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## **REQUESTED CHANGE TO CONDITION #4**

10 Birch Avenue  
D13-052-2024

14 November 2024

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### Submission to Committee of Adjustment

On behalf of the owner, we are submitting a request to amend Condition #4 which is attached to the proposed Notice of Decision. This Condition relates to the archaeological clearance of the subject property.

Although the owner does not dispute the general requirement to complete an archaeological assessment of the subject property, a minor change to the wording of the Condition is requested to allow a building permit to be issued for a portion of the project in advance of full clearance from the Ministry respecting archaeological potential.

The current wording does not allow any building permit to be issued for the property, regardless of whether ground disturbance is proposed. This, in our opinion, is overly onerous as the main aspect of the project is to construct an additional storey on the existing footprint of the building. Additionally, the existing wording would restrict any building permit to issued, even for instance for a minor plumbing modification internal to the building and unconnected with the application.

The proposed modified wording of the Condition would allow a building permit to be issued on the subject property if the extent of the works included within the permit do not result in any ground disturbance. The proposed Condition would still require the Ministry's clearance in advance of any permit that allows ground disturbance to occur.

Below are the proposed Condition changes.

## Current wording of Condition #4

### 4. Standard Archaeological Condition

Archaeological clearance of the subject property is required, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry's 'Standards and Guidelines for Consultant Archaeologists', as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the building permit.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

## Recommended Changes to Condition #4

### 4. Standard Archaeological Condition

Archaeological clearance of the subject property is required **if ground disturbance is proposed**, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry's 'Standards and Guidelines for Consultant Archaeologists', as amended from time to time, prior to any soil disturbance.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of ~~the~~ a building permit **related to any structures/building associated with the ground disturbance**.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

**If no new ground disturbance is proposed, archaeological clearance of the property is not required.**