



The Corporation of the City of Stratford Planning and Heritage Committee MINUTES

Date: Monday, June 27, 2022
Time: 7:56 P.M.
Location: Electronic Meeting

Council Present in
Council Chambers: Mayor Mathieson

Council Present
Electronically: Councillor Ritsma - Chair Presiding, Councillor Ingram - Vice-Chair, Mayor Mathieson, Councillor Beatty, Councillor Bunting, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Sebben, Councillor Vassilakos

Staff Present in Council
Chambers: Joan Thomson – Chief Administrative Officer, Karmen Krueger – Director of Corporate Services, Tatiana Dafoe – City Clerk, Jodi Akins – Council Clerk Secretary

Staff Present
Electronically: David St. Louis - Director of Community Services, Kim McElroy - Director of Social Services, John Paradis - Fire Chief, Taylor Crinklaw - Director of Infrastructure and Development Services, Anne Kircos - Acting Director of Human Resources, Miranda Ivany - Planner

Also Present: Members of the public and media

1. Call to Order

The Chair called the Meeting to Order.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

No disclosures of pecuniary interest were made by a member at the June 27, 2022, Planning and Heritage Committee meeting.

3. Delegations

None scheduled.

4. Report of the Planner

4.1 Planning Report, Zone Change Amendment Z02-22, 385 West Gore Street (PLA22-023)

Staff Recommendation: THAT application Z02-22 to amend the zoning at 385 West Gore Street from a Residential Second Density R2(1) Zone to a Residential Third Density (R3-___) Zone with site specific regulations BE APPROVED for the following reasons:

1. the request is consistent with the Provincial Policy Statement;
2. the request is in conformity with the goals, objectives and policies of the Official Plan;
3. the zone change will provide for a development that is appropriate for the lands;
4. the public was consulted during the application circulation and comments that have been received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.

AND THAT Council pass a resolution that no further notice is required under Section 34(17) of the Planning Act.

Committee Discussion: The Planner, referring to a PowerPoint presentation, provided an overview of the report regarding Zone Change

Amendment Z02-22 for 385 West Gore Street. Highlights of the presentation included:

- the application being submitted by Jordan and Shelby Hayle on behalf of Hayle Housing Inc;
- the proposed Zone Change amendment being to rezone the lands from a Residential Second Density R2(1) zone to a Residential Third Density - Site Specific (R3-___) zone;
- the Zone Change amendment being to allow the existing dwelling to be converted to a quadruplex dwelling with a minimum front yard depth of 5.4m, a minimum lot frontage of 20m, a minimum side yard width of 1.2m, and a minimum rear yard setback to a parking area of 1.1m;
- a Planning Justification Report, conceptual site plan, building elevations and a functional servicing letter having been submitted in support of the application;
- the subject lands being located on the southeast corner of West Gore Street and McCulloch Street, and having an area of approximately 890 sq.m. (8712 sq.ft.);
- surrounding land uses being single-detached dwellings;
- the subject property being designated Residential Area in the Official Plan;
- the Residential Area designation permitting a range of residential uses including triplex dwellings, townhouse dwellings and low-rise apartments;
- the maximum permitted density in the Residential Area designation being 65 units per hectare;
- the requested setback reductions that recognize the existing building and proposed parking lot configuration allowing for additional dwelling units in a residential area that contributes to achieving the residential intensification target;
- the application having been circulated to stakeholders;
- Building Services and the Fire Department having no concerns with the application;

- Canada Post advising they will provide mail delivery service through centralized Community Mail Boxes or a centralized Lock Box Assembly;
- Canada Post further advising that the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications;
- Engineering advising they have no objections but that a 1.44m road widening is required from the West Gore Street frontage;
- notice of the application having been sent to 97 abutting property owners on April 12, 2022;
- notice having also been included in the local newspaper on April 15, 2022;
- three (3) responses having been received from residents in the area and three delegations having expressed similar concerns at the public meeting;
- concerns received relating to increased traffic, privacy and fencing, and reduced property values;
- the application being subject to site plan approval; and
- staff recommending the application be approved as it is consistent with the Provincial Policy Statement, conforms with the City's Official Plan and the intent of the Zoning By-law, is consistent with the City's Strategic Priorities and represents good planning.

