

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



CORRECTION NOTICE

OLT CASE NO(S): OLT-23-000442

DECISION ISSUE DATE(S): January 23, 2024

CORRECTION NOTICE ISSUE DATE: February 07, 2024

RE: 2823030 Ontario Inc. v. Cambridge (City)

Correction to: The Title of Proceeding on page 2 to correctly identify Ms. Auty as Counsel and not Representative.

Originally: Corrected to:

Counsel/Representative*

Counsel

Nicole Auty*

Nicole Auty

“Euken Lui”

**EUKEN LUI
REGISTRAR**

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 23, 2024

CASE NO(S): OLT-23-000442

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: 2823030 Ontario Inc.
Subject: Failure of Approval Authority to announce a decision respecting a Proposed Official Plan Amendment
Description: To permit the development of three two-storey townhouse units
Reference Number: OR13/22
Property Address: 157 Tiffany Street
Municipality/UT: Cambridge/Waterloo
OLT Case No: OLT-23-000442
OLT Lead Case No: OLT-23-000442
OLT Case Name: 2823030 Ontario Inc. v. Cambridge (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: 2823030 Ontario Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of three two-storey townhouse units
Reference Number: OR13/22
Property Address: 157 Tiffany Street
Municipality/UT: Cambridge/Waterloo
OLT Case No: OLT-23-000443
OLT Lead Case No: OLT-23-000442

Heard: December 6, 2023 by Video Hearing

APPEARANCES:**Parties****Counsel/Representative***

2823030 Ontario Inc.

Jessica De Marinis
Jennifer Meader ("*in absentia*")

City of Cambridge

Nicole Auty*

**MEMORANDUM OF A DECISION DELIVERED BY GREGORY J. INGRAM ON
DECEMBER 6, 2023 AND ORDER OF THE TRIBUNAL**

[Link to Final Order](#)**INTRODUCTION AND BACKGROUND**

[1] The matter before the Tribunal concerns two appeals filed by 2823030 Ontario Inc. ("Appellant") pursuant to s. 17(40) and s. 34(11) of the *Planning Act* as amended ("Act"), against the City of Cambridge ("City") for failure to decide on an application for an Official Plan Amendment ("OPA") and an application to amend the Zoning By-law ("ZBA") within the timeframe prescribed by the Act.

[2] The OPA and ZBA affect the lands known municipally as 157 Tiffany Street ("Subject Property") and will facilitate the development of the Subject Lands with three street-facing, two-storey townhouse units.

[3] The Subject Property is located in what is known as the Preston community area of the City of Cambridge. The 470-square-metre ("m²") lot was created as a result of a severance application approved by the City of Cambridge Committee of Adjustment in 2022.

[4] The area surrounding the Subject Property includes a mix of housing types, schools, parkland, transit services, commercial uses, and roadways that connect to the broader region.

[5] The OPA requests a Special Policy Area for the Subject Property to permit an increase in the maximum permitted density from 40 units per hectare to 64 units per hectare.

[6] The ZBA requests a change to Zoning By-law No. 150-85 from Low-Density Residential – R4 to Medium-Density Residential – RM1, which would permit townhomes. The ZBA would also permit a reduction in rear yard setbacks.

[7] The proposed amendments were submitted to the City in November 2022, deemed complete in December 2022, and a public meeting was held in February 2023. The staff report (Exhibit 2, page 69) provided to City Council indicated that residential development on the vacant property provides gentle intensification within an existing low-density neighbourhood and that the proposal supports the Region and City's objective of directing 45 percent of new development to the Built-Up Area.

[8] The Appellant appealed to the Tribunal in April 2023, and a CMC was held in October 2023, where the Appellant indicated that they were involved with ongoing discussions with the City and that a settlement in principle had been reached.

[9] The Tribunal granted Participant Status to Lynn Knowles at the first CMC, who expressed concerns about privacy, parking, lot density, traffic flow, and visibility.

[10] A Minutes of Settlement ("MOS") document was submitted to the Tribunal on November 29, 2023 (Exhibit 1) by the Parties, which requested that the Settlement Proposal be heard.

[11] In accordance with Rule 12 of the *Tribunal's Rules of Practice and Procedure*, the Tribunal convened these proceedings as a hearing on the terms of the Settlement Proposal.

