning Act under Bill 185.

### **5.2.2 Proposed Amendments to the Development Charges Act, 1997**

The proposed amendments to the Development Charges Act, 1997 under Schedule 6 of Bill 185, if passed, would, among other matters, address the following:

- Development Charges:
  - The five-year phase in of increased development charge rates introduced under Bill 23, More Homes Built Faster Act, 2022 is proposed to be repealed. This would apply to development charge by-laws passed on and after January 1, 2022.
  - The cost of development charge background studies can again be included as a capital cost when calculating the charge.
  - The process for extending development charge by-laws is being streamlined.
  - The current two year time limit on development charges being frozen is proposed to be reduced to 18 months after approval of the relevant application, to give homebuilders an incentive to obtain a building permit earlier and get shovels in the ground faster.

- Public Notices:
  - The public notice amendments proposed under the Planning Act would also apply to the Development Charges Act, 1997.

Attachment 5 provides staff comments on the proposed amendments to the Development Charges Act, 1997 under Bill 185.

### **5.2.3 Proposed Amendments to the Municipal Act, 2001**

The proposed amendments to the Municipal Act, 2001 under Schedule 9 of Bill 185, if passed, would, among other matters, address the following:

- Water Supply and Sewage Capacity:
  - Municipalities will be given the authority to enact by-laws under the Municipal Act to track water supply and sewage capacity, and to set criteria for when an approved development can have their allocation withdrawn.

Attachment 5 provides staff comments on the proposed amendments to the Municipal Act, 2001 under Bill 185.

### **5.2.4 Proposed Amendments to Ontario Regulation 73/23**

The proposed amendments to Ontario Regulation 73/23, if passed, would, among other matters, address the following:

- Expand the List of Municipalities Required to Report on Planning Matters:
  - Schedule 1 of Ontario Regulation 73/23 would be amended to include twenty-one additional municipalities who would be required to report information on planning matters to the Ministry of Municipal Affairs and Housing (“M.M.A.H.”). Staff note that the City of Oshawa is already listed as a municipality required to report information on planning matters to M.M.A.H.
- Datapoints and Frequency of Reporting:
  - Schedules 2 and 3 of Ontario Regulation 73/23 would be amended with a goal to improve the quality of information being collected by enabling municipalities to report on the status of various planning applications more accurately.

Attachment 5 provides staff comments on the proposed amendments to Ontario Regulation 73/23.

## **5.3 Overview of Proposed Provincial Planning Statement**

In 2022, the Provincial government undertook a review on approaches for leveraging the housing supportive policies of both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) through a streamlined province-wide framework.

As directed by Council on November 21, 2022, pursuant to its consideration of Report CNCL-22-78 dated November 16, 2022, staff submitted comments to the Province on the Province's proposed review of the Provincial Policy Statement, 2020 and the Growth Plan.

On April 6, 2023, the Provincial government released a new proposed Provincial Planning Statement, 2023 which combined the elements of the Growth Plan and the existing Provincial Policy Statement, 2020 into a single new land use policy document.

As directed by Council on May 29, 2023, the City submitted comments to the Province on the proposed Provincial Planning Statement, 2023 pursuant to Report ED-23-112 dated May 3, 2023.

The Province has now introduced an updated P.P.S. in response to feedback received through the 2023 consultation.

### **5.3.1 Proposed Changes to the Proposed Provincial Planning Statement**

The purpose of the proposed P.P.S. is to combine the elements of the Growth Plan and the Provincial Policy Statement, 2020 into a new land use policy document.

Through the proposed P.P.S., the Provincial government is proposing policies grouped under five pillars. The following five pillars mirror the five pillars that were first introduced in the proposed Provincial Planning Statement, 2023:

- Generate increased housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

In the event the proposed P.P.S. is adopted, the Provincial government would consequentially revoke the existing Provincial Policy Statement, 2020 and the Growth Plan as well as amend regulations under the Places to Grow Act, 2005. In addition, the Provincial government is proposing an administrative amendment to the Greenbelt Plan in order that the policies in the Greenbelt Plan are maintained should the existing Provincial Policy Statement, 2020 and the Growth Plan be revoked.

The following subsections provide additional information pertaining to the five pillars and identify those proposed policies that have been updated, those that have remained unchanged and those that are new with respect to the initial draft version of the Provincial Planning Statement, 2023 that was released for consultation on April 6, 2023. For comparison purposes, Attachment 3 outlines the various policies under the five pillars as they were originally proposed by the Province in the initial draft of the Provincial Planning Statement, 2023.

Staff note that the various bullets identifying the purpose and effect of the proposed policies under the various pillars of the P.P.S. replicate the exact language used by the Province in the current E.R.O. posting (i.e., Notice 019-8462).

### 5.3.2 Pillar 1: Generate Increased Housing Supply

The first pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to generate an increased housing supply. The proposed policies would:

- Require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (affordable, multi-generational, seniors, student housing) **[Updated]**.
- Require municipalities to support general intensification (e.g., through the redevelopment of plazas and shopping malls for mixed-use residential development) **[Updated]**, and encourage municipalities to establish and implement minimum targets for intensification in built-up areas **[New]**.
- Identify large and fast-growing municipalities and encourage them to plan for 50 people and jobs per hectare in designated growth areas **[Updated]**.
- Encourage municipalities to establish phasing strategies to align growth with infrastructure needs in designated growth areas **[New]**.
- Direct municipalities to meet minimum density targets for all major transit station areas with encouragement to promote supportive land uses and built forms, including affordable, accessible, and equitable housing **[Updated]**.
- Require municipalities to plan for intensification on lands that are adjacent to existing and planned frequent transit corridors **[New]**.
- Encourage all municipalities to focus growth and development in strategic growth areas to achieve higher density outcomes **[Updated]**.
  - Remove the requirement for large and fast-growing municipalities to identify and set out density targets **[Updated]**.
  - Remove direction for planning for urban growth centres, with simplified direction to plan for downtowns as strategic growth areas **[Updated]**.
  - Require municipalities to collaborate with housing service managers to ensure land use policies and housing policies are aligned, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs **[Unchanged]**.
- Require municipalities to establish local targets for affordable housing **[Updated]** based on reinstated definitions for affordable housing and low and moderate income households **[Updated]**.
- Require municipalities to collaborate with publicly-supported post-secondary institutions on early and integrated planning for student housing, and encourage collaboration on the development of student housing strategies **[New]**.

The proposed actions are also being taken to protect farmland:

- Not carry forward proposed policies permitting lot creation in prime agricultural areas **[Updated]**.
- Require municipalities to direct development to rural settlement areas, and provide more flexibility for municipalities to service residential development in rural settlement areas **[Updated]**.
- Permit more housing on farms to support farmers, farm families and farm workers without creating new lots, through enhanced policy and criteria supporting additional residential units **[Updated]**.

### 5.3.3 Pillar 2: Make Land Available for Development

The second pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to make land available for development. The proposed policies would:

- Require municipalities to base growth forecasts on Ministry of Finance population projections **[New]**, with transition for municipalities in the Greater Golden Horseshoe to continue to use forecasts issued by the province through Schedule 3 of A Place to Grow until more current forecasts are available to 2051, as informed by guidance provided by the province **[Updated]**.
  - Guidance for projecting population and related land requirements may be updated after finalization of the proposed Provincial Planning Statement to reflect final policy direction and considering feedback received **[Unchanged]**.
- Require municipalities to plan for a minimum 20-year horizon but not more than 30 years **[Updated]**, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units.
- Provide a simplified and flexible approach for municipalities to undertake settlement area boundary changes at any time, with requirements for municipalities to consider additional criteria related to the need for the expansion to accommodate growth, infrastructure capacity, phasing of growth, achievement of housing objectives, consideration of alternative locations to prime agricultural areas, and impacts on agricultural systems **[Updated]**.
- Permit municipalities to identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities needed to support development are planned or available **[New]**.
- Require municipalities to plan for and protect employment areas based on a definition of employment areas that would align with the Planning Act definition of “area of employment” amended through Bill 97 but not yet proclaimed **[Unchanged]**.



- Require municipalities to address transition and land use compatibility between employment areas and sensitive land uses **[Updated]**.
- Discontinue provincially significant employment zones issued under A Place to Grow and require municipalities to use the policies in the proposed Provincial Planning Statement to provide protection for employment areas **[Unchanged]**.
- Require municipalities to protect airports from land uses that may cause a potential aviation safety hazard **[Updated]**.
- Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries **[Unchanged]**.
- Allow municipalities to consider employment area conversions at any time to support the forms of development and job creation that suit the local context, under the condition that sufficient employment land is available to accommodate employment growth **[Updated]**.

#### **5.3.4 Pillar 3: Provide Infrastructure to Support Development**

The third pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to provide infrastructure to support development. The proposed policies would:

- Require municipalities to plan for water and wastewater infrastructure, and waste management systems, and require large and fast-growing municipalities, and encourage others, to undertake watershed planning **[Updated]**.
- Require all municipalities and to consider allocation or potentially reallocation of unused servicing capacity to accommodate projected needs for housing **[Updated]**.
- Require municipalities to protect corridors for major infrastructure, such as highways, transit and transmission systems and encourage municipalities to provide opportunities for the development of energy supply and storage to accommodate current and projected needs **[Updated]**.
- Require municipalities to integrate land use planning and transportation planning and encourage freight-supportive and transit-supportive development to move goods and people **[Unchanged]**.
- Require municipalities and school boards to integrate planning for schools with planning for growth, and promote opportunities to locate schools near parks and open space **[Updated]**.

### 5.3.5 Pillar 4: Balance Housing with Resources

The fourth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to balance housing with resources. The proposed policies would:

- Require municipalities to use an agricultural systems approach **[Updated]** and to designate specialty crop areas and prime agricultural areas.
- Require municipalities to maintain minimum separation distances between livestock operations and houses **[Unchanged]**.
- Require municipalities in central and southern Ontario to identify natural heritage systems and require municipalities across the province to protect provincially-significant natural heritage features and areas **[Unchanged]**.
- Require municipalities to protect water resources and features and require large and fast-growing municipalities **[Updated]** and encourage others, to undertake watershed planning in collaboration with conservation authorities **[Updated]**.
- Require municipalities to conserve cultural and archaeological resources, and promote proactive strategies for conserving built heritage resources **[Unchanged]**.
- Require municipalities to direct development outside of hazardous lands and sites in collaboration with conservation authorities **[Updated]**.
- Require municipalities to prepare for the impacts of a changing climate through land use planning, develop approaches to reduce greenhouse gas emissions, improve air quality **[Unchanged]**.
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources **[Unchanged]**.

### 5.3.6 Pillar 5: Implementation

The fifth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is implementation. The proposed policies would:

- Align with recent legislative amendments **[Unchanged]**.
- Require municipalities to undertake early engagement with Indigenous communities and coordinate with them on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights **[Unchanged]**.
- Affirm that efficient land-use patterns contribute to increased equitable access to housing in strategic growth areas **[Updated]**, employment, and transportation, and encourage municipalities to apply an equity lens on planning matters and engage stakeholders early in the process.

- Encourage coordination, particularly on intermunicipal topics **[Updated]**.

Attachment 6 provides staff comments on the proposed P.P.S.

#### **5.4 Next Steps**

Staff are seeking Council's endorsement of the staff comments contained in Attachments 5 and 6 of this Report as City comments regarding the various E.R.O. postings concerning proposed changes to the various Acts and regulations through Bill 185, the proposed P.P.S., and Ontario Regulation 73/23.

As mentioned in Section 1.0 of this Report, staff are seeking Council authority to send City comments on the associated E.R.O. postings in advance of Council's endorsement of the comments in order to meet the May 10, 2024 and May 12, 2024 commenting deadlines.

In the event that the comments are not supported by City Council, staff will ask the Province to consider the comments as withdrawn.

In the event the proposed P.P.S. and Bill 185 receive royal assent, Economic and Development Services staff would report back to the Economic and Development Services Committee and Council with any necessary amendments to City By-laws to implement the changes, including potential amendments to the City's Zoning By-law and Development Charges By-law.

#### **6.0 Financial Implications**

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

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

The Recommendations advance the Accountable Leadership goal of the Oshawa Strategic Plan.



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



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

## Proposed Policies Under the Five Pillars of the Initial Draft of the Provincial Planning Statement, 2023 (Released April 6, 2023)

### Pillar 1: Generate an Appropriate Housing Supply

The first pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to generate an appropriate housing supply. The proposed policies would:

- Identify large/fast-growing municipalities, with specific directions to plan strategically for growth:
  - Establish and meet minimum density targets for: major transit station areas, other strategic growth area (e.g., nodes and corridors), urban growth centres (transitioned from the Growth Plan).
  - Encourage to plan for transit-supportive greenfield density targets.
- Require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (multi-generational, student).

[Staff comment: It should be noted that the reference to laneway homes and garden suites as examples of multi-unit housing types appears erroneous.]

- Require all municipalities to implement intensification policies.
- Provide flexibility for municipalities to allow for more residential development in rural settlements and multi-lot residential development on rural lands, including more servicing flexibility (e.g., leveraging capacity in the private sector servicing).
- Require municipalities to permit more housing on farms, including residential lot creation subject to criteria, additional residential units and housing for farm workers.
- Require municipalities to align land use planning policies with housing policies, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs.

### Pillar 2: Make Land Available for Development

The second pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to make land available for development. The proposed policies would:

- Provide flexibility for municipalities to use government or municipally established forecasts (at minimum), with a transition phase for municipalities in the Greater Golden Horseshoe.

- Require municipalities to plan for a minimum 25-year horizon, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units.
- Provide a simplified and flexible approach for municipalities to undertake settlement area boundary expansions. Municipalities would be allowed to create new Settlement Areas and would not be required to demonstrate the need for expansion.
- Require municipalities to plan for and protect industrial and manufacturing uses that are unsuitable for mixed use areas, using a more narrowly scoped definition of “area of employment” limited to these uses and preserving large, contiguous areas of land.
- Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries and consider opportunities to densify.

[Staff comment: It is uncertain as to whether the three directives contained herein relate collectively to just employment areas, or whether they are three separate directives that do not necessarily relate to one another.]

- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context.

### **Pillar 3: Provide Infrastructure to Support Development**

The third pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to provide infrastructure to support development. The proposed policies would:

- Require municipalities to plan for stormwater management, water and wastewater infrastructure, and waste management systems to accommodate growth.
- Require municipalities to protect corridors for major infrastructure, such as highways, transit, transmission systems and encourage municipalities to provide opportunities for the development of energy supply to accommodate current and projected needs.

[Staff comment: with respect to providing opportunities for the development of “energy supply”, it is unclear if this is intended to relate to energy supply facilities and infrastructure.]

- Require the integration of land use planning and transportation with encouragement for freight-supportive and transit-supportive development to move goods and people.
- Require municipalities and school boards to integrate planning for schools and growth.

#### **Pillar 4: Balance Housing with Resources**

The fourth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to balance housing with resources. The proposed policies would:

- Require municipalities to designate specialty crop areas and prime agricultural areas, eliminating the requirement to use the provincially-mapped Agricultural System.
- Require municipalities to protect specialty crop areas and maintain minimum separation distances between livestock operations and houses, and promote an agricultural systems approach to support the agri-food network.
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources.
- Require municipalities to protect water resources and features and encourage watershed planning.
- Update the cultural heritage policies to align with Ontario Heritage Act amendments through Bill 108 and Bill 23, with a focus on conserving protected heritage properties.
- Require municipalities to prepare for the impacts of a changing climate and develop approaches to reduce greenhouse gas emissions and improve air quality.
- Require municipalities to direct development outside of hazardous lands and sites.

#### **Pillar 5: Implementation**

The fifth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. relates to implementation. The proposed policies would:

- Align with recent legislative amendments.
- Require municipalities to undertake early engagement with Indigenous communities and coordinate with them on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
- Affirm that efficient land-use patterns contribute to increased equitable access to housing, employment, parks and transportation, and encourage municipalities to apply an equity lens on planning matters and engage stakeholders early in the process.
- Encourage coordination, particularly on inter-municipal topics.

**Relevant E.R.O. Posting Details under Bill 185, the Proposed P.P.S. and Ontario Regulation 73/23**

<b>Legislation/Policy Review</b>	<b>E.R.O. Number</b>	<b>Link</b>	<b>Commenting Deadline</b>
Changes to the Development Charges Act, 1997 to Enhance Municipalities' Ability to Invest in Housing-Enabling Infrastructure	019-8371	<a href="https://ero.ontario.ca/notice/019-8371">https://ero.ontario.ca/notice/019-8371</a>	May 10, 2024
Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185: Newspaper Notice Requirements and Consequential Housekeeping Changes	019-8370	<a href="https://ero.ontario.ca/notice/019-8370">https://ero.ontario.ca/notice/019-8370</a>	May 10, 2024
Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9 and 12 of Bill 185)	019-8369	<a href="https://ero.ontario.ca/notice/019-8369">https://ero.ontario.ca/notice/019-8369</a>	May 10, 2024
Proposed Regulatory Changes under the Planning Act Relating to the Bill 185: Removing Barriers for Additional Residential Units	019-8366	<a href="https://ero.ontario.ca/notice/019-8366">https://ero.ontario.ca/notice/019-8366</a>	May 10, 2024
Review of Proposed Policies for a New Provincial Planning Policy Instrument	019-8462	<a href="https://ero.ontario.ca/notice/019-8462">https://ero.ontario.ca/notice/019-8462</a>	May 12, 2024
Proposed Amendments to Ontario Regulation 73/23	019-8368	<a href="https://ero.ontario.ca/notice/019-8368">https://ero.ontario.ca/notice/019-8368</a>	May 10, 2024

**Staff Comments on Bill 185 – Removing Barriers for Additional Residential Units (E.R.O. Posting Number 019-8366)**

	<b>Question (as posed in E.R.O. Posting Number 019-8366)</b>	<b>Staff Comments</b>
1.	Are there specific zoning by-law barriers, standards or requirements that frustrate the development of additional residential units (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?	<ul style="list-style-type: none"> <li>▪ Staff note that the City of Oshawa continues to see an increase in building permits issued for accessory apartments annually. In 2023, the number of building permits issued for accessory apartments was 360 which represents the highest number of accessory apartments issued in one year. This number surpasses the previous record of 229 accessory apartments units set in 2022.</li> <li>▪ Staff have no additional comments as it relates to zoning by-law barriers that frustrate the development of additional rental units. However, given the importance of maintaining an appropriate minimum amount of landscaped open space to support healthy tree growth (essential to mitigating the urban heat island effect) and permeable surface area for water absorption, regulations to this effect should not be considered as barriers.</li> </ul>
2.	Are there any other changes that would help support development of additional residential units?	<ul style="list-style-type: none"> <li>▪ Staff support the development of a wide range of housing options for residents, which is important for a healthy housing system. A full range and mix of housing, including affordable housing, is necessary to accommodate a range of incomes and household sizes. The promotion of the "missing middle" and "gentle density" forms of residential development (including duplexes, triplexes, accessory detached units and accessory apartments) should be focused on.</li> <li>▪ Many of the above noted types of units can provide more housing options for seniors or persons needing semi-independence, including the potential to turn them into accessible units. Moreover, they can be provided by regular homeowners and small scale developers in potentially large numbers. Financial support to provide an incentive to this sector to provide additional units should be considered.</li> </ul>



**Staff Comments on Bill 185 – Amendments to Ontario Regulation 73/23 (E.R.O. Posting Number 019-8368)**

	<b>Description</b>	<b>Staff Comments</b>
1.	<p>Expanding the List of Municipalities</p> <ul style="list-style-type: none"> <li>- Under Bill 185, Schedule 1 of Ontario Regulation 73/23 would be amended to include twenty one additional municipalities with provincially-assigned housing targets who would be required to report information on planning matters to the Ministry on a quarterly and annual basis.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that under Ontario Regulation 73/23, the City is already required to report information on planning matters to the Ministry on a quarterly and annual basis. Specifically, the City is required to report on official plan amendment applications, zoning by-law amendments, plans of condominium, plans of subdivision, site plan applications, land severances, minor variances, community infrastructure and housing accelerator orders and minister’s zoning orders.</li> </ul>
2.	<p>Datapoints and Frequency of Reporting</p> <ul style="list-style-type: none"> <li>- Under Bill 185, Schedules 2 and 3 of Ontario Regulation 73/23 would be amended with the goal to improve the quality of information being collected by enabling municipalities to report on the status of various planning applications more accurately. Some of the proposed amendments include a requirement to prepare a summary table, which outlines key statistics for each quarterly report. Municipalities would also be required to publish this summary to their municipal webpage and update the summary table each quarter beginning October 1, 2024.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that this proposed amendment to Schedules 2 and 3 of Ontario Regulation 73/23 will require additional staff time and resources.</li> <li>▪ Staff note that one of the proposed amendments is to require municipalities to provide a summary table for each planning application type with the existing quarterly reports. The summary table would be posted publically to the municipality’s webpage and would include the following components: <ul style="list-style-type: none"> <li>A) The total number of applications reported.</li> <li>B) The total number of submissions.</li> <li>C) The total number of municipal decisions. <ul style="list-style-type: none"> <li>- The percentage of municipal decisions that took longer than legislated timelines (where applicable).</li> <li>- The total number of approved housing units for applications where the municipality approved or granted the application.</li> </ul> </li> <li>D) The number of housing units proposed across all planning applications submitted during the respective quarter.</li> </ul> </li> </ul>

	Description	Staff Comments
		<p>E) The number of applications that were for privately initiated settlement area boundary expansions.</p> <p>The information that the Province is asking the municipality to report on and post on the municipal website appears to be an indication solely of the efficacy of the municipal decision-making process. It does not appear to provide an indication of the quality of the applications being submitted or the time the municipality is relying on the developer to provide information and/or respond to comments. The information that the Province is requesting does not appear to provide a complete picture. Accordingly, it is recommended that if the City is required to provide information about the total number of applications that took longer than legislated, the City should also include information about the reason the application took that long and the amount of time the application may have been dormant due to the applicant's inaction or lack of attention to the application.</p>

**Staff Comments on Bill 185 – Amendments to the Planning Act and the Municipal Act, 2001 (E.R.O. Posting Number 019-8369)**

	Description	Staff Comments
1.	<p>Reduce Parking Minimums</p> <ul style="list-style-type: none"> <li>- Under Bill 185, a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities on land that is located within: <ul style="list-style-type: none"> <li>a) a Protected Major Transit Station Area (“P.M.T.S.A.”);</li> <li>b) an area delineated in the official plan of the municipality surrounding and including an existing or planned</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that this proposed amendment would restrict a municipal council from approving official plans or zoning by-laws requiring parking in a P.M.T.S.A., and in areas surrounding higher-order transit where minimum densities are prescribed.</li> <li>▪ The Region of Durham has two proposed P.M.T.S.A.s in the City of Oshawa that are awaiting approval from the Province. These consist of the Central Oshawa P.M.T.S.A. and the Thornton’s Corners P.M.T.S.A.</li> <li>▪ Staff note that this proposed amendment still allows the developer to include parking in their development based on estimated market demand, as estimated by the developer. For example, a 100 unit</li> </ul>

	<b>Description</b>	<b>Staff Comments</b>
	<p>higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan; and,</p> <p>c) any other area prescribed.</p>	<p>condominium apartment building currently requires 145 parking spaces for residents per the City's Zoning By-law 60-94. However, if the developer estimates that only half of the purchasers will demand one parking space (and the rest content to do without), they could decide to only build 50 parking spaces instead of the currently required 145 parking spaces.</p> <ul style="list-style-type: none"> <li>▪ The Province has stated that the cost of constructing underground parking costs upward of \$100,000 per unit, which is typically passed on to the purchaser. By not being required to build the extra 95 parking spaces, the developer would save approximately \$9.5 million. Conversely, if a developer has to build a set minimum amount of parking, they will have an incentive to have to sell as many parking spaces as possible, including potentially discounting the price if parking spaces are not being purchased by homebuyers. This change could potentially benefit local communities by having fewer vehicles than would otherwise been the case had the developer been required to build a set minimum number of required parking. Alternatively, this change could lead to parking overflows into the surrounding neighbourhood in the event the residents of a particular development have more cars than can be accommodated by the development. This scenario presumably has a greater possibility of occurring should a development proceed in advance of the opening of a planned new transit station or higher order transit route. For this reason, staff recommend that in the absence of such facilities (which may be planned but not yet exist), an interim minimum amount of parking may be required by a municipality, to be provided in such a manner that it could appropriately be converted to accommodate residential or non-residential uses once the transit facilities are in operation.</li> <li>▪ Staff note that if this proposed amendment is passed, all existing properties in a P.M.T.S.A. or near a higher order transit station/stop will no longer need to provide parking even if they are already</li> </ul>

	Description	Staff Comments
		<p>providing parking. This may mean that some existing buildings may add residential units and non-residential floor space within the permissions of the existing zoning by-law (e.g. maximum height, maximum density, minimum setbacks, etc.). This could result in more commercial activity and new residential units in the short term in P.M.T.S.A.s and/or near higher order transit routes.</p> <ul style="list-style-type: none"> <li>▪ Staff also note that if this proposed amendment is passed, property owners of single detached dwellings, semi-detached dwellings and rowhouses within P.M.T.S.A.s or near higher order transit routes may add second and third units to their properties without adding additional parking spaces. This may result in single detached dwellings, semi-detached dwellings and rowhouses being entrenched, and may make property consolidation more difficult and costly, therefore stifling redevelopment opportunities. Staff recommend that this proposed amendment should not apply to single detached dwellings, semi-detached dwellings and rowhouses.</li> <li>▪ As previously mentioned, this proposed amendment would allow homebuyers and developers to decide on the number of parking spaces in new residential development in P.M.T.S.A.s as well as areas surrounding higher-order transit where minimum densities are prescribed based on market demands. However, market demands do not take into account visitor parking demand, and neither a homebuyer nor a developer would be in a position to determine the number of visitor parking spaces that are needed.</li> </ul> <p>In practice, a developer may choose to build as few as zero visitor parking spaces, since they are not able to recoup the cost directly from homebuyers. The lack of visitor parking spaces is likely to result in illegal parking on neighbouring properties or on streets. In theory, if someone purchases a unit and only purchases one parking space, they are very unlikely to move in with two vehicles without having a formal arrangement already in place to account for the second vehicle</p>

