Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: July 13, 2026 **CASE NO.:** OLT-24-000191

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

Applicant and Appellant:	Format Lakeshore Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit a maximum building height of 11 storeys.
Reference Number:	OPA1715.25
Property Address:	42 Lakeshore Road West
Municipality/UT:	Oakville/Halton
OLT Case No.:	OLT-24-000191
OLT Lead Case No.:	OLT-24-000191
OLT Case Name:	Format Lakeshore Inc. v. Oakville (Town)

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

Applicant and Appellant:	Format Lakeshore Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a maximum building height of 11 storeys
Reference Number:	Z.1715.25
Property Address:	42 Lakeshore Road West
Municipality/UT:	Oakville/Halton
OLT Case No.:	OLT-24-000192
OLT Lead Case No.:	OLT-24-000191

BEFORE:

N. EISAZADEH	)	Monday, the 13th
MEMBER	)	
	)	day of July, 2026

FINAL ORDER

THESE MATTERS involving appeals, under subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for an Official Plan Amendment and a Zoning By-law Amendment to facilitate the development of an 11-storey mixed-use building at the property municipally known as 42 Lakeshore Road West in the Town of Oakville, in the Region of Halton;

AND THESE MATTERS having come before the Tribunal for a public hearing on the merits of the appeals on May 20, 2025, the Tribunal having heard opinion evidence in the areas of land use planning and urban design, and the Tribunal having allowed the appeals in part, and having approved certain planning instruments in principle, by way of its Decision and Interim Order dated December 17, 2025, subject to the directions concerning certain prerequisite conditions contained at paragraph [119] therein ("Conditions");

AND THE TRIBUNAL having received a request on consent of the Parties advising that the Conditions have been resolved and are satisfied;

NOW THEREFORE, THE TRIBUNAL ORDERS THAT:

1. The Livable Oakville Plan (2009 Town of Oakville Official Plan) is hereby amended in the manner set out in "Attachment 1" to this Final Order.

2. The Town of Oakville Zoning By-law 2014-014, as amended, is hereby amended in the manner set out in "Attachment 2" to this Final Order.

3. The Tribunal authorizes the municipal clerk to assign numbers to, insert any applicable dates, and format as may be necessary both the Official Plan Amendment and the Zoning By-law Amendment as set out in "Attachment 1" and "Attachment 2" to this Final Order for record keeping purposes.

“Matthew D.J. Bryan”

MATTHEW D.J. BRYAN
REGISTRAR

"ATTACHMENT 1"

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2026-XXX
Official Plan Amendment XX

A by-law to adopt an amendment to the Livable Oakville Plan, Official Plan Amendment Number XX (42 Lakeshore Road West; File No. OPA 1715.25).

WHEREAS the Livable Oakville Official Plan, which applies to the lands south of Dundas Street and the lands north of Highway 407, was adopted by Council on June 22, 2009, and approved with modifications by the Ontario Municipal Board on May 10, 2011; and,

WHEREAS subsection 22(1) of the Planning Act, R.S.O. 1990, c.P.13, as amended, provides that a person or public body may request a council to amend its official plan; and,

WHEREAS the owner of the lands known as 42 Lakeshore Road West requested to amend the Livable Oakville Plan to apply site-specific exception policies to permit a maximum building height of eleven storeys; and,

WHEREAS the owner of the lands appealed to the Ontario Land Tribunal under section 22(7) of the *Planning Act*, which was assigned Case Number OLT-24-000191,

ORDERED BY THE ONTARIO LAND TRIBUNAL:

1. The Livable Oakville Plan is hereby modified in accordance with the attached Amendment Number XX, included as "Part 2".

Constitutional Statement

The details of the Amendment, as contained in Part 2 of this text, constitute Amendment Number XX to the Livable Oakville Plan.

Part 1 - Preamble

A. Purpose

The purpose of this amendment is to modify Livable Oakville, Section 23.7.9, Kerr Village Exceptions – Schedule O1 and Schedule O1, Kerr Village Land Use to introduce a site-specific exception to permit a maximum building height of eleven storeys for the lands known as 42 Lakeshore Road West.