SETTLEMENT PROPOSAL

[12] The MOS agreed to by the Parties will allow for the construction of three street-fronting townhouse units, each with its own individual driveway, garage, and rear yard.

[13] To facilitate the proposed development, the Parties agreed that an OPA would be supported to permit a maximum density of 65 units per hectare on the Subject Property and that By-law No. 150-85 would be amended to reflect the following for the Subject Property:

- a. Changing the zoning designation to Medium High-Density Residential (RM1) from Low-Density Residential (R4).
- b. A minimum rear yard setback of 4.5 metres (“m”) for a linear attached one-family dwelling (row house), which is a 1 m reduction from R4 zoning.

[14] A Landscape Plan is also agreed to in the MOS, which requires the installation of brick on the front façade and the inclusion of a driveway, garage, and rear yard space for each dwelling. The MOS indicates that these additions will ensure sufficient parking for each unit, provide rear yard amenity areas, require appropriate landscaping within the front yards, and enhance the appearance of the development with the use of brick on the façade.

LEGISLATIVE CONTEXT

[15] The issues that the Tribunal must address when adjudicating an OPA and ZBA appeal are whether the proposed instruments:

- a) Are consistent with the Provincial Policy Statement, 2020 (“PPS”);
- b) Conform with applicable provincial plans (in this case, the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”));

- c) Conform with applicable official plans and the zoning by-law for the City of Cambridge, and;
- d) Represent good planning.

[16] The Tribunal must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* and have regard to the information and materials that the City Council received concerning the matters under s. 2.1(2) of the *Planning Act*.

EVIDENCE

[17] The Tribunal qualified Trevor Hawkins, a Registered Professional Planner, to provide opinion evidence in land use planning. Mr. Hawkins prepared an Affidavit in support of the Settlement Proposal, which was filed as Exhibit 2. A Context Plan (Exhibit 3), COP Map Figure 5 (Exhibit 4), and COP Map Figure 6 (Exhibit 5) were also entered and used in combination with his written Affidavit.

[18] By way of an opening comment, Mr. Hawkins proffered that the Subject Property is well suited for the proposed development and opines that it fits with the development in the surrounding area given the mixture of housing types and access to commercial and recreational opportunities. He also opined that the active transportation routes and nearby public transit further enhance the benefits of this proposal.

[19] Regarding Section 2 of the Planning Act, Mr. Hawkins provided a detailed review of each subsection and opined that the proposal has regard for all relevant parts of this legislation. In particular, he referred to the use of existing infrastructure and its compatibility with low-rise residential development through its height and front-facing design using traditional building materials.

[20] Mr. Hawkins proffered that the Settlement Proposal is consistent with the Provincial Policy Statement, 2020 (“PPS”) and specifically represents an appropriate form of residential intensification within a Settlement Area. The Subject Property is strategically

located within close walking distance of several commercial and educational establishments. He proffered that the location promotes energy efficiency with its access to the cycling infrastructure and sidewalk networks.

[21] Regarding the Growth Plan, Mr. Hawkins told the Tribunal that the proposed development is within a Delineated Built-Up Area identified in the Growth Plan, which states that a “minimum of 50 percent of all annual residential development will be built within this area.”

[22] Mr. Hawkins opined that the proposal conforms with the Region of Waterloo Official Plan (“ROP”). In particular, he referred to Policy 2.D.1 and proffered that the development contributes to the creation of complete communities by broadening the housing choices in the area, does not impact any existing natural or cultural heritage resources, and respects the scale, physical character, and context of the surrounding neighbourhood.

[23] In consideration of the COP, Mr. Hawkins said that the Subject Property is in an area targeted for intensification and directed the Tribunal to Section 2.6.1.6, which outlines the criteria for intensification. He opined that the proposed development would result in “context-sensitive intensification,” as the row housing will contribute to the range of housing in the City while supporting the use of existing parks, schools and transit.

[24] Mr. Hawkin’s also referred the Tribunal to Policy 2.8.2.3 and 2.8.2.6, which describe where and the type of housing that should occur in the Tiffany Street area. He opined that the proposed OPA meets the intent of these policies as it permits minor intensification of a vacant lot with a compatible low-rise design. Mr. Hawkin’s proffered that the proposed development does not represent high-density development’ as defined in the COP, yet he assessed the development against the criteria set out in Policy 8.4.6.8 and opined that the proposal meets these standards.