	Description	Staff Comments
		<p>(e.g. renting a space from a resident who has one parking space but no vehicles). However, short term visitors are more likely to park vehicles in places they are not supposed to if there is no on-site visitor parking. Staff recommend that this proposed amendment should continue to allow municipalities to have the option to have zoning by-laws in place to dictate minimum visitor parking rates. This does not mean that every municipality will impose a minimum visitor parking rate, but it would allow the municipality the option to impose the requirement.</p> <ul style="list-style-type: none"> <li>▪ Staff are seeking clarity on what is meant by “planned” in “an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan.” Does “planned” refer to a potential station or stop in a transportation master plan or official plan, or does that station/stop need to be under construction already? A prescriptive description needs to be provided for what triggers that parking exemption to avoid further confusion.</li> </ul>
2.	<p>Regulations for Additional Residential Units</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the Minister would have regulation-making authority to remove zoning barriers (i.e. maximum lot coverage, etc.) to building small multi-unit residential buildings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that under subsection 35.1(2) of the Planning Act, the Minister can make regulations establishing requirements and standards for second and third residential units in single detached dwellings, semi-detached dwellings and rowhouses and for residential units in a building or structure ancillary to such a house.</li> </ul> <p>This proposed amendment would authorize regulations establishing requirements and standards with respect to any additional residential unit in a single detached dwelling, semi-detached dwelling, a rowhouse, a residential unit in a building or structure ancillary to such aforementioned dwelling units, a parcel of land where such residential units are located or a building or structure within which such</p>

	Description	Staff Comments
		<p>residential units are located. This proposed amendment, if passed, would widen the scope of the Minister's ability to regulate not only a second or third residential unit but any additional residential unit in a house, as well as the land on which such additional residential units are located and the building or structure within which such additional residential units are located.</p> <ul style="list-style-type: none"> <li>▪ Staff have concerns with this proposed amendment. This proposed amendment could potentially remove all zoning requirements for additional dwellings units. The development of an additional dwelling unit and the site context are important. For example, the context of the dimensions of a side yard and rear yard is important in siting an accessory building for any use. Equally important, maintaining an appropriate minimum amount of landscaped open space to support healthy tree growth (essential to mitigating the urban heat island effect) and permeable surface area for water absorption is critical to mitigate the effects of climate change, including extreme heat and stormwater management during excessive rainfall events.</li> <li>▪ Staff recommend that the Province stipulate new regulations that outline where additional dwelling units should be prohibited. Specifically, additional dwelling units should be prohibited in hazard lands or lands within a certain distance of rail corridors, 400-series highways and pipelines.</li> </ul>
3.	<p>Community Infrastructure and Housing Accelerator</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the community infrastructure and housing accelerator tool from the Planning Act would be repealed which would avoid unnecessary duplication with a revised process for ministerial zoning orders. Transition rules would be provided to</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that Bill 109, More Homes for Everyone Act, 2022, brought forward the community infrastructure and housing accelerator tool. The community infrastructure and housing accelerator tool enables local municipalities to request a community infrastructure and housing accelerator in order to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development.</li> <li>▪ Staff agree with this proposed amendment to repeal the community infrastructure and housing accelerator tool from the Planning Act as it</li> </ul>

	Description	Staff Comments
	<p>permit community infrastructure and housing accelerator permits where orders have been made to date to continue functioning.</p>	<p>is made redundant by also having a ministerial zoning order process in place.</p>
4.	<p>“Use It or Lose It” Tool</p> <ul style="list-style-type: none"> <li>- Under Bill 185, a new municipal servicing management tool would be created to authorize municipalities to adopt policies by by-law to formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated/reallocated to other projects if the approved development has not proceeded after a given timeline and the servicing is needed elsewhere.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that the proposed amendment is in response to a municipal concern where there are a number of developments that are currently approved but not moving forward. To address this concern, this proposed amendment looks at expanding the municipality’s authority to attach lapsing provisions to approved site plans and draft plans of subdivisions. The prescribed time period shall not “be less than” or “exceed such” a time period as “may be applicable to the development” or be less than three years.</li> <li>▪ Staff note that the City already imposes expiration dates on draft plans of condominiums and site plan approvals. Draft plans of condominium expire either three or five years based on whether it is a standard versus a common element condominium. Site plan approvals currently expire after two years. Staff note that the expiry of site plan approvals would potentially need to increase from two years to three years to conform to this proposed amendment.</li> <li>▪ Staff note that the City does not currently impose expiration dates on draft plans of subdivision approvals. This would need to be amended to conform to the proposed amendment.</li> </ul>
5.	<p>Third Party Appeals</p> <ul style="list-style-type: none"> <li>- Under Bill 185, third party appeals for official plans, official plan amendments, zoning by-laws and zoning by-law amendments would be limited to the applicant, specified persons and public bodies who made written or oral submissions. A specified person</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that the proposed amendment removes the appeal rights for residents and community groups for official plans, official plan amendments, zoning by-laws and zoning by-law amendments. Ultimately, members of the public would not be allowed to appeal a development that they oppose. This could lead to greater public pressure on elected officials to make decisions that do not necessarily reflect the tenets of good planning, and such decisions would more likely be appealed by an Applicant. In such instances, there is potential for municipal staff to not be in a position to support council’s</li> </ul>

	Description	Staff Comments
	means a list of entities that includes utilities, pipeline and rail operators.	<p>decision, resulting in the need to engage external professional witnesses at extra cost to the municipality and the taxpayer.</p> <p>However, limiting appeals would reduce staff's time spent on Ontario Land Tribunal matters (e.g., reporting to Council on direction, preparing and attending appeal hearings, etc.), freeing up staff's time to work on other planning matters. On the other hand, in the short term, it would require staff time to update planning documents and templates to change the references regarding who can appeal planning decisions.</p>
6.	<p>Fee Refund Provisions</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the fee refund provisions from the Planning Act for zoning by-law amendments and site plan control applications would be removed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff support this amendment. The fee refund provisions, introduced by Bill 109, More Homes for Everyone Act, 2022, requires municipalities to refund the planning application fee for certain types of applications if the application (or combination of applications, such as a joint official plan amendment and zoning by-law amendment) is not approved or denied within a specified timeframe of the municipality's receipt of a complete application.</li> </ul> <p>The fee refund provision assumes that any delays in the approval of an application under the Planning Act are as a result of delays caused by the approval authority. It does not take into consideration the fact that a large proportion of applications are delayed for reasons that are outside of the approval authority's control.</p> <p>It should be noted that to date, the City has not had to issue any refunds under the fee refund provisions. The City received one application to amend the zoning by-law for 620 and 646 Taunton Road West and the application was approved in less than ninety days of submission and therefore a refund was not required. In addition, the City has received only four applications for site plan approval and all applications received conditional site plan approval within sixty days of submission and therefore refunds were not required.</p>



	<b>Description</b>	<b>Staff Comments</b>
7.	<p>Municipal Pre-Application Process</p> <ul style="list-style-type: none"> <li>- Under Bill 185, pre-application consultation will be voluntary at the discretion of the applicant.</li> <li>- Under Bill 185, an applicant will be able to challenge complete application requirements to the Ontario Land Tribunal at any time.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff have concerns with this proposed amendment as it relates to the pre-application consultation being voluntary. Staff note that under the Planning Act, it currently states that a municipality “may, by by-law, require applicants to consult with the municipality” before submitting certain applications. It does not prescribe any limitations or parameters for what “consult with the municipality” means. This has led many municipalities to pass by-laws that prescribe how consultation must take place, particularly when the Bill 109, More Homes for Everyone Act, 2022 application fee refund provisions came into effect in 2023. Municipalities have enacted by-laws with respect to consultation in order to create clarity and understanding for all parties involved in the pre-consultation process, including applicants and outside agencies. Absent of such by-laws, instances have arisen leading to appeals to the Ontario Land Tribunal over whether an applicant had “consulted” with the municipality, and whether a formal application can be determined to be “complete” upon submission if the applicant did not “consult” with the municipality in the manner and to the extent that would otherwise be typically outlined in a municipal pre-consultation by-law.</li> <li>▪ This proposed amendment would amend the wording to indicate that the municipality “shall permit applicants to consult with the municipality” before submitting an application. This makes pre-consultation voluntary at the discretion of the applicant and removes altogether the ability for a municipality to require it. However, it does not help either the municipality or the applicant to understand what is meant by consultation. It does not stipulate how much consultation the municipality can expect the applicant to undertake in advance of the submission of a formal application. This may lead to confusion between applicants and municipalities regarding how much an applicant should be expected to consult.</li> <li>▪ Staff note that pre-consultation is valuable to both the applicant and the municipality to identify opportunities, challenges and issues prior to</li> </ul>

	Description	Staff Comments
		<p>an applicant submitting an application, in many cases before even fully forming a development proposal. Prior to Bill 109, More Homes for Everyone Act, 2022, municipal decisions on development applications were at times prolonged because applicants did not properly consult with the municipality or agencies on important matters such as road widening requirements, driveway access, airport height restrictions, heritage matters, local contextual knowledge, etc. This resulted in these matters being addressed subsequent to an application being submitted, adding to processing times and additional revisions to plans and documents that might otherwise have been avoided.</p> <ul style="list-style-type: none"> <li>▪ Staff recommend that the Province maintain the ability for a municipality to adopt a by-law requiring applicants to consult with the municipality, and prescribe the scope of pre-consultation. This would create a consistent understanding for all applicants and municipalities on the intent of the legislation and the parameters which each party must adhere to.</li> </ul>
8.	<p>Settlement Area Boundary Expansions</p> <ul style="list-style-type: none"> <li>– Under Bill 185, an applicant will be able to appeal a municipality’s refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an ‘area of settlement’, outside of the Greenbelt Area.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that the Planning Act states that an applicant cannot appeal an official plan amendment or a zoning by-law amendment application that would change the boundary of an ‘area of settlement’. This proposed amendment would allow an applicant to appeal a municipality’s refusal or failure to make a decision on a settlement area boundary expansion request given the lands are outside of the Greenbelt Area.</li> <li>▪ Staff note that this proposed amendment is paired with another proposed amended in the proposed P.P.S. where there are new criteria for the assessment of proposals for settlement area boundary expansion requests.</li> <li>▪ Staff note that there is no limitation on the ability of landowners to apply for a settlement area boundary expansion. Nor are there size limitations for boundary expansion proposals. Staff have concerns with this owing to the fact that the tests for settlement area boundary</li> </ul>

	Description	Staff Comments
		<p>expansions are not as stringent as they currently are under the Provincial Policy Statement, 2020. A municipality is no longer required to demonstrate that sufficient opportunities to accommodate growth are not available. This could hinder efforts to promote intensification within a municipality's Built Boundary and optimize the use of existing infrastructure, and instead spur Greenfield development where services may potentially need to be extended.</p>
9.	<p>Facilitating Standardized Housing Designs</p> <ul style="list-style-type: none"> <li>- Under Bill 185, a regulation-making authority would be created that would establish criteria to facilitate planning approvals for standardized housing. This would only apply on certain specified lands (i.e. minimum lot size, such as urban residential lands with full municipal servicing outside of the Greenbelt Area).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff request additional clarity to understand what the criteria would be to facilitate planning approvals for standardized housing.</li> </ul>
10.	<p>Upper-Tier Planning Responsibilities</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the effective date of the removal of planning responsibilities from upper-tier governments including Peel Region, Halton Region and York Region will be July 1, 2024.</li> <li>- For Waterloo Region, Durham Region and Niagara Regions and Simcoe Country, the date to remove planning responsibilities will be announced at a later date but by the end of 2024.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that the City of Oshawa already has delegated authority on a number of planning matters in which Regional approval is not required (e.g. subdivisions, rezoning, condominium and part-lot control). Staff also note that Durham Region has already downloaded consent applications to the City effective 2024.</li> </ul> <p>However, it has been standard practice to consult with the Region on matters that do not require Regional approval. If Regional approval was no longer required for official plans and official plan amendments, staff would still need to continue the practice of consulting with the Region on growth-related matters, as these are intrinsically linked to servicing, which is a Regional responsibility and needs to be coordinated on a cross-jurisdictional basis.</p>

	<b>Description</b>	<b>Staff Comments</b>
11.	<p>Expedited Approval Process for Community Service Facility Projects</p> <ul style="list-style-type: none"> <li>Under Bill 185, it is proposed that a regulation-making authority be created to enable a streamlined approvals pathway for prescribed class(es) of 'community service facility' projects (e.g. public schools, hospitals and long-term care facilities) that support the creation of complete communities.</li> </ul>	<ul style="list-style-type: none"> <li>Staff request additional clarity to understand what the expedited approval process for community service facility projects would look like.</li> </ul>
12.	<p>Exempt Universities from the Planning Act</p> <ul style="list-style-type: none"> <li>Under Bill 185, it is proposed that publicly-assisted universities be exempted from the Planning Act and planning provisions for university-led student housing projects on- and off-campus.</li> </ul>	<ul style="list-style-type: none"> <li>Staff note that exempting publically-assisted universities from the Planning Act and planning provisions for university-led student housing projects on and off campus may be problematic. If universities start developing student housing projects in designated industrial areas, it will lead to diminished industrial and business park areas. For example, Ontario Tech has lands located in the Northwood Business Park. These lands should not be permitted to have student housing projects on them.</li> <li>Staff note that this proposed legislation should only apply to allow colleges and universities to construct student housing projects on- and off-campus in conformity with the local official plan and on lands where housing is otherwise permitted by the local official plan.</li> </ul>

**Staff Comments on Bill 185 – Newspaper Notice Requirements (E.R.O. Posting Number 019-8370)**

	<b>Description</b>	<b>Staff Comments</b>
1.	<p>Modernizing Public Notice Requirements</p> <ul style="list-style-type: none"> <li>Under Bill 185, regulatory changes are proposed that would modernize public notice requirements under the Planning Act and Development Charges Act,</li> </ul>	<ul style="list-style-type: none"> <li>Staff have no objections to the proposed regulatory changes for public notice requirements.</li> <li>Effective November 20, 2023, the City adopted a public notice policy (GOV-23-02) to meet the requirements under Section 270(1)(4) of the Municipal Act, 2011 which requires a municipality to adopt a policy</li> </ul>

	<b>Description</b>	<b>Staff Comments</b>
	<p>1997 regarding newspaper notices. Municipalities would be able to give notice on a municipal website, if a local newspaper is not available.</p>	<p>with respect to the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given.</p> <p>Statutory notices are already posted on the 'Public Notices' page of the City's website for at least the two-week period immediately preceding the Council or Committee meeting (and longer, if required by statute) at which the matter will be considered and an opportunity is provided for members of the public to speak or to submit correspondence regarding the matter.</p>
2.	<p>Third Party Appeals</p> <ul style="list-style-type: none"> <li>- Under Bill 185, third party appeals for official plan, official plan amendments, zoning by-laws and zoning by-law amendments would be limited to specified persons and public bodies who made written or oral submissions. A specified person means a list of entities that includes utilities, pipeline and rail operators.</li> <li>- As a result of this proposed change, consequential amendments would be required under the Planning Act and Development Charges Act, 1997.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Please refer to item number five under staff Comments on Bill 185 (E.R.O. Posting Number 019-8369) for comments regarding third party appeals.</li> <li>▪ Staff have no additional comments as it relates to the consequential amendments that would be required to the Planning Act and the Development Charges Act, 1997.</li> </ul>

**Staff Comments on Bill 185 – Amendments to Development Charges Act, 1997 (E.R.O. Posting Number 019-8371)**

	<b>Description</b>	<b>Staff Comments</b>
1.	<p>Repeal the Mandatory five-year Phase-in of Development Charge Rates</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the five-year phase-in of development charge rates would be eliminated and transition rules would apply:</li> </ul> <p>For Development Charge By-laws passed on or after January 1, 2022 but before November 28, 2022:</p> <ul style="list-style-type: none"> <li>o The reduced “phase-in rates” continue to apply to charges imposed on or after November 28, 2022, and before the day that Bill 185 receives royal assent.</li> </ul> <p>For Development Charge By-laws passed after November 28, 2022:</p> <ul style="list-style-type: none"> <li>o There are no specific transition provisions related to the “phase in” for a development charge by-law passed after November 28, 2022.</li> <li>o Bill 185 introduces new subsection 19(1.3), which allows a municipality to amend a DC By-law to increase a development charge imposed during the first four years that the DC By-law was in force to the amount that could have been</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that Bill 23, More Homes Built Faster Act, 2022, previously amended the Development Charges Act, 1997 to require a reduction in the maximum development charge that could be imposed in the first four years that new development charge by-laws were in effect. The proposed amendment would remove the phase-in requirements and propose transition rules for development charge by-laws.</li> <li>▪ Staff note that the City’s development charge by-law expires in 2024 and that a review is underway of the development charge background study and the drafting of a new development charge by-law.</li> </ul> <p>Frequent revisions of the Development Charges Act, 1997 have created uncertainty regarding planning direction and require implementing bodies to continually revise their workplace processes for effective local implementation.</p> <p>As previously mentioned, staff recommend that the Province commit to policy certainty for a period of time to allow municipalities to focus on implementation with a reasonable level of certainty that further substantial changes will not be advanced in the short term.</p> <ul style="list-style-type: none"> <li>▪ Staff support the proposed amendment as it will mean the City will no longer be required to reduce development charges in the first four years.</li> </ul>

	Description	Staff Comments
	<p>charged if the mandatory “phase in” had never been in effect.</p> <ul style="list-style-type: none"> <li>○ The above-described increase must be passed within six months after Bill 185 receives royal assent and is currently not proposed to be subject to the normal requirements associated with the passage of a DC By-law (i.e., no background study, public notice or appeals to the Ontario Land Tribunal).</li> </ul>	
2.	<p>Reinstate Studies as an Eligible Capital Cost for Development Charges</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the cost of studies would be reinstated as an eligible development charge cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that Bill 23, More Homes Built Faster Act, 2022, previously amended the Development Charges Act, 1997 to exclude certain study costs, including the cost of undertaking a development charge background study, from the list of eligible capital costs that municipalities could recover through development charges.</li> <li>▪ Staff support the proposed amendment as there are multiple studies included in the City’s development charge background study that total approximately \$1 million in development charge eligible costs (e.g. 2023 Development Charge Background Study, Official Plan Review, Asset Management, Transportation Master Plan, Parks, Recreation, Library and Culture Facility Needs Assessment, Mobility Hub Transportation and Land Use Study, and Grade Separation Study). Allowing these studies to be an eligible development charge cost means the cost of these vital studies will not become taxpayer obligations and will not have to be funded from the tax levy.</li> </ul>
3.	<p>Streamlined Process for Extending DC By-Laws</p> <ul style="list-style-type: none"> <li>- Under Bill 185, municipalities can extend their existing development charge by-laws using a streamlined</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that Bill 23, More Homes Built Faster Act, 2022, amended the requirement to update and replace a development charge by-law from at least once every five years to at least once every ten years.</li> </ul>

	<b>Description</b>	<b>Staff Comments</b>
	<p>process including not having to prepare a new background study and undertaking most of the procedural requirements associated with passing a new or amended development charge by-law but not change the development charge rate.</p>	<ul style="list-style-type: none"> <li>▪ Staff note that municipalities seeking to update their development charge rates would still be subject to the regular development charge process.</li> </ul>
4.	<p>Reduce the time limit on the DC freeze</p> <ul style="list-style-type: none"> <li>– Under Bill 185, the ‘freeze’ of a development charge for an applicant’s development will be reduced from two years to eighteen months.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that Bill 108, More Homes, More Choice Act, 2019, introduced the ‘freeze’ of a development charge rate. Currently the ‘freeze’ of a development charge rate occurs at the rate set as of the date of a complete application for a zoning by-law amendment or site plan approval (whichever occurs later) is filed. The rate freeze applies as long as building permits are pulled within the prescribed amount of time, which currently is set at two years from the approval of the relevant planning application.</li> <li>▪ The proposed amendment would reduce the prescribed amount of time from two years to eighteen months. Staff note that this may encourage developers to obtain a building permit faster. As such, it is recommended that this reduction of the freeze rate be implemented.</li> </ul>



**Staff Comments on the Proposed P.P.S.**

	<b>Question (as posed in E.R.O. Posting Number 019-8462)</b>	<b>Staff Comments</b>
1.	What are your overall thoughts on the updated proposed Provincial Planning Statement?	<ul style="list-style-type: none"> <li data-bbox="808 441 1906 620">▪ Staff note that the current Provincial Policy Statement, 2020 is four years old and the current Growth Plan was issued in August 2020 following previous significant revisions in 2019 and 2017. Both the Provincial Policy Statement, 2020 and the Growth Plan are proposed to be replaced by a single proposed P.P.S.</li> </ul> <p data-bbox="856 641 1879 782">These frequent revisions and issuances of Provincial land use planning policies have created uncertainty regarding land use planning policy direction/continuity and require implementing bodies to continually revise their work plans for effective local implementation.</p> <p data-bbox="856 803 1906 1052">The Province should commit to policy certainty for a defined period of time following the issuance of the proposed P.P.S. to allow municipalities and others the ability to focus on implementation with certainty. It would also provide time to analyze the implementation of the P.P.S. rather than continue undertaking what appears to be an ongoing reactionary approach to implementation, as evidenced by multiple revisions over a relatively short span of years.</p> <ul style="list-style-type: none"> <li data-bbox="808 1073 1879 1432">▪ Subject to the foregoing, staff support the integration of the Provincial Policy Statement, 2020 and the Growth Plan into one new Province-wide planning policy document. However, the goal of increasing housing supply and supporting a range and mix of housing options needs to be balanced with efforts to mitigate the effects of climate change as well as achieve the goal of protecting and managing resources, the natural environment and public health and safety. Increasing the supply of housing and supporting a diversity of housing types is important, but should not come at the expense of the environment, or other important planning considerations.</li> </ul>

	<b>Question (as posed in E.R.O. Posting Number 019-8462)</b>	<b>Staff Comments</b>
		<ul style="list-style-type: none"> <li>▪ Staff support the idea of streamlining and simplifying policy direction, as well as policy direction that allows for flexibility and takes into account local circumstances.</li> </ul>
2.	<p>What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?</p>	<ul style="list-style-type: none"> <li>▪ Staff support policies that address increasing the supply of housing and supporting a diversity of housing types.</li> <li>▪ The proposed P.P.S. includes policy language that encourages municipalities to establish minimum targets for intensification and redevelopment in built-up areas. As well, the proposed P.P.S. includes policy language that encourages municipalities to establish density targets for designated growth areas. Staff note that for large and fast growing municipalities, the draft policy encourages a density target of fifty residents and jobs per gross hectare in designated growth areas.</li> </ul> <p>Staff note that identifying strategic growth areas and density targets in official plans will assist with making sure there is a sufficient supply and mix of housing options and will result in more efficient land use patterns. As well, staff note that implementing density targets are helpful as they provide a measurable criterion to assist with growth. However, not all communities are the same and the application of one standard density target across the Greater Golden Horseshoe is not realistic, given differing populations, market conditions, etc.</p> <p>In addition, by only encouraging municipalities to establish minimum density targets for designated growth areas and minimum intensification targets for built-up areas, as opposed to making them mandatory, this may result in more Greenfield development with a commensurate reduction in levels of intensification in the existing built-up area. This may result in inefficient land use patterns that do not optimize the use of existing infrastructure and may also result in increased infrastructure costs to support new homes in Greenfield areas. In view of the foregoing, it is recommended that the Province implement policies to ensure that development of lower density development in Greenfield areas proceeds in tandem with higher density</p>

	<b>Question (as posed in E.R.O. Posting Number 019-8462)</b>	<b>Staff Comments</b>
		<p>development within built-up areas, and giving municipalities the ability to regulate the issuance of approvals for lower density development in the event such development outpaces the delivery of a certain level of medium and high density development.</p> <ul style="list-style-type: none"> <li>▪ The proposed P.P.S. includes policy language for strategic growth areas and the importance of intensification to achieve complete communities and compact built form. The proposed P.P.S. suggests municipalities support the redevelopment of commercially designated retail lands (e.g. underutilized shopping malls and plazas) and consider the implementation of a student housing strategy.</li> <li>▪ Staff support the redevelopment of commercially designated retail lands that are underutilized. Staff note that there are several underutilized shopping plazas throughout the City that could be redeveloped to accommodate additional housing supply and mixed use buildings. For example, staff have approved a rezoning application at 400 King Street West for a twenty storey building. Currently the site is occupied by a one storey plaza.</li> </ul> <p>Staff note that the City of Oshawa has had a Student Accommodation Strategy since 2010. The purpose of the Student Accommodation Strategy is to identify, plan for and facilitate a sufficient mix of quality student accommodations that integrate with the community and advances sound planning and City building principles.</p> <ul style="list-style-type: none"> <li>▪ Staff also note that the Province needs to provide financial assistance to municipalities to assist with increasing the supply of housing and supporting a diverse mix of housing types, including associated hard and soft services. With increases to the housing supply and accelerated housing growth comes an increase in demand for public services such as parks, recreation and fire services, etc.</li> </ul>
3.	What are your thoughts on the ability of the updated proposed policies to make land available for development,	<ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., municipalities would have a planning horizon to at least 20 years and not more than 30 years. Staff support the proposed policy language that allows a municipality to plan for</li> </ul>

	<b>Question (as posed in E.R.O. Posting Number 019-8462)</b>	<b>Staff Comments</b>
	such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?	<p>infrastructure, public services facilities, strategic growth areas and employment areas beyond the above mentioned 20 year time horizon.</p> <ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., the policies regarding settlement area boundary expansions may prove to be problematic. Under the proposed P.P.S. a planning authority can identify a new settlement area or allow a settlement area boundary expansion at any time, including in response to a boundary expansion application submitted by a third party, rather than only through a municipal comprehensive review undertaken by a municipality. There may be more opportunity for sprawl to occur with settlement area boundary expansions being able to be considered at any time. This may also have negative impacts on infrastructure costs to support new homes.</li> <li>▪ Staff note that under the proposed P.P.S., municipalities will have the ability to remove lands from employment areas at any time rather than through a municipal comprehensive review process, provided it can be demonstrated that the removal meets a set of criteria. Staff note that this may be problematic owing to the fact that an employment area can be converted at any time versus through a municipal comprehensive review which provides a holistic approach to assessing employment conversions vis-à-vis a municipality's requirement to meet its employment forecast.</li> </ul>
4.	What are your thoughts on updated proposed policies to provide infrastructure to support development?	<ul style="list-style-type: none"> <li>▪ In principle, staff support the proposed policies as they relate to providing infrastructure to support development.</li> <li>▪ Staff support the policy direction requiring municipalities to prioritize planning and investment for infrastructure and public services facilities in strategic growth areas. Strategic growth areas present ideal opportunities for sustainable development and growth.</li> <li>▪ Staff support the policy direction regarding major transit station areas and the addition of policy language that speaks to supporting infrastructure that accommodates a range of mobility needs and supporting active transportation, including sidewalk and bicycle lanes. Major transit station</li> </ul>

