

--	--

File No.: 39T-10504
Planner: L. Mottram

	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON DECEMBER 12, 2011
FROM:	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING D. AILLES MANAGING DIRECTOR – DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: PEMIC LAND CORPORATION 1480 RIVERBEND ROAD

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director – Development Approvals Business Unit, in response to the letter of appeal to the Ontario Municipal Board, dated August 22, 2011 and submitted by Barry R. Card on behalf of Pemic Land Corp. (attached) relating to the draft plan of residential subdivision application concerning the property located at 1480 Riverbend Road:

- a) the Ontario Municipal Board **BE ADVISED** that Municipal Council has no objection to the granting of draft approval of the proposed plan of subdivision submitted by Pemic Land Corporation and Sifton Properties Limited, prepared by AECOM Canada Ltd. (Drawing No. DP1) and certified by Robert Stirling - FKS Land Surveyors, dated September 30, 2010 showing 29 single detached residential lots and 2 blocks for future residential development, served by two local streets and Riverbend Road, **SUBJECT TO** the conditions contained in the attached Appendix "39T-10504-1";
- b) the City Solicitor's Office **BE DIRECTED** to take all necessary steps to respond to the appeal of Pemic Land Corp. to the Ontario Municipal Board in support of Council's position; and,
- c) the Development Approvals Business Unit **BE DIRECTED** to provide land use planning evidence at the Ontario Municipal Board Hearing in support of Council's position.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

May 2, 2011 – Report to Built and Natural Environment Committee – Public Participation Meeting on an application by Pemic Land Corp. for the property located at 1480 Riverbend Road (Agenda Item #31) (File No. 39T-10504)

Agenda Item #	Page #

**File No.: 39T-10504
Planner: L. Mottram**

BACKGROUND

On October 14, 2010, Pemic Land Corp. submitted a draft plan of subdivision application for a 2.35 hectare (5.8 acre) vacant parcel of land located at 1480 Riverbend Road, east side, north of Shore Road (legally described as Block 48 Plan 33M-549). The lands represent a block in a plan of subdivision which had been set aside as an elementary school site for the London District Catholic School Board (LDCSB). The application was accepted on October 28, 2010 on the understanding staff would be prepared to initiate the process; but, not be in a position to recommend draft approval until the time period for the LDCSB to purchase the subject lands has lapsed or the School Board has signed-off that they will not be purchasing the property. These time frames were established in the subdivision agreement between the City of London and Sifton Properties Limited and Hampton Ridge Communities Inc. which was registered on title on July 17, 2006. The LDCSB held the sole rights to purchase the lands up until November 2, 2011, the lapse date established in accordance with the terms of the subdivision agreement.

Pemic Land Corp. has submitted a draft plan of subdivision application containing 29 single detached lots served by the extension of two local streets extending westerly from Logans Way to Riverbend Road. The north and south legs of Logans Way are linked by an existing public road which lies outside the draft plan on the east forming the crescent. The applicant is proposing that this section of road be closed in the future resulting in the creation of two additional single detached lots.

Notice of the application was advertised in the Living in the City section of the London Free Press on November 20, 2010, and circulated to area residents and commenting agencies and departments on November 16, 2010. On May 2, 2011, the Built and Natural Environment Committee (BNEC) held a public meeting in order to receive public input, and report to the Approval Authority any issues raised with respect to the application for draft plan of subdivision.





On May 9, 2011, Municipal Council passed a resolution to advise the Approval Authority that there were no issues raised at the public participation meeting of the Built and Natural Environment Committee with respect to the application by Pemic Land Corporation; it being noted that draft plan approval of the proposed plan of subdivision is considered premature until the time period established by the subdivision agreement in which the LDCSB has to complete the transaction of purchase and sale of the subject lands has lapsed or the School Board waives its right to purchase the lands. It was also noted that if there is no transaction of purchase and sale, staff will bring forward a recommendation to approve a residential draft plan of subdivision together with conditions of draft approval (see attached Council Resolution).

Notwithstanding the lapse date for the LDCSB to complete the transaction of purchase and sale was November 2, 2011, on August 22, 2011 Barry Card on behalf of Pemic Land Corp. appealed the draft plan of subdivision application to the Ontario Municipal Board with respect to the failure of the Approval Authority to make a decision within 180 days after submission of the application (see attached letter of appeal). The Board has scheduled an appointment for a hearing of this appeal for January 23, 2012.

