

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 3, 2025

CASE NO.: OLT-24-000183

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*.

Applicant/Appellant: College Avenue Lofts Inc. (c/o York Developments)
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of a mid-rise residential apartment
Reference Number: OZ-8693
Property Address: 193-199 College Avenue
Municipality/UT: London/Middlesex
OLT Case No: OLT-24-000183
OLT Lead Case No: OLT-24-000183
OLT Case Name: College Avenue Lofts Inc. v. London (City)

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

Applicant/Appellant: College Avenue Lofts Inc. (c/o York Developments)
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of a mid-rise residential apartment
Reference Number: OZ-8693
Property Address: 193-199 College Avenue
Municipality/UT: London/Middlesex
OLT Case No: OLT-24-000184
OLT Lead Case No: OLT-24-000183

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*

Appeal 15 – College Avenue Lofts Inc. (c/o York Developments)

Appellant: 1390226 Ontario Inc.
Appellant: 1610341 Ontario Inc.

Appellant: 1705823 Ontario Ltd. (c/o York Developments)
 Appellant: 1739626 Ontario Ltd. (c/o York Developments); and
 others
 Subject: The London Plan
 Municipality: City of London
 OLT Case No.: OLT-22-002286
 Legacy Case No.: PL170100
 OLT Lead Case No.: OLT-22-002286
 Legacy Lead Case No.: PL170100
 OLT Case Name: Lansink v. London (City)

BEFORE:

N. EISAZADEH) Monday, the 3rd day of
 MEMBER)
) February, 2025

THESE MATTERS involving appeals under subsections 22(7) and 34(11) of the *Planning Act*, R. S. O. 1990, c. P. 13, as amended, regarding the failure by the City of London to make a decision within the prescribed time period in respect of applications for an Official Plan Amendment and Zoning By-Law Amendment to facilitate the development of a mid-rise boutique condominium on four contiguous parcels of land municipally known as 193, 195, 197 and 199 College Avenue, in the City of London, hereinafter referred to as the “Subject Lands”;

AND THESE MATTERS being related to a separate appeal under s.17(34) of the *Planning Act*, R. S. O. 1990, c. P. 13, as amended, brought by the same Applicant regarding the adoption by the City of London of its 2016 Official Plan, known as The London Plan, bearing Tribunal File No.22-002286, and referred to as “Appeal No.15”;

AND THESE MATTERS having come before the Tribunal on June 10, 2024, for its first Case Management Conference wherein a request was made to have these matters consolidated together with Appeal No.15, as was endorsed by this Tribunal but inadvertently omitted from its Order issued on June 24, 2024;

AND THESE MATTERS inclusive of Appeal No.15 having come before the Tribunal for a written hearing to consider a settlement proposal proffered on consent of the Parties on January 29, 2025;

AND THE TRIBUNAL, being satisfied that Notice of the present hearing was appropriately provided to all Parties, both to these matters as well as those Party to Appeal No.15 per the direction of this Tribunal as reflected in its Memorandum of Oral Decision issued February 21, 2024, arising from the further Case Management Conference held in Appeal No.15;

AND THE TRIBUNAL, having received written confirmation dated December 23, 2024, that Steven Tanton has withdrawn the party status conferred onto him by Order of this Tribunal dated June 24, 2024;

AND THE TRIBUNAL, having received and considered the Minutes of the City of London's Council Meeting held on June 4, 2024, wherein Council resolved to endorse support for the proposed development;

AND THE TRIBUNAL, having received and considered the visual and written materials filed on consent of the Parties, including the affidavit and exhibits sworn and dated January 24, 2025, of Scott Allen, a member of the Ontario Professional Planners Institute and the Canadian Institute of Planners;

AND THE TRIBUNAL, having accepted and qualified Scott Allen's evidence as expert opinion in the area of land use planning for the purposes of this written hearing;

AND THE TRIBUNAL, having reviewed and considered the uncontroverted affidavit evidence of Scott Allen on the nature and scope of the settlement proposal, including:

1. The redevelopment of the Subject Lands to facilitate the construction of a mid-rise boutique condominium with:

- a. A maximum of 43 dwelling units;
 - b. A maximum height of six residential storeys (21 meters);
 - c. A transition in height from six-storeys along College Street down to four-storeys adjacent to the south (rear) property line;
 - d. A maximum residential density of 196 units/hectare;
 - e. A total of 51 vehicular parking spaces with additional underground bicycle parking space;
2. A request to amend The London Plan in order to permit the proposed development by way of:
 - a. Adding a policy to the Specific Policies for the Neighbourhoods Place Type of The London Plan in order to permit a maximum building height of six (6) storeys, exclusive of the mechanical penthouse and indoor rooftop amenity space;
 - b. Adding the Subject Lands to Map 7 – Specific Policy Areas of The London Plan;
3. A request to amend the Zoning By-Law in order to permit the proposed development by way of:
 - a. Amending the Schedule A zoning encompassing the Subject Lands from Residential R2 Special Provision (R2-2-7)) Zone to Residential R10 Special Provision (R10-2(_)* H23;
 - b. Applying the following site specific regulations to the proposed R10-2(_) Zone variation to be included in Section 14.4 of the Zoning By-Law:

R10-2(□) 193-199 College Avenue

a) Regulations:

- i. Front Yard Depth (Minimum) – 2.5 metres*
- ii. East Interior Side Yard Depth (Minimum) – 2.5 metres*
- iii. West Interior Side Yard Depth (Minimum) – 8.0 metres to the main building above the first storey and 1.4 metres to the parking garage*
- iv. Rear Yard Depth (Minimum) – 4.0 metres*
- v. Lot Coverage (Maximum) – 63%*
- vi. Building Height (Maximum) – 23.0 metres*
- vii. Density (Maximum) – 200 units per hectare*
- viii. Yard Encroachment for Balconies, Patios, Terraces and Canopies: unlimited, provided the projection is no closer than 4.5 metres from the western side lot line.*
- ix. Height limitations of this By-law do not apply to indoor rooftop amenity space.*
- x. Visitor parking spaces are not required within the underground parking structure.*

4. The Subject Lands being a suitable site for the proposed redevelopment and intensification for reasons that include:

- a. Its location within the Urban Area Boundary designated for residential development;
- b. Its location within a mixed-use development area within close proximity to regional health care facilities, office facilities, commercial corridors, public institutions and open space;
- c. Its location within close proximity to existing public transit systems including bus routes operating along the Richmond Street corridor providing direct connections to the City of London's downtown, major public institutions and commercial centers;

- d. Its physical size, being comprised of four contiguous parcels of land totaling approximately 2,189 meters squared, and predominantly rectangular shape;
5. The massing, orientation and articulation of the proposed development having been designed to encourage a comfortable and engaging pedestrian environment that is sensitive to the established neighbourhood character;
6. The proposed development contributing to broaden the diversity of housing options available within the St. George/Grosvenor neighbourhood;
7. Preliminary assessments indicating that adequate servicing infrastructure is available, or planned, to accommodate the proposed development;
8. A Traffic Impact Study indicating that impacts on road infrastructure are acceptable, and that safe and efficient access to the development can be provided with the implementation of recommended improvements;

AND THE TRIBUNAL, having accepted the uncontested evidence of Scott Allen finds that the proposed settlement and revised instruments giving effect thereto:

1. Have appropriate regard for matters of provincial interest under s. 2 of the *Planning Act*, in particular, optimizing the use of existing land and infrastructure within an Urban Growth Boundary and the development of safe and healthy communities through promoting compact urban form that is compatible with more intensive land uses in the area;
2. Are consistent with the *Provincial Planning Statement 2024*, by supporting intensification in underutilized sites in built-up urban areas that are well served by municipal infrastructure and higher-order transit, as well as by contributing to the diversity of housing types, and in particular, the range and mix of student-oriented housing in the St. George/Grosvenor Neighbourhood;

3. Are in conformity with the City of London's Official Plan, 1989 that was in force at the time of the initial applications, as they would facilitate the designation of residential lands at a location appropriate for medium density housing and use in a way that has regard for, and is compatible with, its surrounding neighbourhood and development context;
4. Are in conformity with the City of London's Official Plan, 2016 (The London Plan) adopted on June 23, 2016, approved with modifications on December 30, 2016, and under appeal by way of Appeal No.15, as they would facilitate the designation of a Neighbourhoods Play Type that would support redevelopment and intensification policies as a means to fully encourage intensive, transit-supportive housing forms along major transit corridors and at transit nodes;
5. Represent good planning and are in the public interest by implementing a high-quality transit-oriented residential proposal that would result in the introduction of additional housing, including diversifying the range and mix of housing types, within the area;

NOW THEREFORE:

THE TRIBUNAL ORDERS that the request for consolidation is granted and the Tribunal File No.22-002286 and Tribunal File No.24-000183 be and are hereby consolidated, in accordance with Rule 16.2 of the Tribunal's *Rules of Practice and Procedure*;