A question and answer period ensued between members and staff with respect to:

- concerns having been raised at the public meeting regarding trailers being parked on the property and vehicles parking across from driveways;
- The Zoning By-law allowing for the parking of recreational vehicles on the property if they meet certain size requirements;
- the proposed plan not allowing for parking of recreational vehicles and the Zoning By-law not permitting the parking of vehicles on grass;
- the setbacks proposed for the application and how they compare to the setbacks normally proposed in an R3 Zone;

- the setbacks proposed being to recognize the existing building and the only one that is different is the setback for the rear yard;

Motion by Councillor Ingram

Seconded by Councillor Vassilakos

Committee Decision: THAT the correspondence from Thomas & Sandra Hunter received June 21, 2022, and Roger Kahle dated June 25, 2022, regarding Zone Change Amendment Z02-22 for 385 West Gore Street be received for information.

Carried

Motion by Councillor Burbach

Seconded by Councillor Bunting

Committee Decision: THAT the delegations of Jordan and Shelby Hayle and Susan Molenhuis regarding Zone Change Amendment Z02-22 for 385 West Gore Street, be heard.

Carried

Jordan Hayle advised the existing dwelling is a duplex and that the intent is to create quadraplex which adds two more dwellings. Jordan Hayle reiterated that the home is not being converted from a single-detached family dwelling as it is currently a duplex. Mr. Hayle advised that since the public meeting, he has discussed the parking issues with the tenants and is requiring them to park their vehicles in the driveway. He noted the issues related to parking are not always a result of his tenants and that other neighbouring vehicles are parking on the road as well. He advised there are plans to remove the detached garage and put in an addition to the building which will look similar to what is currently there.

Susan Molenhuis advised she was speaking on behalf of herself and the neighbours. Susan Molenhuis noted a lot of the neighbours are senior citizens and are not comfortable speaking to Council. Concern was expressed that this development will not be affordable housing as the rent will be from \$1,800-\$2,000. Susan Molenhuis stated she is concerned for the people who bought in the neighbourhood and that she wants the Zoning By-law to protect them. Concern was also expressed that other properties will be converted into quadraplexes.

Susan Molenhuis noted the parking situation has not improved and that it may have gotten worse. She questioned the number of bedrooms and bathrooms to be added to the units. It was noted there are currently four

vehicles parked in the driveway at night. A request was made for Committee to deny this application.

A member advised there have been cases heard at the Human Rights Tribunal with respect to limiting the number of occupants per unit. It was noted municipalities cannot restrict or regulate the number of occupants per unit. The member further noted that the push for intensification does not necessarily mean that developments are going to be affordable housing units. This is not something the Province has directly set out and until policies are in place that protect the market and dictate affordability then developments may continue to not be affordable. The member noted that all property owners in the City have the right to submit an application to amending the zoning of their property.

Susan Molenhuis noted applications and decisions that have been made on other properties in the City. Examples given were 396 Ontario Street and 173 Huron Street which saw increased units and areas being located on a highway. Susan Molenhuis noted West Gore Street is a residential area and that the request is to place a quadraplex in an area that is single family housing.

Motion by Councillor Clifford

Seconded By Councillor Gaffney

Committee Recommendation: THAT application Z02-22 to amend the zoning at 385 West Gore Street from a Residential Second Density R2(1) Zone to a Residential Third Density (R3-___) Zone with site specific regulations BE APPROVED for the following reasons:

- 1. the request is consistent with the Provincial Policy Statement;**
- 2. the request is in conformity with the goals, objectives and policies of the Official Plan;**
- 3. the zone change will provide for a development that is appropriate for the lands;**
- 4. the public was consulted during the application circulation and comments that have been received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.**

AND THAT Council pass a resolution that no further notice is required under Section 34(17) of the Planning Act.

Discussion continued with respect to:

- there being a large tree that will have to be removed if the application is approved;
- concern that the Zoning By-law and the Official Plan outline setback requirements and that amendments create precedents;
- there being no intent to change the process in the Zoning By-law to convert a duplex into a quadraplex;
- the proposal meeting lot coverage, landscape and open space requirements;
- there being support for intensification and trained municipal staff who review and make recommendations to Council; and
- staff having found the request is consistent with the Provincial Policy Statement, the Official Plan and that it does comply.

The Chair called the question on the motion.