Agenda Item #	Page #

File No.: 39T-10504
Planner: L. Mottram

The time period in which the LDCSB had to complete the acquisition of the school block has lapsed and there has been no transaction of purchase and sale. Pursuant to the Municipal Council resolution of May 9, 2011, a recommendation to approve a residential draft plan of subdivision together with attached conditions of draft approval is now being brought forward. In addition, it is recommended that the City Solicitor's Office and Development Approvals staff appear at the OMB hearing in support of the Council's position.

PREPARED BY:		SUBMITTED BY:	
			
LARRY MOTTRAM MCIP, RPP SENIOR PLANNER		JEFF LEUNISSEN MCIP, RPP MANAGER, DEVELOPMENT PLANNING	
RECOMMENDED BY:			
			
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING		DAVID AILLES, P. Eng. MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT	

FOR

DA/DNS/JL/LM/lm
 Dec 1/'11 "Attach."
 Y:\Shared\Sub&Spec\SUBDIV\2010\39T-10504-1480 Riverbend Road (LM)\OMB Appeal\BNEC report.docx








©2011 City of London ON

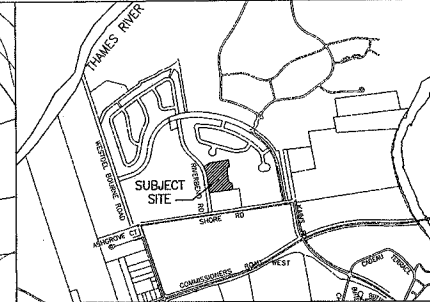
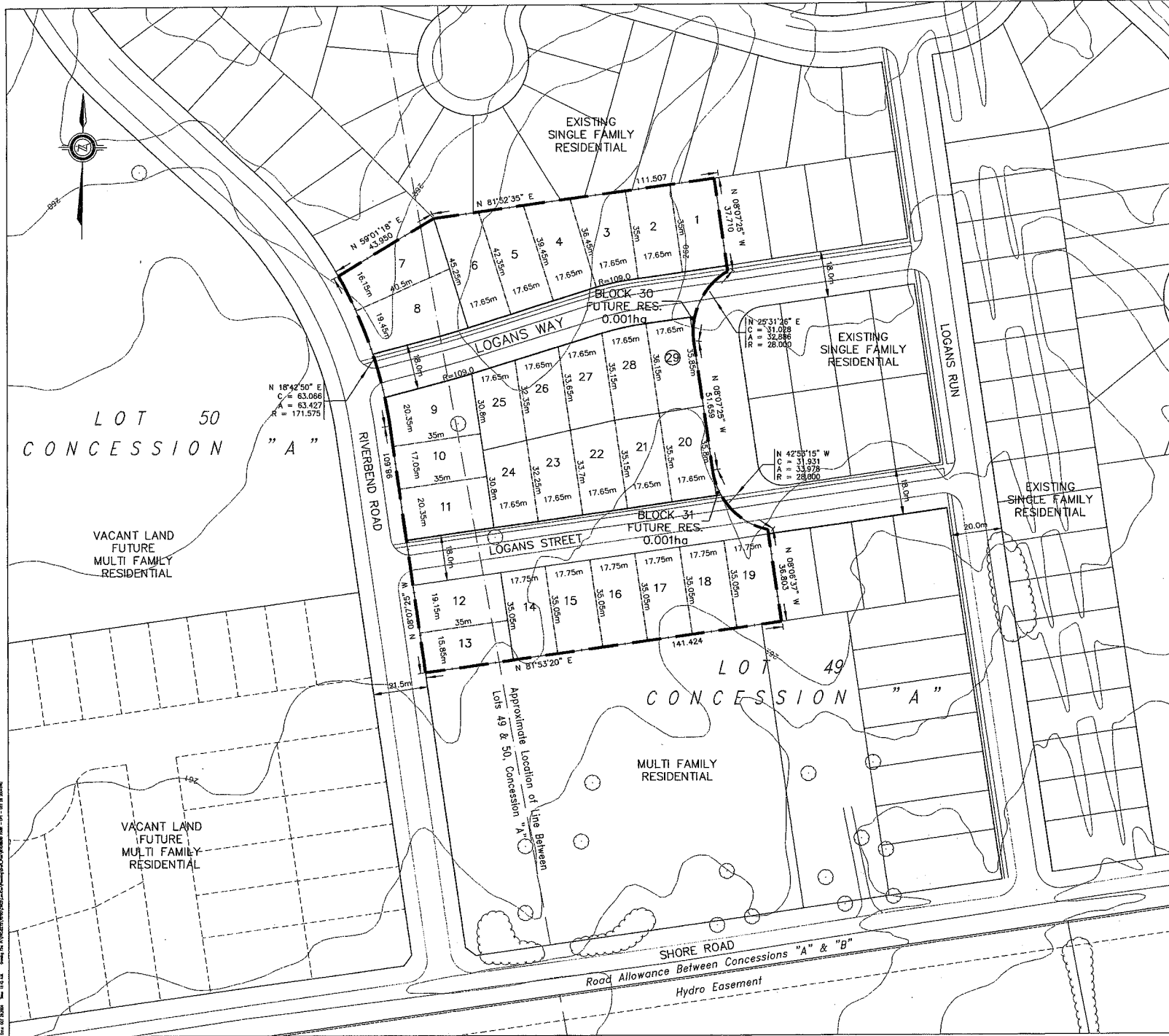
LOCATION MAP