[25] Regarding the proposed ZBA, Mr. Hawkins opined that the proposed amendments support the building planned for the Subject Property in that it permits a “Medium High Density Residential” – RM1 zone, with a site-specific provision to permit a rear yard with a

minimum depth of 4.5m. Mr. Hawkins described the townhomes as low-rise and proffered that the lots are much wider than typical townhome lots. He also referred the Tribunal to other townhome developments near the subject property and opined that the height is similar to many dwellings in the area.

[26] Mr. Hawkins concluded that the Settlement Proposal conforms with all legislative requirements and contributes to the range of housing available in the City while also being compatible with single and semi-detached dwellings. He endorsed and recommended approval of the proposed OPA and ZBA included in the MOS.

[27] The Parties, through their respective Counsel, confirmed that they support the Settlement and requested that the Tribunal approve the planning documents provided with the MOS.

ANALYSIS AND FINDINGS

[28] The Tribunal accepts the uncontested planning evidence and opinions of Mr. Hawkins in support of the OPA and ZBA to facilitate the residential development of the subject lands in the manner proposed.

[29] The Tribunal is satisfied that the proposed OPA and ZBA facilitate orderly residential development on vacant lands within an area that contemplates a range and mix of housing types and forms. The development proposal makes efficient use of vacant lands while utilizing existing and available municipal servicing infrastructure.

[30] The Tribunal finds that the development proposal is consistent with the land use planning policy directives of the Province and conforms to the policy intent of the ROP and the COP. The proposal, as implemented by the OPA and ZBA, represents good land use planning and is in the public interest.

[31] The Tribunal accepts the analysis and explanations provided by Mr. Hawkins related to the concerns raised by the Participant. In addition, the inclusion of a detailed

Landscape Plan in the MOS enhances the proposed development while the normal building permit approval processes will also address concerns raised.

[32] Since the conclusion of the hearing held by the Tribunal, and before the issuance of this decision, the Tribunal reached out to the Parties to seek input if the passing of Bill 150, *Planning Statute Law Amendment Act, 2023*, which enacts the Official Plan Adjustments Act, 2023 (“OPAA”), which received Royal Assent on December 6, 2023, had any impacts on the potential outcome of this matter. Counsel for the 2823030 Ontario Inc. responded to the Tribunal and copied the other Parties indicating that Bill 150 does not impact the matter that was heard.

[33] The Tribunal allows the appeals and approves the OPA and ZBA in accordance with the MOS and the draft instruments included in Tribunal Exhibit 1.

ORDER

[34] **THE TRIBUNAL ORDERS THAT:**

1. The Appeals are allowed in part, and the proposed Official Plan Amendment and Zoning By-law Amendments attached hereto as Appendix 1 and 2, respectively, and forming part of this Order, are approved. The Conceptual Landscape Plan is approved and attached hereto as Appendix 3.

“Gregory J. Ingram”

GREGORY J. INGRAM
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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APPENDIX 1

SCHEDULE A

OFFICIAL PLAN AMENDMENT

AMENDMENT NO. XX TO THE OFFICIAL PLAN
OF THE CITY OF CAMBRIDGE

PART A - The Preamble does not constitute part of this amendment.

PART B - The Amendment, consisting of the explanatory text and amending schedule constitutes Amendment No. XX of the Official Plan of the City of Cambridge.

PART A – THE PREAMBLE**LOCATION:**

157 Tiffany Street (the “Lands”).

PURPOSE:

To apply a Site-Specific Policy to the Lands to permit a maximum density of 65 units per hectare.

BASIS:

The basis of the amendment is to permit the development of three (3) linear townhomes.

