

## Ontario Land Tribunal

Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 16, 2024

**CASE NO(S):** OLT-23-001171

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Steven Andrews
Applicant:	Homestead Land Holdings Limited
Subject:	Proposed Official Plan Amendment
Description:	Proposed to develop a twenty-five-storey residential building
Reference Number:	D01-01-22-0012
Property Address:	200 Clearview Avenue
Municipality/UT:	Ottawa/Ottawa
OLT Case No:	OLT-23-001171
OLT Lead Case No:	OLT-23-001171
OLT Case Name:	Andrews v. Ottawa (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Steven Andrews
Applicant:	Homestead Land Holdings Limited
Subject:	Zoning By-law
Description:	Proposed to develop a twenty-five-storey residential building
Reference Number:	D02-02-22-0099
Property Address:	200 Clearview Avenue
Municipality/UT:	Ottawa/Ottawa
OLT Case No:	OLT-23-001172
OLT Lead Case No:	OLT-23-001171

**Heard:** July 3, 2024 by Video Hearing

**APPEARANCES:**

<b><u>Parties</u></b>	<b><u>Counsel/Representative*</u></b>
Steven Andrews (“Appellant”)	Self-Represented*
City of Ottawa (“City”)	Garett Schromm
Homestead Land Holdings Limited (“Applicant”)	Eileen P.K. Costello

**DECISION DELIVERED BY F. LAVOIE AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This Decision and Order arises from the withdrawal of the Appellant’s appeals brought pursuant to s.17(24) and s. 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, (“*Planning Act*”) in respect of Council for the City’s approval of the Applicant’s Official Plan and Zoning By-law Amendment Applications, to develop a twenty-five-storey residential building on the Applicant’s property municipally known as 200 Clearview Avenue.

**WITHDRAWAL OF THE APPEALS**

[2] The Tribunal held the first day of the three-day hearing and heard evidence from the Appellant’s first witness, Mr. Dreessen, who was qualified to provide expert opinion evidence as an architect in the field of urban design. Following Mr. Dreessen’s cross-examination, the Appellant indicated to the Tribunal that he wished to withdraw his appeals. The Tribunal directed the Appellant to email the case coordinator confirming his withdrawal in writing and adjourned the hearing. By email dated July 3, 2024, the Appellant advised the Tribunal that the appeals were withdrawn.

[3] Counsel for the Applicant and counsel for the City submitted that following a withdrawal by the Appellant, the Tribunal must notify the clerk of the municipality that Council's decision which was subject to the appeal is now final, pursuant to ss. 17(30) and 34(23.1) of the *Planning Act*, set out below:

### **Withdrawal of appeals**

- (30) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn and the time for filing appeals has expired, the Tribunal shall notify the clerk of the municipality that made the decision and,
  - (a) the decision or the part of the decision that was the subject of an appeal is final; and
  - (b) the plan or part of the plan that was adopted and in respect of which all appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn. 1996, c. 4, s. 9; [2017, c. 23](#), Sched. 5, s. 82.

### **Withdrawal of appeals**

- (23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality, and the decision of the council is final and binding. [2017, c. 23](#), Sched. 5, s. 93 (3).

[4] The Tribunal agrees. As indicated in the notice of passing for the Zoning By-Law and the notice of adoption of an Official Plan Amendment, the time for filing appeals expired on November 14, 2023. With all appeals withdrawn and the time for filing appeals expired, the Tribunal must notify the clerk that the appealed decisions are final. This requirement will be met by way of issuing a copy of this Decision to the clerk.

**ORDER**

[5] **THE TRIBUNAL ORDERS** the following:

- a. The appeals by Steven Andrews of the Zoning By-Law Amendment (“By-Law 2023-429”) and Official Plan Amendment (“OPA 16”) for the property municipally known as 200 Clearview Avenue (“Subject Lands”) are withdrawn.
- b. The decision of Council for the City of Ottawa adopting OPA 16 is final, and OPA 16 is in force and effect as of July 3, 2024.
- c. The decision of Council for the City of Ottawa passing By-Law 2023-429 is final and binding.

*“F. Lavoie”*

F. LAVOIE  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.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.