AND THE TRIBUNAL ORDERS that the appeals are allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraphs (i) to (ii) below, and the Official Plan Amendment and Zoning By-Law Amendment set out in Attachment "1" and "2" respectively to this Interim Order, are hereby approved in principle;

AND THE TRIBUNAL ORDERS that the issuance of its Final Order shall be withheld contingent upon confirmation from the City Solicitor, of satisfaction of the following pre-requisite matters:

- (i) The final form and content of the Draft Official Plan Amendment to The London Plan are to the satisfaction of the Applicant and the City; and,
- (ii) The final form and content of the Draft Zoning By-Law Amendment are to the satisfaction of the Applicant and City;

AND THE TRIBUNAL ORDERS that Counsel for the Applicant is to advise the Tribunal within 120 days of the issuance of this Order as to the Status of the final instruments, should they not yet be finalized;

AND THE TRIBUNAL ORDERS that the final draft Zoning By-Law Amendment and Official Plan Amendment is to be forwarded to the Tribunal for approval prior to the issuance of the final Order;

AND THE TRIBUNAL may be spoken to in the event of any issue arising in the implementation of this Order.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

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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.

ATTACHMENT “1”

OLT Case No.: OLT-24-000183
OLT Case No.: OLT-22-002286

Official Plan Amendment (The London Plan)

Bill No. (number to be inserted by Clerk's Office)
2025

By-law No. C.P.-XXXX-____

A by-law to amend the Official Plan, The London Plan for the City of London, 2016 relating to 193-199 College Avenue

The Ontario Land Tribunal enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is approved.
2. This Amendment shall come into effect in accordance with subsection 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13.

DRAFT

OLT Case No.: OLT-24-000183
OLT Case No.: OLT-22-002286

**AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Neighbourhoods Place Type and add the subject lands to Map 7 – Specific Policy Areas of The London Plan for the City of London Planning Area – 2016. The intent of the site-specific policy is to permit a maximum building height of six (6) storeys, exclusive of the mechanical penthouse and indoor rooftop amenity space.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 193-199 College Avenue in the City of London.

C. BASIS OF THE AMENDMENT

The amendment to The London Plan will allow for the redevelopment of the subject lands for a mid-rise apartment building that will provide an increased density to promote housing choice, increase housing supply and support transit services.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Specific Policies for the Neighbourhoods Place Type of Official Plan, The London Plan, for the City of London is amended by adding the following:

() 193-199 College Avenue

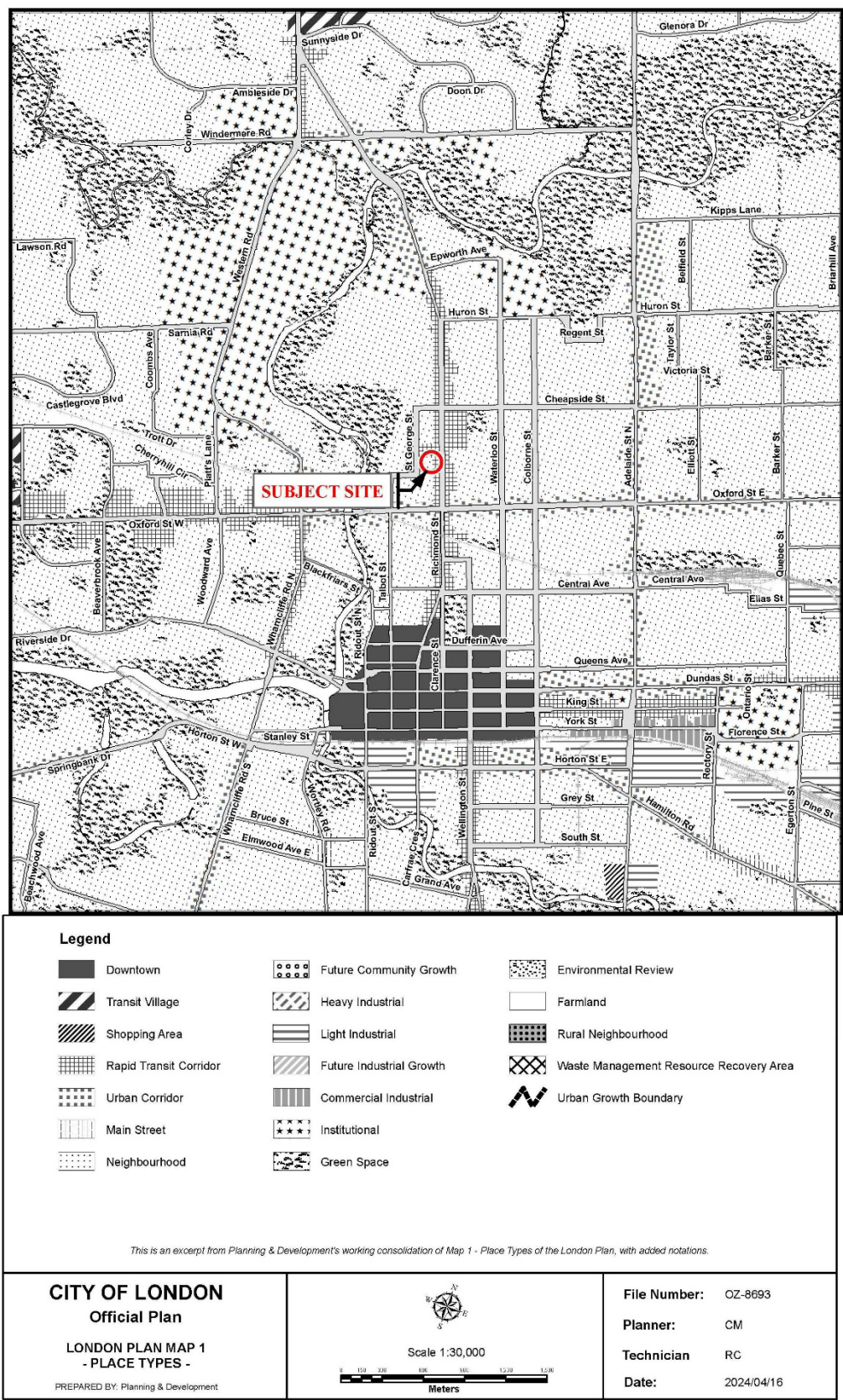
In the Neighbourhoods Place Type at 193-199 College Avenue, a residential apartment building up to six (6) storeys in height, exclusive of the mechanical penthouse and indoor rooftop amenity space, may be permitted in addition to the existing permissions of the Neighbourhoods Place Type.

2. Map 7 - Specific Policy Areas to the Official Plan, The London Plan, for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 193-199 College Avenue in the City of London and identified on "Schedule 1" attached hereto.

OLT Case No.: OLT-24-000183

OLT Case No.: OLT-22-002286

“Schedule 1”



Project Location: E:\Planning\Projects\p_officialplan\work\consolid00\excerpts_LondonPlan\mxds\OZ-8693-Map1_PlaceTypes.mxd

ATTACHMENT “2”

OLT Case No.: OLT-24-000183
OLT Case No.: OLT-22-002286

Zoning By-law Amendment

Bill No.(number to be inserted by Clerk’s Office)
2024

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an
area of land located at 193-199 College Avenue

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk’s Office)
this rezoning will conform to the Official Plan;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

- 1. Schedule “A” to Zoning By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 193-199 College Avenue **FROM** a Residential R2 Special Provision (R2-2(7)) Zone, as shown on the attached “Schedule 1”, **TO** a Residential R10 Special Provision (R10-2()*H23 Zone.
- 2. Section Number 14.4) of the Residential R10 (R10) Zone is amended by adding the following Special Provisions:

R10-2() 193-199 College Avenue

a) Regulations:

- i. Front Yard Depth (Minimum) – 2.5 metres
- ii. East Interior Side Yard Depth (Minimum) – 2.5 metres
- iii. West Interior Side Yard Depth (Minimum) – 8.0 metres to the main building above the first storey and 1.4 metres to the parking garage
- iv. Rear Yard Depth (Minimum) – 4.0 metres
- v. Lot Coverage (Maximum) – 63%
- vi. Building Height (Maximum) –23.0 metres
- vii. Density (Maximum) – 200 units per hectare
- viii. Yard Encroachment for Balconies, Patios, Terraces and Canopies: unlimited, provided the projection is no closer than 4.5 metres from the western side lot line.
- ix. Height limitations of this By-law do not apply to indoor rooftop amenity space.
- x. Visitor parking spaces are not required within the underground parking structure.

This Amendment shall come into effect in accordance with Section 34(26) of the *Planning Act, R.S.O. 1990*, c. P13, either upon the date of the approval of this by-law or as otherwise provided by the said section.

OLT Case No.: OLT-24-000183
OLT Case No.: OLT-22-002286

“Schedule 1”