	<b>Question (as posed in E.R.O. Posting Number 019-8462)</b>	<b>Staff Comments</b>
		<p>areas have a minimum density target that ranges from 200 to 150 residents and jobs per hectare based on how the area is served by transit. Supporting infrastructure in these areas is critical.</p> <ul style="list-style-type: none"> <li>▪ Staff support the policy direction that speaks to when a municipality may identify a new settlement area. Specially, a new settlement area may be permitted when it has been demonstrated that infrastructure and public service facilities are available or planned. However, staff also note that it is important to take into account existing infrastructure and opportunities to accommodate growth through infill development within built-up areas, and prioritize these areas, where appropriate.</li> </ul>
5.	<p>What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?</p>	<ul style="list-style-type: none"> <li>▪ Staff note that there needs to be a balance between increasing the housing supply and protecting and managing resources and the natural environment. Increasing the supply of housing and the range of housing types is important, but this should not come at the expense of the environment, or other important planning considerations.</li> <li>▪ Staff support the policy direction that requires municipalities to collaborate with conservation authorities as it relates to directing development outside of hazardous lands as well as undertaking watershed planning. The addition of policy language that supports collaboration between municipalities and conservation authorities is important.</li> </ul>
6.	<p>What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O. Reg. 311/06 (Transitional Matters - Growth Plans) and O. Reg. 416/05 (Growth Plan Areas)?</p>	<ul style="list-style-type: none"> <li>▪ Staff do not have any particular comments of note on the proposed revocations. In terms of implementation challenges with the updated proposed P.P.S., the Province should commit to policy certainty for a defined period of time following the issuance of the proposed P.P.S. to allow municipalities and others the ability to focus on implementation with certainty. It would also provide time to analyze the implementation of the P.P.S. rather than continue undertaking what appears to be an ongoing reactionary approach to implementation, as evidenced by multiple revisions over a relatively short span of years.</li> </ul>

	<b>Question (as posed in E.R.O. Posting Number 019-8462)</b>	<b>Staff Comments</b>
		<ul style="list-style-type: none"> <li>▪ Ontario Regulation 311/06: Transitional Matters – Growth Plans under the Places to Grow Act, 2005 is a regulation that looks at transition regulations for the Growth Plan. The Province is proposing to revoke Sections 2.0.1, 2.1, 3, 3.1, 4 and 5.1 which discuss transition policies.</li> <li>▪ Ontario Regulation 416/05: Growth Plan Areas under the Places to Grow Act, 2005 is a regulation that identifies growth plan areas. The Province is proposing to revoke Section 2.</li> <li>▪ Staff note that the Province is looking at providing transition regulations for relevant matters using a new transition regulation under the Planning Act. If necessary, future consultation would follow on this matter.</li> </ul>

**General Staff Comments on the Proposed P.P.S.**

	<b>Description</b>	<b>Staff Comments</b>
1.	<p>Growth Targets:</p> <ul style="list-style-type: none"> <li>– Under the proposed P.P.S., planning authorities would base population and employment growth forecasts on the Ministry of Finance’s 25-year growth projections. Municipalities can also continue to forecast growth using population and employment forecasts previously issued by the Province.</li> <li>– Under the proposed P.P.S., growth targets would be reintroduced. Specifically planning authorities would establish and implement minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., municipalities would have a planning horizon to at least 20 years and not more than 30 years. Staff support the proposed policy language that allows a municipality to plan for infrastructure, public services facilities, strategic growth areas and employment areas beyond the above mentioned time horizon.</li> </ul> <p>Staff note that the Envision Durham Regional Official Plan Amendment includes a planning horizon to 2051, in line with the proposed P.P.S. policies in this regard.</p> <ul style="list-style-type: none"> <li>▪ Staff note that draft policy 2.3.1.4, which encourages (but does not require) planning authorities to establish minimum targets for intensification and redevelopment, is carried over from the draft Provincial Policy Statement, 2023, but has been modified to refer to intensification and redevelopment in “built-up areas” rather than settlement areas, as specified in the draft Provincial Policy Statement, 2023.</li> </ul>

	<b>Description</b>	<b>Staff Comments</b>
	<p>targets for housing that is affordable to low and moderate income households. Low and moderate income households will be a defined term.</p> <p>– Under the proposed P.P.S., a change has been proposed to expect municipalities to have a planning horizon to at least 20 years and not more than 30 years. Previously, it was proposed under the draft Provincial Policy Statement, 2023 that the planning horizon would be 25 years with no upper limit.</p>	<ul style="list-style-type: none"> <li>▪ Staff note that draft policy 2.3.1.5 of the proposed P.P.S. has also been modified from the draft Provincial Policy Statement, 2023 to provide that planning authorities are encouraged (but not required) to establish minimum density targets for designated growth areas (rather than settlement areas). For large and fast-growing municipalities, this draft policy would encourage (but not require) a density target of 50 residents and jobs per gross hectare in designated growth areas (rather than settlement areas).</li> <li>▪ Staff note that identifying strategic growth areas and density targets in official plans will assist with making sure there is a sufficient supply and mix of housing options and will result in more efficient land use patterns. As well, staff note that implementing density targets are helpful as they provide a measurable criterion to assist with growth. However, not all communities are the same and the application of one standard density target across the Greater Golden Horseshoe is not realistic, given differing populations, market conditions, etc.</li> </ul> <p>In addition, by only encouraging municipalities to establish minimum density targets for designated growth areas as opposed to making it mandatory, this may result in more Greenfield development with a commensurate reduction in levels of intensification in the existing built-up area. This may result in inefficient land use patterns that do not optimize the use of existing infrastructure and may also result in increased infrastructure costs to support new homes in Greenfield areas. In view of the foregoing, it is recommended that the Province implement policies to ensure that development of lower density development in Greenfield areas proceeds in tandem with higher density development within built-up areas, and giving municipalities the ability to regulate the issuance of approvals for lower density development in the event such development outpaces the delivery of a certain level of medium and high density development.</p>

	<b>Description</b>	<b>Staff Comments</b>
2.	<p>Settlement Area Boundary Expansions:</p> <ul style="list-style-type: none"> <li>- Under the proposed P.P.S. a planning authority can identify a new settlement area or allow a settlement area boundary expansion at any time.</li> <li>- Under the proposed P.P.S., the current conditions required to be satisfied before a settlement area boundary expansion is permitted are being replaced with the following which the planning authority shall consider: <ul style="list-style-type: none"> <li>1. the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;</li> <li>2. if there is sufficient capacity in existing or planned infrastructure and public service facilities;</li> <li>3. whether the applicable lands comprise specialty crop areas;</li> <li>4. the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that this proposed amendment will allow municipalities to expand their urban boundary at any time, including in response to a boundary expansion application since it is proposed that there will no longer be a municipal comprehensive review process requirement for such expansions.</li> <li>▪ Staff note there may be more opportunity for sprawl with settlement boundary area expansions being able to be considered at any time. This may also have negative impacts on infrastructure costs to support new homes.</li> <li>▪ Staff note under the proposed P.P.S., the current conditions required to be satisfied before a settlement area boundary expansion is permitted are being removed and replaced with a list of seven items that shall be considered. Previously, under the draft Provincial Policy Statement, 2023, municipalities ‘should consider’ these matters.</li> <li>▪ Staff note that there is no limitation on the ability of landowners to apply for a settlement area boundary expansion. Nor does the proposed P.P.S. propose size limitations for boundary expansion proposals. It is also being proposed that an applicant would have the ability to appeal a municipality’s refusal or failure to make a decision on an settlement area boundary expansion request provided the expansion lands are located outside the Greenbelt Area. Staff have concerns with this owing to the fact that the tests for settlement area boundary expansions are not as stringent as they currently are under the Provincial Policy Statement, 2020. A municipality is no longer required to demonstrate that sufficient opportunities to accommodate growth are not available. This could hinder efforts to promote intensification within a municipality’s built boundary and optimize the use of existing infrastructure, and instead spur Greenfield development where services may potentially need to be extended.</li> </ul>



	Description	Staff Comments
	<p>agricultural lands in prime agricultural areas;</p> <p>5. whether the new or expanded settlement area complies with the minimum distance separation formulae;</p> <p>6. whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and,</p> <p>7. the new or expanded settlement area provides for the phased progression of urban development.</p> <p>– Settlement area boundary expansions that are outside the Greenbelt Area can be appealed at any time for refusal or failure to make a decision.</p>	
3.	<p>Strategic Growth Areas:</p> <p>– Under the proposed P.P.S. a new policy is being introduced to encourage municipalities to identify and focus growth in strategic growth areas. However,</p>	<ul style="list-style-type: none"> <li>▪ Staff support strategic growth areas being the focus of growth. Staff note that the proposed P.P.S. outlines minimum density targets for major transit station areas on higher order transit corridors. The minimum density targets are: <ul style="list-style-type: none"> <li>– 200 residents and jobs combined per hectare for those that are served by subways;</li> </ul> </li> </ul>

	Description	Staff Comments
	<p>the proposed P.P.S. no longer requires large and fast growing municipalities to identify and focus growth and employment in strategic growth areas by identifying an appropriate minimum density target for each strategic growth area.</p>	<ul style="list-style-type: none"> <li>- 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit; or,</li> <li>- 150 residents and jobs combined per hectare for those that are served by commuter or regional inter-city rail.</li> </ul> <ul style="list-style-type: none"> <li>▪ Staff note that the proposed P.P.S. does not provide minimum targets for strategic growth areas, and is also not requiring municipalities to identify appropriate targets in their respective area municipal official plans. Staff note that identifying strategic growth areas and density targets in official plans is critical as it will assist with making sure there is a sufficient supply and mix of housing options, will result in more efficient land use patterns, and will assist in efforts to optimize the use of infrastructure.</li> </ul>
4.	<p>Employment Areas:</p> <ul style="list-style-type: none"> <li>- Under the proposed P.P.S., municipalities can remove lands from employment areas at any time rather than through a municipal comprehensive review, provided it can be demonstrated that: <ul style="list-style-type: none"> <li>o there is a need for the removal of land and it will not be required for employment area over the long term;</li> <li>o the proposed use would not negatively impact the overall employment area;</li> <li>o infrastructure and public service facilities are available to accommodate the use; and,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., municipalities will have the ability to remove lands from employment areas at any time rather than through a municipal comprehensive review process, provided it can be demonstrated that the removal meets a set of criteria. Staff note that this may be problematic owing to the fact that an employment area can be converted at any time versus through a municipal comprehensive review which provides a holistic approach to assessing employment conversions, vis-à-vis a municipality's requirement to meet its employment forecast.</li> <li>▪ Staff note that the definition of "areas of employment" is being proposed to be amended and may result in changes to the City's existing official plan policy framework as it relates to industrial areas. For example, areas to be designated as "area of employment" will no longer permit public service facilities as a permitted use, such as parks and community recreation facilities. Any areas which are not explicitly designated as "areas of employment" under the new definition as contained in the Planning Act will no longer be subject to any requirement to demonstrate there is a need for conversion to non-employment uses, such as residential or commercial uses. For this reason, it would be appropriate to clarify that such areas are not to be relied upon to meet a municipality's employment forecast in terms of planning an appropriate land budget.</li> </ul>

	<b>Description</b>	<b>Staff Comments</b>
	<ul style="list-style-type: none"> <li>○ there are ample employment lands for future employment growth.</li> <li>- Under the proposed P.P.S., the definition of ‘employment area’ is proposed to be revised. The focus will be on manufacturing, research and development in connection to manufacturing, warehousing, goods movement, associated retail and office and ancillary facilities. Institutional uses and commercial development including retail and office uses are not permitted.</li> <li>- Under the proposed P.P.S., “provincially significant employment zones” will not be carried forward as land use designation entities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ In 2019, the Provincial government introduced provincially significant employment zones. Staff note that provincially significant employment zones were introduced without any substantive policy framework. Staff have no concerns with provincially significant employment zones not being carried forward.</li> </ul>
5.	<p>Agriculture:</p> <ul style="list-style-type: none"> <li>- Under the proposed P.P.S., additional residences will be permitted on farm properties (up to two additional residential units and up to three lots if certain criteria can be met).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that having in place a policy direction that provides continued protection of prime agricultural areas and promotes Ontario’s agricultural system is important. Depending on the context and purpose of proposed developments, allowing additional residential development in rural settlements and the division of large farms into smaller lots may potentially affect the operational viability of land for agricultural activity.</li> <li>▪ Allowing additional residences for seasonal workers will support growing agricultural businesses and operations.</li> </ul>
6.	<p>Natural Hazards:</p> <ul style="list-style-type: none"> <li>- Under the proposed P.P.S., Section 5.2 discusses</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that this section is now requiring municipalities to collaborate with conservation authorities when identifying hazardous land and hazardous sites and managing development in these areas. Staff support the addition of policy language that supports collaboration between municipalities and</li> </ul>

	<b>Description</b>	<b>Staff Comments</b>
	management of development in areas containing natural and human-made hazards.	conservation authorities as it relates to identifying natural and human-made hazards.
7.	<p>Stormwater Management and Water:</p> <ul style="list-style-type: none"> <li>- Section 3.6 of the proposed P.P.S. discusses planning for sewage, water and stormwater services.</li> <li>- Section 4.2 of the proposed P.P.S. discusses the wise use and management of water through various methods including watershed planning.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff note that the proposed P.P.S. includes water management policies that require planning authorities to allocate and reallocate, if necessary, the unused system capacity of water and sewage services to meet current needs.</li> <li>▪ Staff note that policies in the proposed P.P.S. are now requiring municipalities to undertake watershed planning to inform planning for sewage, water services and stormwater management. Staff are of the opinion that watershed planning should be undertaken in partnership with the respective conservation authorities, as appropriate. In addition, it should be noted that it would be appropriate to undertake watershed planning to prepare for the impacts of a changing climate.</li> <li>▪ The proposed P.P.S. includes a definition for Watershed Planning. It is recommended that the definition be revised to include consideration of the impacts of a changing climate and severe weather events.</li> </ul>

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-55

Date of Report: May 1, 2024

Date of Meeting: May 6, 2024

Subject: Stevenson Road North Municipal Class Environmental  
Assessment Study 2nd Update

Ward: Ward 2

File: 03-05

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## **1.0 Purpose**

On May 29, 2023, City Council considered ED-23-98, concerning the Municipal Class Environmental Assessment (“M.C.E.A.”) study for the Stevenson Road North corridor from Taunton Road West to Conlin Road West (the “Study”) and authorized staff to hold a public engagement in late June 2023 to present the Study process, existing conditions, the alternative solutions, and the next steps in the Study.

As part of the public engagement, a Public Information Centre Number (“P.I.C.”) was held on June 22, 2023. Based on the input received through the public engagement, a preferred solution was selected and alternative design concepts for the preferred solution have been completed.

The purpose of this Report is to:

1. Provide an overview of the input received as part of the public engagement held in late June 2023;
2. Present alternative design options for the preferred solution; and,
3. Obtain authorization to hold a second public engagement in late June 2024 to present the alternative design concepts.

A copy of Report [ED-23-98](#), dated May 3, 2023 can be found at the following link:  
<https://pub-oshawa.escribemeetings.com/filestream.ashx?DocumentId=12543>

Attachment 1 illustrates the Study Area.

Attachment 2 illustrates a typical cross-section for Design Concept 1.

Attachment 3 illustrates a typical cross-section for Design Concept 2.

Attachment 4 illustrates a typical cross-section for Design Concept 3.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-24-55 dated May 1, 2024, concerning the Stevenson Road North Municipal Class Environmental Assessment Study, staff be authorized to hold a second Public Information Centre in June 2024 to present the alternative design concepts, and the next steps in the Study.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

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

- Chief Administrative Officer
- Commissioner, Community and Operations Services

## **5.0 Analysis**

### **5.1 Background**

The 2015 Council approved Integrated Transportation Master Plan (“I.T.M.P.”), identified that the Stevenson Road North corridor, from Taunton Road West to Conlin Road West, as needing to be upgraded presenting an opportunity to integrate a complete streets approach into its design. As a result, an Environmental Assessment was required to confirm the need and identify the environmental impacts of the proposed upgrades.

As part of a previous Capital Budget, Council approved Capital Project 73-0456, an M.C.E.A. Study to be undertaken for the upgrades to the Stevenson Road North corridor from Taunton Road West to Conlin Road West, and for a future east-west midblock Type ‘C’ Arterial road proposed within the Northwood Industrial Area lands (from the Oshawa/Whitby border to Stevenson Road North) to be considered.

In early 2021, The City issued a Request for Proposals (“R.F.P.”), C2021-059 Consulting Services for the Northwood Roads Environmental Assessment, to retain an engineering consultant to undertake an Environmental Assessment (“E.A.”) for the upgrades to the Stevenson Road North corridor and the future east-west Type ‘C’ Arterial road proposed within the Northwood Industrial Area lands. In response to the R.F.P., the City did not receive any submissions that were within the allocated budget.

On October 25, 2021, City Council considered [CNCL-21-93](#), Future East-West Type 'C' Arterial Road connection located west of Stevenson Road North, between Taunton Road West and Conlin Road West, and directed staff to undertake the following:

1. That Council reconsider its approval of Capital Project 73-0456 as it relates to the Future Type 'C' Arterial Road located north of Taunton Road West and south of Conlin Road West that would run east-west between Stevenson Road North in the City of Oshawa and the municipal boundary with the Town of Whitby.
2. That the Environmental Assessment approved as part of Capital Project 73-0456 for the future east-west Type 'C' Arterial Road located west of Stevenson Road North, between Taunton Road West and Conlin Road West, not be undertaken.
3. That Council approve an amendment to Zoning By-law 60-94 to remove the Holding Zone "h-73" provisions.
4. That staff be authorized to initiate the public process for Council to consider an amendment to the Oshawa Official Plan to delete the future east-west Type 'C' Arterial Road located west of Stevenson Road North, between Taunton Road West and Conlin Road West.

In November 2021, pursuant to Council direction, a revised R.F.P., C2021-121 Consulting Services for Stevenson Road North Environmental Assessment, was issued for Project 73-0456 with a reduced scope of work which did not include the Environmental Assessment for the future east-west Type 'C' Arterial road proposed within the Northwood Industrial Area lands.

In April 2022, Council considered [FIN-22-31](#), Contract Awards, and awarded a contract to Gannett Fleming Canada ULC for R.F.P. C2021-121 Consulting Services for Stevenson Road North Environmental Assessment.

At the same meeting, City Council also considered [ED-23-98](#), Stevenson Road North Municipal Class Environmental Assessment Study Update, and authorized staff to hold a public engagement in late June 2023 to present the Study process, existing conditions, the alternative solutions, and the next steps in the Study.

Attachment 1 illustrates the Study Area.

## **5.2 Results of Public Engagement**

Notification for Public Engagement Number 1 was provided in the following ways:

- Newspaper ad was placed in the local newspaper, Oshawa This Week, as well as on the City's website ([Oshawa.ca/StevensonEA](https://www.oshawa.ca/StevensonEA)) and social media accounts (e.g., Facebook and Twitter); and,
- Notices were mailed to over 50 property owners and businesses within 200 metres (656.17 ft.) of the Study corridor.

The public engagement was held for a four week period starting from June 5, 2023 and concluding on July 6, 2023. As part of the public engagement, P.I.C. 1 was held at The Embassy Church (416 Taunton Road West) on June 22, 2023, from 6:00 p.m. to 8:00 p.m., with approximately 30 participants attending in-person.

Display boards for P.I.C. 1 were available for viewing by those who attended in-person and were also posted on the City's website.

In addition to feedback received at P.I.C. 1, a total of three (3) members of the public provided written comments during the public engagement period. In general, the residents were appreciative that the City is focusing their attention in this area with the proposed road upgrades and future services to be provided. Additional comments and concerns received related to the following themes:

- Current lack of municipal and telecom services;
- Poor existing road conditions;
- Design considerations for Active Transportation; and,
- Impacts of a 30 metres (98.43 ft.) right-of-way and four-lane road widening.

### **5.3 Preferred Alternative Solution**

The Problem and Opportunity Statement for this project is: "Stevenson Road North is currently a two-lane rural north-south road, with no paved shoulders or sidewalks. There is an opportunity to significantly improve the overall function of Stevenson Road North by upgrading the roadway infrastructure, active transportation, and municipal services to contribute to the development of adjacent lands and advance economic and job creation opportunities for the City."

As part of public engagement, the assessment of the following three alternative solutions were developed for the study corridor and were presented to address the problem and opportunity:

- Alternative 1: Do nothing;
- Alternative 2: Minor operational improvements; and,
- Alternative 3: Reconstruct Stevenson Road North, from Taunton Road West to Conlin Road West.

Based on input received from the public engagement, both Alternative 1: Do Nothing, and Alternative 2: Minor Operational Improvements were eliminated as part of the screening process. Alternative 3: Reconstruct Stevenson Road North was chosen as the preferred solution as it best addresses the problems and opportunities identified by improving the condition of the road, enhancing road safety, and providing appropriate space for all modes of transportation including cars, transit, pedestrians, and cyclists along the study corridor.

It should be noted that the preferred solution for the Study will focus on the reconstruction of Stevenson Road North to a two-lane arterial road cross-section within the existing right-of-way width of 20.1 metres (65.94 ft.), and no additional property is required at this time. However, the Study has confirmed the need to protect for a 30 metre (98.43 ft.) right-of-



way, in accordance with the City's Official Plan, to accommodate long-term needs of beyond 2051. The additional road widenings will be addressed through future development approvals.

A detailed assessment of the three alternative solutions was presented in [ED-23-98](#).

#### **5.4 M.C.E.A. Phase 3 – Alternative Design Concepts for the Preferred Alternative**

The Study is being completed in accordance with the M.C.E.A. process in order to identify, predict, and evaluate the potential environmental effects before decisions are made. The M.C.E.A. process is broken into five (5) phases with opportunities for public involvement at each phase.

- Phase 1 (Problem and Opportunity) of the M.C.E.A. process focuses on determining project objectives and development of a clear statement of the Problem and Opportunity.
- Phase 2 (Alternative Solutions) of the M.C.E.A. process focuses on the development and evaluation of alternative solutions to the identified problems and opportunities, and the selection of the preferred solution.
- Phase 3 (Alternative Design for the Preferred Solution) of the M.C.E.A. process focuses on the development and evaluation of alternative design concepts for the preferred solution, and the selection of the preferred design.
- Phase 4 (Environmental Study Report) of the M.C.E.A. process focuses on the completion of the Environmental Study Report (E.S.R.).
- Phase 5 (Implementation) of the M.C.E.A. process focuses on completing contract drawings and documents, and proceeding to construction and operation; monitoring construction for adherence to environmental provisions and commitments.

Phases 1 (Problem and Opportunity) and 2 (Alternative Solutions) of the M.C.E.A. process have been completed.

Work on Phase 3 (Alternative Design Concepts for the Preferred Solution) was initiated following the conclusion of the public engagement and focused on the development and evaluation of alternative design concepts for the preferred solution, and the selection of the preferred design.

Attachment 2 provided in [ED-23-98](#) illustrates the M.C.E.A. Planning and Design Process.

##### **5.4.1 Alternative Design Concepts**

Three (3) design concepts were developed for the preferred solution to reconstruct and widen Stevenson Road North. All three (3) design concepts propose a two-lane road cross-section, maintain the existing centerline of the road, and generally utilize the same proposed roadway profile upgrades.

The following objectives were used to guide the development of the alternative design concepts:

- Minimize property impacts;
- Minimize impacts to existing utilities and identify location for future utilities, if required;
- Provide location for municipal infrastructure (storm sewer, sanitary sewer, and watermain);
- Provide active transportation connections;
- Provide positive drainage and protect surface water features;
- Minimize impacts to archaeology and cultural heritage;
- Minimize impacts to natural environment; and,
- Cost effective solutions.

The three (3) design concepts that were developed were generally as follows:

- Design Concept 1: Two-Lane Rural Cross-Section;
- Design Concept 2: Two-Lane Urban Cross-Section; and,
- Design Concept 3: Two-Lane Semi-Urban Cross-Section (West Side Rural, East Side Urban).

#### **5.4.1.1 Design Concept 1: Two-Lane Rural Cross-Section**

The typical cross-section developed for Design Concept 1 includes:

- A two-lane rural cross-section;
- Typical arterial 'C' road design standards;
- Wide paved shoulders to accommodate active transportation with a buffer zone to separate vehicles and vulnerable road users;
- Deepened flat-bottom ditches for stormwater management and landscaping;
- Relocation of streetlighting and utility poles; and,
- Provision for sanitary and watermain services.

Attachment 2 illustrates a typical cross-section for Design Concept 1.

#### **5.4.1.2 Design Concept 2: Two-Lane Urban Cross-Section**

The typical cross-section developed for Design Concept 2 includes:

- A two-lane urban cross-section with storm sewer and catch basins;
- Typical arterial 'C' road design standards;
- A multi-use path along the east side;
- Relocation of some streetlighting and utility poles; and,

- Provision for sanitary and watermain services.

Attachment 3 illustrates a typical cross-section for Design Concept 2.

#### 5.4.1.3 Design Concept 3: Two-Lane Semi-Urban Cross-Section (West Side Rural, East Side Urban)

The typical cross-section developed for Design Concept 3 is a combination of Design Concept 1 and 2 and includes:

- A two-lane cross-section with an urban cross-section along the east side and a rural cross-section along the west side;
- Typical arterial 'C' road design standards;
- A multi-use path along the east side;
- A wide paved shoulder along the west side to accommodate active transportation with a buffer zone to separate vehicles and vulnerable road users;
- A deepened flat-bottom ditch along the west side and storm sewer and catch basins along the east side;
- Relocation of existing street lighting and utility poles; and,
- Provision for sanitary and watermain services.

Attachment 4 illustrates a typical cross-section for Design Concept 3.

#### 5.4.2 Evaluation Criteria

In order to select the preferred design concept, each design concept was evaluated against the following evaluation criteria:

- **Property Impacts** – The magnitude of the footprint of the design concepts encroaching into private properties.
- **Impacts to Utilities** – The number of street lighting and utility pole relocations required.
- **Drainage and Stormwater Management** – The impact on the footprint of each design concept to accommodate stormwater drainage to the Goodman Creek.
- **Impacts to the Natural Environment** – The magnitude of the footprint of the design concepts encroaching onto sensitive environmental areas (natural features and wildlife).
- **Impacts to Archaeology and Cultural Heritage** – The potential of the design option to trigger archaeology and cultural heritage impacts in undisturbed areas.

- **Cost Effectiveness** – The cost to build the design concept and the consideration of future widening to the ultimate four lane cross-section.
- **Active Transportation** – The accessibility and seamlessness of the design concepts to accommodate active transportation facilities (walking and cycling facilities) to connect to adjacent roads and routes.

The alternative design concepts were evaluated as follows:

- **Preferred** indicates that the criteria either meets the objective or there is an overall net benefit;
- **Partially Preferred** indicates that the criteria partially meets the objective, or there will likely be no residual effect; and,
- **Least Preferred** indicates that the criteria fails to meet the objective or there is an impact that cannot be mitigated.

