

File #: OPA 2023-002

Date of Decision: April 24, 2024

Related File(s): N/A

Date of Notice: April 25, 2024

Subject Lands: 4854 Concession Road 5
Part Lot 1, Concession 5,
Municipality of Clarington

Last Date of Appeal: May 15, 2024

The Regional Municipality of Durham

Notice of Adoption

With Respect to Amendment #198 to the Durham Regional Official Plan
Section 17(23) of the Planning Act

Purpose and Effect of the Requested Official Plan Amendment

The purpose and effect of this Amendment is to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels on lands designated as “Prime Agricultural Areas”.

The Amendment and background materials are available for inspection at the Regional Planning and Economic Development Department, Regional Municipality of Durham, 605 Rossland Road East, Fourth Floor, P.O. Box 623, Whitby, Ontario, Monday to Friday between 8:00 a.m. and 5:00 p.m.

Related Planning Act Files

N/A

Written and Oral Submissions

Public consultation on the application was undertaken in accordance with the requirements of the Planning Act. The Region received no inquiry on the application. Further details regarding how the public input was considered is available in Commissioner’s Report #2024-P-8 and in the Planning and Economic Committee minutes dated April 4, 2023.

Decision of Regional Council

The Council of the Regional Municipality of Durham adopted Amendment #198 to the Durham Regional Official Plan by By-law #2024-018, on April 24, 2024.

When and How to File a Notice of Appeal

The last day for filing a notice of appeal is **May 15, 2024** (20 days after the day notice is given). Notice to appeal the decision to the Ontario Land Tribunal must:

- 1) be filed with the Regional Clerk at the following address:

Alexander Harras, Regional Clerk
The Regional Municipality of Durham
Corporate Services Department - Legislative Services Division
605 Rossland Road East, Level 1
P.O. Box 623
Whitby, ON L1N 6A3

- 2) set out the reasons for the appeal, and the specific part of the proposed official plan or plan amendment to which the appeal applies; and
- 3) be accompanied by the fee of \$1,100 in the form of a certified cheque or money order payable to the Minister of Finance, as required by the Ontario Land Tribunal.

This proposed Official Plan Amendment is exempt from approval by the Minister of Municipal Affairs and Housing. The decision of the Council of the Regional Municipality of Durham is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Only individuals, corporations or public bodies may appeal a decision of the municipality to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.



Regional Clerk

Amendment #198 to the Regional Official Plan

Purpose and Effect: The purpose and effect of this Amendment is to permit the severance of a dwelling rendered surplus as a result of the consolidation on non-abutting farm parcels on lands designated as “Prime Agricultural Areas”.

Location: The subject site is located on the north side of Concession Road 5, west side of East Townline Road. The property is municipally known as 4854 Concession Road 5 and is part of Lot 1, Concession 5 in the Municipality of Clarington.

Basis: The residential dwelling on the subject site is not required by and is surplus to the farm operation. The amendment conforms with the Durham Regional Official Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

Amendment (current Regional Official Plan – 2020 Consolidation):

The Durham Regional Official Plan is hereby amended by adding the following policy exception to section 9A.3.2:

“9A.3.2 (iii) A surplus farm dwelling rendered surplus from the parcel identified as Assessment No. 18-17-030-080-13500 located in Part of Lot 1, Concession 5 in the Municipality of Clarington, subject to the inclusion of the provisions in the zoning by-law to prohibit the construction of any new dwelling on the retained parcel; and the use of the existing barn for housing livestock. In accordance with Provincial and Regional policies, no further severances of the property are permitted.”

Implementation: The provisions set forth in the Durham Regional Official Plan regarding the implementation of the Plan shall apply in regards to this Amendment.

Interpretation: The provisions set forth in the Durham Regional Official Plan regarding the interpretation of the Plan shall apply in regards to this Amendment.