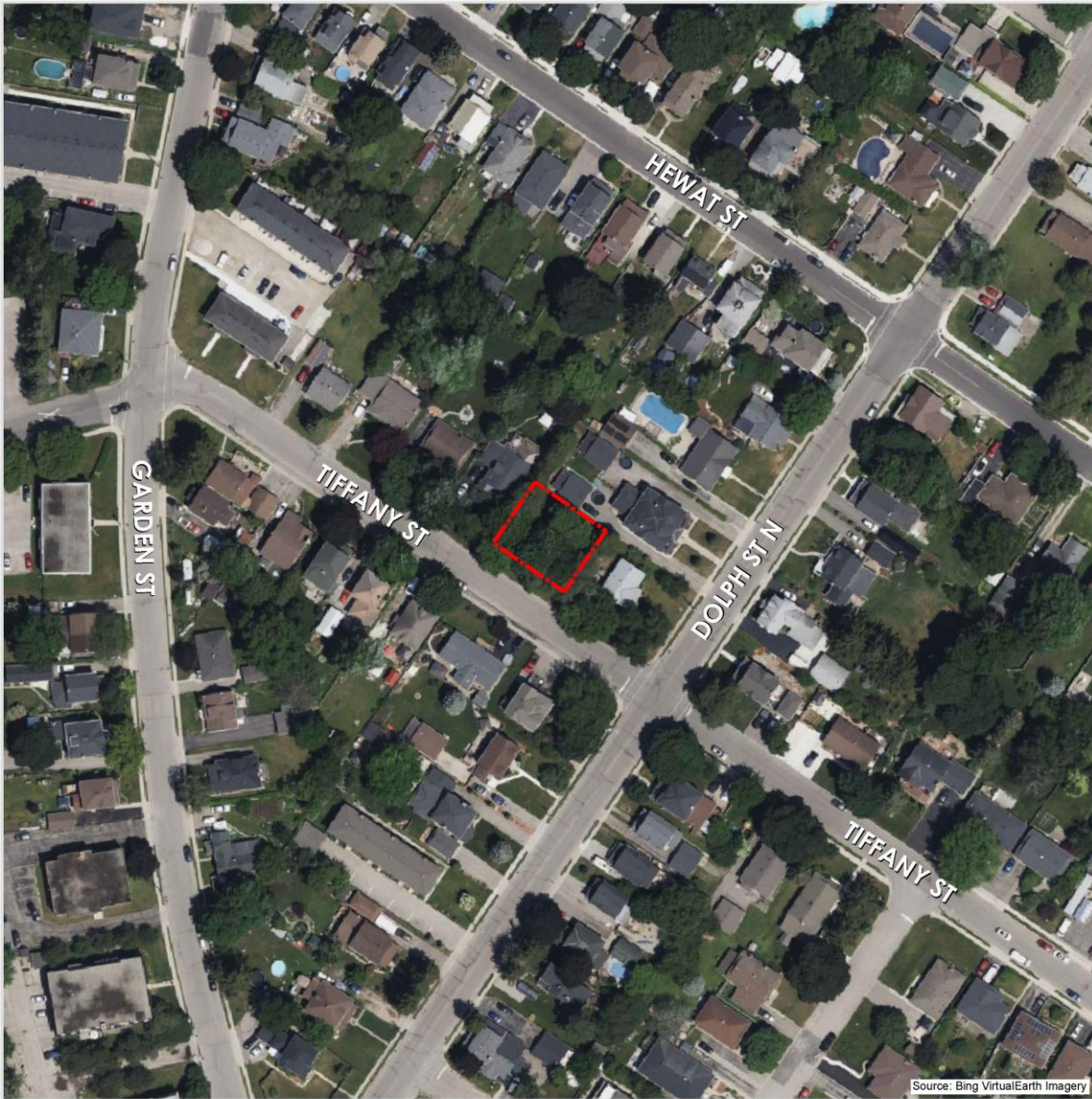
PART B – THE AMENDMENT

All of this part of the document entitled PART B – THE AMENDMENT consisting of the following explanatory text, referred to as “Details of the Amendment”, constitutes Amendment No. XX to the Official Plan of the City of Cambridge.

DETAILS OF THE AMENDMENT

The Official Plan of the City of Cambridge is hereby amended as follows:


1. That notwithstanding the residential density provisions of Policy 8.4.6.3, the lands at 157 Tiffany Street, designated on Map 2 as Low/Medium Density Residential and more particularly shown as the subject lands on Schedule A attached hereto, will be permitted to develop at a maximum density of 65 units per hectare.