Subject Site: 1480 Riverbend Rd
 Applicant: Pemic Land Corp.
 Roll Number: 080070219040000
 File Number: 39T-10504
 Planner: L. Mottram
 Created By: LM
 Date: 2011-12-01
 Scale: 1:2500

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Proposed Draft Plan of Subdivision
 1480 Riverbend Road
 39T-10504



DRAFT PLAN OF SUBDIVISION
 BLOCK 48, 33M-549
 (1480 RIVERBEND ROAD)
 in the
 CITY OF LONDON
 COUNTY OF MIDDLESEX

Additional Information Required Under Section 51(17) of the Planning Act

- A. AS SHOWN
- B. AS SHOWN
- C. AS SHOWN
- D. As shown on land use schedule
- E. AS SHOWN
- F. AS SHOWN
- G. AS SHOWN
- H. Piped water to be provided
- I. Clay Loam Soil
- K. Storm and Sanitary sewers to be provided
- L. As shown on plan

LAND USE SCHEDULE	AREA (Ha)	AREA (Ac)	ZONING
Single Family Residential (Lots 1 - 20)	1.874 Ha	4.631 Ac	R1-4
Future Single Family Residential (Blocks 30 - 31)	0.001 Ha	0.003 Ac	R1-4
Road Allowance (Logans Way, Logans Street)	0.479 Ha	1.184 Ac	
Total	2.355 Ha	5.817 Ac	

SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LAND ARE ACCURATELY AND CORRECTLY SHOWN.

Robert Stirling
 ROBERT STIRLING
 FKS LAND SURVEYORS
 DATED Sept 30, 2010

OWNER'S AUTHORIZATION
 I, MICHAEL HOWE, HAVING SIGNING AUTHORITY FOR PEMIC LAND CORP. BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE AECOM CANADA LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

Michael Howe
 MICHAEL HOWE
 PEMIC LAND CORP.
 DATED Oct 7 2010

OWNER'S AUTHORIZATION
 I, RICHARD SIFTON, HAVING SIGNING AUTHORITY FOR SIFTON PROPERTIES INC. BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE AECOM CANADA LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

Richard Sifton
 RICHARD SIFTON
 SIFTON PROPERTIES LTD.
 DATED Oct 4 2010

OWNER'S AUTHORIZATION
 I, WAYNE REID, HAVING SIGNING AUTHORITY FOR SIFTON PROPERTIES INC. BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE AECOM CANADA LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

Wayne Reid
 WAYNE REID
 SIFTON PROPERTIES LTD.
 DATED Sept 30, 2010

APPROVAL AUTHORITY
 SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED 200__ THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT THIS ___ DAY OF ___, 200__

AECOM SCALE: 1:750 DATE: SEPT/10 SHEET NO. 1
 DRAWN BY: NJM CHECKED BY: PMCA DWG NO. DP1 REV.