**Table 1: Evaluation of Design Concepts**

<b>Evaluation Criteria</b>	<b>Design Concept 1: Two-Lane Rural Cross-Section</b>	<b>Design Concept 2: Two-Lane Urban Cross-Section</b>	<b>Design Concept 3: Two-Lane Semi- Urban Cross- Section (West Side Rural, East Side Urban).</b>
<b>Property Impacts</b>	Least Preferred	<b>Preferred</b>	Partially Preferred
<b>Impacts to Utilities</b>	Least Preferred	<b>Preferred</b>	Partially Preferred
<b>Drainage and Stormwater Management</b>	Least Preferred	<b>Preferred</b>	Partially Preferred
<b>Impacts to the Natural Environment</b>	Least Preferred	<b>Preferred</b>	Partially Preferred
<b>Impacts to Archaeology and Cultural Heritage</b>	Least Preferred	<b>Preferred</b>	Partially Preferred
<b>Cost Effectiveness</b>	<b>Preferred</b>	Least Preferred	Partially Preferred
<b>Active Transportation</b>	<b>Preferred</b>	Partially Preferred	Partially Preferred
<b>Overall</b>	Least Preferred	<b>Preferred</b>	Partially Preferred

As shown in Table 1, Design Concept 2 was chosen as the technically preferred design concept based on the following:

- Minimizes property impacts due to the elimination of rural ditching and the need for significant grading limits.
- Minimizes impacts to existing utilities with only a few street lighting and utility pole relocation required to accommodate the multi-use path.
- Can accommodate drainage and stormwater with minimal impacts.
- Has minimal impacts to the natural environment as the design footprint is contained within the existing road right-of-way.
- Has the least impacts to areas with archaeological potential and cultural heritage significance as the design footprint is contained within the existing road right-of-way.
- Contains provisions for a multi-use path and sidewalks.

It should be noted that Design Concept 2 is least preferred for cost effectiveness due to costs associated with relocation of multi-use path and storm sewer catch basins to suit an ultimate four-lane road widening.

The technically preferred design concept can be found on the City's website ([Oshawa.ca/StevensonEA](https://Oshawa.ca/StevensonEA)).

## **5.5 Next Steps**

Staff recommend that a second P.I.C. be scheduled and held at the end of June, 2024 in order to receive feedback on the technically preferred design concept. Staff will provide notice of the second P.I.C. for the Study a minimum of two (2) weeks in advance of the meeting in accordance with our Public Consultation policy and through:

- Mailing notice to all property owners in the Study Area;
- Circulating notice to all interested parties and stakeholder groups (including Indigenous community groups) on the Study mailing list; and,
- Posting on the City's website, and social media channels.

Following the second P.I.C., the following activities will be undertaken:

- Finalize the selection of the preferred design concept;
- Finalize the preliminary design for the preferred design concept;
- Prepare a Draft Environmental Study Report and Preliminary Design Package; and,
- Report back to the Economic and Development Services Committee to present the Draft Environmental Study Report and Preliminary Design.

## **6.0 Financial Implications**

Anticipated costs to the City as a result of the staff recommendation under Section 2.0 of this Report relate mainly to advertising for the second P.I.C., which can be accommodated within the appropriate Departmental budget. All future costs related to the implementation of the work will be considered through the Mayor's Budget.

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

The recommendation advances the Accountable Leadership, Economic Prosperity and Financial Stewardship, Environmental Responsibility, Social Equality and Cultural Vitality goals of the Oshawa Strategic Plan.



Greg Hardy, P.Eng., PMP, Director,  
Engineering Services



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department




Subject: Stevenson Road North Municipal Class Environmental Assessment  
Study 2nd Update

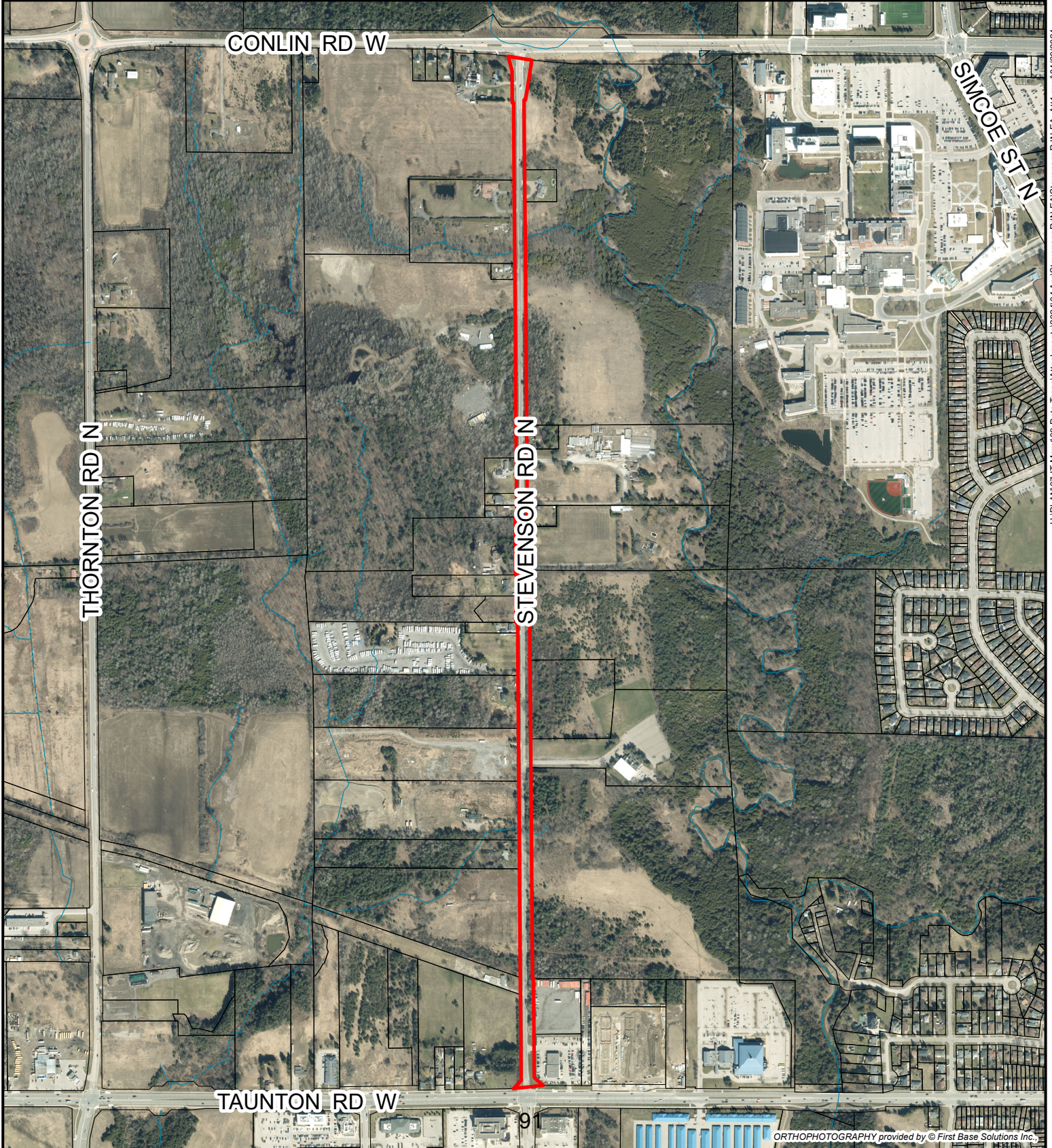
Ward: Ward 2  
File: 03-05

Item: ED-24-55  
Attachment 1



 Stevenson Road North Municipal Class Environmental Assessment Study Area

City of Oshawa  
Economic and Development Services 

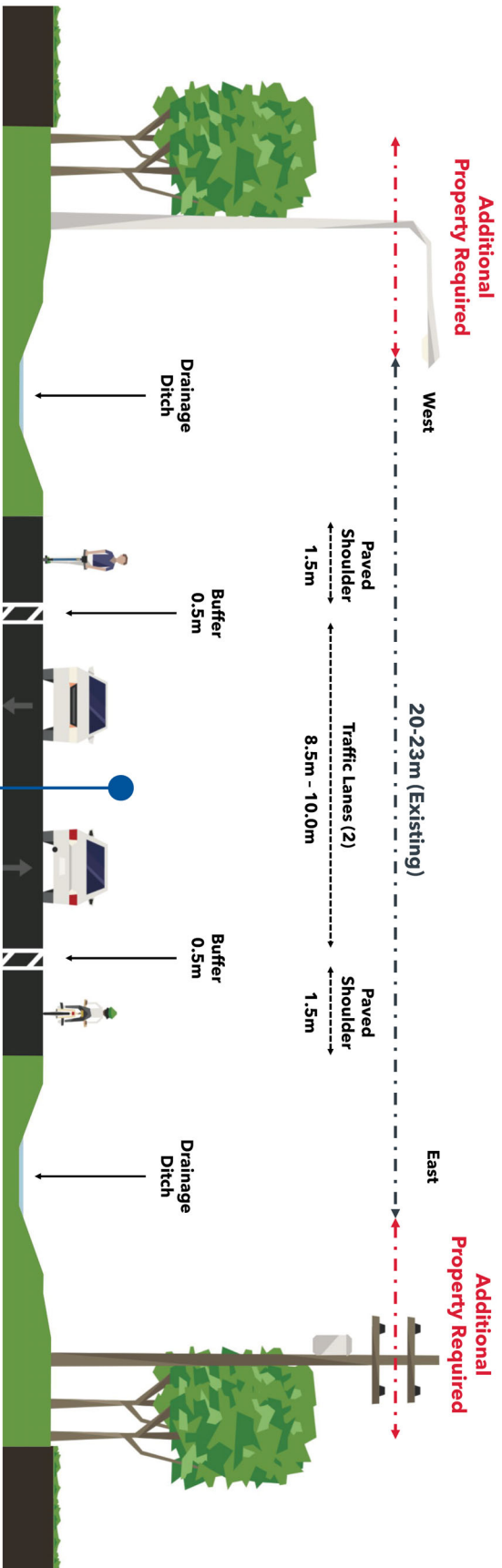


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Title: Design Concept 1 - Two-Lane Rural - Cross Section  
 Subject: Stevenson Road North Municipal Class Environmental Assessment Study 2nd Update  
 Ward: Ward 2  
 File: 03-05

# DESIGN CONCEPT 1: TWO-LANE RURAL

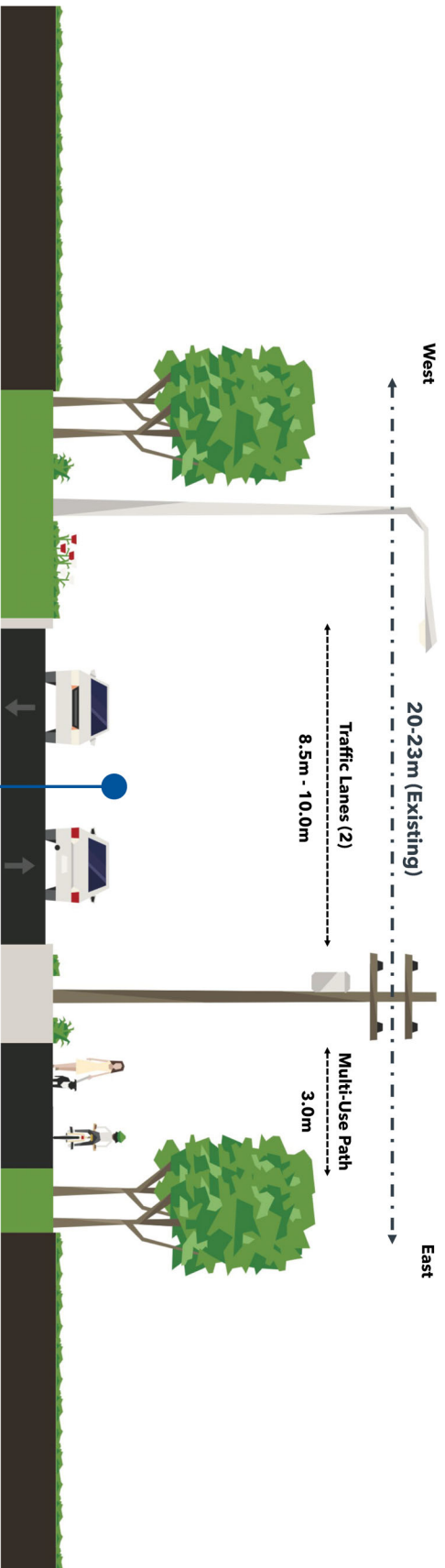


- Typical Cross-Section of Design Concept 1 on Stevenson Road North**
- Two-lane road with additional safety buffers
  - Paved shoulders for pedestrians and cyclists
  - Full road reconstruction and repaving
  - Deepened drainage ditches
  - Sanitary sewer and water main connections



Title: Design Concept 2 - Two-Lane Urban - Cross Section  
 Subject: Stevenson Road North Municipal Class Environmental Assessment Study 2nd Update  
 Ward: Ward 2  
 File: 03-05

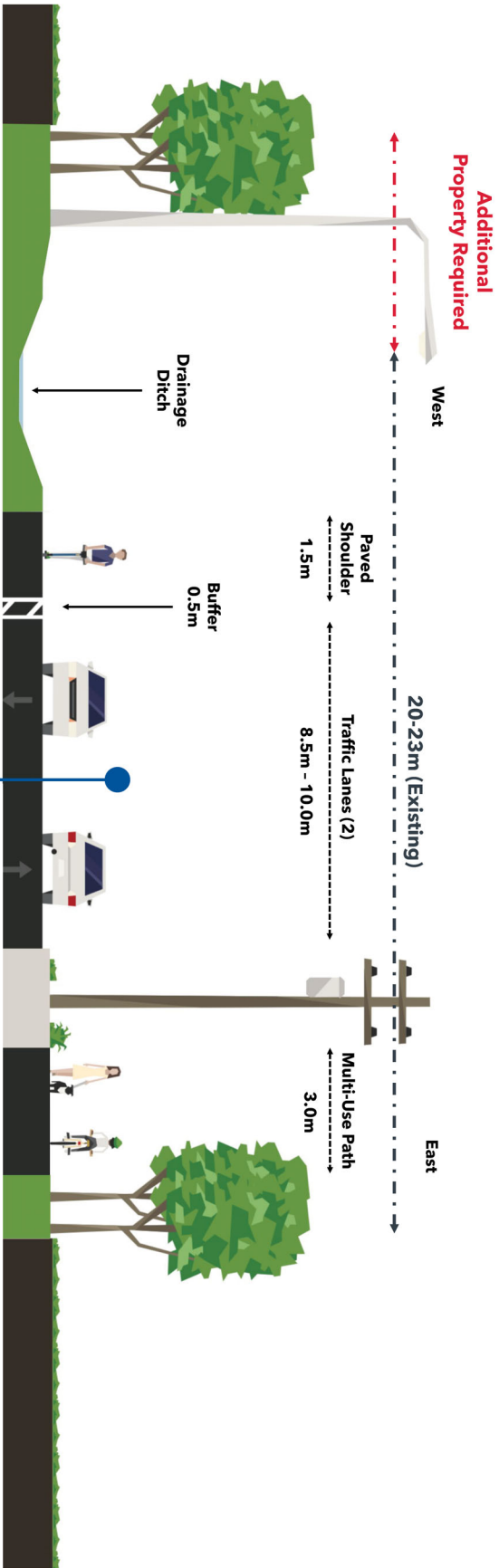
## DESIGN CONCEPT 2: TWO-LANE URBAN (EAST MUP)



- Typical Cross-Section of Design Concept 2 on Stevenson Road North**
- Two-lane road with curbs and boulevards
  - MUP on the east
  - Full road reconstruction and repaving
  - Storm sewer and catch basins
  - Sanitary sewer and water main connections

Title: Design Concept 3 - Two-Lane Semi-Urban - Cross Section  
 Subject: Stevenson Road North Municipal Class Environmental Assessment Study 2nd Update  
 Ward: Ward 2  
 File: 03-05

# DESIGN CONCEPT 3: TWO-LANE SEMI-URBAN (WEST RURAL, EAST URBAN)



## Typical Cross-Section of Design Concept 3 on Stevenson Road North

- Two-lane road with safety buffer on the west, curb and boulevard on the east
- Paved shoulder on the west, MUP on the east
- Full road reconstruction and repaving
- Storm sewer and catch basins on the east only, deepened drainage ditch on the west
- Sanitary sewer and water main connections

Economic and Development Services Committee – May 6, 2024

Direction Respecting an Appeal to the Ontario Land Tribunal of a Council Decision Concerning the Issuance of a Notice of Passing of a By-law to Designate 149 Harmony Road South under Part IV of the Ontario Heritage Act (File: 12-04-0218) (Ward 3)

That the Economic and Development Services Committee recommend to City Council:

Whereas, the existing building located at 149 Harmony Road South and known as the former Harmony Public School (the “Subject Site”) is a “listed, non-designated” property on the City’s Register of Properties of Cultural Heritage Value or Interest (the “Register”) under Section 27 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the “Ontario Heritage Act”); and,

Whereas, on April 3, 2023, City Council considered Report ED-23-55 dated March 1, 2023 and adopted the following as part of a multi-part recommendation:

- “2. Prepare a supplemental Heritage Research Report for 149 Harmony Road South, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes;
  - (a) Provide the Owner of 149 Harmony Road South with the supplemental Heritage Research Report, and request an updated position on heritage designation of the property; and,
  - (b) Report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, including the supplemental Heritage Research Report and the updated stance from the Owner;” and,

Whereas, staff subsequently procured a supplemental Heritage Research Report (the “Research Report”) dated September 19, 2023 prepared by Archaeological Research Associates Ltd. (“A.R.A. Ltd.”) for the Subject Site; and,

Whereas, on September 20, 2023, Colony Real Estate Development Limited (the “Owner”) was sent a copy of the Research Report and was asked to provide a stance on designation; and,

Whereas, on September 28, 2023, Heritage Oshawa considered Item HTG-23-57 dated September 21, 2023 concerning the Research Report and made a motion recommending that the Subject Site be designated under Section 29, Part IV of the Ontario Heritage Act; and,

Whereas, through correspondence dated September 29, 2023 received from D.G. Biddle and Associates Ltd. on behalf of the Owner, it was made clear that the Owner did not support the designation; and,

Whereas, on October 30, 2023, City Council considered Report ED-23-196 dated October 11, 2023 and adopted the following as part of a multi-part recommendation:

- “4. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
- (a) Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;
  - (b) Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
  - (c) Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
  - (d) Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”; and,

Whereas, on November 6, 2023, City staff issued Notice of Intention to Designate the Subject Site in accordance with the requirements of the Ontario Heritage Act; and,

Whereas, on November 30, 2023, the City received one (1) Notice of Objection to the proposed designation of the Subject Site from Overland LLP, on behalf of the Owner; and,

Whereas, on January 29, 2024, City Council considered the above noted Notice of Objection (Correspondence ED-24-05) and referred the matter to staff for a report; and,

Whereas, on February 26, 2024, City Council considered Report ED-24-16 dated January 31, 2024 and adopted the following recommendation:

“That, pursuant to Report ED-24-16 dated January 31, 2024, City staff be directed to proceed with the designation of the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act and that the appropriate by-law, which will include a Designation Statement and Description for the subject property, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”; and,

Whereas, on February 26, 2024, after considering Report ED-24-16 dated January 31, 2024, City Council passed By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act; and,

Whereas, on February 28, 2024, City staff issued Notice of the Passing of a By-law to designate the Subject Site in accordance with the requirements of the Ontario Heritage Act and the City's Public Notice Policy; and,

Whereas, on April 1, 2024, the City received one (1) appeal to the Notice of the Passing of a By-law to designate the Subject Site from Overland LLP, on behalf of the Owner, within the 30-day legislated appeal period under Section 29(11) of the Ontario Heritage Act, which period expired on April 2, 2024 (see Attachment 1); and,

Whereas, Council policy requires that the Economic and Development Services Department prepare a report to the Economic and Development Services Committee when an appeal is lodged against a Council decision;

Therefore be it resolved:

1. That, pursuant to Item ED-24-56 dated May 6, 2024, the Ontario Land Tribunal be advised that Oshawa City Council maintains their position that the former Harmony Public School at 149 Harmony Road South be designated under Part IV of the Ontario Heritage Act.
2. That, pursuant to Item ED-24-56 dated May 6, 2024, the City of Oshawa seek party status at the Ontario Land Tribunal.
3. That, pursuant to Item ED-24-56 dated May 6, 2024, City staff, with the assistance of a heritage consultant, be authorized to attend the Ontario Land Tribunal hearing in support of Council's decision and for these costs to be accommodated through the Corporate Litigation Account.
4. That, pursuant to Item ED-24-56 dated May 6, 2024, upon the conclusion of the Ontario Land Tribunal hearing, City staff report back to the Economic and Development Services Committee with the Ontario Land Tribunal's decision with respect to the designation of the former Harmony Public School at 149 Harmony Road South.

Christopher J. Tanzola  
Partner  
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Cell 416-428-7493  
ctanzola@overlandllp.ca

Overland LLP  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca



April 1, 2024

**VIA EMAIL AND COURIER**

Mary Medeiros, City Clerk  
The Corporation of the City of Oshawa  
50 Centre Street South  
Oshawa, ON L1H 3Z7

Dear Ms. Medeiros:

**RE: City of Oshawa By-law 27-2024  
Heritage Designation of 149 Harmony Road South, Oshawa  
Ontario Heritage Act, ss. 29(11)  
\*\*\* NOTICE OF APPEAL \*\*\***

We are the lawyers for Colony Real Estate Development Ltd. ("**Colony**"), the owner of the property municipally known as 149 Harmony Road South (the "**Property**").

On November 6, 2023, the City of Oshawa (the "**City**") issued a Notice of Intention to Designate the Property under Part IV, Section 29 of the Ontario Heritage Act (the "**OHA**"). On November 30, 2023, we filed a notice of objection on behalf of Colony, pursuant to Section 29(5) of the OHA (the "**Notice of Objection**"), a copy of which is enclosed.

The Notice of Objection was considered by City Council at its meeting of February 26, 2024, at which time City Council affirmed its intention to designate the Property and enacted By-law 27-2024 (the "**Designation By-law**"). We are in receipt of the Notice of Passing of the Designation By-law dated February 28, 2024 (the "**Notice of Passing**").

On behalf of Colony, we hereby appeal the Designation By-law to the Ontario Land Tribunal (the "**Tribunal**") pursuant to Section 29(11) of the OHA (the "**Appeal**"). The reasons for the Appeal are generally set out below and include the reasons provided in the Notice of Objection.

**BACKGROUND**

Site Description

The Property is approximately 4.92 acres (1.99 hectares) in size and is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the "**Region**") and is currently occupied by the former Harmony Public School.

The Property is bounded by Harmony Road South to the west, a low-rise residential neighbourhood to the north, open green space to the east and the Donevan Recreation Complex and its associated surface parking lots to the south.

### Proposed Development & Site Access Issues

The Property had been the subject of two previous designation recommendations in 2015 and 2019, respectively. On each occasion, City Council was advised that the Region would require that any new access to the Property be aligned with the centre line of Hoskin Avenue, opposite Harmony Road South. Council was further advised that the Region's requirement for site access would not allow for the retention of the former Harmony Public School building on the Property as it is located directly opposite Hoskin Avenue.

On October 19, 2023, Colony submitted a pre-application consultation meeting request to the City to discuss impending applications for a zoning by-law amendment, a plan of subdivision, a plan of condominium and site plan approval for the redevelopment of the Property with a townhouse form of development (the "**Development Proposal**"). At that time, the Development Proposal was predicated on the removal of the former Harmony Public School building in order to satisfy the Region's site access requirement noted above.

We note that on December 7, 2023, Colony received pre-consultation comments on the Development Proposal from the City and various agencies, including the Region, which expressed the possibility for site access to be located at the south end of the Property. On March 13, 2024, Colony and its consultants met with City Staff to discuss the pre-application comments and updates to the conceptual site plan proposal.

As part of these ongoing discussions with City Staff, our client and its consultants are continuing to explore opportunities for new site access locations for the Development Proposal and the treatment of the former Harmony Public School building, including a preliminary assessment of possible conservation approaches, in light of the Region's suggestion of the possibility of offsetting the site access from Hoskin Avenue.

### **REASONS FOR THE APPEAL**

Our client's concerns regarding the designation of the Property have been detailed in both oral and written submissions to the City since it acquired the property from the Durham District School Board in 2016.

Colony continues to be concerned that the designation of the Property may impact its ability to achieve the form and scale of redevelopment envisioned by the Development Proposal and does not agree that the features identified in Schedule A of the Designation By-law denote cultural heritage value worthy of designation under Part IV, Section 29 of the OHA to the extent that such a designation would be incompatible with the redevelopment of the Property.

In our submission, the attributes noted in Schedule A of the Designation By-law are largely descriptive of the current physical condition of the former Harmony Public School building.

We note the following statements contained in the Evaluation of Cultural Heritage Value or Interest Report prepared by Archeological Research Associated Ltd., commissioned by the City to determine the Property's heritage value:

- *149 Harmony Road is a well-built structure but does not display a high degree of craftsmanship or artistic value. The materials and ornamentation designs are typical of Beaux-Arts public buildings.*
- *149 Harmony Road does not clearly yield or have the potential to yield information that contributes to the understanding of a community or culture.*
- *149 Harmony Road South does not reflect the ideas of an architect, building, designer, or theorist. Research did not reveal a notable building or architect of the building. Research also did not find that the design of the school generated new or key ideas in the field of architecture.*
- *Although 149 Harmony South served the surrounding community, the influence of the school property on the character of the surrounding area has not been demonstrated.<sup>1</sup> [Emphasis added.]*

In our respectful submission, the heritage value attributable to the former Harmony Public School building, to the extent that it is contextual in nature, should not necessarily be tied to all of the physical attributes described in the Designation By-law. This is particularly the case where such a designation would require the building to remain in-situ and unnecessarily restrict the redevelopment potential of the Property.

In any event, we wish to make clear through this Appeal whether the Designation By-law is intended to protect the 1924 portion of the former school building and not the later 1956 addition. At a minimum, the Designation By-law should be revised to remove any ambiguity in this regard.

As detailed above, our client and its consultants have and intend to continue working collaboratively with City Staff as the Development Proposal is evaluated through the City's planning processes, notwithstanding the filing of this Appeal. If the Property is ultimately to be designated, the resulting designation should be consistent with the Development Proposal and the conservation approaches discussed with City Staff.

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<sup>1</sup> Archeological Research Associated Ltd., "Evaluation of 149 Harmony Road South – Harmony Public School According to *Ontario Regulation 9/06* City of Oshawa" (September 19, 2023), Table 3, pgs. 12-13.



