

Economic and Development Services Committee – March 4, 2024

Refund Request for Draft Plan of Subdivision S-O-2023-01, 20-24 Beatrice Street West, Build Up Real Development Co Oshawa Inc. (Ward 2) (File: S-O-2023-01)

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

Whereas, Build Up Real Development Co Oshawa Inc. (the “Applicant”) is advancing an application for site plan approval (File: SPA-2022-18) for the lands municipally known as 20 and 24 Beatrice Street West to facilitate the development of six (6) semi-detached dwellings and a twenty (20) unit apartment building (stacked townhouses); and,

Whereas, the Applicant has also submitted an application for a proposed draft plan of subdivision (File: S-O-2023-01) to create three (3) blocks, consisting of one (1) block for the proposed apartment building, one (1) block for the proposed semi-detached dwellings and a road widening block; and,

Whereas, the proposed draft plan of subdivision application was submitted to facilitate a future application for a common elements draft plan of condominium, allowing the future Parcels of Tied Land (P.O.T.L.s) associated with the semi-detached dwellings to be created utilizing the removal of part lot control process; and,

Whereas, a public meeting has not been held for the proposed draft plan of subdivision; and,

Whereas, the Applicant is now proposing to advance the development as a standard condominium instead of the originally proposed common elements condominium, negating the need for the proposed draft plan of subdivision; and,

Whereas, the Applicant has decided to withdraw the draft plan of subdivision application and has requested a 75% refund of the draft plan of subdivision application fees in accordance with the letter forming Attachment 1 to this resolution; and,

Whereas, the City does not have a refund policy for draft plan of subdivision applications; and,

Whereas, the City’s refund policy for zoning by-law amendment applications would permit the refund of 50% of a zoning by-law amendment application fee where an application is withdrawn prior to notification of a public meeting being held;

Therefore, be it resolved that pursuant to Item ED-24-33, dated February 28, 2024, the Director of Planning Services be authorized to refund 50% of the application fees submitted by Build Up Real Development Co Oshawa Inc. for draft plan of subdivision S-O-2023-01.



February 8, 2024

Economic Development Services Committee
City of Oshawa
50 Centre St S
Oshawa, ON
L1H 3Z7

**20 & 24 Beatrice Street West, Oshawa
Request of Refund – Draft Plan of Subdivision Application**

Dear Committee Members,

Our client, Build Up Real Development Co Oshawa Inc., is currently pursuing an application for Site Plan Approval (SPA), initially submitted June 8, 2022, to facilitate the development of six semi-detached dwelling units and a 20 unit stacked townhouse block at their property municipally known as 20 & 24 Beatrice Street West, in the City of Oshawa. As of the date of this letter, our client is awaiting comments from the City and Agencies related to a fourth submission made on December 21, 2023. On January 24, 2024, approval was received from the City of Oshawa Committee of Adjustment for minor variances proposed within the SPA application.

On January 23, 2023 a Draft Plan of Subdivision (DPS) Application was submitted to the City of Oshawa, to be processed concurrently with the SPA application. This proposed subdivision would establish two blocks for future development: Block 1 for the semi-detached units and Block 2 for the stacked townhouse units. An easement would be required for the shared driveway. A future Common Elements Condominium Application was intended to be submitted once the site plan and subdivision applications were well-advanced in the process. The condominium application would have identified the common elements such as private roads, waste management, communal amenity area. Following the Common Elements Condominium Application, a future Part Lot Control exemption process would facilitate 6 semi-detached lots on 20 Beatrice Street West (Block 1), and the approach with the stacked townhouse block would be to file for a standard condominium application for 24 Beatrice Street West (Block 2).

As the development process advanced, it was determined that the DPS application as proposed was not the preferred approach for the proposed development and a Plan of Standard Condominium would instead be pursued, for the following reasons:

- All stacked townhouse units and semi-detached units will be part of the same condominium corporation, contributing and benefiting from the shared services on the subject lands (private waste management, shared driveway access, etc).
- No easements will be required for shared driveway access, as this will be a common elements portion for the entire development.

- No Parcels of Tied Lands (POTL) will be required to facilitate the interface between subdivided units and the common elements portions.

On June 16, 2023 the first and only round of comments were received regarding the DPS application. Since that date, it is our understanding that City Staff have not dedicated any further resources towards the processing of the application as there have been no further submissions related to the subdivision. Further, as the DPS application was processed concurrently with the SPA application, several comments received related to the SPA application were duplicates from the DPS application.

This letter is to respectfully request a partial refund of planning fees related to the DPS application. A fee of \$38,400 was paid with the application. The processing of the DPS application was effectively paused following the first round of comments in June 2023. For this reason, we are requesting that 75% (\$28,800) of the previously submitted DPS application fee be refunded. Refund of these fees will not impact the concurrent SPA application which is anticipated to receive final approval early 2024.

If you have any questions, please do not hesitate to contact the undersigned.



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