Agenda Item #	Page #

**File No.: 39T-10504
Planner: L. Mottram**

**APPENDIX 39T- 10504-1
(Conditions to be included for draft plan approval)**

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-10504 ARE AS FOLLOWS:

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by Pemic Land Corporation and Sifton Properties Limited, prepared by AECOM Canada Ltd. (Drawing No. DP1) and certified by Robert Stirling - FKS Land Surveyors, dated September 30, 2010 showing 29 single detached residential lots and 2 blocks for future residential development, served by two local streets and Riverbend Road.
2.	This approval of the draft plan applies for a period of three (3) years from the date of draft approval and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.	The Owner shall name the westerly extension (northern leg) of Logans Way as Logans Way, and shall name the westerly extension (southern leg) of Logans Way as Logans Trail.
5.	The Owner shall apply to rename Logans Way (southern leg in Plan 33M-549) to be renamed Logans Trail.
6.	The Owner shall reimburse the property owners of 1504 to 1528 inclusive of Logans Way (southern leg) \$50.00 per homeowner as compensation for the required street name change within 30 days of the street name coming into effect.
7.	As a condition of the subdivision agreement, the Owner shall have a qualified masonry contractor replace the municipal number and street name inscription on the existing homes on Logans Way (southern leg) outside of this subdivision should it be necessary as a result of a street name change, at no cost or expense to the homeowners or the City.
8.	The Owner shall request that municipal addresses shall be assigned to the satisfaction of the Director of Development Planning.
9.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
10.	The Owner shall satisfy all requirements, financial and otherwise, of the City of London, in order to implement the conditions of this draft approval.
11.	The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
12.	In conjunction with the registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as for road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of and at no cost to the City.

Agenda Item #	Page #

File No.: 39T-10504
Planner: L. Mottram

13. This subdivision shall be constructed and registered in one phase.
14. In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan (ESCP) that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This Plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City prior to any work on the site. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith once work has commenced on the site.
15. The Owner shall construct sanitary private drain connections to serve the lots in this plan fronting Riverbend Road, Lots 7 to 13, and connect them to the existing 450 mm (18") diameter sanitary sewer on Riverbend Road, to the satisfaction of and at no cost to the City.
16. The Owner shall construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 450 mm (18") diameter sanitary sewer on Riverbend Road.
17. The Owner shall not permit any weeping tile connections into the sanitary sewers within this Plan.
18. Throughout the duration of construction within this draft plan of subdivision, the Owner shall undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to and at no cost to the City.
19. In conjunction with the Design Studies submission, the Owner shall provide an analysis which shall indicate the water table level of lands within the subdivision and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.
20. Following construction of the sanitary sewers, the Owner shall have it's consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the system at any time prior to the assumption of the subdivision.
21. The Owner shall construct storm private drain connections to serve the lots in this plan fronting Riverbend Road, Lots 7 to 13, and connect them to the existing 1200 mm (48") diameter storm sewer on Riverbend Road, to the satisfaction of and at no cost to the City.
22. The Owner shall construct storm sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 1200 mm (48") diameter storm sewer on Riverbend Road.
23. In conjunction with the Design Studies submission, the Owner shall submit a SWM Functional Storm/Drainage Servicing Letter/Report, including identifying the major and minor storm flow routes, for the subject lands, which shall be consistent with the Stormwater Conceptual Plan River Bend Subdivision – Phase 1 Design Report (2001). The servicing Letter/Report shall be in compliance with the SWM criteria and the environmental criteria for the Downstream Thames Subwatershed Study, the City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices, the Ministry of the Environment SWM Practices Planning and Design Manual (2003), and applicable Acts, Policies, Guidelines, Standards and Requirements of all

Agenda Item #	Page #

**File No.: 39T-10504
Planner: L. Mottram**

relevant SWM agencies, all to the satisfaction of the City.

24. Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan, all storm/drainage related works, including major and minor storm flow routes, to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the standards and satisfaction of the City.
25. Prior to final approval, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
26. In conjunction with Design Studies submission, the Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
27. The Owner shall construct watermains to serve this Plan and connect them to the existing municipal system, namely, the 200 mm (8") diameter watermain on Riverbend Road.
28. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide a water servicing Letter/Report which addresses the following:
 - i) Identify external water servicing requirements;
 - ii) Confirm capacity requirements are met;
 - iii) Identify need to the construction of external works;
 - iv) Identify the effect of development on existing water infrastructure – identify potential conflicts
 - v) Water system area plan(s)
 - vi) Water network analysis/hydraulic calculations for the subdivision report