**PROCEDURAL MATTERS**

On behalf of Colony, we request that a case management conference in respect of the Appeal be held at the earliest opportunity so that the parties can be identified, the issues can be determined and so that any procedural requirements for the hearing can be addressed.

**APPEAL MATERIALS**

Please find enclosed the following materials in respect of the Appeal:

1. A copy of our Notice of Objection dated November 30, 2023;
2. A completed copy of the Tribunal's Appeal Form A1; and
3. Our firm cheques in the amount of \$1,100 payable to the Minister of Finance, representing the Tribunal's fee for the Appeal.

Should you require any further information, documentation or any other thing to constitute these appeals to the Ontario land Tribunal, please advise the undersigned and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)).

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

**Christopher J. Tanzola**  
Partner  
Direct 416-730-0645  
Cell 416-428-7493  
ctanzola@overlandllp.ca

**Overland LLP**  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca



November 30, 2023

**VIA ELECTRONIC SUBMISSION AND COURIER**

Mary Medeiros, City Clerk  
City Clerk Services  
City of Oshawa  
5<sup>th</sup> Floor, Rundle Tower, City Hall  
50 Centre Street South  
Oshawa, ON L1H 3Z7

Dear Ms. Medeiros:

**RE: 149 Harmony Road South, Oshawa  
Notice of Intention to Designate, issued by the City of Oshawa on November 6, 2023  
\*\*\* NOTICE OF OBJECTION \*\*\* pursuant to s. 29(5) of the *Ontario Heritage Act***

We are the lawyers for Colony Real Estate Development Ltd. ("**Colony**"), the owner of the property municipally known as 149 Harmony Road South (the "**Property**") in the City of Oshawa (the "**City**").

We are in receipt of the City's Notice of Intention to Designate the Property under Part IV, section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 (the "**OHA**"), issued on November 6, 2023 (the "**Notice of Intention**"). On behalf of Colony, we hereby object to the Notice of Intention pursuant to section 29(5) of the OHA and request that City Council withdraw the Notice of Intention.

Prior to the issuance of the Notice of Intention, the proposed designation and Staff's recommendation to begin the designation process for the Property were considered by City Council at its meeting on October 30, 2023. On October 26, 2023, we submitted a letter to City Council advising of Colony's concerns with the proposed designation of the Property. A copy of our letter to City Council is enclosed as **Appendix A**.

Our reasons for the objection are set out below and include those set out in our letter of October 26, 2023. The City has previously considered these objections and determined that the Property should not be designated. We are asking City Council to be consistent in its assessment of the heritage merits of the Property weighed against its future use and conclude that the Property not be designated.

**THE PROPERTY & PROPOSED DEVELOPMENT**

The Property is approximately 4.92 acres (1.99 hectares) in size and is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The

Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the “**Region**”) and is currently occupied by the former Harmony Public School. The former Harmony Public School is located along this frontage and directly opposite Hoskin Avenue. Access from the Regional road opposite Hoskin Avenue presents a real and significant limitation on the redevelopment of the Property, as has previously been considered and acknowledged by City Council. The Property is currently listed on the City’s Register of Properties of Cultural Heritage Value or Interest.

On October 19, 2023, Colony submitted a pre-consultation request to the City’s Planning Department to discuss impending applications for a zoning by-law amendment, a plan of subdivision, a plan of condominium and site plan approval for the redevelopment of the Property. The development proposal would see the Property intensified with a 14-block townhouse development containing approximately 73 residential units (the “**Proposed Development**”). As noted, the Proposed Development takes access from Harmony Road South in the location permitted by the Region and is, therefore, in conflict with the existing school building.

## **REASONS FOR THE OBJECTION**

### Previous Designation Attempts & Site Access Issue

As detailed in our letter, the Property had been the subject of two previous recommendations for designations in September 2015 and September 2019, respectively. On each occasion, a recommendation to designate the Property was not adopted by City Council.

As noted above and in our previous letter, Colony is concerned that the designation will restrict the already limited opportunities for site access to the Property due to the former Harmony Public School’s location and will impact its ability to achieve the form and scale of redevelopment envisioned by the Proposed Development. Colony has consistently raised this concern with City Staff, the Economic and Development Services Committee (the “**Committee**”) and City Council since it acquired the Property in 2016.

In fact, the site access issue was specifically considered by Heritage Oshawa in 2015 in response to a proposal to redevelop the Property, as documented in the Public Report to the Committee titled *Proposed Designation Pursuant to Ontario Heritage Act: 149 Harmony Road South (Former Harmony Public School) (DS-19-139)* dated September 4, 2019 (the “**2019 Staff Report**”). A copy of the 2019 Staff Report is enclosed as **Appendix B**.

The 2019 Staff Report states the following on page 5:

*On August 27, 2015 a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school*

building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development. Heritage Oshawa passed the following motion (HTG-15-70) in response to the presentation:

*“Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,*

*Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,*

*Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;*

*Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.” [Empasis added.]*

As further noted by Councillor Kerr at the meeting of the Committee on October 16, 2023 and the meeting of City Council on October 30, 2023, the site access issue had also formed part of the justification for not proceeding with the designation of the Property in 2019.

We note that neither the Notice of Intention nor the supporting *Evaluation of Cultural Heritage Value or Interest Report* prepared by Archeological Research Associates Ltd. and dated September 19, 2023 provide new reasons in support of designation that would not have previously been before City Council.

#### Coordination with Proposed Development

As noted above, Colony is preparing planning and development applications for the redevelopment of the Property. As the application process moves forward, the treatment of the former Harmony Public School will be addressed in the context of the intended redevelopment through consultation with City Staff. The designation of the Property may have the effect of sterilizing the Property in light of the site access issue should the former Harmony Public School be required to remain in situ.

Proceeding with the designation of the Property without the resolution of the site access issue raised by our client will necessitate our client’s appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Property.

Maintenance Concerns

We note that the City's website regarding designated properties states that "*Owners are not expected to incur expenses beyond those of any other property owner.*"<sup>1</sup> Our client is concerned that the proposed designation will trigger financial implications in connection with, but not limited to, municipal property tax considerations and maintenance costs if the Property is designated.

We would appreciate confirmation from the City as to the limitation of such financial implications in accordance with the City's website.

Please send notice of any decision in respect of this matter and all required notices under the OHA to both Colony, as the owner of the Property, and to Overland LLP, the undersigned and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)). Our contact information is set out herein.

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

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<sup>1</sup> <https://www.oshawa.ca/en/parks-recreation-and-culture/designated-properties.aspx>

**APPENDIX A**

Letter from Overland LLP dated October 26, 2023

**Christopher J. Tanzola**  
Partner  
Direct 416-730-0645  
Cell 416-428-7493  
ctanzola@overlandllp.ca

**Overland LLP**  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca



October 26, 2023

**VIA ELECTRONIC SUBMISSION**

Mayor Dan Carter and Members of City Council  
City of Oshawa  
50 Centre Street South  
Oshawa, ON L1H 3Z7

Your Worship and Members of City Council:

**RE: Item ED-23-196 – Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest (Wards 3 and 4)  
149 Harmony Road South**

We are the lawyers for Colony Real Estate Development Ltd. ("**Colony**"), the owner of the property municipally known as 149 Harmony Road South (the "**Property**") in the City of Oshawa (the "**City**").

Colony acquired the Property from the Durham District School Board in April 2016, and is in the process of preparing applications for a zoning by-law amendment and site plan approval to redevelop the property with residential uses (the "**Applications**"). The development proposal would see the Property intensified with a townhouse form of development. There have been preliminary discussions with City Staff regarding the development proposal and a pre-consultation meeting request and concept site plan were submitted to the City's Planning Department on October 19, 2023.

The Property is located on the east side of Harmony Road South, opposite Hoskin Avenue and one block south of King Street East. The Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region of Durham (the "**Region**") and is currently occupied by the former Harmony Public School.

Due to the location of the Property on the regional road network, the intersection with Hoskin Avenue, and the current location of the Harmony Public School building, a heritage designation that requires the school building to remain in-situ would seriously impact the ability to achieve an appropriate form and scale of revitalization for the Property.

Our client does not support the designation of the Property under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (the "**OHA**"). Consequently, we are asking Council not to proceed with the designation process for this Property at this time.

## STAFF REPORT

We have reviewed the report *ED-23-196 - Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest* (the “**Staff Report**”) dated October 11, 2023 and the related *Evaluation of Cultural Heritage Value or Interest Report* prepared by Archaeological Research Associates Ltd. (ARA) on September 19, 2023 (the “**CHVI Report**”) in respect of the Property and the former Harmony Public School.

In our view, the cultural heritage value attributed to the Property through the CHVI Report does not seem to be tied primarily to the physical attributes of the former Harmony Public School, but rather its associative value as a historical educational institute. For example, the CHVI Report notes the following:

- *149 Harmony Road South is a well-built structure but does not display a high degree of craftsmanship or artistic value. The materials and ornamentation designs are typical of Beaux-Arts public buildings.*
- *149 Harmony Road South is historically linked to its surroundings as one of last vestiges of Village of Harmony, which has largely disappeared into the City of Oshawa.*
- *149 Harmony Road South does not clearly yield or have the potential to yield information that contributes to the understanding of a community or culture.*
- *Although 149 Harmony Road South served the surrounding community, the influence of the school property on the character of the surrounding area has not been demonstrated.*
- *149 Harmony Road South does not reflect the ideas of an architect, builder, designer, or theorist. Research did not reveal a notable builder or architect of the building. Research also did not find that that the design of the school generates new or key ideas in the field of architecture.*

## THIRD ATTEMPT AT DESIGNATION – PREVIOUS EFFORTS FAILED

We understand that the Property had been the subject of two previous recommendations for designation in September 2015 and in September 2019, respectively, on the basis of its cultural heritage value or interest. On both occasions, City Council refused to approve the designation, with the latter resulting in the Property being listed on the City’s Register of Properties of Cultural Heritage Value or Interest (the “**Heritage Register**”).

Substantively, neither the CHVI Report nor the Staff Report provide persuasive new reasons in support of the designation of the former Harmony Public School that would not have been taken into account on these previous occasions. In fact, the Staff Report is clear that this third attempt at designation is being done merely as a procedural reaction to a change in the legislative framework.



As addressed below, and in any event, the existing listing on the Heritage Register does afford the Property a measure of protection until December 31, 2024 without any further action by Council at this time.

Despite Council's previous decisions not to designate the Property, on October 16, 2023, the Economic and Development Services Committee adopted Staff's recommendation to initiate the process of designating the Property under Part IV of the OHA. As a result, Colony finds itself once more having to oppose the designation in order to maintain the ability to move forward with its development intentions.

### **SITE ACCESS ISSUE**

Colony is concerned that the potential designation of the Property will restrict site access and will in turn severely limit the planned redevelopment of the Property.

As noted above, the Property has limited frontage along Harmony Road South, a regional road under the jurisdiction of the Region. The former Harmony Public School is located along this frontage and directly opposite Hoskin Avenue. As identified in the letter from D.G. Biddle & Associates Limited, our client's planning consultant, dated September 29, 2023 (attached as **Appendix A**), opportunities for access to the property are limited and could conflict with full retention of the former Harmony Public School on the property due to its location opposite to Hoskin Avenue. We note that this concern was also raised with the Economic and Development Services Committee in 2019 when the prior recommendation for designation of the Property was brought forward by Staff. This was specifically noted by Councillor Kerr at the October 16, 2023 meeting of the Economic and Development Services Committee – i.e., the site access issue had been raised previously and formed part of the justification for not proceeding with the designation of the Property in 2019.

### **ALTERNATIVES TO DESIGNATION**

As noted above (and in the Staff Report), in accordance with the changes to the OHA made through the *More Homes Built Faster Act, 2022*, the City has at least until **December 31, 2024** to make a decision as to whether the Property should be designated if no applications for the Property are submitted. If the Applications are made before December 31, 2024, then because the Property is already listed on the Heritage Register, the City can consider the heritage status in response to the Applications in accordance with timelines set out in the OHA.

Given that the Applications are expected to be submitted to the City for review in short order, proceeding with the designation of the Property without the benefit of the context of the intended redevelopment, could have the effect of sterilizing the Property to development by virtue of the identified site access issue. A recommendation to designate the Property despite this access issue will necessitate our client's formal objection and probable appeal to the Ontario Land Tribunal to protect for the intended redevelopment of the Property.

Instead the City could defer this matter to a later date in 2024 and revisit the issue of designation once the Applications have been submitted.<sup>1</sup>

For these reasons, our client requests that City Council not adopt the recommendation to initiate the designation process, or in the alternative, defer this item until the submission of the impending Applications and that staff be given direction to continue discussions with our client through the planning process for the Property. A deferral will allow for further consultation between Staff and our client's consultants with respect to the treatment of the former Harmony Public School building and a consistent assessment of the Property with all the relevant supporting documentation.

Please send notice of any decision in respect of this matter and all required notices under the OHA to both Colony as the owner of the Property and to the undersigned and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)).

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

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<sup>1</sup> If for some reason the Applications are not forthcoming, the City would still have over a year to address this matter.

**APPENDIX "A"**

Letter from D.G. Biddle & Associates Limited, dated September 29, 2023



# **D. G. Biddle & Associates Limited**

consulting engineers and planners

96 KING ST. E., OSHAWA, ONTARIO L1H 1B6    PHONE (905) 576-8500    FAX (905) 576-9730  
e-mail: info@dgbiddle.com

September 29, 2023

Planning Department  
City of Oshawa  
50 Centre Street South  
Oshawa ON L1H 3Z7

Attention: Connor Leherbauer

**RE: 149 Harmony Road South, Harmony Public School Building  
Heritage Research Report  
Our File: 115175**

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Dear Mr. Leherbauer:

D.G. Biddle and Associates Limited has been retained by the owner, Colony Real Estate Development Inc., to provide professional land use planning consulting services in support of development applications for the property at 149 Harmony Road South in the City of Oshawa, the Harmony Road Public School.

We are in receipt of Evaluation of 149 Harmony Road South - Harmony Public School report prepared by Archaeological Research Associates Ltd. for the City of Oshawa (September 19, 2023).

On September 9, 2019, the Oshawa Heritage Committee brought forward a proposal to the Development Services Committee to designate 149 Harmony Road South as a heritage property. The Development Services Committee recommended to Council that the property not be designated, but instead to list the property on the City of Oshawa's Register of Properties of Cultural Heritage Value or Interest. The recommendation to not designate was approved by City Council on September 23, 2019.

The owner purchased the property from the Durham District School Board with the intent to redevelop the property under the permissions of the Region of Durham and City of Oshawa Official Plans.

Harmony Road South and the properties fronting onto Harmony are designated as **Regional Corridor** in the Region of Durham Official Plan, with an underlying **Living Areas** land use designation. The Regional Corridor designation is intended to allow for higher density residential, commercial, and mixed-use development with

minimum residential density requirements of 60 units per hectare. The Living Areas land use designation does not specify a minimum or maximum density permission, but instead defers to the local official plan.

The City of Oshawa Official Plan designates the property for **Residential** land uses. Location criteria found in Table 2 of the Oshawa Official Plan would generally allow for **Medium Density I Residential** land use and density permissions due to its location on an arterial road and at the periphery of a residential neighbourhood. The Medium Density I Residential land use designation permits densities of 30 to 60 units per hectare.

Harmony Road South is a Regional Road under the jurisdiction of the Region of Durham. The Region's intersection spacing protocol will require any new driveway into the property to line up opposite Hoskin Avenue. Site access is restricted along Harmony Road South due to the site's limited frontage and proximity to Hoskin Avenue. No other site access location is feasible due to restrictions of turning movements into and out of the site and due to potential conflicting turning movements on Harmony. A site access opposite Hoskin Avenue is the only feasible option.

Unfortunately, the Harmony Road Public School is located at the intersection of Harmony Road with Hoskin Avenue. The location of the existing building does not permit feasible site access in line with the Region's site access protocol.

As such, the designation of the Harmony Road Public School would severely limit access to the site, which in turn will severely limit any future development potential of the site. For this reason, the owner is opposed to the designation of the Harmony Road Public School under the Ontario Heritage Act.

Yours Truly,  
**D.G. BIDDLE & ASSOCIATES LIMITED**

*Ashlee Prescott*

Ashlee Prescott  
Junior Planner

Cc. Monica Chen, Colony Real Estate Development Inc. (via email)

**APPENDIX B**

Public Report from City Staff dated September 4, 2019

To: Development Services Committee

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

Report Number: DS-19-139

Date of Report: September 4, 2019

Date of Meeting: September 9, 2019

Subject: Proposed Designation Pursuant to Ontario Heritage Act:  
149 Harmony Road South (Former Harmony Public School)

File: B-8600-0353

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## **1.0 Purpose**

The purpose of this report is to seek Council's direction on whether or not to designate the property located at 149 Harmony Road South (former Harmony Public School) as a property of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*.

On September 27, 2018, Heritage Oshawa recommended that the property located at 149 Harmony Road South be designated under the *Ontario Heritage Act*.

On January 14, 2019, Development Services Committee referred the recommendation from Heritage Oshawa to staff for a report.

Attachment 1 shows the location of 149 Harmony Road South as well as the existing zoning in the area.

Attachment 2 is an air photo showing the footprint of the former school building at 149 Harmony Road South.

Attachment 3 is a copy of the September 2012 Heritage Research Report prepared by Melissa Cole, a local heritage consultant, for 149 Harmony Road South.

Attachment 4 is a copy of Report DS-14-74 dated April 9, 2014 regarding an offer from the Durham District School Board (D.D.S.B.) to sell 149 Harmony Road South to the City.

Attachment 5 is correspondence dated May 27, 2019 from Monica Chen, representing Colony Real Estate Development Ltd., the owner of 149 Harmony Road South, indicating that the owner does not support the designation of their property under Part IV of the *Ontario Heritage Act*.

Attachment 6 is correspondence dated May 29, 2019 from Michael J. Fry of D.G. Biddle & Associates Ltd., on behalf of Colony Real Estate Development Ltd., outlining the reasons the owner does not support the designation of 149 Harmony Road South.

Attachment 7 is a Cultural Heritage Evaluation & Options Analysis relating to 149 Harmony Road South dated May 30, 2019, prepared by Golder Associates Ltd. for Colony Real Estate Development Ltd.

Attachment 8 is a copy of email correspondence dated August 13, 2019 from Michael J. Fry of D. G. Biddle & Associates Ltd., on behalf of Colony Real Estate Development Ltd., confirming that the property owner does not support the designation of 149 Harmony Road South, including any part of the former school building, notwithstanding the recommendations contained in the Cultural Heritage Evaluation & Options Analysis dated May 30, 2019 prepared by Golder Associates Ltd. for the owner (see Attachment 7).

## **2.0 Recommendation**

That the Development Services Committee select an appropriate option as set out in Section 5.9 of Report DS-19-139 dated September 4, 2019.

## **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
- City Solicitor
- Heritage Oshawa
- Owner of 149 Harmony Road South (Colony Real Estate Development Ltd.)

## **5.0 Analysis**

### **5.1 Heritage Oshawa Inventory of City of Oshawa Heritage Properties**

The Heritage Oshawa Inventory of City of Oshawa Heritage Properties (the Inventory) identifies properties of cultural heritage value or interest within the City of Oshawa. The Inventory includes all properties on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as well as properties identified as 'Class A' or 'Class B'.

Class A properties are properties that have been evaluated by Heritage Oshawa and determined to have the highest potential for designation.

Class B properties are properties that have been evaluated by Heritage Oshawa and determined to have good potential for designation.



149 Harmony Road South (see Attachments 1 and 2) is identified in the Inventory as a Class A property.

## **5.2 The City of Oshawa Register of Properties of Cultural Heritage Value or Interest**

The City of Oshawa Register of Properties of Cultural Heritage Value or Interest (the Register) is the list of properties from the Inventory that have been formally recognized by Council, pursuant to Section 27 of the *Ontario Heritage Act*, as being properties within the City of Oshawa having cultural heritage value or interest.

The Register includes “designated” and “listed, non-designated” properties.

A property is automatically added to the Register as a designated property once it is designated in accordance with the process established in the *Ontario Heritage Act*.

A property is added to the Register as a listed, non-designated property by resolution of Council.

149 Harmony Road South is currently not on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.

## **5.3 Background**

### **5.3.1 Heritage Research Report**

On June 28, 2012 Heritage Oshawa passed the following resolution:

“That Heritage Oshawa recommend to the Development Services Committee:

Whereas Harmony Public School and Ritson Public School are closing and are to be decommissioned at the end of June 2012; and,

Whereas it is anticipated that the Durham District School Board will be considering the future of these school buildings; and,

Whereas Harmony Public School is a Class A and Ritson Public School is a Class B on the Heritage Oshawa Inventory of Heritage Properties;

Whereas Heritage Oshawa recognizes the cultural heritage importance of both of these schools;

Therefore be it resolved:

1. That Council initiate discussion with the Durham District School Board regarding future uses for Harmony Public School and Ritson Public School; and,
2. That Heritage Oshawa be consulted in the planning process for any future adaptive reuse.

3. That a research report should be prepared for both buildings in the near future.”

Heritage Oshawa subsequently engaged Melissa Cole, a qualified heritage consultant, to prepare a heritage research report for 149 Harmony Road South. Ms. Cole’s heritage research report dated September 2012 forms Attachment 3 to this report.

The September 2012 heritage research report for 149 Harmony Road South provides evidence that the property meets one or more of the criteria for designation under the *Ontario Heritage Act* (Ontario Regulation 9/06) under the following three categories:

1. Design or physical value
2. Historical or associative value
3. Contextual value

### **5.3.2 Heritage Oshawa Follow-up to Research Report**

Subsequent to its receipt of the heritage research report, Heritage Oshawa did not recommend designation of the school under the *Ontario Heritage Act*. Rather, on November 22, 2012, it passed a resolution to receive the heritage research report for information and to monitor future activities related to the subject school property.

Accordingly, when a letter dated February 5, 2014 from the D.D.S.B. was received by the City offering to sell 149 Harmony Road South as a surplus school site, City staff advised Heritage Oshawa in this regard.

On February 24, 2014 the Development Services Committee referred to staff for a report the letter from the D.D.S.B. offering to sell the Harmony Public School site located at 149 Harmony Road South (see Attachments 1 and 2) to the City.

On March 11, 2014 Heritage Oshawa recommended that Council consider purchasing the school site for re-purposing as an Arts, Culture and Heritage Education Centre.

On April 7, 2014 Council referred to staff Heritage Oshawa’s recommendation that the school site be considered for acquisition and re-purposing as an Arts, Culture and Heritage Education Centre.

On April 28, 2014 Council considered Report DS-14-74 (see Attachment 4) regarding the offer from the D.D.S.B. and passed the following motion:

“That, pursuant to Report DS-14-74 dated April 9, 2014, the Durham District School Board be advised that the City does not wish to acquire the Harmony Road Public School site at 149 Harmony Road South.”

On June 25, 2015 a proposal to demolish the former school building and redevelop the site at 149 Harmony Road South was presented to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa passed the following motion in response to the presentation:

“That Heritage Oshawa seek clarification regarding the alignment of the new road into the proposed development with Hoskin Avenue or if it can be accommodated in the existing driveway north of the school building; and,

That Brookfield Homes seek additional information on adaptive reuse of 149 Harmony Road South; and,

That in the event that the building must be demolished, that Brookfield Homes identify options to commemorate the building.”

On August 27, 2015 a follow-up presentation was given to Heritage Oshawa by Rodger Miller of Urban Terra, on behalf of Brookfield Homes. Heritage Oshawa was advised that according to the Region of Durham, a road/driveway access to the site that is aligned with the centre line of Hoskin Avenue is the only option that provides sufficient space for safe traffic flow. Heritage Oshawa was also advised that while relocating the former school building for adaptive reuse was determined not to be economically viable, the proponent is willing to work with Heritage Oshawa to ensure the building is appropriately commemorated in the new development. Heritage Oshawa passed the following motion (HTG-15-70) in response to the presentation:

“Whereas Heritage Oshawa would prefer to leave the school building located at 149 Harmony Road South in situ or be used for adaptive reuse; and,

Whereas the Region of Durham has determined that the only access option that provides sufficient traffic flow and entrance from the development onto Harmony Road South would be a new access that matches the existing centre line on Hoskin Avenue; and,

Whereas this development would leave no option other than the removal of the Heritage Oshawa Inventory Building at 149 Harmony Road South;

Therefore be it resolved that if a development is approved, the plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.”

On September 14, 2015 the Development Services Committee endorsed the recommendation of Heritage Oshawa (DS-15-177).

On September 28, 2015 City Council adopted the recommendation of the Development Services Committee as contained in DS-15-177.

The D.D.S.B. subsequently sold 149 Harmony Road South to Colony Real Estate Development Ltd. (the current owner) on April 11, 2016.

### **5.3.3 Heritage Oshawa Recommendation to Designate**

Given that both the former Harmony Public School at 149 Harmony Road South and the former Ritson Public School at 300 Ritson Road South were declared surplus by the D.D.S.B. and that heritage research reports for both properties had previously been

prepared, Heritage Oshawa determined as part of its 2018 work plan to seek heritage designation for both former school sites. With respect to 149 Harmony Road South, on September 27, 2018 Heritage Oshawa recommended the following to Development Services Committee (HTG-18-61):

“Whereas Heritage Oshawa has a research report on Harmony Public School at 149 Harmony Road South which is a Class A property in the Heritage Oshawa Inventory and recommended designation; and,

Whereas Harmony Public School was built in 1924, the year of incorporation for the City of Oshawa; and,

Whereas Harmony Public School has architectural value as a rare example of a schoolhouse of Classic Revival style with an elaborate Greek Doric portico entrance, an embodiment of a philosophy of natural light, spaciousness and good ventilation introduced in the late 1800s when small wooden schoolhouses were replaced with those such as the Harmony Public School; and,

Whereas Harmony Public School has associative value as public schools have stood on the site for over 150 years, the current building was constructed at a time when the population was expanding, increasing demand for schooling; and,

Whereas Harmony Public School has associative value with the Farewell family, one of the first to settle in the Village of Harmony in 1804; and,

Whereas Harmony Public School has contextual value as a landmark in the City of Oshawa, near the Farewell Cemetery; and,

Whereas the benefits of designating this property include promoting knowledge and understanding of Oshawa’s cultural heritage, recognizing highly visible resources, recognizing the community’s identity, and inspiring pride in Oshawa’s citizens because the City has been built with care, thought, and hard work over the past 100 years; and,

Whereas the responsibilities of the owners of designated properties do not extend to upkeep or expenses beyond those of any property owner;

Therefore be it resolved that the building and site at Harmony Public School be designated as a property of cultural heritage significance under the *Ontario Heritage Act*.”

On January 14, 2019 the Development Services Committee referred HTG-18-61 to staff for a report.