Source: Bing VirtualEarth Imagery

**Schedule A to
Official Plan
Amendment No. XX
157 Tiffany Street**

LEGEND

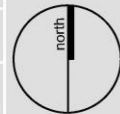
 Lands Subject to Site Specific Policy 8.10.XX

DATE: October 5, 2023

SCALE: 1:1,500

FILE: 21499A

DRAWN: LC



K:\21499A - 606 DOLPH ST, CAMBRIDGE\PTLOCATION.DWG

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Appendix 2

SCHEDULE 'B'

Zoning By-law Amendment

BY-LAW NO
of the
CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the City of Cambridge to amend the City of Cambridge Zoning By-Law pursuant to section 34 of the Planning Act (R.S.O 1990, c. P. 13, as amended) in respect of 157 Tiffany Street, City of Cambridge, Region of Waterloo

WHEREAS the City of Cambridge Official Plan provides for the lands affected by the by-law to be zoned as set forth in this by-law;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE enacts as follows:

1. THAT the City of Cambridge Zoning By-Law, being Schedule A to By-law No. 150-85, is hereby amended by changing the zoning classification of the lands shown outlined by a heavy red line on Schedule A here attached from Low Density Residential (R4) to Medium High Density Residential (RM1);
2. THAT the City of Cambridge Zoning By-Law, being Schedule A to By-law No. 150-85, is hereby further amended by adding the notation "(s.4.1.x)" to the RM1 zone symbol;
3. AND FURTHER THAT the aforesaid City of Cambridge Zoning By-Law, as amended, is hereby further amended by adding the following subsection to section 4.1 thereof:

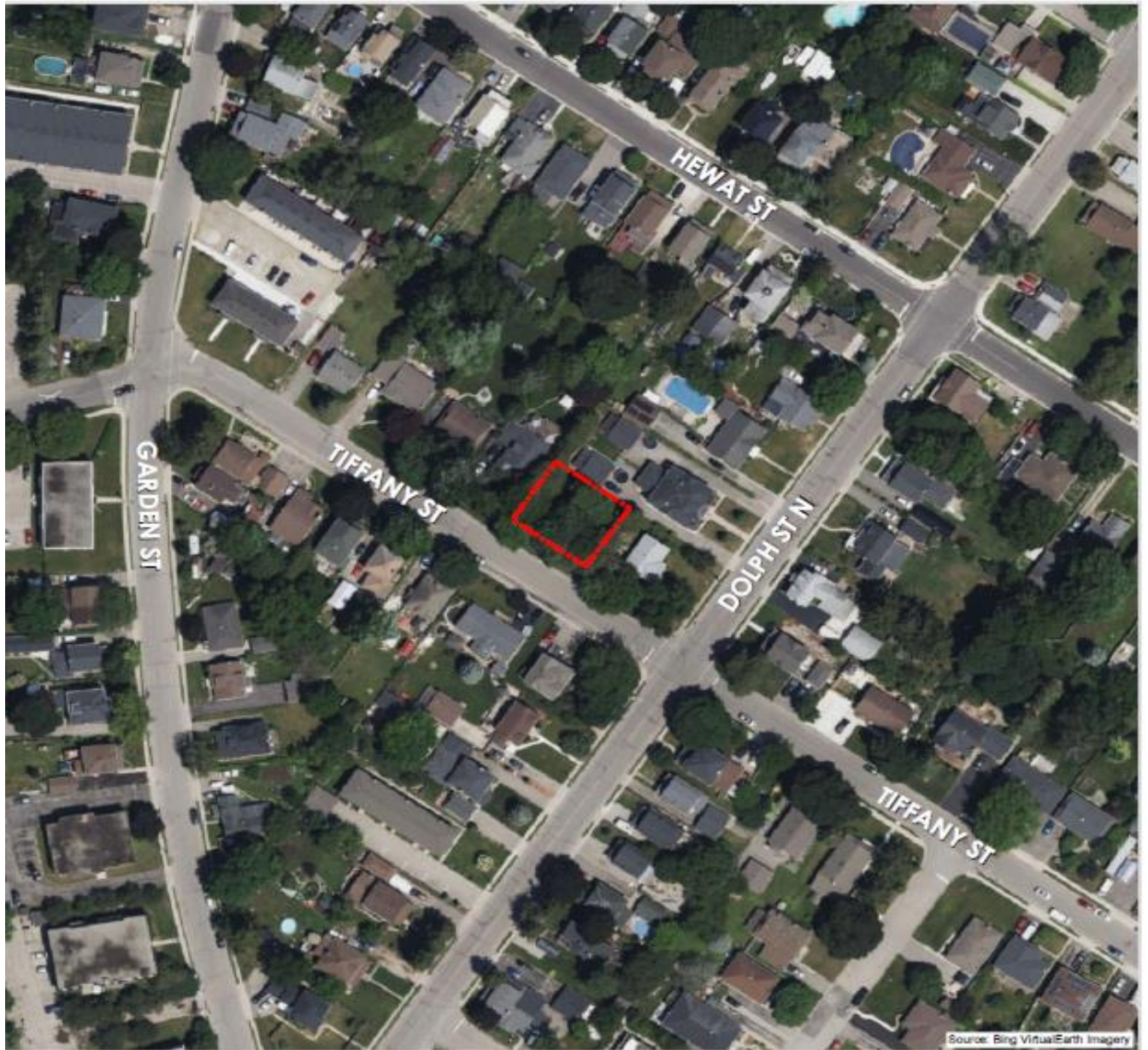
"4.1.x 157 Tiffany Street

1. That notwithstanding anything to the contrary, the minimum required rear yard for a linear attached one-family dwelling (row house) shall be 4.5 metres.
2. That notwithstanding anything to the contrary, the maximum permitted density shall be 65 units per hectare.

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED this ____ day of _____, A.D. 20

MAYOR

CLERK



**Schedule A to
Official Plan
Amendment No. XX
157 Tiffany Street**

LEGEND

 Lands Subject to Site Specific Policy 8.10.XX

DATE: October 5, 2023

SCALE: 1:1,500

FILE: 21492A

DRAWN: LC



K:\21492A\1-2023\08-DOLPH ST CAMBERIDGE\PROJECT\LOCATION.DWG

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

200 S&D BINGHAM CENTRE DR. RICHMOND, ON, N9B 3W7
P: 519.276.2650 F: 519.274.0125 | WWW.MHBCPLAN.COM

APPENDIX 3

SCHEDULE 'C'

Conceptual Landscape Plan

PLANT SCHEDULE						
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
DECIDUOUS TREES						
	Ca	2	CARPINUS JAPONICA	JAPANESE HORNBEAM	50MM CAL.	WR.
	Ua	1	ULMUS X MORIFOLIA	ACCOLADE™ ELM	50MM CAL.	WR.
DECIDUOUS SHRUBS						
	Ca	3	CORNUS ALBA 'SPICEBERRY'	SPICEBERRY	1 GAL.	POT.
EVERGREEN SHRUBS						
	15	1	BIUNUS MICROPHYLLA 'FERROUS'	GOLDEN DREAM LITTLE LEAF BOXWOOD	1 GAL.	POT.
GRASSES						
	Hb	24	HAWKBIT (CLOVER)	BERKSHIRE JAPANESE FOREST GRASS	1 GAL.	POT.
	Hb	18	PORELLA (CLOVER)	LUMEN GOLD™ DANNY FOUR SEAM GRASS	1 GAL.	POT.

Legal Description
 LOT 20 PL 524
 CITY OF CAMBRIDGE
 REGIONAL MUNICIPALITY OF WATERLOO

Site Plan

 NOT TO SCALE

Legend

- PROPOSED TREES (WR)
- PROPOSED SHRUBS (WR)
- PROPOSED GRASS (WR)
- PROPOSED SOCCER FIELD (WR)

Rev.	Date	Revised/Revision	By
1			
2	NOV 14, 2023	ISSUED FOR REVIEW	BT
3	OCT 10, 2023	ISSUED FOR REVIEW	BT

