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**File No.:39T-08502  
Planner: Craig Smith**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>KENMORE HOMES (LONDON) INC. 255 SOUTH CARRIAGE ROAD &amp; 1331 HYDE PARK ROAD  ONTARIO MUNICIPAL BOARD DECISION MEETING ON TUESDAY, FEBRUARY 4, 2014</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services, the following report on the withdrawal of the appeal to the Ontario Municipal Board by Barry Card on behalf of Sydenham Investments Inc., relating to draft plan of subdivision located at 255 South Carriage Road & 1331 Hyde Park Road **BE RECEIVED** for information.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**March 2006** - B30/06 - Consent Application

**January 2011** – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

**September 2011** – Info Report to the Built and Natural Environment Committee on Status of the application

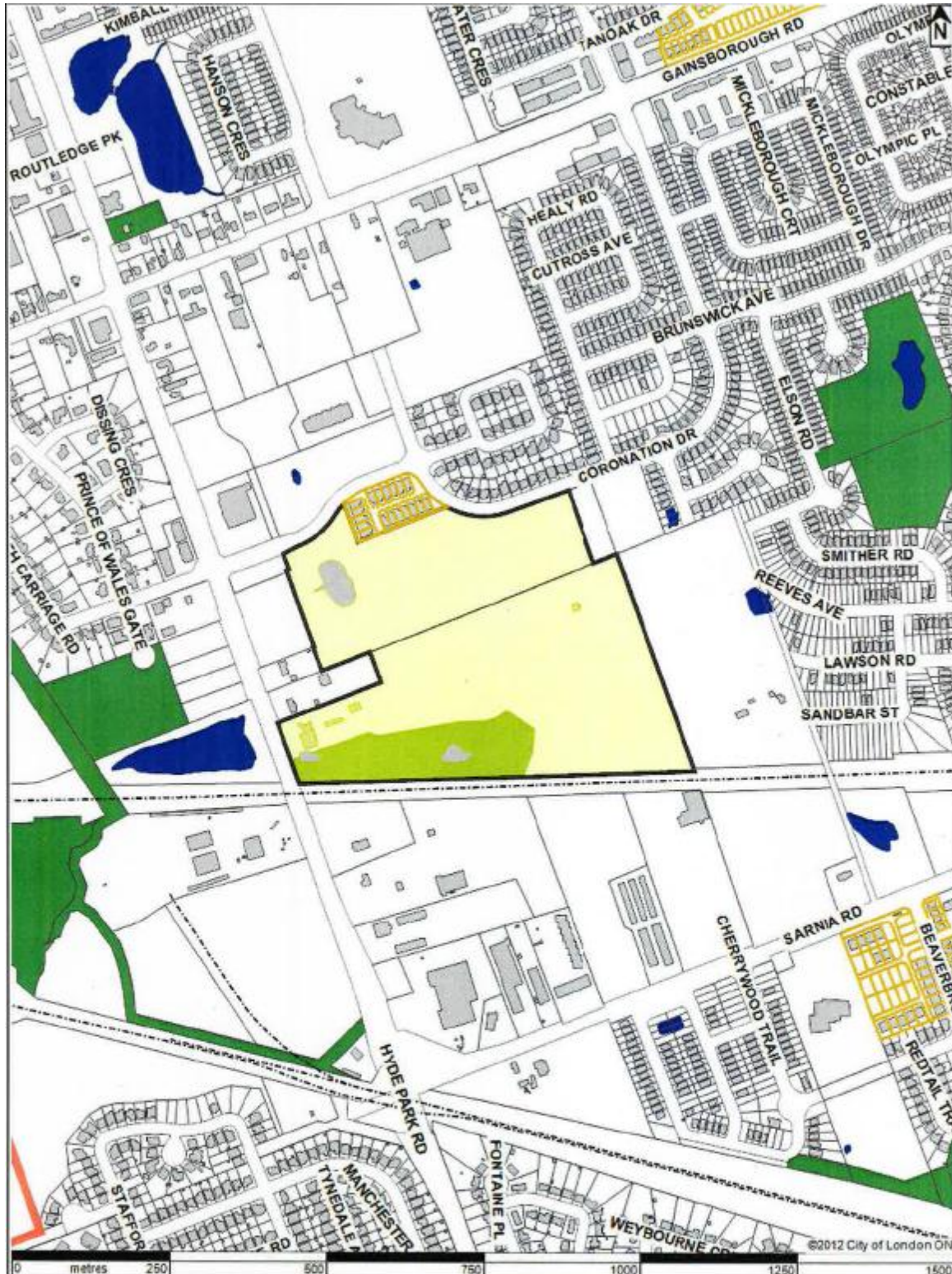
**March 26, 2012** - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.(see attached)