#### **5.4 Historical Significance of 149 Harmony Road South**

The heritage research report dated September 2012 (see Attachment 3) generally summarizes the cultural heritage value or interest of 149 Harmony Road South as follows:

1. The school building located at 149 Harmony Road South has design and physical value because the building is an example of a school that was built in the 1920s representative of the Classic Revival architectural style.
2. This property has associative value because:
  - Harmony Public School has direct association with the Farewell family. The land on which the school sits was donated by Akeus Farewell. The Farewells were one of the first families to settle in the Village of Harmony. They came to the area in circa 1804.
  - Harmony Public School is historically linked to the City of Oshawa as it is representative of the Village of Harmony that now lies within the City of Oshawa. That is where the name of the school originates.
3. This property has contextual value because Harmony Public School is a landmark in the City of Oshawa; approximately 0.5 km to the north is located Farewell Cemetery which represents another landmark in a community that was once known as the Village of Harmony.

After analyzing the history of, and heritage attributed to, the subject property, the heritage research report concludes that the subject property meets several of the criteria outlined in Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest, and merits designation under the *Ontario Heritage Act*.

## **5.5 The Provincial Policy Statement**

The Provincial Policy Statement (P.P.S.) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

Section 2.6 of the P.P.S. addresses Cultural Heritage and Archaeology and in particular states that (among other things):

“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

This Section of the P.P.S. does not currently apply to the properties adjacent to 149 Harmony Road South since it is not a designated property. It would apply if it was designated.

## **5.6 Heritage Designation Process**

The *Ontario Heritage Act* provides a framework for identification, conservation and protection of cultural heritage resources.

The *Ontario Heritage Act* empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest.

A heritage designation under the *Ontario Heritage Act*:

- Recognizes the importance of a property to the local community;
- Protects the property's cultural heritage value;
- Encourages good stewardship and conservation; and
- Promotes knowledge and understanding about the property.

The designation of 149 Harmony Road South would be governed by Part IV of the *Ontario Heritage Act* for individual property designation.

The *Ontario Heritage Act* requires that a municipal council must consult with its municipal heritage committee, where one exists, before considering a designation.

The *Ontario Heritage Act* specifies that a Notice of Intention to Designate a property be served on the owner and the Ontario Heritage Trust as well as being published in a newspaper having general circulation in the municipality. Based on City policy any Notice of Intention to Designate would be published in both the Oshawa This Week and Oshawa Express newspapers.

A Notice of Intention to Designate a property must include:

1. The Description of Property so that it can be readily identified;
2. The Statement of Cultural Heritage Value or Interest, which identifies the property's heritage significance;
3. The Description of Heritage Attributes outlining the particular features that should be protected for the future; and
4. A statement that any notice of objection to the designation must be filed with the municipality within 30 days after the date of publication of the newspaper notice.

If no objections are filed with the municipality within 30 days after the date of publication of notice in the newspaper, the council can proceed to pass a by-law designating the property.

If an objection to a designation is filed with the municipality within the 30 day period, Council must refer the objection to the Conservation Review Board (Review Board) for a hearing. The Review Board will then hold a hearing and make recommendations to Council. Council is not bound to follow the recommendations of the Review Board but must consider the Review Board's report. Council then decides whether to pass a designating by-law or withdraw its intention to designate.

All properties that are designated by Council are automatically listed on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.

It should be noted that while the heritage designation process as described above currently applies, changes to this process have been approved under Bill 108 and will come into effect on a day to be named by proclamation of the Lieutenant Governor.

## **5.7 Register Designated Versus Register Non-designated**

### **5.7.1 Non-designated Properties Listed on the Register**

149 Harmony Road South is currently identified on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties as a Class A property. A Class A property has no standing, or special protection, under the *Ontario Heritage Act*.

Pursuant to Section 27 of the *Ontario Heritage Act*, Council may choose to elevate the status of a Class A property by adding it to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a “listed, non-designated” property. This can be done through a resolution of Council, subject to consultation with Heritage Oshawa.

There is no legislated appeal process for the addition by Council of a listed, non-designated property to the City’s Register. However, under changes to the *Ontario Heritage Act* introduced through Bill 108, an owner of a Class A property that has been added to the Register will have the ability, as of a date to be named by proclamation of the Lieutenant Governor, to request that Council re-consider its decision to add the subject property to the City’s Register.

A listed, non-designated property is protected under the *Ontario Heritage Act* to the extent that a municipality can withhold a demolition permit for up to 60 days after receiving an application from the property owner to demolish or remove the building or structure. This 60 day period enables municipal councils, if they so choose, to designate the property by by-law as a property of cultural heritage value or interest, and thereby seek to prevent demolition.

There are no legislated obligations regarding proposed alterations to a listed, non-designated property. However, the City’s standard practice is for Heritage Oshawa to review and comment on alteration proposals for listed, non-designated properties.

### **5.7.2 Designated Properties Listed on the Register**

A designated property is given protection under the *Ontario Heritage Act* from alteration and demolition. The owner of a designated property must apply to Council for approval of demolition or any alteration that may impact heritage attributes established in the designation by-law, and receive consent in writing from Council. Council must first consult with its municipal heritage committee (Heritage Oshawa) prior to deciding on the proposed alteration or demolition. The *Ontario Heritage Act* further details the process for requests for approval of alteration or demolition and the associated appeal process.

### **5.7.3 Effect on Process to Alter or Demolish**

Only the property owner can object to Council’s decision regarding an application to alter or demolish a designated structure. In the case of an application for alteration, the owner

has 30 days from the issuance of the Notice of Decision to Refuse, to object to Council's decision. This objection is then referred to the Conservation Review Board (C.R.B.). The C.R.B. holds a hearing and reports to Council on the matter. Council considers the C.R.B. report and makes a final decision on the request for alteration. If Council refuses to consent to the application for alteration, then the property cannot be altered.

In the case of a designated property, if the owner applies to Council to demolish a designated structure, the owner has 30 days to appeal Council's decision to the Local Planning Appeal Tribunal (L.P.A.T.). The L.P.A.T. deals with the matter and makes a final decision.

Where demolition of a property identified on the City's Register as a listed, non-designated property is proposed, the owner is required to give Council at least 60 days' notice in writing of the owner's intention to demolish the building. This notification is typically given through submission of an actual demolition permit application. There is no decision/appeal/objection process associated with this requirement.

It is important to note that while the processes described above regarding applications to alter or demolish structures or buildings identified in the City's Register currently apply, changes to these processes have been approved under Bill 108 and will come into effect on a day to be named by proclamation of the Lieutenant Governor.

## **5.8 Heritage Property Tax Reduction Program**

On March 21, 2011 Council adopted a Heritage Property Tax Reduction Program. This program provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City.

The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property taxes. At this time, the Region of Durham does not participate in the program and therefore the reduction does not apply to the Region's portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following eligibility criteria:

1. Be located in the City;
2. Be designated under Part IV or Part V of the *Ontario Heritage Act*;
3. Be subject to a Heritage Easement Agreement with the City; and
4. Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

1. The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and
2. The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.



In 2018, 40% of the City and school board portion of the taxes for 149 Harmony Road South amounted to approximately \$4,828 (the total 2018 City and school board portion of the taxes are \$12,069). The foregoing values do not include Regional taxes given that the Region of Durham does not participate in the City's Heritage Property Tax Reduction Program.

## **5.9 Options**

The September 2012 heritage research report for 149 Harmony Road South (see Attachment 3) establishes the reasons for designation pursuant to the *Ontario Heritage Act*. Notwithstanding Heritage Oshawa's November 22, 2012 resolution and on the basis of the research report, on September 27, 2018, Heritage Oshawa recommended that 149 Harmony Road South be designated under Part IV of the *Ontario Heritage Act*.

After notice of Heritage Oshawa's motion to designate 149 Harmony Road South was issued to the property owner (Colony Real Estate Development Ltd.), correspondence dated May 27, 2019 was received by staff from Monica Chen representing Colony Real Estate Development Ltd. (see Attachment 5). Additional correspondence dated May 29, 2019 from Michael J. Fry of D. G. Biddle & Associates Ltd. on behalf of Colony Real Estate Development Ltd., was subsequently received by staff (see Attachment 6).

Through this correspondence staff were informed that the owner does not support the designation of 149 Harmony Road South on the basis that it would restrict the future development potential of the property and does not take into account the intent of the infill and intensification policies of the Regional Official Plan and the City of Oshawa Official Plan.

Staff subsequently received a Cultural Heritage Evaluation & Options Analysis dated May 30, 2019, prepared by Golder Associates Ltd. (Golder) for the property owner (see Attachment 7). Golder concluded that the school building can be partially demolished (i.e. the north single-storey wing and the later 1957 addition, which is not identified as a heritage attribute) and compatibly incorporated into the proposed development without substantially losing its integrity, cultural heritage significance, or importance to the local community.

While demolishing the north wing and the 1957 addition and reconstituting the structure as a two-storey hall with a single-storey south wing would enable development and safe vehicle access, and retain the building for community use, it would result in an asymmetrical structure and present an "unbalanced" street facing façade.

To guide these structural changes and adaptive re-use of the building, Golder recommends conducting a heritage conservation plan for the rehabilitation of the building in a new configuration and use.

To confirm the position of the property owner in view of Golder's recommendation, staff contacted Michael J. Fry of D. G. Biddle & Associates Ltd. (the owner's consultant). Email correspondence dated August 13, 2019 was received from the same confirming that the property owner does not support designation of the property including any part of the former school building, notwithstanding Golder's recommendation (see Attachment 8).

Staff notes that Golder's conclusion that the school building could be partially retained while allowing access to the site that is aligned with Hoskin Avenue is relevant with regard to resolution DS-15-177 endorsed by Council on September 28, 2015, referenced in Section 5.3.2. The presentation to Heritage Oshawa in June and August 2015 by Urban Terra on behalf of Brookfield Homes did not provide any option for development of the site which did not involve the full demolition of the school building. Golder's option involving the partial demolition of the school building, and the retention of the two-storey hall and single-storey south wing, was not presented to Heritage Oshawa at that time. Heritage Oshawa has not commented on Golder's analysis as the current property owner is opposed to designation of any part of the building, including the two-storey hall and single-storey south wing.

Given the contrasting positions of Heritage Oshawa and the property owner, three options are available to the Development Services Committee on a go forward basis to deal with this matter.

### **5.9.1 Option 1: Status Quo**

Should the Development Services Committee wish to maintain the status quo and have 149 Harmony Road South remain as a "Class A" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

1. That, pursuant to Report DS-19-139 dated September 4, 2019, 149 Harmony Road South not be designated under the *Ontario Heritage Act* but rather remain as a "Class A" property on the Heritage Oshawa Inventory of City of Oshawa Heritage Properties."
2. That Council affirm its position, as identified in resolution DS-15-177 and adopted on September 28, 2015, that in the event a development is approved at 149 Harmony Road South involving the demolition of the former Harmony Public School, the development plan must include a commemorative project for the school building developed in consultation with Heritage Oshawa and the proponent.

### **5.9.2 Option 2: Designate**

Should the Development Services Committee wish to designate 149 Harmony Road South as a property of cultural heritage value or interest, in which case it would be added as a designated property to the City of Oshawa Register of Properties of Cultural Heritage Value or Interest, then the following recommendation should be adopted:

"That the Development Services Committee recommends to City Council:

That, pursuant to Report DS-19-139 dated September 4, 2019, Development Services staff be authorized to undertake the process established in the *Ontario Heritage Act* to designate the property located at 149 Harmony Road South as a property of cultural heritage value or interest under the *Ontario Heritage Act* by undertaking the following:

- (a) Prepare a Notice of Intention to Designate the property located at 149 Harmony Road South under the *Ontario Heritage Act*;
- (b) Publish the Notice in the Oshawa This Week and Oshawa Express newspapers;
- (c) Forward the Notice to the Ontario Heritage Trust and the owner in accordance with the *Ontario Heritage Act*; and
- (d) Prepare the necessary by-law and Designation Statement and Description, with input from Heritage Oshawa, for subsequent consideration by Council.”

### **5.9.3 Option 3: Add to the City’s Register as a Listed, Non-designated Property**

Should the Development Services Committee wish Council to formally recognize 149 Harmony Road South as a property having cultural value or interest pursuant to Section 27 of the *Ontario Heritage Act*, in which case it would become a “listed, non-designated” property on the City’s Register, then the following recommendation should be adopted:

“That the Development Services Committee recommends to City Council:

That, pursuant to Report DS-19-139 dated September 4, 2019, the property known as 149 Harmony Road South be included on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest as a listed, non-designated property.

## **6.0 Financial Implications**

The costs associated with the designation of a property under the *Ontario Heritage Act* are related to notice requirements, which can be accommodated within the Department’s budget.

In the event of any objection to the Notice of Intention to Designate and referral to the Conservation Review Board (or to the Local Planning Appeal Tribunal, once changes to the *Ontario Heritage Act* establishing the Local Planning Appeal Tribunal as the appeal body come into effect on a day to be named by proclamation of the Lieutenant Governor), the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the associated hearing. These costs can be accommodated within the Departmental budget.

If 149 Harmony Road South is designated under the *Ontario Heritage Act* and the eligibility criteria for the City’s Heritage Property Tax Reduction Program are satisfied, the property owner would be eligible for a reduction of 40% of the taxes paid annually to the City and school boards.

Finance Services has advised that 40% of the City and school board portion of the taxes for 149 Harmony Road South in 2018 amounts to approximately \$4,828 (the total 2018 City and school board portion of the taxes is \$12,069).

If 149 Harmony Road South is redeveloped as an infill development, the new development may accrue property taxes.

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

The information in this report addresses the Cultural Vitality goal of the Oshawa Strategic Plan.



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



# Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

## Appeal Form (A1)

<b>Municipal/Approval Authority Date Stamp</b>	<b>Receipt Number</b> (OLT Office Use Only)	<b>Date Stamp – Appeal Received by OLT</b>
	<b>OLT Case Number</b> (OLT Office Use Only)	

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

**Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.**

### Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information		
Last Name:		First Name:
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):		
Colony Real Estate Development Ltd.		
Email Address:		
<b>M.F.I.P.A. Sec. 14(1)</b>		
Daytime Telephone Number:		Alternative Telephone Number:
	ext.	

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	█	M.F.I.P.P.A. Sec. 14(1)	
City/Town:	Province:	Country:	Postal Code:
Oshawa	Ontario	Canada	M.F.I.P.P.A. Sec. 14(1)



Representative Information			
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Tanzola		Christopher	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Overland LLP			
Email Address:			
<a href="mailto:ctanzola@overlandllp.ca">ctanzola@overlandllp.ca</a>			
Daytime Telephone Number:		Alternative Telephone Number:	
416-730-0645	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
1101	5255	Yonge Street	
City/Town:	Province:	Country:	Postal Code:
Toronto	Ontario	Canada	M2N 6P4
<p><b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>			
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>			

Location Information
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:
149 Harmony Road South
Municipality:
City of Oshawa
Upper Tier (Example: county, district, region):
Region of Durham

Language Requirements

Do you require services in French?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Heritage Designation By-law	Ontario Heritage Act	29(11)
2			
3			
4			
5			

**Section 2 – Appeal Type (Mandatory)**

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input checked="" type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6



<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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**Section 3A – Planning Matters**

**Appeal Reasons and Specific Information**

Number of new residential units proposed:

Municipal Reference Number(s):

List the reasons for your appeal:

Please see the attached cover letter dated April 1, 2024.

Has a public meeting been held by the municipality?       Yes     No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

**And**

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality’s Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

--

Oral/Written Submissions to Council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input checked="" type="checkbox"/> Written submissions to council
<input type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

**Section 3B – Other Planning Matters**

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 3B Checklist(s)</a> located <a href="#">here</a> and submit all documents listed.

**Section 4A – Appeals under Environmental Legislation**

**Appeal Specific Information**

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay?  Yes  No

If Yes, outline the reasons for requesting a stay:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 4B – Environmental Application for Leave to Appeal**

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*?  Yes  No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act***

**Appeal Specific Information**

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ([www.escarpment.org](http://www.escarpment.org)))



**Section 6 – Mining Claim and Conservation Matters**

**Appeal Specific Information**

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

**Respondent Information**

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

### Section 7 – Filing Fee

#### Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: \$1,100

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

### Section 8 – Declaration (Mandatory)

#### Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Christopher Tanzola, Overland LLP		2024/04/01

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at [OLT.Coordinator@ontario.ca](mailto:OLT.Coordinator@ontario.ca) or toll free at 1-866-448-2248 as soon as possible.

## Section 9 – Filing Checklists (Mandatory)

### Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	<p>Municipality or the Approval Authority/School Board</p> <p>*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p>	<p>Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a></p>
Section 5	<p><b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p><b>File with:</b> NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3<sup>rd</sup> Floor Georgetown, ON L7G 4B1</p>	<p><b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p><b>File with:</b> NIAGARA ESCARPMENT COMMISSION 1450 7<sup>th</sup> Avenue Owen Sound, ON N4K 2Z1</p>

	<p>Phone: 905-877-5191</p> <p>Fax: 905-873-7452</p> <p>Website: <a href="http://www.escarpment.org">www.escarpment.org</a></p> <p>Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a></p>	<p>Phone: 519-371-1001</p> <p>Fax: 519-371-1009</p> <p>Website: <a href="http://www.escarpment.org">www.escarpment.org</a></p> <p>Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a></p>
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**NOTE:** Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

**NOTE:** Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



DATE : March 27, 2024  
CHE # : 6681  
AMOUNT : \$1,100.00  
ACCOUNT : 1  
PAID TO : Minister of Finance

EXPLANATION : Harmony Heritage Appeal

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE REVERSE

**Overland LLP**  
5255 Yonge Street, Suite 1101  
Toronto, Ontario M2N 6P4

CANADIAN IMPERIAL BANK OF COMMERCE  
QUEEN AND SPADINA BANKING CENTRE  
364 QUEEN ST. W.  
TORONTO, ON M5V 2A2

**6681**

**27032024**  
DATE DDMMYYYY

**PAY \*\*\*\*\*One Thousand One Hundred and 00/100**

**\$\*\*\*\*\*1,100.00**

TO THE ORDER OF **Minister of Finance**

PER *[Signature]*

PER *[Signature]*

Notes: **Harmony Heritage Appeal**

⑈0006681⑈ ⑆010020010⑆ 18041513⑈

DATE : Mar 27, 2024  
CHE # : 6681  
AMOUNT : \$1,100.00  
ACCOUNT : 1  
PAID TO : Minister of Finance  
Harmony Heritage Appeal  
DISBURSEMENT AMOUNTS :  
MATTER AMOUNT  
|23-1789| 1100.00| |



Economic and Development Services Committee – May 6, 2024

Update regarding Conlin Road East Front Ending Agreement Pilot Project (File: 03-05)  
(Ward 1)

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That the Economic and Development Services Committee recommend to City Council:

Whereas, Council approved the recommendations in Report CNCL 23-03 dated January 13, 2023, regarding the request for Oshawa (Conlin) Developments (BT) Inc., a subsidiary of Treasure Hill Homes (“Treasure Hill”) to enter into a Front Ending Agreement for the design and construction of Conlin Rd E from Grandview to Kurelo; and,

Whereas, Council approved funding for Project 73-0455 Conlin Road East in the amount of \$4,285,000 (exclusive of H.S.T.), with \$3,424,000 being funded from the Transportation Roads Development Charge Reserve and \$861,000 from the Growth Related Non-Development Charges Reserve; and,

Whereas, in lieu of a separate Front Ending Agreement as per Section 44 of the Development Charges Act, 1997, S.O. 1997, c. 27 and for sake of efficiency, staff incorporated the conditions of the Front Ending Agreement into the Subdivision Agreement, which was prepared and signed on June 6, 2023; and,

Whereas, Treasure Hill tendered the work to be constructed in 2024 which did not result in the expected cost savings as the excess soils generated on Conlin Road were determined not to be suitable for re-use on Treasure Hill’s lands, as originally contemplated; and,

Whereas, the lowest bidder was \$1.98 Million over the approved budget, for the City’s share of the project; and,

Whereas, the opportunity to coordinate the reconstruction of Conlin Road with Treasure Hill’s construction work for service connections along Conlin Road East has passed; and,

Whereas, the 60 day irrevocable period with the tender document to commit to the need for an extra \$1.98 million, has passed; and,

Whereas, at the time of the request to enter into a Front Ending agreement was received, access to Treasure Hill’s lands was only possible via Conlin Road. However, residents will soon have the option to utilize Britannia Road East as an alternative route for access during the reconstruction of the Grandview Street roundabout; and,

Whereas, staff are recommending to return the funds to source and re-submit the works as a capital project for consideration as part of the 2025 Mayor’s Budget;

Therefore be it resolved that the City reimburse Oshawa (Conlin) Developments (BT) Inc., a subsidiary of Treasure Hill Homes, for the completion of the detailed design (and associated engineering studies) for Conlin Road East from Grandview Street North to Kurelo Drive and return the remaining funds estimated to be \$4,088,963.76 from approved Project 73-0455 to source and, authorize staff to enter into an amending Subdivision Agreement with Oshawa (Conlin) Developments (BT) Inc. to remove Section 2.1 a), the requirement to construct all the works as related to the reconstruction of Conlin Road East on behalf of the City.

Economic and Development Services Committee – May 6, 2024

Remuneration for Public Art Jury Members for the permanent public art installation at  
the Downtown Urban Square (Ward 4) (File 03-05)

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That the Economic and Development Services Committee recommend to City Council:

Whereas, on October 2, 2023, Council approved that staff proceed with the process to install permanent public art at the Downtown Urban Square at the northeast corner of Bond Street East and Simcoe Street North (CNCL-23-95); and,

Whereas, the City of Oshawa Public Art Policy allows for City staff, in collaboration with the Public Art Task Force, to identify public art projects on a case by case basis that require a separate jury with specialized skills to provide expertise and recommendations relating to the acquisition of public artworks; and,

Whereas, the process outlined for the Downtown Urban Square project includes convening a specialized jury with responsibilities that include reviewing artist proposals and making selection recommendations; and,

Whereas, municipal comparator research conducted by staff has demonstrated that other municipalities are compensating public art jury members for their time and services; and,

Whereas, current examples of compensating members who provide expertise such as the members of the City of Oshawa's Committee of Adjustment who are compensated for their participation at a rate of \$125 per member per meeting attended; and,

Whereas, relevant and professional members will be identified to provide expertise on matters relating to the future acquisition and installation of the Downtown Urban Square public art work who will form the membership of the Downtown Urban Square Public Art Jury; and,

Whereas, the costs associated to the remuneration of jury members for the Downtown Urban Square Public Art Jury can be accommodated through the existing Economic Development Services operating budget;

Therefore be it resolved:

1. That the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be approved;
2. That the remuneration rate of \$125 per member per meeting for the Downtown Urban Square Public Art Jury be applied to meetings taking place in May 2024; and,

3. That the remuneration rate of \$125 per member per meeting for all future Public Art Juries be approved.

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng, Commissioner,  
Economic and Development Services Department

Report Number: ED-24-51

Date of Report: May 1, 2024

Date of Meeting: May 6, 2024

Subject: City-initiated Amendments to the Oshawa Official Plan and  
Zoning By-law 60-94

Ward: All Wards

File: 12-12-4539

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## 1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting to consider various proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94.

The proposed amendments are set out in Attachment 1 to this Report.

A notice advertising the public meeting was provided to all required public bodies as well as posted on the City's website and communicated through its Corporate social media accounts, as appropriate. The notice was also provided in accordance with the City's Public Notice Policy GOV-23-02.

The notice regarding the public meeting provided an advisory that the meeting is open to the public and will take place in person in the Council Chamber at Oshawa City Hall. Members of the public wishing to address the Economic and Development Services Committee through electronic means rather than appear in-person to make a delegation were invited to register their intent to participate electronically by 12:00 p.m. on May 3, 2024.

## 2.0 Recommendation

That, the Economic and Development Services Committee select an appropriate option as set out in Section 5.2 of Report ED-24-51 dated May 1, 2024.

## 3.0 Executive Summary

Not applicable.

## **4.0 Input from Other Sources**

### **4.1 Other Departments and Agencies**

The proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 have been circulated for comment and the identification of issues to a number of departments and agencies. No department or agency that provided comments has any objection to the proposed amendments.

## **5.0 Analysis**

### **5.1 Background**

On June 6, 1994, Council adopted Comprehensive Zoning By-law 60-94 for the City of Oshawa. During the process which led to the adoption of Zoning By-law 60-94, Council was advised that this Department would regularly review and update the by-law to address any problems, keep the by-law current, user friendly and able to expedite appropriate development.

As a result of these regular reviews and updates, Council has approved a number of City-initiated, technical and housekeeping amendments to the Official Plan and Zoning By-law 60-94.

It is now appropriate to consider another round of City-initiated amendments to address issues which have been identified since the last update. The proposed amendments are set out in Attachment 1 to this Report.

On March 25, 2024, Council considered Report ED-24-34 dated February 28, 2024 and authorized this Department to initiate the public process that will allow Council to consider the City-initiated amendments.

On March 25, 2024 Council also passed the following motion:

“That staff be directed to initiate a rezoning of City-owned lands known as 0 and 20 Harbour Road to have complementary uses as found on the adjacent property to the east; and further that the rezoning be completed by October 2024.”

The proposed amendments outlined in Section 10 of Attachment 1 of this Report address the addition of a site specific policy to the Oshawa Official Plan and a site specific zoning regulation to Zoning By-law 60-94 for the City-owned land at 0 and 20 Harbour Road. The rezoning of these lands would give the properties complementary zoning to the property to the east at 80 Harbour Road which was the subject of site specific official plan and zoning by-law amendment applications approved by the City in 2022 to permit an increased density of 868 units per hectare and maximum heights of 110m (35 storeys) and 95m (30 storeys) for two new residential apartment towers.

The proposed amendments are intended to improve customer service, maintain the currency and effectiveness of the Official Plan and Zoning By-law 60-94 and reduce the number of minor variance applications to the Committee of Adjustment.



## **5.2 Options**

At the conclusion of the public meeting, two options are available to the Economic and Development Services Committee to deal with the proposed amendments.

### **5.2.1 Option 1: Approve/Adopt the Proposed Amendments**

At the conclusion of a public meeting, staff are normally directed to further review the proposal and prepare a subsequent report and recommendation to the Economic and Development Services Committee. In this case, however, the proposed amendments may not raise public or Economic and Development Services Committee concern.

Accordingly, the Economic and Development Services Committee may wish to pass the following motion in the event no significant issues are raised at the public meeting:

“That the Economic and Development Services Committee recommend to City Council that the proposed amendments to the Oshawa Official Plan and Zoning By-law 60-94 as generally set out in Attachment 1 to Report ED-24-51 dated May 1, 2024 be adopted, and that the appropriate amending by-laws be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.”