MHBC
 PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

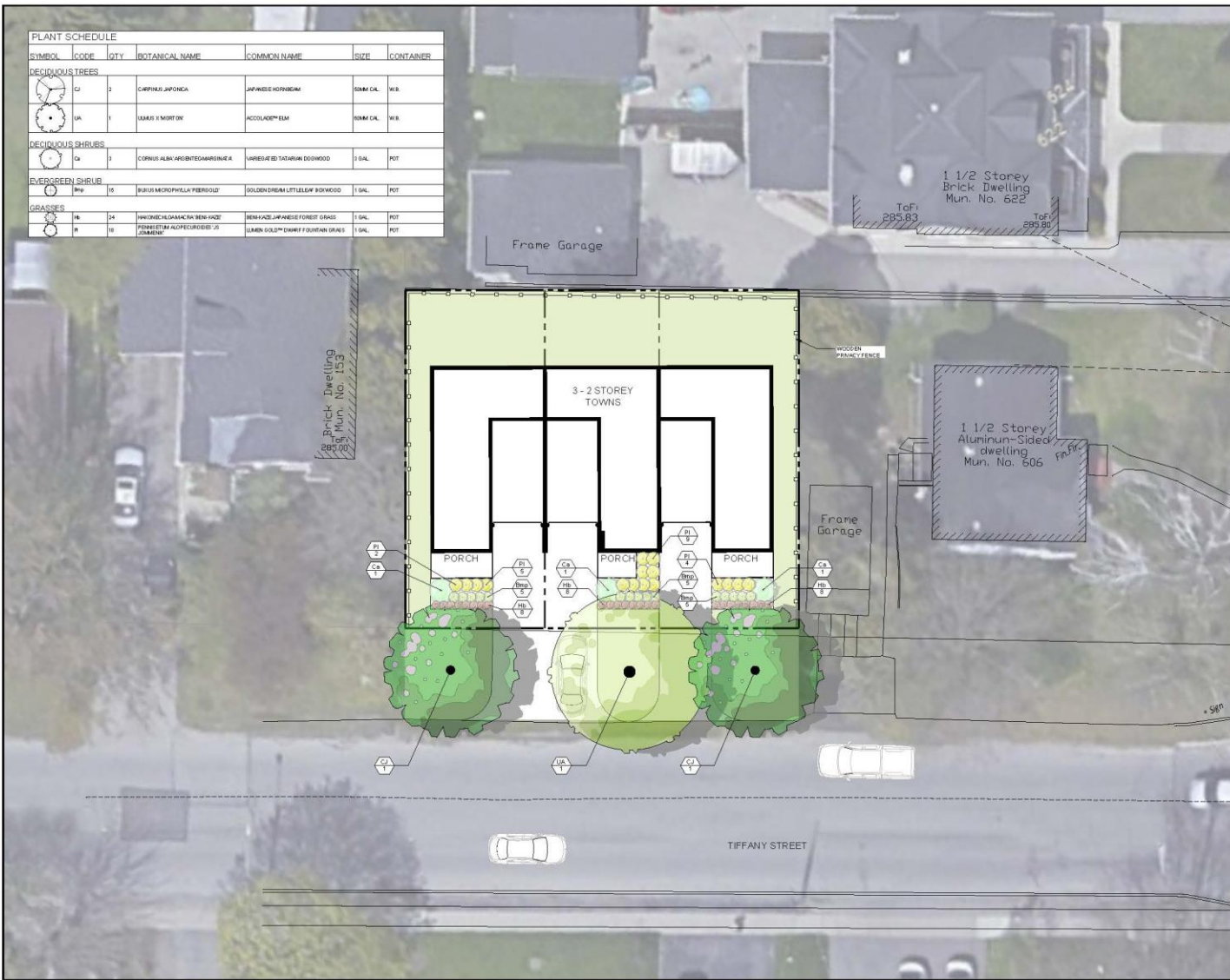
157 Tiffany St
 Cambridge, Ontario

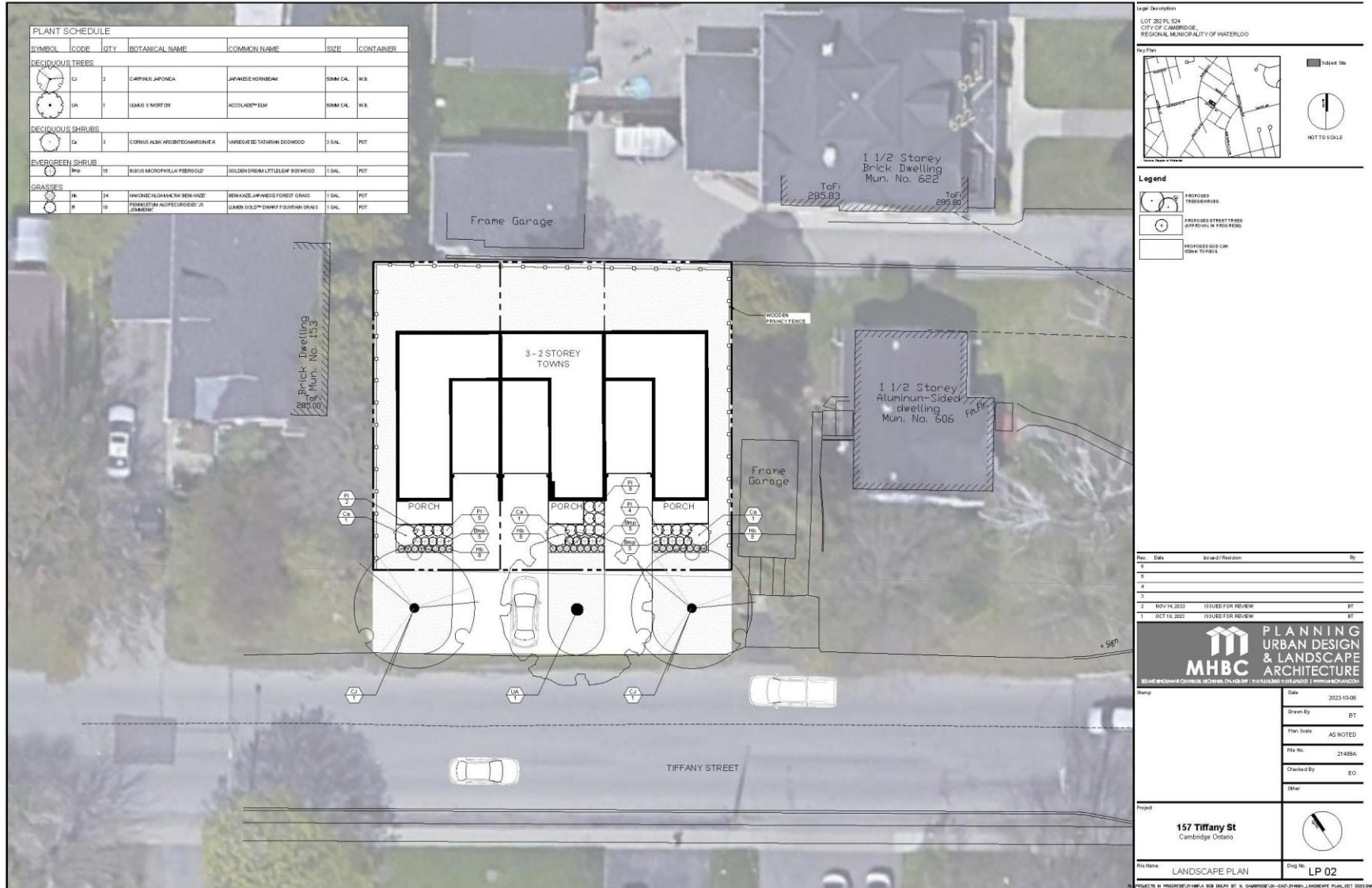
Drawn By	BT
Plan Scale	AS NOTED
File No.	21489A
Checked By	EO
Other	

Project
157 Tiffany St
 Cambridge, Ontario

File Name
 LANDSCAPE PLAN

Draw No.
 LP 01





Legal Description
 LOT 20 PL 524
 CITY OF CAMBRIDGE
 REGIONAL MUNICIPALITY OF WATERLOO

North Arrow

 NOT TO SCALE

Legend

- PROPOSED TREES (SHRUBS)
- PROPOSED STREET TREES (APPLICABLE IN PROPOSED)
- PROPOSED SHRUBS (OTHER THAN POT)

Revisions

Rev.	Date	Revised / Revision	By
1			
2			
3	NOV 14, 2023	ISSUED FOR REVIEW	BT
4	OCT 10, 2023	ISSUED FOR REVIEW	BT

MHBC
 PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
 2244 W. GERRARD STREET EAST, SUITE 101, SCARBOROUGH, ONTARIO M1S 4T6 | TEL: 416-291-1111 | WWW.MHBC.COM

Project
 157 Tiffany St
 Cambridge Ontario

File Name: LANDSCAPE PLAN **Draw No.**: LP 02

PROJECTS BY PROGRESSIVE DESIGN PARTNERS INC. CAMBRIDGE OFFICE: 157 TIFFANY ST. CAMBRIDGE, ONTARIO N1R 7A8