Carried

**4.2 Planning Report Draft Plan of Condominium Application
31CDM22-002, 84 Church Street (PLA22-024)**

Staff Recommendation: THAT Council of the City of Stratford pursuant to Section 51(31) of the Planning Act grant draft approval to Plan of Condominium 31CDM-22002 subject to the following conditions:

- a. This approval applies to the Draft Plan of Condominium submitted by Baker Planning Group, prepared by MTE Ontario Land Surveyors Ltd. certified by Trevor McNeil, OLS, File No. 36618-101-D1 (L), drawing file name 36618-101-D1.DWG, dated March 31, 2022. The Plan contains a total of 5 residential units.
- b. This draft approval is for a Standard Plan of Condominium under Part X of the Condominium Act, 1998.
- c. The development is to be registered as one condominium corporation. The phase limits are to be to the satisfaction of the Manager of Planning.

- d. This approval of the draft plan applies for a period of five (5) years, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
- e. Prior to final approval for the registration of any phase of the condominium corporation within this development, a list of apartment numbers and the corresponding legal descriptions that will be in place upon registration of the plan of condominium shall be submitted to the City to the satisfaction of the Manager of Planning.
- f. Prior to final approval for the registration of any Condominium Corporation a plan shall be provided demonstrating that the unit boundaries in conjunction with the approved site plan are in compliance with the applicable Zoning By-law regulations.
- g. The Condominium Declaration shall contain appropriate provisions requiring municipal addressing and/or door point numbers to be posted on the façade of each Unit in accordance the City's Municipal Addressing By-law 47-2008 to the satisfaction of the Manager of Planning.
- h. Prior to final approval for the initial registration or any subsequent phase of the development as a condominium corporation by the Approval Authority, the Manager of Planning, City of Stratford, is to be advised in writing by the City of Stratford Corporate Services Department, Tax Division that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.
- i. Prior to final approval, the Owner shall make arrangements for the granting of any easements for utilities and municipal services.
- j. Prior to final approval, the Manager of Planning, is to be advised in writing, by the telecommunications company, that the Owner has made satisfactory arrangements with a telecommunications provider for the provision of permanent or temporary wire-line communications/telecommunication services to this plan.
- k. Prior to final approval, the Manager of Planning, is to be advised in writing, by Hydro One and/or Festival Hydro, that the Owner has

made satisfactory arrangements with an electricity provider for the provision of permanent or temporary electricity services to this plan.

- l. Prior to final approval, the Manager of Planning, is to be advised in writing, by Enbridge Gas Inc., that its requirements with respect to easements and rights-of-way for services have been met.
- m. Prior to final approval for the registration or the development as a condominium corporation, the Manager of Planning is to be advised in writing by Canada Post that the Owner has confirmed mail delivery equipment has been supplied and installed to the satisfaction of Canada Post.
- n. That the Condominium Declaration proposed to be registered or any amendment thereto to effect the registration of a condominium phase shall be submitted for approval to the City's Manager of Planning. The said Declaration shall contain:
 - i. A provision that outlines that telecommunications, mail delivery equipment, water lines and appurtenances, hydro, perimeter fencing, parking, sanitary sewer lines and appurtenances are to be described as a common element and may include items that are external to the buildings and items that service more than one Unit or the Units and common elements and are to be operated, repaired, and maintained by the Condominium Corporation to the satisfaction of the Manager of Planning;
 - ii. A provision that unitized parking spaces are to be owned by residential unit owners; and
 - iii. A provision that the condominium corporation agrees to maintain the subject lands in compliance with approved Site Plan.
 - iv. Provisions requiring municipal addressing and/or door point numbers to be posted on the façade of each Unit in accordance the City's Municipal Addressing By-law 47-2008 to the satisfaction of the Manager of Planning.
- o. That prior to final approval, the Owner provide a written undertaking directed to the City's Manager of Planning to register a Condominium Declaration which shall include the approved provisions as required in condition (n) hereof.

- p. That a comprehensive site audit, including the preparation of a site plan, a landscape plan, a site lighting plan and a grading plan, representing current site conditions, be submitted for acceptance to the City's Manager of Planning and that any site works required by said Manager to bring the property to a safe and functional standard, be provided to the satisfaction of the Manager. Such works may include enclosed garbage containers, and additional site lighting to provide safety for occupants, and upgraded landscaping to implement previously approved plans, and changes to the layout of the parking spaces and traffic aisles.
- q. That a Technical Building Audit be completed and submitted to the City's Chief Building Official for approval and any deficiencies identified under the Ontario Building Code, Fire Code, or Chapter 665 of the Municipal Code (Property Standards for Maintenance and Occupancy) be rectified to the satisfaction of the Chief Building Official.
- r. The digital copy of the plans provided are required containing the plan of condominium in Auto CAD native format (.dwg), stored as a single file, with all of the classes of features (eg. building footprint, Unit boundaries, interior roadways, access to public street, retaining walls, noise attenuation walls, fences, etc.) separated into different layers. For further information, please contact City of Stratford Infrastructure and Development Services Department.
- s. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City of Stratford, such submission will be returned to the Owner without detailed review by the City.