### **5.2.2 Option 2: Direct Staff to Further Review the Proposed Amendments and Report Back to the Economic and Development Services Committee**

In the event significant issues are raised by the public and/or the Economic and Development Services Committee at the public meeting, then staff should be directed to further review the proposed amendments and prepare a subsequent report. In this case, the following motion should be passed by the Economic and Development Services Committee:

“That staff be directed to further review the proposed City-initiated amendments to the Oshawa Official Plan and Zoning By-law 60-94, as generally set out in Attachment 1 to Report ED-24-51 dated May 1, 2024, and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.”

## **6.0 Financial Implications**

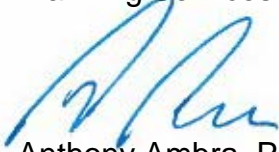
Anticipated costs to the City are included in the appropriate 2024 Departmental budgets and relate primarily to the passing of any by-laws.

## 7.0 Relationship to the Oshawa Strategic Plan

Holding a public meeting on the proposed City-initiated amendments advances the Accountable Leadership Goal of the Oshawa Strategic Plan.



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



Anthony Ambra, P.Eng, Commissioner,  
Economic and Development Services Department

## 1. Zoning By-law Section 2: Definitions

### Issue:

The Zoning By-law includes the following definitions for Clinic and Medical Office:

“**CLINIC**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy as a main use, is carried on or in which the treatment of humans by a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18, occurs and may include medical laboratories or an ancillary pharmacy.”

“**MEDICAL OFFICE**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding pharmacy, is carried on or in which treatment of humans by a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18, occurs.”

In 2015, the Province revoked the Drugless Practitioners Act, R.S.O. 1990, c. D.18 (the “Drugless Practitioners Act”) and amended the Regulated Health Professions Act, 1991, S.O. 1991, c. 18 (the “Regulated Health Professions Act”) to add naturopathy as a regulated health profession. The Drugless Practitioners Act is still available for reading on the Provincial government’s website, but it is no longer applicable. Therefore, it is appropriate to include the definition of a drugless practitioner from the former Drugless Practitioners Act in the Zoning By-law.

The practice of ophthalmology is not captured by the Regulated Health Professions Act or the definition of drugless practitioner. Therefore, it is appropriate to specifically identify it as being included in the definitions of clinic and medical office.

### Proposed Amendment:

- (a) Amend the definition of “Clinic” in Section 2 of Zoning By-law 60-94 to delete the text “a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18,” and replace it with the text “an ophthalmologist or a drugless practitioner” such that it reads as follows:

“**CLINIC**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy as a main use, is carried on or in which the treatment of humans by an ophthalmologist or a drugless practitioner occurs and may include medical laboratories or an ancillary pharmacy.”

- (b) Amend the definition of “Medical Office” in Section 2 of Zoning By-law 60-94 to:
- (i) Add the word “a” after the word “excluding”;

(ii) Add the word “the” preceding the word “treatment”; and,

(iii) delete the text “a Drugless Practitioner, as defined in the Drugless Practitioners Act, R.S.O. 1990, c. D.18,” and replace it with the text “an ophthalmologist or a drugless practitioner”,

such that it reads as follows:

“**MEDICAL OFFICE**” means a building or part of a building in which the practice of one or more of the self-governing health professions listed in Schedule 1 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, excluding a pharmacy, is carried on or in which the treatment of humans by an ophthalmologist or a drugless practitioner occurs.”

(c) Add the following definition for Drugless Practitioner in Section 2.0, Definitions, after the definition for “Driveway” and before the definition for “Dry Cleaning and Laundry Depot”:

“**DRUGLESS PRACTITIONER**” means a person who practices the treatment of any ailment, disease, defect or disability of the human body by manipulation, adjustment, manual or electro-therapy or by any similar method but does not include body rub.”

## **2. Zoning By-law Sections 2 and 26: Definitions and OS Open Space Zones**

### **Issue:**

The Zoning By-law lists “Recreational Use” as a permitted, unrestricted use in various zones. These zones consist of OSU (Urban Open Space), OSW (Waterfront Open Space), SI-A, SI-B and SI-C (Select Industrial), GI (General Industrial), SPI (Special Industrial), AP-B and AP-D (Airport), and SW (Special Waterfront) Zones.

The term can be considered to reflect an activity that is recreational in nature that takes place indoors and outdoors. However, it is not defined, and its implementation can lead to confusion and broad interpretations. There are also other potential variations of the terms “recreation” and “recreational” used in the Zoning By-law, some of which are defined, e.g. commercial recreational establishment, low intensity recreation and private outdoor recreation club, and some of which are not, e.g. indoor recreational activities, outdoor recreational use, and day recreational use. Terms such as “indoor”, “outdoor” and “day” when applied to “recreational” uses, serve to restrict the scope of recreational activities.

It is recommended that a new definition be added to the Zoning By-law for Recreational Use that scopes the term such that it is clear what the term permits and is appropriate for the zones in which it is listed as a permitted use.

### **Proposed Amendment:**

(a) Add the following definition for Recreational Use in Section 2.0, Definitions, after the definition for “Rear Yard” and before the definition for “Recreational Vehicle”:

“**RECREATIONAL USE**” means an area of land or a building or part of a building used for active or passive recreation purposes, for a fee or without a fee, including such

purposes as parks, trails, sports courts, fields or pitches, arena, stadium, auditorium, gym or fitness centre, ice or roller rink, bowling alley, miniature golf, golf driving range, virtual golf simulator, track, swimming pool or other such similar use, and shall include a park, low intensity recreation, day recreational use and private outdoor recreation club, but does not include a commercial recreation establishment, gaming establishment, golf course, campground, place of amusement, studio, cemetery, club, outdoor skeet, trap and gun club, billiard hall, theatre, cinema or an assembly hall. When prefaced by the term “indoor”, the recreational use shall be limited to recreational activities within a building or a part thereof. When prefaced by the term “outdoor”, the recreational use shall be limited to recreational uses without buildings or structures. When prefaced by the term “day”, the recreational use shall be limited to recreational uses without buildings or structures and only during daylight hours.”

- (b) Amend Sentence 26.1.2(e) to add the word “outdoor” preceding the words “recreational use” such that Article 26.1.2 reads as follows:

“26.1.2 The following uses are permitted in any OSU – Urban Open Space Zone:

- (a) Agricultural uses without buildings or structures
- (b) Campground
- (c) Golf course, existing as of January 1, 2005
- (d) Park
- (e) Outdoor Recreational Use”

- (c) Amend Sentence 26.1.8(h) to add the word “outdoor” preceding the words “recreational use” such that Article 26.1.8 reads as follows:

“26.1.8 The following uses are permitted in any OSW – Waterfront Open Space Zone:

- (a) Amphitheater
- (b) Auditorium
- (c) Club, excluding a nightclub
- (d) Cultural centre
- (e) Marina, including related sales and service buildings
- (f) Museum
- (g) Park
- (h) Outdoor recreational use”

### **3. Zoning By-law Sections 2 and 32: Definitions and AG Agricultural Zones**

#### **Issue:**

Certain farms require additional labour on a year-round basis for the day-to-day operation of the farm or on a seasonable basis over an extended growing season. The Provincial Policy Statement, 2020 allows “accommodation for full-time farm labour when additional labour is required” in prime agricultural areas. To account for how the labour needs of farms may change over time, it is best practice to consider alternative housing options for farmers’ workers rather than limiting the potential to a farm dwelling which is a separate permanent dwelling for farm help. By allowing a wider variety of forms of accommodation

to be used by seasonal workers, the Zoning By-law will better accommodate the changing needs of the agricultural community.

Policy 2.8.2.1 of the Oshawa Official Plan states that in areas designated as Prime Agricultural, a second farm-related dwelling on the existing farm parcel for persons employed on the farm may be permitted where the size and nature of the operation warrants additional employment, provided that a severance to create a separate parcel is not required.

Despite the Oshawa Official Plan policies, the Zoning By-law does not permit accommodations for additional farm workers on agricultural properties. Section 2 and Section 32 of the Zoning By-law should be amended to clarify what seasonal worker housing is and where it can be permitted. This amendment would reflect the intent of the Provincial Policy Statement and the Oshawa Official Plan and aligns with the policies of the Ministry of Agriculture, Food and Rural Affairs.

Severance of land with housing for farm labour is not permitted given that land division fragments the agricultural land base. Fragmentation of the land base can affect the future viability of agriculture over the long term.

Regardless of the accommodation type being temporary or permanent, all seasonal worker housing will still be required to meet the requirements of the Oshawa Official Plan, Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and farm operators will be required to obtain a building permit.

### **Proposed Amendment:**

(a) Add the following new definition:

**“SEASONAL WORKER HOUSING UNIT”** means a dwelling unit intended to accommodate full-time farm labour when additional labour is required due to the size and nature of the farm operation, and which is accessory to an agricultural use.

(b) Amend the definition of “Farm Dwelling” by adding the text “but shall not include a seasonal worker housing unit” at the end of the definition, such that the definition reads as follows:

**““FARM DWELLING”** means a single detached dwelling which is located or intended to be located on a lot used for agricultural purposes but shall not include a seasonal worker housing unit.”

(c) Amend Subsection 32.1 as follows:

(i) Add Seasonal Worker Housing Unit as a permitted use within the AG-A (Agricultural) Zone such that Article 32.1.2 reads as follows:

“32.1.2 The following uses are permitted in any AG-A Zone:

- (a) Accessory retail stands for the sale of seasonal produce, produced on the farm;
- (b) Agricultural uses including a maximum of one farm dwelling;

- (c) One single detached dwelling on an existing lot or on a lot created by consent;
  - (d) One seasonal worker housing unit accessory to a farm dwelling; and
  - (e) Riding stable.”
- (ii) Add Seasonal Worker Housing Unit as a permitted use within the AG-ORM (Oak Ridges Moraine Agricultural) Zone such that Article 32.1.4 reads as follows:

“32.1.4 The following uses are permitted in any AG-ORM Zone:

- (a) Accessory retail stands for the sale of seasonal produce, produced on the farm;
- (b) Agricultural uses including a maximum of one farm dwelling;
- (c) One single detached dwelling on an existing lot or on a lot created by consent;
- (d) One seasonal worker housing unit accessory to a farm dwelling;
- (e) Riding stable; and
- (f) Low intensity recreation.”

- (iii) Amend Subsection 32.2 by adding a new Article 32.2.4 that reads as follows:

“32.2.4 The following regulations shall apply to a seasonal worker housing unit:

- (a) A seasonal worker housing unit shall only be permitted as an accessory use to an agricultural use having a farm dwelling in an AG-A, AG-B or AG-ORM Zone.
- (b) A maximum of one seasonal worker housing unit shall be permitted.
- (c) A seasonal worker housing unit shall only be permitted on lots having a minimum lot area of 20 hectares.
- (d) A seasonal worker housing unit shall be separated from the farm dwelling on the same lot by not more than 100m.
- (e) A seasonal worker housing unit shall be considered an accessory building and the regulations of Subsection 5.1 shall apply, except that the maximum height shall be 9m.”

#### **4. Zoning By-law Subsection 3.5: Holding “h” Zones**

##### **Issue:**

Section 36 of the Planning Act, R.S.O. 1990, c. P.13 allows a municipality to use a holding symbol in a zoning by-law to specify the permitted interim use of lands until such time as the holding symbol is removed by amendment to the zoning by-law.

In 2022, Council amended Delegation of Authority By-law 29-2009, as amended, to delegate authority to the Commissioner of Economic and Development Services to pass

by-laws to remove holding symbols when the conditions for lifting of the holding symbol have been satisfied.

Subsection 3.5 of Zoning By-law 60-94, as amended, contains numerous holding symbols applicable to many properties across the City. A number of these holding symbols require that a site plan agreement be executed between the City and the developer prior to the commencement of any construction.

A site plan agreement is not always necessary for a developer to commence construction of certain work, namely, site servicing and building foundations, as long as the proposed development complies with the Zoning By-law, the City and agencies approve of the site and building designs, and certain other conditions are satisfied, such as taxes being up to date, a site improvement security being provided, and any required road widenings being conveyed to the City and/or Region. However, the existence of a holding symbol prevents the issuance of a building permit while the holding symbol is in place.

It is recommended that the h-1, h-2, h-7, h-11, h-13, h-22, h-25, h-36, h-40, h-42, h-47, h-52, h-59, h-82, h-83 and h-85 Holding symbols be amended to delete the references to a site plan agreement and instead require site plan approval.

Ultimately a site plan agreement is still required in order for the developer to complete their buildings.

It is also recommended that reference to the 1996 Provincial Policy Statement under the h-13 holding symbol be replaced with a general reference to the Provincial Policy Statement.

It is further recommended that the h-33 holding symbol applicable to 370 Conant Street be deleted in its entirety given that the h-33 holding symbol has now been lifted from 370 Conant Street to allow the Durham Catholic District School Board to construct a new sports field and parking lot, and the h-33 holding symbol does not apply to any other lands in the City.

**Proposed Amendment:**

- (a) Amend the Purpose section of Sentence 3.5.2(1)(a) to delete the words “an appropriate site plan agreement is executed with the City which addresses such matters as” and replace with the words “the City has granted site plan approval and the following matters have been addressed to the satisfaction of the City.”
- (b) Amend the Purpose section of Sentence 3.5.2(2)(c) to delete the words “an appropriate site plan agreement shall be executed” and replace with the words “the City has granted site plan approval.”
- (c) Amend the Purpose section of Sentences 3.5.2(7)(a)(i), 3.5.2(13)(b), 3.5.2(82)(a) and 3.5.2(85)(a) to delete the words “An appropriate site plan agreement is executed with the City” and replace with the words “The City has granted site plan approval.”
- (d) Amend the Purpose section of Sentence 3.5.2(11)(d) by deleting the words “ in the site plan agreement” such that it reads as follows: “A vibration study is completed to the satisfaction of the City to review the impact of the construction of the proposed



development on adjacent buildings, and any necessary mitigation measures are implemented.”

- (e) Amend the Purpose section of Sentence 3.5.2(13)(a)(i) to delete the text “Policy 3.1.3 of the Provincial Policy Statement, 1996” and replace with the text “Section 3.1 of the Provincial Policy Statement” such that it reads “Section 3.1 of the Provincial Policy Statement regarding lands subject to erosion hazards is met.”
- (f) Amend the Purpose section of Sentence 3.5.2(22)(a) to delete the words “An appropriate site plan agreement or” and replace with the words “The City has granted site plan approval or an appropriate” such that it reads “The City has granted site plan approval or an appropriate subdivision agreement is executed with the City.”
- (g) Amend the Purpose section of Sentences 3.5.2(25) and 3.5.2(36)(a) to delete the words “A site plan agreement is executed with the City” and replace with the words “The City has granted site plan approval.”
- (h) Amend Sentence 3.5.2(33) to remove the provision such that it reads as follows:  
“3.5.2(33) [deleted]”
- (i) Amend the Purpose section of Sentence 3.5.2(40)(a) to delete the words “an appropriate site plan agreement is executed with the City which addresses such matters as” and replace with the words “the City has granted site plan approval and the following matters have been addressed.”
- (j) Amend the Purpose section of Sentence 3.5.2(42) to delete Sentence 3.5.2(42)(a) and replace it with the following:  
“(a) The City has granted site plan approval; and,  
(b) The owner conveys Part 5, Plan 40R-14385 as valley land and an appropriate access easement from King Street East to the valley land to the City’s satisfaction and at no cost and in a condition acceptable to the City.”
- (k) Amend the Purpose section of Sentence 3.5.2(47)(a) to delete the words “An appropriate site plan agreement shall be executed with the City” and replace with the words “The City has granted site plan approval.”
- (l) Amend the Purpose section of Sentence 3.5.2(52)(a) to delete the words “an appropriate site plan agreement or” and replace with the words “the City has granted site plan approval or an appropriate” such that it reads “the City has granted site plan approval or an appropriate subdivision agreement, where applicable, is executed with the City;”.
- (m) Amend the Purpose section of Sentence 3.5.2(59)(c) to delete the words “ through a site plan agreement” such that it reads “A noise study is completed to the satisfaction of the City and any recommendations are implemented;”.
- (n) Amend the Purpose section of Sentence 3.5.2(83)(a) to delete the words “Appropriate site plan and subdivision agreements are” and replace with the words “The City has

granted site plan approval and an appropriate subdivision agreement is” such that it reads “the City has granted site plan approval and an appropriate subdivision agreement is executed with the City.”

- (o) Amend the Purpose section of Sentence 3.5.2(83)(b) to delete the words “or site plan agreement which is executed” and replace with the words “agreement which is executed or are addressed to the City’s satisfaction at the time site plan approval is granted by the City”, such that it reads as follows:

“(b) Appropriate arrangements shall be made for the provision of adequate sanitary, water, storm and transportation services and facilities to serve this development and included in a subdivision agreement which is executed or are addressed to the City’s satisfaction at the time site plan approval is granted by the City.”

## **5. Zoning By-law Subsection 3.12: Temporary Use Zones**

### **Issue:**

Subsection 3.12, Temporary Use Zone Provisions, of the Zoning By-law contains temporary use permissions for two properties:

- 1399 Simcoe Street North: TEMP-1 Zone which permits an automobile sales and service establishment for used vehicles until April 10, 2024; and,
- 382 Simcoe Street North: TEMP-2 Zone which permits an administrative office for the Lakeridge Health Foundation until November 28, 2024.

Both of these temporary uses expire in 2024. However, the temporary uses are intended to continue beyond 2024.

Accordingly, it is appropriate to amend the Zoning By-law to extend the temporary use permission for both properties to 2027.

### **Proposed Amendment:**

Amend Subsection 3.12 as follows:

- (a) Amend Sentence 3.12.2(1) by deleting the year “2024” and replacing it with the year “2027”.
- (b) Amend Sentence 3.12.2(2) by deleting the year “2024” and replacing it with the year “2027”.

## **6. Zoning By-law Subsection 4.8: Access Regulations**

### **Issue:**

The Zoning By-law requires each residentially-zoned lot to have its own driveway access from the travelled portion of an improved street. A growing trend in infill housing developments is the severance of a lot into two lots and the construction of a single detached dwelling, duplex or triplex on each lot with a shared driveway between them,

straddling the mutual property line and leading to a rear yard parking area. These driveways are typically 3.0m (9.84 ft.) wide, divided equally between the two properties, i.e. 1.5m (4.92 ft.) on each side. The rear yard of each property contains the required parking spaces, and the required 6.5m (21.33 ft.) driveway aisle behind each parking space spans both properties equally, i.e. 3.25m (10.66 ft.) on each side. The shared driveways and aisles have an easement (right-of-way) on them to guarantee shared access in perpetuity. In these cases, the applicant needs the approval of the Committee of Adjustment for minor variances to permit each portion of the driveway on each lot to be 1.5m (4.92 ft.) wide and each portion of the driveway aisle on each lot to be 3.25m (10.66 ft.) wide. Examples of sites developed in this fashion include 139 and 143 Celina Street, 137 and 139 Gibbons Street and 75 and 79 Hogarth Street.

Staff recommend that Subsection 4.8, Access Regulations, be amended to permit shared driveway access for lots with residential zoning provided that a mutual right-of-way access is registered on the title to each property. Currently the Zoning By-law only permits driveway access between lots zoned for non-residential purposes.

The easements for access on a shared driveway would be clearly described on a deposited 40R plan and show the extent of property lines which would be available to future purchasers of a property. In most cases where a developer constructs new homes with a shared driveway, the mutual property line is located in the middle of the driveway. This amendment would not impact any driveway arrangements for existing properties. A property owner cannot be forced to have an easement or shared driveway if an easement does not currently exist.

#### **Proposed Amendment:**

(a) Amend Subsection 4.8 by adding the following article:

“4.8.3 Notwithstanding any provision of this By-law to the contrary, the width of a single driveway and the width of an associated aisle may span two abutting residentially-zoned lots subject to a right-of-way for mutual access being registered on the title to each property.”

### **7. Zoning By-law Subsection 4.19: Driveways Leading to Private Garages**

#### **Issue:**

Subsection 4.19, Driveways Leading to Private Garages, stipulates that any driveway leading to a private garage shall have a minimum length of 6.0m (19.69 ft.) from the street line to the garage. This regulation only applies to freehold dwelling units with driveways leading from public roads such as single detached dwellings, semi-detached dwellings and street townhouse dwellings or to block townhouse dwellings in a common elements condominium. This regulation currently does not account for individual driveways leading from a private road to the individual garage of a block townhouse dwelling unit or a stacked townhouse dwelling unit in a rental development or standard condominium.

It is appropriate to amend the Zoning By-law to specify that driveways leading from private roads to private garages must be a minimum of 5.75m (18.86 ft.) in length, which is equivalent to the minimum length of a parking space.

The proposed amendment is not a reduction in the minimum length of a driveway leading from a public road to a private garage of a single detached dwelling, semi-detached dwelling, street townhouse dwelling or to a block townhouse dwelling in a common elements condominium. This amendment will only introduce a standard for individual private driveways from a private road leading to a private garage since there is no standard currently.

**Proposed Amendment:**

(a) Add a new Article 4.19.2 that reads as follows:

“4.19.2 The minimum length of an individual driveway leading from a private road or aisle to a private garage of a dwelling unit in a Residential Zone shall be 5.75m.”

**8. Zoning By-law Article 5.12: Accessory Apartments**

**Issue:**

On November 28, 2022, the Provincial government passed Bill 23, More Homes Built Faster Act, 2022, which made amendments to the Planning Act to stipulate that no municipal zoning by-law could prohibit:

- (a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,
- (c) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

As part of the City’s annual City-initiated amendments to Zoning By-law 60-94 in 2023, the City passed a zoning by-law amendment to update the zoning regulations for accessory apartments to implement the above noted permissions in a manner appropriate for the Oshawa context, addressing such matters as parking requirements and size and setbacks of accessory buildings containing accessory apartments.

Article 5.12.6 was added to the Zoning By-law which requires any accessory apartment located within a single detached dwelling, semi-detached dwelling or street townhouse dwelling to have at least seventy-five percent (75%) of its floor area located wholly above or below another dwelling unit on the lot within the main building. It is recommended that this article be amended to reduce the percentage to fifty percent (50%) to be consistent with the definition for duplex contained in the Zoning By-law.

When the City first introduced regulations to permit accessory apartments in 2014, the City included a regulation that permitted property owners that owned a single detached dwelling or semi-detached dwelling with an accessory apartment that may not have been legal and may not have complied with the minimum lot frontage or minimum parking requirements to legalize their unit, provided it complies with applicable Building Code, Fire Code and Property Standards By-law regulations, and subject to the accessory apartment being registered with the City on or after June 23, 2014. This provided property owners a path to legalization despite not meeting all zoning requirements and ensured as many existing accessory apartments were made safe for their occupants despite not complying with the zoning standards. This regulation expired June 23, 2023. However, there may be additional accessory apartments in single detached dwellings and semi-detached dwellings that have not yet been registered. It is recommended that the date to demonstrate compliance and get registered be extended to June 23, 2026. This would only apply to accessory apartments that existed before June 23, 2014.

When Bill 23 was passed on November 28, 2022, it amended the Planning Act to state, in part, that where a property contained an accessory apartment, a municipality could not require more than one parking space per residential unit (2 spaces for a 2-unit house and 3 spaces for a 3-unit house). This meant that for a single detached dwelling with one accessory apartment, only two parking spaces would be required, whereas many municipal zoning by-laws at the time required two parking spaces for the main unit and one parking space for additional units (3 spaces for a 2-unit house and 4 spaces for a 3-unit house).

However, on April 6, 2023, the Province introduced Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023, for First Reading in the Legislature. Bill 97 further amended the Planning Act to clarify that a maximum of one parking space could be required for the additional dwelling unit and that there would be no restriction on the number of parking spaces that could be required for the main unit. On May 29, 2023, Council approved a City-initiated zoning by-law amendment which carried forward the requirement for two parking spaces for the main unit and one parking space for each accessory apartment.

On June 8, 2023, Bill 97 received Royal Assent. During the period between November 28, 2022 and May 29, 2023, a number of property owners had advanced building permit applications and minor variance applications on the basis of requiring only one parking spaces per unit. In order to protect the rights of those property owners, the City added Sentence 5.12.7(3) to Zoning By-law 60-94 which stipulates that, notwithstanding the updated parking standards, in cases where a complete building permit application has been received by the Chief Building Official between November 28, 2022 and May 29, 2023, inclusive, for a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling with one or two accessory apartments, or the Committee of Adjustment has approved an application related to a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling between November 28, 2022 and May 10, 2023, inclusive, and the purpose of the building permit or Committee of Adjustment application is to facilitate the additional use of the lot for one or two accessory apartments, only one parking space per dwelling unit on the lot shall be required. However, Sentence 5.12.7(3) cross references Article 5.12.5 whereas it should reference Article 5.12.4 which contains the parking regulations.

The proposed amendment would not change the parking standards that currently exist. Two parking spaces are required for the main dwelling unit plus an additional parking space for each accessory apartment.

**Proposed Amendment:**

(a) Amend Article 5.12.6 by deleting the text “seventy-five percent (75%)” and replacing it with the text “fifty percent (50%)” such that it reads as follows:

“5.12.6 Where an accessory apartment is located within a single detached dwelling, semi-detached dwelling or street townhouse dwelling, each dwelling unit on the lot within the main building shall have at least fifty percent (50%) of its floor area located wholly above or below another dwelling unit on the lot within the main building.”

(b) Amend Sentence 5.12.7(2) by deleting the text “2023” and replacing it with the text “2026” such that it reads as follows:

“5.12.7(2) The provisions of Sentence 5.12.7(1) shall only apply until June 23, 2026.”

(c) Amend Sentence 5.12.7(3) by deleting the text “5.12.5” and replacing it with the text “5.12.4” such that it reads as follows:

“5.12.7(3) Notwithstanding Article 5.12.4 and Article 39.3.1 of this By-law to the contrary, in cases where a complete building permit application has been received by the Chief Building Official between November 28, 2022 and May 29, 2023, inclusive, for a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling with one or two accessory apartments or the Committee of Adjustment has approved an application related to a single detached dwelling, semi-detached dwelling, semi-detached building or street townhouse dwelling between November 28, 2022 and May 10, 2023, inclusive, and the purpose of the building permit or Committee of Adjustment application is to facilitate the additional use of the lot for one or two accessory apartments, only one parking space per dwelling unit on the lot shall be required.”

**9. Zoning By-law Subsection 5.13: Parcel of Tied Land**

**Issue:**

Article 5.13.1 of the Zoning By-law reads as follows:

“5.13.1 A Parcel of Tied Land shall be treated as a lot and a condominium common element road shall be treated as an improved street for the purposes of this section. Uses on a Parcel of Tied Land shall comply with all the provisions of Section 4: General Provisions, Section 5: Uses Permitted in Certain Zones and Section 39: Parking and Loading.”