**May 28, 2012** – Info report to Planning and Environment Committee

**November 5, 2012-** Report to Planning and Environment Committee relating to the appeal of the letter of appeal to the Ontario Municipal Board, dated August 28, 2012, as submitted by Barry Card on behalf of Sydenham Investments Inc., relating to draft plan of subdivision located at 255 South Carriage Road & 1331 Hyde Park Road.

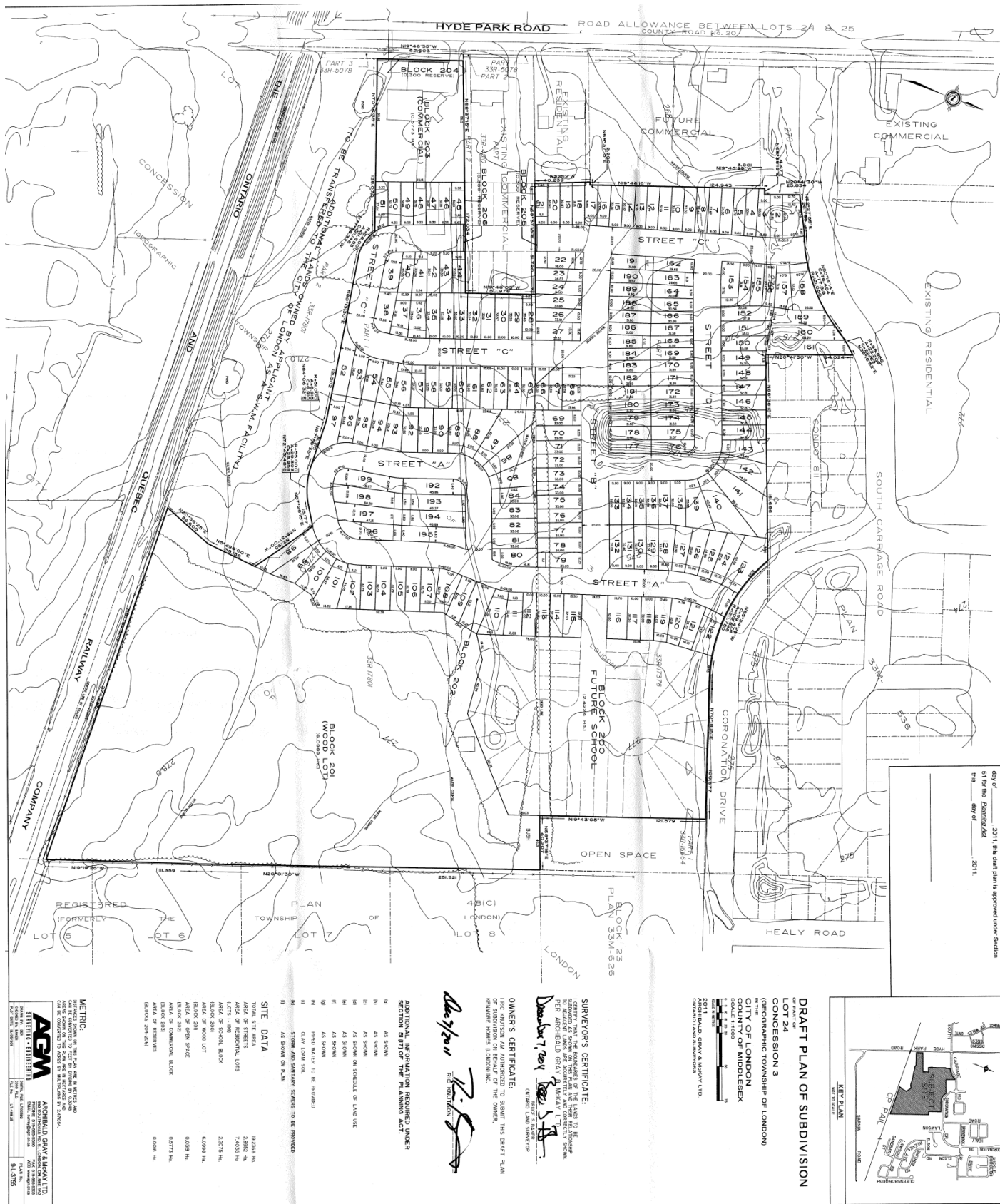
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<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: Kenmore - Draft Plan of Subdivision                  Applicant: Kenmore Homes (London) Inc.                  File Number: 39T-08502                  Planner: Allister MacLean                  Created By: Jeffrey Shaughnessy                  Date: 2012-03-14                  Scale: 1:7500</p>	<p style="text-align: center;"><b>LEGEND</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">▨</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	□	Subject Site	■	Parks	▨	Assessment Parcels	■	Buildings	123	Address Numbers
□	Subject Site										
■	Parks										
▨	Assessment Parcels										
■	Buildings										
123	Address Numbers										
<p>Corporation of the City of London                  Prepared By: Planning, Environmental</p>											