Notes:

- 1. Pursuant to Section 51(59) of the Planning Act, if a plan approved under Section 51(58) of the Planning Act is not registered within 30 days of approval, the City of Stratford may withdraw its approval.

2. If final approval is not given to this Plan, within 5 years of the draft approval date, and no extensions have been granted, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O., 1990. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the local municipality, must be received by the Approval Authority 60 days prior to the lapsing date.
3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for registration, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.
4. For the purposes of clarification no Occupancy Permit shall not be issued and no occupancy shall be permitted for any particular unit until all of the requirements of the Ontario Building Code in relation to occupancy for any particular Unit has been achieved including but not limited to the Additional Work related to the Unit.
5. The Owner is advised that clearances from the following agencies are required:
 - City of Stratford Corporate Services Department, Tax Division
 - City of Stratford Infrastructure and Development Services Department, Manager of Planning
 - City of Stratford Infrastructure and Development Services Department, Chief Building Official
 - City of Stratford Infrastructure and Development Services Department, Engineering Division
 - Canada Post
 - Enbridge Gas Inc.
 - Festival Hydro
 - Bell Canada

6. The following is required for registration under the Registry Act and for City use:
 - Two (2) original mylars
 - Five (5) white paper prints
 - One (1) digital copy

AND THAT the above is recommended for the following reasons:

- a. the request is consistent with the Provincial Policy Statement; and
- b. the request conforms with the goals, objectives and policies of the Official Plan.

Committee Discussion: The Director of Infrastructure and Development Services, referring to a PowerPoint presentation, an overview of provided an overview of Draft Plan of Condominium Application 31CDM22-002 for 84 Church Street. Highlights of the presentation included:

- the draft plan of condominium application having been deemed complete on April 11, 2022 for the lands known municipally as 84 Church Street;
- the subject property being located on the west side of Church Street between St. Patrick Street and St. David Street;
- the proposed draft plan containing a total of five (5) residential units;
- the remaining portion of the plan proposed to be common elements that include parking spaces, storage space, landscape areas, corridors and stairwells;
- surrounding land uses being residential to the North, vacant commercial to the East, commercial to the South and residential to the West;
- the building being proposed for condominium ownership is existing and utilizes existing municipal infrastructure;
- there being sufficient off-street parking, an amenity area provided and existing infrastructure in place to support the proposed land use;

- the Provincial Police Statement supporting developments which efficiently uses land, resources, infrastructure and public service facilities;
- the condominium conversion of the existing apartment building contributing to the continuation of a mix of land uses in the neighbourhood;
- the proposed development being located a short distance to a public transit route;
- the proposal allowing for the intensification of the land on full municipal services which exist and have sufficient capacity to accommodate;
- the proposed Draft Plan of Condominium being consistent with the 2020 PPS;
- an overview of comments received being provided; and
- staff recommending approval of the application as the request is consistent with the Provincial Policy Statement and conforms with the goals, objectives and policies of the Official Plan.

A question and answer period ensued between members and staff with respect to:

- conversion of an apartment building to a condominium being permitted;
- there being sufficient units for a condominium corporation;
- the Director of Infrastructure and Development Services having the same authority as the Manager of Planning;
- there not being a condition that if staff have to consult with legal that the City will be reimbursed for the costs of those legal fees; and
- the above noted condition being included in other development applications.

Motion by Councillor Vassilakos
Seconded by Councillor Burbach

Committee Decision: THAT the delegation of Caroline Baker regarding Draft Plan of Condominium Application 31CDM22-002 for 84 Church Street, be heard.

Carried

Caroline Baker, agent for the property owner, provided the following information:

- the applicant is in support of the conditions and understands Councillor Ingram's condition should it be added;
- some municipalities have restrictions around vacancy rates;
- this is a conversion from rental to ownership for this existing building;
- tenants are given right of first refusal to purchase the condo; and
- Stratford has no policy to restrict conversion from a rental unit to a condo.