However, not all regulations in Sections 4, 5 and 39 can reasonably be applied to each individual parcel of tied land (P.O.T.L.) in a common element condominium. For example,

each parcel of tied land cannot have visitor parking. Rather, the overall development site has the visitor parking which is a common element in the condominium.

For the purpose of adding clarity, Subsection 5.13 should be amended to clarify which specific provisions in Sections 4, 5 and 39 can be applied to P.O.T.L.s.

On this basis, it is appropriate to amend the Zoning By-law to specify which provisions should apply in order that the intent of Sections 4, 5, and 39 is implemented.

**Proposed Amendment:**

(a) Amend Subsection 5.13 by deleting Article 5.13.1 and replacing it with the following new Articles:

“5.13.1 For the purpose of this Article, a parcel of tied land shall be considered a lot and a common element condominium road shall be treated as an improved street. Not less than fifty percent (50%) of the front yard, exterior side yard and rear yard of every lot abutting an improved street in every Residential Zone shall be maintained as landscaped open space.

5.13.2 Notwithstanding any other provision of this By-law to the contrary, no person shall erect or use a building or structure on a parcel of tied land unless the property line of the parcel of tied land that is parallel to and abutting the common element condominium road has a minimum length of 5.5m.

5.13.3 For the purpose of this Article, a parcel of tied land shall be considered a lot. Notwithstanding any other provision of this By-law to the contrary, the total combined lot coverage of all accessory buildings on a parcel of tied land in any Residential Zone shall not exceed eight percent (8%) of the lot area.

5.13.4 Notwithstanding any other provision of this By-law to the contrary, on a parcel of tied land in a Residential Zone, no accessory building or structure shall be located between a main building and an improved street or a common element condominium road, and shall not be closer than 0.6m to a lot line of a parcel of tied land. For clarity, this Article shall not apply to a heat pump, air exchanger and/or air conditioner associated with a dwelling unit where the only exterior building wall of the dwelling unit at ground level is the building wall facing an improved street or a common element condominium road.”

**10. Oshawa Official Plan Section 2.3.6 and Zoning By-law Subsection 11.3 and Schedule “A”: Map B1**

**Issue:**

On March 25, 2024, City Council directed staff to initiate a rezoning of City-owned land known as 0 Harbour Road (Parts 2 and 3, Plan 40R-2244) and 20 Harbour Road (Part 1, Plan 40R-21631) to have complementary zoning as found on the adjacent property to the east (currently addressed as 0 Harbour Road but anticipated to be addressed as 80 Harbour Road). These City-owned lands are currently zoned R3-A(6)/R4-A/R6-B/CC-A(4)"h-52" "h-53" (Residential/Convenience Commercial), whereas 80 Harbour Road is

zoned R3-A(6)/R4-A/R6-D(7)/CC-A(4) "h-52" "h-53" (Residential/Convenience Commercial). The key difference is that the zoning for the City-owned lands permits apartment buildings having a maximum density and height of 85 units per hectare and 18m (generally 6 storeys), respectively. Conversely, the zoning for 80 Harbour Road permits a maximum density of 868 units per hectare and maximum heights of 110m (35 storeys) and 95m (30 storeys) for portions of two new residential apartment towers situated at the rear (north portion) of the site, and 61m (18 storeys) and 54m (16 storeys) for the remaining portions of the same two towers situated toward the front (south portion) of the site.

The City-owned lands subject to these particular proposed amendments comprise part of the northeast corner of Simcoe Street South and Harbour Road. The subject lands are designated as Residential within the Oshawa Harbour Special Development Area in the Oshawa Official Plan.

Pursuant to Council's direction, it is proposed that a site specific policy and zoning regulations be added to the Oshawa Official Plan and Zoning By-law 60-94, respectively, in relation to the City-owned lands in order to permit a future development that is complementary in terms of height, massing and density to the adjacent proposed development at 80 Harbour Road. In terms of Zoning By-law 60-94, the current site-specific regulations would be amended by rezoning the subject lands from R3-A(6)/R4-A/R6-B/CC-A(4)"h-52" "h-53" to R3-A(6)/R4-A/R6-D(9)/CC-A(4) "h-52" "h-53" (Residential/Convenience Commercial), to implement regulations consistent with adjacent approved development proposals.

#### **Proposed Amendment to the Oshawa Official Plan:**

(a) Add the following new policy to the end of Section 2.3.6 (Site Specific Policies):

"2.3.6.34 Notwithstanding any other provision of this Plan to the contrary, a maximum net residential density of 868 units per hectare (351 u/ac.) shall be permitted on lands designated Residential within the Oshawa Harbour Special Development Area generally located east of Simcoe Street South, north of Harbour Road, described as Parts 2 and 3, Plan 40R-2244 and Part 1, Plan 40R-21631, subject to appropriate provisions being included in the zoning by-law."

#### **Proposed Amendment to Zoning By-law 60-94:**

(a) Amend Subsection 11.3, Special Conditions, by adding the following new provisions:

##### **"11.3.41 R6-D(9) (East of Simcoe Street South, north of Harbour Road)**

11.3.41(1) In any R6-D(9) Zone, the minimum density shall be 60 dwelling units per hectare and the maximum density shall be 868 dwelling units per hectare.

11.3.41(2) Notwithstanding any provision of this By-law to the contrary, in any R6-D(9) Zone, as shown on Schedule "A" to this By-law, the maximum height on the

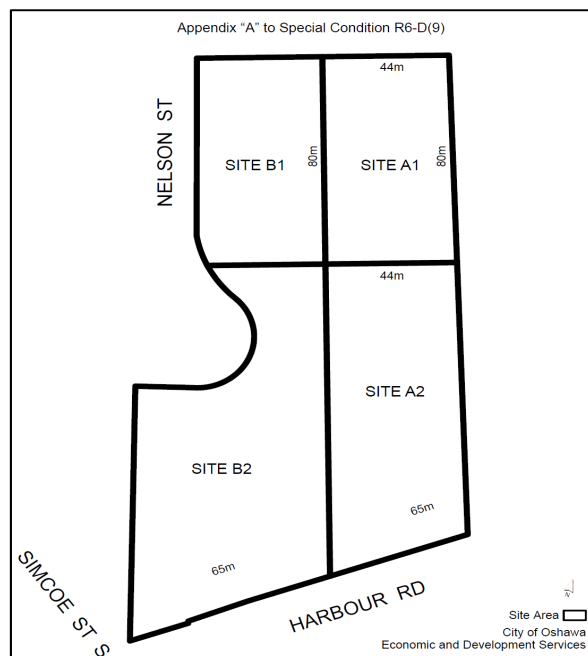


lands as shown on Appendix "A" to this Special Condition shall be as follows:

- (a) The maximum height on the lands shown as Site "A1" to this Special Condition shall be 110m and shall not exceed 35 storeys in height above grade.
- (b) The maximum height on the lands shown as Site "A2" to this Special Condition shall be 61m and shall not exceed 18 storeys in height above grade.
- (c) The maximum height on the lands shown as Site "B1" to this Special Condition shall be 95m and shall not exceed 30 storeys in height above grade.
- (d) The maximum height on the lands shown as Site "B2" to this Special Condition shall be 54m and shall not exceed 16 storeys in height above grade.

11.3.41(3) Notwithstanding any provision of this By-law to the contrary, in any R6-D(9) Zone, as shown on Schedule "A" to this By-law, a minimum of fifty percent (50%) of required parking shall be provided either underground or in a parking structure.

11.3.41(4) Notwithstanding any provision of this By-law to the contrary, in any R6-D(9) Zone, as shown on Schedule "A" to this By-law, the minimum building setback to the Nelson Street street line shall be 6m and the minimum building setback to the west side lot line that is not a street line shall be 12m."



(b) Amend Schedule "A" – Map B1 of the Zoning By-law to rezone the lands at 0 and 20 Harbour Road as shown in hatching on the map below from R3-A(6)/R4-A/R6-B/CC-



the front lot line, and parking may be located in the front yard and exterior side yard.”

- (b) Amend Sentence 11.3.3(4) by adding the text “and Sentence 11.3.3(2)” after the text “Subsection 4.10” and deleting the second occurrence of the word “Street” and replacing it with the word “Avenue” such that Sentence 11.3.3(4) reads as follows:

“11.3.3(4) Notwithstanding Subsection 4.10 and Sentence 11.3.3(2) to the contrary, in any R6-B(1) Zone, no part of any parking area shall be located closer than 1.0m to the Simcoe Street South and First Avenue streetlines.”

- (c) Amend Article 11.3.3 by adding the text “, except any accessory building or structure existing as of the date of the passing of this By-law” to the end of Sentence 11.3.3(5), such that Sentence 11.3.3(5) reads as follows:

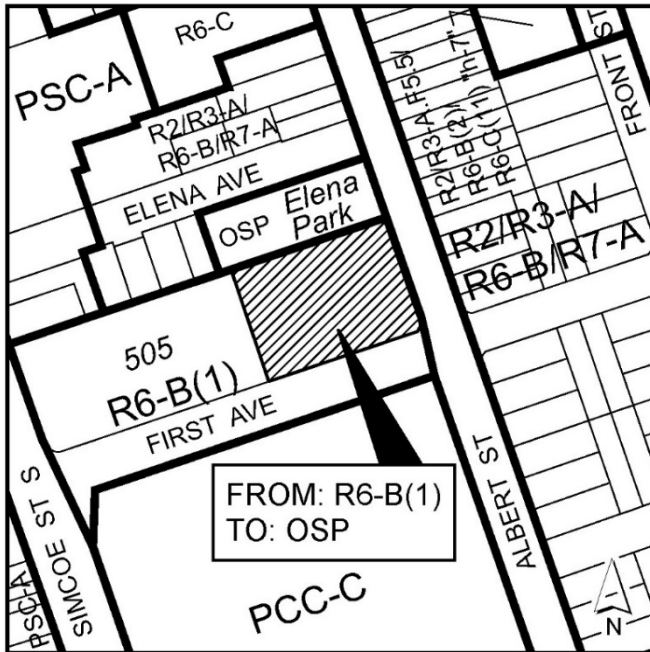
“11.3.3(5) Notwithstanding Sentence 5.1.4(7) to the contrary, in any R6-B(1) Zone, an accessory building or structure shall be permitted in the front yard provided any accessory building or structure is not located within the required minimum front yard, except any accessory building or structure existing as of the date of the passing of this By-law.”

- (d) Amend Article 11.3.3 by adding new Sentences 11.3.3(6) and 11.3.3(7) as follows:

“11.3.3(6) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, the minimum rear yard depth shall be 7.5m.

11.3.3(7) Notwithstanding any other provision of this By-law to the contrary, in any R6-B(1) Zone, there shall be no minimum required landscaped open space in the exterior side yard.”

- (e) Amend Schedule “A” – Map B2 of the Zoning By-law to rezone the lands generally located at the northwest corner of Albert Street and First Avenue as shown in hatching on the map below from R6-B(1) (Residential) to OSP (Park Open Space).



**12. Zoning By-law Section 38(B): Mixed Use Zones**

**Issue:**

The Mixed Use Zones implemented through Section 38(B) of the Zoning By-law were created with the intention of only being utilized along the Simcoe Street North corridor near the Durham College and Ontario Tech University campuses. One of the regulations of Section 38(B) requires new buildings to have a minimum 60% building frontage along Conlin Road East or Simcoe Street North. Specifically, the regulation requires new buildings to be located closer to these arterial roads such that at least 60% of the length of the property’s frontage along the arterial road has to have part of a building located within a setback of between 3m (9.84 ft.) and 5.5m (18.04 ft.). Further, the height of the building within this setback has to be at least 5.5m (18.04 ft.). The purpose of this regulation is to create an urban, human-scale streetscape that encourages walking and transit use and locates parking areas behind buildings rather than in front of them.

The Mixed Use Zones are now being applied elsewhere in the City such as the Kedron Planning Area. Consequently, Sentence 38(B).2.2(a) will not apply to lands that do not have frontage on either Conlin Road East or Simcoe Street North.

It is recommended that reference to Conlin Road East and Simcoe Street North be replaced with reference to arterial roads in general, such that the minimum building frontage requirement of the Mixed Use Zones can also be applied adjacent to roads such as Harmony Road North, Ritson Road North and Britannia Avenue East.

The proposed amendment will not change the zoning of any lands within the City. The amendment is to recognize that the MU (Mixed Use) zone is now more widely applied

across the City than what was originally contemplated when the zone was created, which was along the Simcoe Street North corridor near Conlin Road East.

**Proposed Amendment:**

(a) Amend Sentence 38(B).2.2(a) to delete the text “Simcoe Street North or Conlin Road East, as the case may be,” and replacing it with the text “an arterial road”, such that Article 38(B).2.2 reads as follows:

“38(B).2.2 Notwithstanding the definitions in Section 2 of this By-law to the contrary, in any MU Zone, as shown on Schedule “A” to the By-law, the following definition shall apply:

(a) Minimum building Frontage means that percentage of the frontage on an arterial road where, cumulatively, the length of walls of main buildings facing the street are constructed in the area ranging from the minimum front yard and exterior side yard depth to the maximum front yard and exterior side yard depth applicable to the relevant Zone. Any areas affected by easements for hydro services shall be excluded from the frontage calculation.”

(b) Amend Sentence 38(B).3.13(5) to remove the provision such that it reads as follows:

“38(B).3.13(5) [deleted]”

(c) Amend Sentence 38(B).3.15(5) to remove the provision such that it reads as follows:

“38(B).3.15(5) [deleted]”

**13. Zoning By-law Schedule “A”: Map A4**

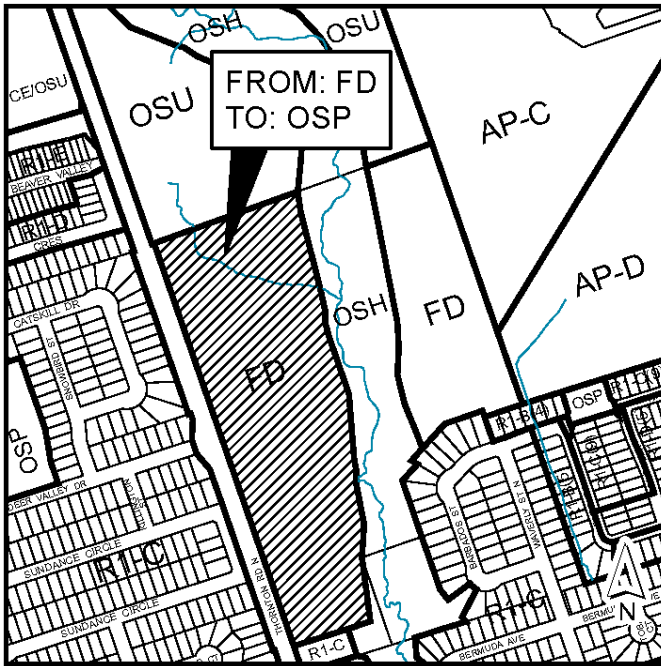
**Issue:**

The lands subject to this proposed amendment are generally located on the east side of Thornton Road North, opposite the Thornton Road North and Deer Valley Drive intersection, and are municipally known as 1095 Thornton Road North. The western portion of the property along Thornton Road North is zoned FD (Future Development). The northern portion of this site contains the City’s recently constructed B.M.X. Park and the City is currently constructing the new Rose Valley Community Park in the southerly portion of the site.

To reflect the current and future use of the property as a neighbourhood park, it is appropriate to rezone the lands from FD (Future Development) to OSP (Park Open Space) to reflect its current and future use.

**Proposed Amendment:**

- (a) Amend Schedule “A” – Map A3 of the Zoning By-law to rezone the lands shown in hatching on the map below from FD (Future Development) to OSP (Park Open Space).



**14. Zoning By-law Schedule “A”: Maps B4 and North Half**

**Issue:**

The subject lands are generally located on the south side of Windfields Farm Drive East, west of Bridle Road. The lands are comprised of two separate parcels owned by the Durham District School Board. The currently vacant lands are intended to be developed collectively by the Board as a public secondary school.

The two parcels are located within different plans of subdivision. The eastern parcel is part of Block 118 in Registered Plan 40M-2548 which was a plan of subdivision submitted by Minto and registered in 2015. The western parcel consists of Block 13 in Registered Plan 40M-2605 which was a plan of subdivision submitted by RioCan and registered in 2017.

The western parcel is zoned CIN/R1-E(21)/R3-A(8) “h-14” and the eastern parcel is zoned CIN/R1-E(21)/R3-A(8) in part and CIN/R1-D(3) in part. Staff note that the western parcel is subject to an “h-14” holding symbol whereas the eastern parcel does not currently have a holding symbol. The secondary school is permitted by the CIN zoning.

The holding symbol was removed from the Minto plan of subdivision in 2015, including for the eastern parcel. Registered Plan 40M-2605 containing the western parcel was registered in 2017 but the holding symbol has never been removed. The Durham District School Board purchased both parcels from the respective subdividers.

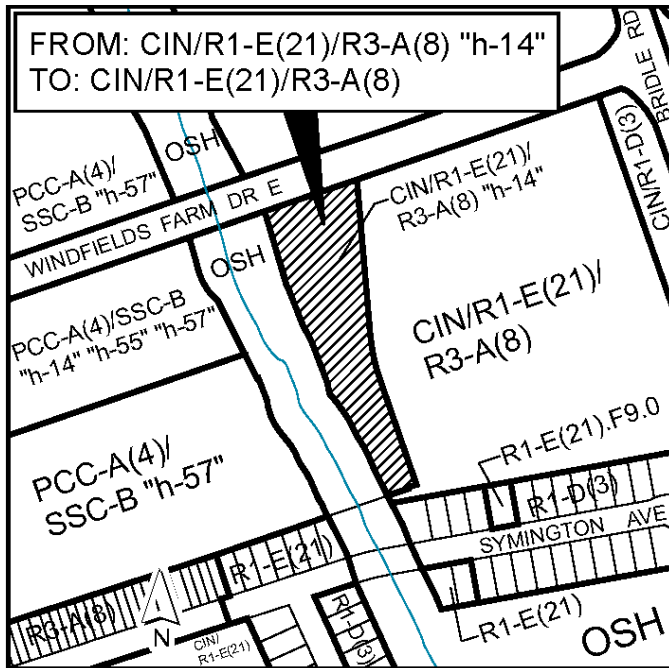
The purpose of the “h-14” holding symbol is to ensure appropriate arrangements are made for the provision of adequate sanitary, water, storm and transportation services and

facilities to serve the development and included in a subdivision agreement. This condition has already been fulfilled for the subject lands. Accordingly, it is appropriate to remove the "h-14" holding symbol from the western parcel so that it matches the eastern parcel.

The Durham District School Board intends to commence construction of the public secondary school in 2024.

**Proposed Amendment:**

- (a) Amend Schedule "A" – Maps B4 and North Half of the Zoning By-law to rezone Block 13 in Registered Plan 40M-2605 as shown in the hatching on the map below from CIN/R1-E(21)/R3-A(8) "h-14" (Community Institutional/Residential) to CIN/R1-E(21)/R3-A(8) (Community Institutional/Residential).



**15. Zoning By-law Schedule "A": Maps B4 and North Half**

**Issue:**

The lands subject to this amendment are generally located on the east side of Simcoe Street North, south of Windfields Farm Drive East, and are municipally known as 2545 Simcoe Street North and 2530 Steeplechase Street. These lands consist of Block 9 in Registered Plan 40M-2605 which was a plan of subdivision submitted by RioCan and registered in 2017. The property is the site of Tribute Communities' Universal City Towers 2 and 3. The subject property is zoned PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station). However, the property does not require retention of the SSC-B (Automobile Service Station) Zone component as the property is being developed solely for residential purposes.

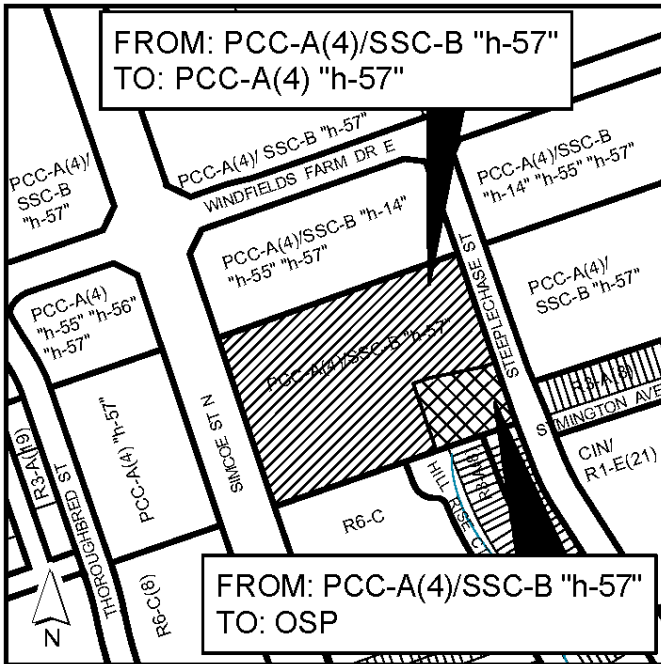
The SSC-B Zone was applied to several blocks within the aforementioned RioCan subdivision to allow a fuel bar and/or automobile service station to be developed, as necessary. This zoning permission is no longer appropriate for the subject lands.

Through the development process for the Universal City project, Tribute Communities provided a 0.373 hectare (0.92 ac.) parcel of land to the City as parkland dedication at the southeast corner of the subject property (2530 Steeplechase Street). These lands currently retain the PCC-A(4)/SSC-B "h-57" zoning.

It is appropriate to rezone the lands being developed for Towers 2 and 3 of the Universal City residential project from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to PCC-A(4) "h-57" (Planned Commercial Centre) to reflect the intended use of these lands, and to rezone the future City parkette lands at the southeast corner of the subject site from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to OSP (Park Open Space).

**Proposed Amendment:**

- (a) Amend Schedule "A" – Maps B4 and North Half of the Zoning By-law to rezone the lands shown in hatching on the map below from PCC-A(4)/SSC-B "h-57" (Planned Commercial Centre/Automobile Service Station) to PCC-A(4) "h-57" (Planned Commercial Centre) in part and to OSP (Park Open Space) in part.



**16. Zoning By-law Schedule "A": Map C3**

**Issue:**

The lands subject to this amendment are generally located at the southwest corner of Whitelaw Avenue and Townline Road North and are municipally known as 1200 Townline Road North. The subject property is currently zoned FD (Future Development). However, the property is owned by Hydro One Networks Inc. and is currently operating as a hydro substation.



The FD Zone is intended to apply to lands where there is insufficient information to determine specific zoning categories or where the development of such lands is considered to be premature or not in the public interest.

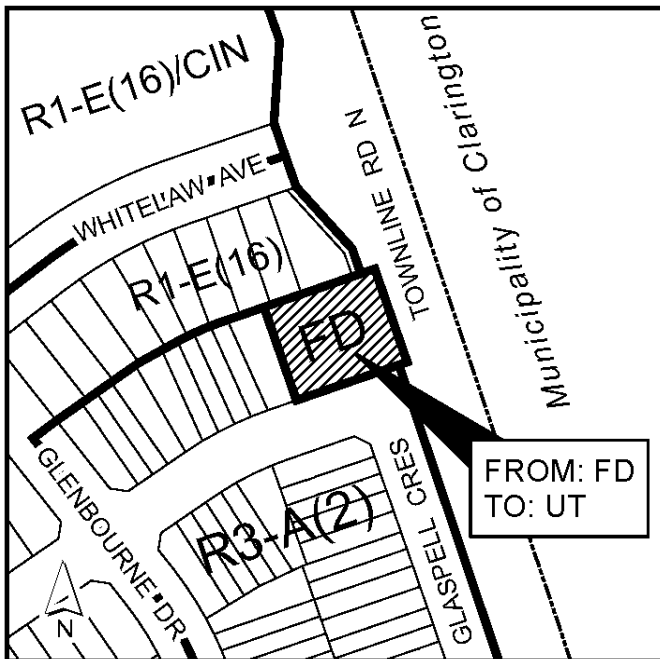
The subject property is designated Medium Density I Residential in the Pinecrest Part II Plan. It is appropriate to rezone the lands from FD (Future Development) to UT (Utilities) to reflect the existing use of the property. The UT (Utilities) Zone permits the following uses:

- (a) Electric power transformer stations owned and operated by Ontario Hydro that transform power to 44 kv
- (b) Water pollution control plant
- (c) Water supply plant

This proposed change conforms to the Oshawa Official Plan, as infrastructure and utilities (such as hydro substations) are generally permitted in any land use designation, pursuant to Policy 2.12.2.4 of the Oshawa Official Plan.

**Proposed Amendment:**

- (a) Amend Schedule “A” – Map C3 of the Zoning By-law to rezone 1200 Townline Road North as shown in hatching on the map below from FD (Future Development) to UT (Utilities).



**17. Zoning By-law Schedule “A”: Map C4**

**Issue:**

The subject lands are located at the northwest corner of Conlin Road East and Harmony Road North, and are municipally known as 2050 Harmony Road North. These lands

consist of Block 169 in Registered Plan 40M-2706 which was a plan of subdivision submitted by Sorbara in the Kedron Planning Area. This subdivision was draft approved and rezoned for development in 2018. After Council considered Report DS-18-148 dated September 20, 2018 and approved Sorbara's rezoning application. This included rezoning the subject lands to an appropriate MU/SSC (Mixed Use/Automobile Service Station) Zone to permit a range of residential and commercial uses, including a car wash and fuel bar.

This property is currently zoned MU-B.DBR 60-85/SSC "h-14" "h-30" (Mixed Use/Automobile Service Station).

There are three categories of SSC (Automobile Service Station) zoning in the Zoning By-law, namely SSC-A, SSC-B and SSC-C Zones. Subsections 21.1 and 21.2 of the Zoning By-law outline the uses permitted in each zone and the applicable regulations for each zone. The implementing zoning by-law for Sorbara's plan of subdivision inadvertently zoned the lands as SSC without including the suffix "-A", "-B" or "-C".

In view of the foregoing, it is appropriate to amend the Zoning By-law by amending Schedule "A" – Map C4 by changing the zoning of the subject lands from MU-B.DBR 60-85/SSC "h-14" "h-30" (Mixed Use/Automobile Service Station) to MU-B.DBR 60-85/SSC-C "h-14" "h-30" (Mixed Use/Automobile Service Station).

The SSC-C Zone permits a fuel bar, car wash and automobile service station.

**Proposed Amendment:**

- (a) Amend Schedule "A" – Map C4 of the Zoning By-law to rezone the lands shown in hatching on the map below from MU-B.DBR 60-85/SSC "h-14" "h-30" (Mixed Use/Automobile Service Station) to MU-B.DBR 60-85/SSC-C "h-14" "h-30" (Mixed Use/Automobile Service Station).

