



THE CORPORATION OF THE
TOWN OF MIDLAND

**NOTICE OF DECISION WITH RESPECT TO A DRAFT
PLAN OF CONDOMINIUM UNDER SECTION 51(37)
OF THE *PLANNING ACT***

Applicant: Coland Developments Inc **Date of Decision: March 20, 2024**
File No: CD-T-0123 **Date of Notice: April 8, 2024**
Subject Lands: 710 Balm Beach Road
Related Applications: Zoning By-law Amendment File No. ZBA-04-23
Last Date of Appeal: April 28, 2024

Draft Plan of Condominium approval has been granted by the Town of Midland for the above-noted property. The Draft Plan of Condominium is to permit a standard condominium to facilitate the creation of individual ownership of the following:

- 28 office units
- 18 office/medical units
- 21 commercial retail units
- 68 residential units
- 77 dedicated and deeded parking spaces
- 4 units related to a daycare use

Draft Plan approval is subject to 22 conditions as per attached.

Explanation of the Effect Written and Oral Submissions Had On The Decision:

All written submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

When and How to File an Appeal

Notice to appeal the decision to the Ontario Land Tribunal must be filed no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the person and address shown below and it must:

- (1) set out the reasons for the appeal; and
- (2) be accompanied by the fee prescribed under the *Ontario Land Tribunal Act* in the amount of \$400.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Contact for Appeal: Sherri Edgar, Clerk
Town of Midland
575 Dominion Avenue
Midland, Ontario L4R 1R2

Who Can File An Appeal?

As per section 51(39), and subject to subsection 51(43), of the Planning Act, only specified persons, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the OLT. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group on its behalf. No person or public body is entitled to appeal the decision of the Town of Midland Council nor shall they be added as a party to the hearing of the appeal of the decision of the Council, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the Council, made oral submissions at a public meeting or written submissions to the Town of Midland, or made a written request to be notified of changes to the conditions or, in the OLT's opinion, there are reasonable grounds to add the person or public body as a party.

* as per section 1(1) of the Planning Act, "specified person" means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply;

How to Receive Notice of Changed Conditions

The conditions of an approval of draft plan of condominium may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions through the Town Clerk.

Right of Applicant or Public Body to Appeal Conditions

As per section 51 (43) of the Planning Act, the following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Tribunal by filing an appeal with the Town of Midland: the applicant; any public body or a specified person, that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

Getting Additional Information

Additional Information about the application is available for public inspection during the regular office hours at the Town of Midland Department of Planning Services at the address noted above.

Dated this 8th day of April, 2024.

A handwritten signature in black ink, appearing to read 'T. Wierzba', written in a cursive style.

Tomasz Wierzba
Manager of Planning Services

Attachment: Conditions of Draft Approval