A question and answer period ensued with respect to:

- tenancy being regulated through the Tenancies Act;
- tenants being given right of first refusal to purchase the condo;
- if a tenant is not interested in purchasing the condo then they would be given notice to vacate;
- there is an option for a person to purchase a condo and then lease it to a tenant;
- concern with tenants being evicted if they cannot afford to buy the condo;
- rental rates being between \$1,500-\$2,000 in the current units;
- the draft plan of condominium conforming in Ms. Baker's personal opinion; and
- this application being no different than any other application and if refused, the developer has the right to appeal Council's decision.

Motion by Councillor Gaffney

Seconded by Mayor Mathieson

Committee Recommendation: THAT Council of the City of Stratford pursuant to Section 51(31) of the Planning Act grant

draft approval to Plan of Condominium 31CDM-22002 subject to the following conditions:

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- b. This draft approval is for a Standard Plan of Condominium under Part X of the Condominium Act, 1998.**
- c. The development is to be registered as one condominium corporation. The phase limits are to be to the satisfaction of the Manager of Planning.**
- d. This approval of the draft plan applies for a period of five (5) years, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.**
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- i. Prior to final approval, the Owner shall make arrangements for the granting of any easements for utilities and municipal services.**
- j. Prior to final approval, the Manager of Planning, is to be advised in writing, by the telecommunications company, that the Owner has made satisfactory arrangements with a telecommunications provider for the provision of permanent or temporary wire-line communications/telecommunication services to this plan.**
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- ii. A provision that unitized parking spaces are to be owned by residential unit owners; and**
- iii. A provision that the condominium corporation agrees to maintain the subject lands in compliance with approved Site Plan.**
- iv. Provisions requiring municipal addressing and/or door point numbers to be posted on the façade of each Unit in accordance the City's Municipal Addressing By-law 47-2008 to the satisfaction of the Manager of Planning.**
- o. That prior to final approval, the Owner provide a written undertaking directed to the City's Manager of Planning to register a Condominium Declaration which shall include the approved provisions as required in condition (n) hereof.**
- p. That a comprehensive site audit, including the preparation of a site plan, a landscape plan, a site lighting plan and a grading plan, representing current site conditions, be submitted for acceptance to the City's Manager of Planning and that any site works required by said Manager to bring the property to a safe and functional standard, be provided to the satisfaction of the Manager. Such works may include enclosed garbage containers, and additional site lighting to provide safety for occupants, and upgraded landscaping to implement previously approved plans, and changes to the layout of the parking spaces and traffic aisles.**
- q. That a Technical Building Audit be completed and submitted to the City's Chief Building Official for approval and any deficiencies identified under the Ontario Building Code, Fire**

Code, or Chapter 665 of the Municipal Code (Property Standards for Maintenance and Occupancy) be rectified to the satisfaction of the Chief Building Official.

- r. The digital copy of the plans provided are required containing the plan of condominium in Auto CAD native format (.dwg), stored as a single file, with all of the classes of features (eg. building footprint, Unit boundaries, interior roadways, access to public street, retaining walls, noise attenuation walls, fences, etc.) separated into different layers. For further information, please contact City of Stratford Infrastructure and Development Services Department.**
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Notes:

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- 3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan**

submitted for registration, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.

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 - a. City of Stratford Corporate Services Department, Tax Division**
 - b. City of Stratford Infrastructure and Development Services Department, Manager of Planning**
 - c. City of Stratford Infrastructure and Development Services Department, Chief Building Official**
 - d. City of Stratford Infrastructure and Development Services Department, Engineering Division**
 - e. Canada Post**
 - f. Enbridge Gas Inc.**
 - g. Festival Hydro**
 - h. Bell Canada**
- 6. The following is required for registration under the Registry Act and for City use:**
 - a. Two (2) original mylars**
 - b. Five (5) white paper prints**
 - c. One (1) digital copy**

AND THAT the above is recommended for the following reasons:

- a. the request is consistent with the Provincial Policy Statement; and**
- b. the request conforms with the goals, objectives and policies of the Official Plan.**

A friendly amendment to the motion was requested to include the following condition:

"t. that any legal costs and disbursements be reimbursed by the applicant".

It was questioned whether this addition is consistent with the City's standard practice. The Director of Infrastructure and Development Services advised it has been included in other applications but did not know why this application did not have this clause included. The mover and second agreed to the friendly amendment.

The Chair called the question on the motion, as amended.

Carried

5. Adjournment

Motion by Councillor Bunting

Seconded by Councillor Beatty

Committee Decision: THAT the Planning and Heritage Committee meeting adjourn.

Carried

Meeting Start Time: 7:56 P.M.

Meeting End Time: 8:47 P.M.