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2011 this draft plan is approved under Section 37 of the Planning Act  
The day of 2011



**DRAFT PLAN OF SUBDIVISION**

OF PART OF  
LOT 24  
CONCESSION 3  
IN THE MUNICIPAL TOWNSHIP OF LONDON  
CITY OF LONDON  
COUNTY OF MIDDLESEX  
SECTION 37 OF THE PLANNING ACT  
2011

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED HAVE BEEN CORRECTLY AND OBJECTIVELY SURVEYED AND MEASURED IN ACCORDANCE WITH THE SURVEY ACT, 1990 AND THE SURVEY REGULATIONS, 1991.  
Dated this 7th day of December 2011  
D. J. S. SURVEYOR

**OWNER'S CERTIFICATE:**  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND TO BE SUBDIVIDED AND I AUTHORIZE THE SURVEYOR TO SURVEY AND SUBDIVIDE THE LAND IN ACCORDANCE WITH THE SURVEY ACT, 1990 AND THE SURVEY REGULATIONS, 1991.  
Dated this 7th day of December 2011  
R. S. SURVEYOR

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 37 OF THE PLANNING ACT:**

- 1) AS SHOWN
- 2) AS SHOWN
- 3) AS SHOWN
- 4) AS SHOWN ON SCHEDULE OF LAND USE
- 5) AS SHOWN
- 6) AS SHOWN
- 7) PAVED WATER TO BE PROVIDED
- 8) CLAY LOAM SOIL
- 9) STORM AND SANITARY SEWERS TO BE PROVIDED
- 10) AS SHOWN ON PLAN

**SITE DATA**

TOTAL SITE AREA	18208 M <sup>2</sup>
AREA OF STREETS	28902 M <sup>2</sup>
AREA OF RESIDENTIAL LOTS	74025 M <sup>2</sup>
AREA OF SCHOOL BLOCK	22075 M <sup>2</sup>
BLOCK 201	63998 M <sup>2</sup>
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BLOCK 240	63998 M <sup>2</sup>