Consistent with the existing servicing report for the subdivision Plan 33M-549.
29. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City.
30. The Owner shall construct a 1.5 m (5') sidewalk on one side of the following streets:
 - i) Logans Way – south boulevard from Riverbend Road to east limit of plan
 - ii) Logans Trail – north boulevard from Riverbend Road to east limit of plan
 - iii) Logans Way – south boulevard from east limit of plan to Logans Run
 - iv) Logans Trail – north boulevard from east limit of plan to Logans Run

In the event the Owner chooses to submit a claim against the City's Capital Works Budget (Engineering Review Division) for the reimbursement of the Capital Works budget share of the cost of extending the sidewalk external to this plan on Logans Trail and Logans Way to Logans Run, the Owner shall comply with all City requirements for submission of a claim, in accordance with City policies, guidelines, by-laws and procedures. The cost estimate for these works is to be determined at the Subdivision Agreement stage.

Agenda Item #	Page #

File No.: 39T-10504
Planner: L. Mottram

31. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Riverbend Road, Shore Road, Kains Road (or Westdel Bourne) to Oxford Street West, or other routes as designated by the City.
32. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
33. In conjunction with Design Studies submission, the Owner shall submit a conceptual plan for adjustments to the existing road and services along the westerly leg of Logans Way connecting Logans Way and Logans Trail, including all necessary removals and restoration, and all associated works, as required by and to the satisfaction of the City.
34. The Owner shall construct any adjustments to the existing road and services in accordance with the above-noted accepted design study and accepted servicing drawings. Should Plan 33M-549 not be assumed at the time this plan develops, the Owner shall make arrangements with the owner of Plan 33M-549 for any adjustments to the existing road and services.
35. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
36. Prior to the issuance of a Certificate of Conditional Approval for this subdivision, all servicing works must be completed and operational, all to the specifications and satisfaction of the City.
37. In the event that relotting of the Plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City.
38. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, all to the specifications and satisfaction of the City.
39. The Owner shall make minor boulevard improvements on Riverbend Road adjacent to this Plan, to the specifications of the City, consisting of clean-up, grading and sodding as necessary.
40. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

41. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to

Agenda Item #	Page #

**File No.: 39T-10504
Planner: L. Mottram**

third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:

- i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and
- ii) continue until the time of assumption of the affected services by the City.

42. The Owner shall with respect to any services and/or facilities constructed in conjunction with this Plan, permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

43. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City and Chief Building Official immediately, and if required by the City and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

44. The Owner's professional engineer shall provide inspection services for all work during construction by it's professional engineer for all work to be assumed by the City, and have it's professional engineer supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City.

45. The Owner shall have it's professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

46. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)

47. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

Agenda Item #	Page #

File No.: 39T-10504
Planner: L. Mottram

48. The Owner shall make any adjustments to existing services eg. street lights, catchbasins, fire hydrants, trees, etc. to accommodate the proposed lotting pattern on Riverbend Road, to the satisfaction of the City.
49. Prior to final approval of this plan and subject to the satisfaction of the London District Catholic School Board, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary facilities and/or bused outside the neighbourhood for their education.
50. Prior to final approval of this plan and subject to the satisfaction of the Thames Valley District School Board, the Owner shall include in the subdivision agreement a suitable clause to advise future purchasers that this area has been designated a "Holding Zone" for school accommodation purposes and students may be accommodated at a "Holding School".
51. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the Managing Director of Development Approvals Business Unit. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Managing Director of Development Approvals Business Unit and the City, such submission will be returned to the Owner without detailed review by the City.
52. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Director of Development Planning a complete submission consisting of all required clearances, fees, and final plans, and to advise the Director 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 required information, such submission will be returned to the Owner without detailed review by the City.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

May 10, 2011

D. Ailles
Managing Director, Development Approvals Business Unit

I hereby certify that the Municipal Council, at its session held on May 9, 2011 resolved:

30. The Approval Authority **BE ADVISED** that there were no issues raised at the public participation meeting of the Built and Natural Environment Committee with respect to the application by Pemic Land Corporation relating to the property located at 1480 Riverbend Road for the proposed draft plan of residential subdivision (File No. 39T-10504) prepared by AECOM Canada Ltd. (Drawing No. DP1) dated September 2010 showing 29 single detached residential lots and 2 blocks for future residential development, served by two local streets; it being noted that draft plan approval of the proposed plan of subdivision is considered premature until the time period established by the subdivision agreement in which the London District Catholic School Board has to complete the transaction of purchase and sale of the subject lands has lapsed or the School Board waives its right to purchase the lands. If there is no transaction of purchase and sale, staff will bring forward a recommendation to approve a residential draft plan of subdivision together with conditions of draft approval;

it being pointed out that at the public participation meeting associated with this matter, the following individual made an oral submission in connection therewith:

- C. Linton, Norquay Developments – representing the applicant and indicating there are minor implications with respect to the implementation of street names that will be dealt with. (2011-D11-06) (30/12/BNEC)

C. Saunders
City Clerk
/jb

cc: C. Linton, Norquay Developments, 100 Wellington Street, London, ON N6B 2K6
London District Catholic School Board, P.O. Box 5474, 5200 Wellington Road South, London, ON N6A 4X5
D. Stanlake, Director, Development Planning
J. Leunissen, Manager, Development Approvals
L. Mottram, Senior Planner

RECEIVED BY

MAY 17 2011

CITY OF LONDON
DEVELOPMENT APPROVALS BUSINESS UNIT

Barry R. Card

BARRISTER & SOLICITOR

Certified Specialist - Municipal Law: Local Government/ Land Use Planning & Development Law

252 PALL MALL STREET, SUITE 200
LONDON, ONTARIO N6A 5P6
TELEPHONE (519) 433-5117 • FACSIMILE (519) 963-0285

Internet Address: cardlaw@rogers.com

August 22, 2011

DELIVERED

Subdivision Approval Authority
The Corporation of the City of London
City Hall, 6th Floor
300 Dufferin Avenue
London, Ontario
N6A 4L9

ATTENTION: Mr. David Ailles
Managing Director, Planning & Development

Dear Mr. Ailles:

Re: Pemic Land Corp.
Application for Subdivision Approval
1480 Riverbend Road, London
Appeal to Ontario Municipal Board
Planning Act, Section 51(34)

I am the solicitor for Pemic Land Corp. On behalf of my client, I hereby appeal to the Ontario Municipal Board with respect to the failure of the Approval Authority to make a decision pursuant to Section 51(31) of the *Planning Act* within 180 days after submission of my client's application for subdivision approval.

Please find enclosed the following:

1. Appellant Form;
2. Certified cheque for the appeal fee.

4600
RECEIVED BY
AUG 22 2011
CITY OF LONDON
DEVELOPMENT APPROVALS BUSINESS UNIT

- 2 -

August 22, 2011

Please prepare a record consisting of the documents listed in Section 8 of O.Reg. 196/96 and forward this along with our appeal to the Ontario Municipal Board as per Section 51(35) of the *Planning Act*.

Yours very truly,

Barry Card / jmh

Barry R. Card

BRC:jmh

Encls.

cc: **Ontario Municipal Board - 1-416-326-5370**
Pemic Land Corp.



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

RECEIVED BY

AUG 22 2011

CITY OF LONDON
 DEVELOPMENT APPROVALS

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	34(11)
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	22(7)
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input checked="" type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

1480 Riverbend Road
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of London

Part 3: Appellant Information

First Name: _____ Last Name: _____

Pemic Land Corp., c/o Barry R. Card, Barrister and Solicitor
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: cardlaw@rogers.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 519-433-5117 Alternate Telephone #: _____

Fax #: 519-963-0285

Mailing Address: 252 Pall Mall Street Suite 200 London
Street Address Apt/Suite/Unit# City/Town

Ontario N6A 5P6
Province Country (if not Canada) Postal Code

Signature of Appellant: Barry Card / gml Date: August 21, 2011
(Signature not required if the appeal is submitted by a law office.)
Barry R. Card

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

_____ Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

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 as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Application for Draft Plan of Subdivision by Pemic Land Corp. Municipal File No. 39T-10504

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Pemic's Application for subdivision approval was accepted by the City of London Approval Authority on October 28, 2010. The City of London Approval Authority has not processed the application for subdivision approval. The application proposes the re-subdivision of a block that was set aside for school purposes, within a plan of subdivision that was registered in 2006. Subdivision (municipal) services are readily available to the land: no deficiencies are evident.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: 6 days

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
2

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
planner, civil engineer

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? identification of issues and parties*

Part 9: Other Applicable Information ** Attach a separate page if more space is required.

*A purpose of the PHC will be to settle an Issues List which identifies the scope of evidence that will be required to address such issues as are known to the Approval Authority.

Empty lined area for providing additional information.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.