**METRIC:**  
DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND MILLIMETERS. DIMENSIONS SHOWN IN PARENTHESES ARE IN FEET AND INCHES. DIMENSIONS SHOWN IN PARENTHESES ARE IN FEET AND INCHES.  
**AGM** ARCHIBALD GRAY & MURPHY LTD.  
REGISTERED PROFESSIONAL SURVEYORS  
1000 SHEPPARD AVENUE EAST, SUITE 1000  
SCARBOROUGH, ONTARIO M1S 1T5  
TEL: (416) 291-1111  
FAX: (416) 291-1112  
WWW.AGMSURVEYORS.COM  
PLAN 33M-626

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**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

This is an information report. The effect of the withdrawal of the appeal from the OMB is to allow for the subdivision of the subject lands, as shown on the attached map. The subdivision of this land, as proposed, would result in the creation of 199 single detached lots, one (1) school block, one (1) open space block and a commercial block served by four (4) new local streets.

**BACKGROUND**

At the public meeting on May 28, 2012, the applicant (Kenmore Homes Inc.) requested that the following condition be deleted from the proposed conditions of draft approval:

*Prior to Final Approval of any phase, the Owner shall demonstrate to the Approval Authority's satisfaction that the Owner has compensated Sydenham Investments Inc. in the amount of \$111,987.28 which represents one half of the costs of the land and construction of South Carriage Road adjacent to lots 1, 158-161 inclusive and Street "C" adjacent to in this subdivision.*

Council agreed to the applicants request and advised the Approval Authority that this condition was not appropriate and should be deleted. Sydenham Investments appealed the removal of this condition.

On November 6, 2013, the Ontario Municipal Board issued a notice advising the City of London Approval Authority that the appeal by Sydenham Investments was withdrawn by letter dated September 13, 2013 Attached Appendix 1.

As per Section 51 (51) of the Planning Act, the draft approval lapse date is September 14, 2016.

<b>RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>C. SMITH SENIOR PLANNER DEVELOPMENT SERVICES</b>	<b>ALLISTER MACLEAN, MANAGER DEVELOPMENT PLANNING</b>
<b>ALSO REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY MCIP, RPP. MANAGER DEVELOPMENT SERVICES</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

January 22, 2014  
JCS/  
"Attach"

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**Appendix 1**

**Environment and Land Tribunals Ontario**  
Ontario Municipal Board  
655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: (416) 212-6349  
Toll Free: 1-866-448-2248  
Fax: (416) 326-5370  
Website: www.eltto.gov.on.ca

**Tribunaux de l'environnement et de l'aménagement du territoire Ontario**  
Commission des affaires municipales de l'Ontario  
655 rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Télécopieur: (416) 326-5370  
Site Web: www.eltto.gov.on.ca



2013-0121 LOL

November 6, 2013

VIA: Regular Mail

The Clerk  
City of London  
P.O. Box 5035  
City Hall, 300 Dufferin Avenue  
London, ON  
N6A 4L9

City Clerk No. 3637  
Subject PL121054-39T-08502  
255 South Carriage Rd &  
1331 Hyde Park Rd -  
NOV 08 2013  
Appeal withdrawn  
Ref. EGerrits  
C.C. OMB Group  
Ref to: EG Ancient OMB Group (LN)

Subject: Case Number: PL121054  
File Number: PL121054  
Municipality: City of London  
Subdivision Number: 39T-08502  
Property Location: 255 South Carriage Rd. & 1331 Hyde Park Rd.  
Applicant(s): Kenmore Homes (London) Inc.  
Appellant(s): Sydenham Investments Inc.

Subsection 51(51) of the *Planning Act* provides;  
  
(51) If all appeals under subsection (39) or (48) are withdrawn and the time for appealing has expired or if all appeals under subsection (43) are withdrawn, the secretary of the Municipal Board shall notify the approval authority and the decision of the approval authority shall be deemed to have been made on the day after the day all appeals have been withdrawn, subject to any other right of appeal that may be exercised under this section and subject to subsection (44).

I am writing to advise that the appeal by Sydenham Investments Inc. was withdrawn by letter dated September 13, 2013.

There are no outstanding appeals in this matter, and our file is closed.

Yours truly,

For JOANNE HAYES  
SECRETARY

c.c.  
Sydenham Investments Inc.