B. Location

The subject lands are municipally known as 42 Lakeshore Road West and legally described as Lots 10, 12 & 13, Block 68, Plan 1 As Part 1 on 20R22219.
The Kerr Village Growth Area is located along Kerr Street from the railway tracks in the north to south of Lakeshore Road West in the south. The southerly portion of the Kerr Village Growth Area extends along Lakeshore Road West, from Dorval Drive in the west to Sixteen Mile Creek in the east. Kerr Street and Lakeshore Road West are the main streets of the Kerr Village Growth Area.
The Kerr Village Growth Area comprises three land use districts. The subject lands are located within the Lower Kerr Village District.

C. Background

On October 25, 2022 the Province of Ontario introduced Bill 23, the More Homes Built Faster Act 2022, that proposed extensive changes to the planning and land development system in Ontario. One of the intents of Bill 23 was to facilitate the construction of 1.5 million new homes, 33,000 of which are targeted for Oakville by 2031.

The subject lands are located within a Strategic Growth Area and are designated Main Street 1. The intent of this designation is to support small-scale, transit-supportive development in a mixed-use format.

The revitalization of Kerr Village has been the subject of detailed and comprehensive land use studies that have resulted in land use policies and designations to provide for intensification opportunities.

42 Lakeshore Road West was subject to Official Plan and Zoning By-law amendment applications (File No. OPA 1715.25 & Z.1715.25) proposing the development of an eleven (11) storey mixed-use building, and approved by the Ontario Land Tribunal (OLT-24-000191) by orders dated December 17, 2025, and XX.

D. Basis

An Official Plan Amendment is required to permit the development of an eleven (11) storey mixed use development on the lands designated Main Street 1 known as 42 Lakeshore Road West.

The Ontario Land Tribunal determined that the proposed Official Plan Amendment is consistent with the Provincial Planning Statement, 2024, conforms with applicable Provincial Plans, the Official Plan for the Regional Municipality of Halton, and the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning.

A Public Information Meeting was held on July 25, 2023, to receive public input on the applications.

A Statutory Public Meeting on the proposed Official Plan amendment was held on November 13, 2023, at the Town's Planning and Development Council.

Notice of the Statutory Public Meeting regarding the applications was published in the Oakville Beaver, mailed to property owners within 240 m of the subject land on or before October 24, 2023, and circulated to the agencies and public bodies prescribed by the *Planning Act*.

Notice of the Recommendation Meeting was also mailed to persons who requested to be notified, and to any persons who provided written and/or oral submissions and circulated to the required agencies and public bodies prescribed by the *Planning Act*.

Information related to the applications was available for public review on the Town's website as of October 2, 2023, being at least 20 days before the recommendation meeting.

The Official Plan Amendment will include a site-specific exception to the maximum permitted height to permit an 11-storey building on the Subject Lands. The Ontario Land Tribunal determined that the proposed increase in height and density will support the intensification of the site as encouraged through the PPS, 2024, the Official Plan for the Regional Municipality of Halton, and the Livable Oakville Plan.

Part 2: The Amendment

A. Text Changes

The amendment includes changes to the text in the Livable Oakville Plan listed in the following table:

Item No.	Section	Description of Change
1	Section 23.7.9 Kerr Village Exceptions – Schedule O1	The current exception policy 23.7.9 is revised and replaced as follows under 'revised exception policy': Current policy 23.7.9: On the lands designated Main Street 1 at the southwest corner of Lakeshore Road West and Chisholm Street, a maximum building height of five storeys may be permitted, condition on the owner entering into an agreement under section 37 of the Planning Act. Revised policy 23.7.9 On the lands designated Main Street 1 known as 42 Lakeshore Road West, a maximum building height of eleven storeys shall be permitted.

"ATTACHMENT 2"

THE CORPORATION OF THE TOWN OF OAKVILLE

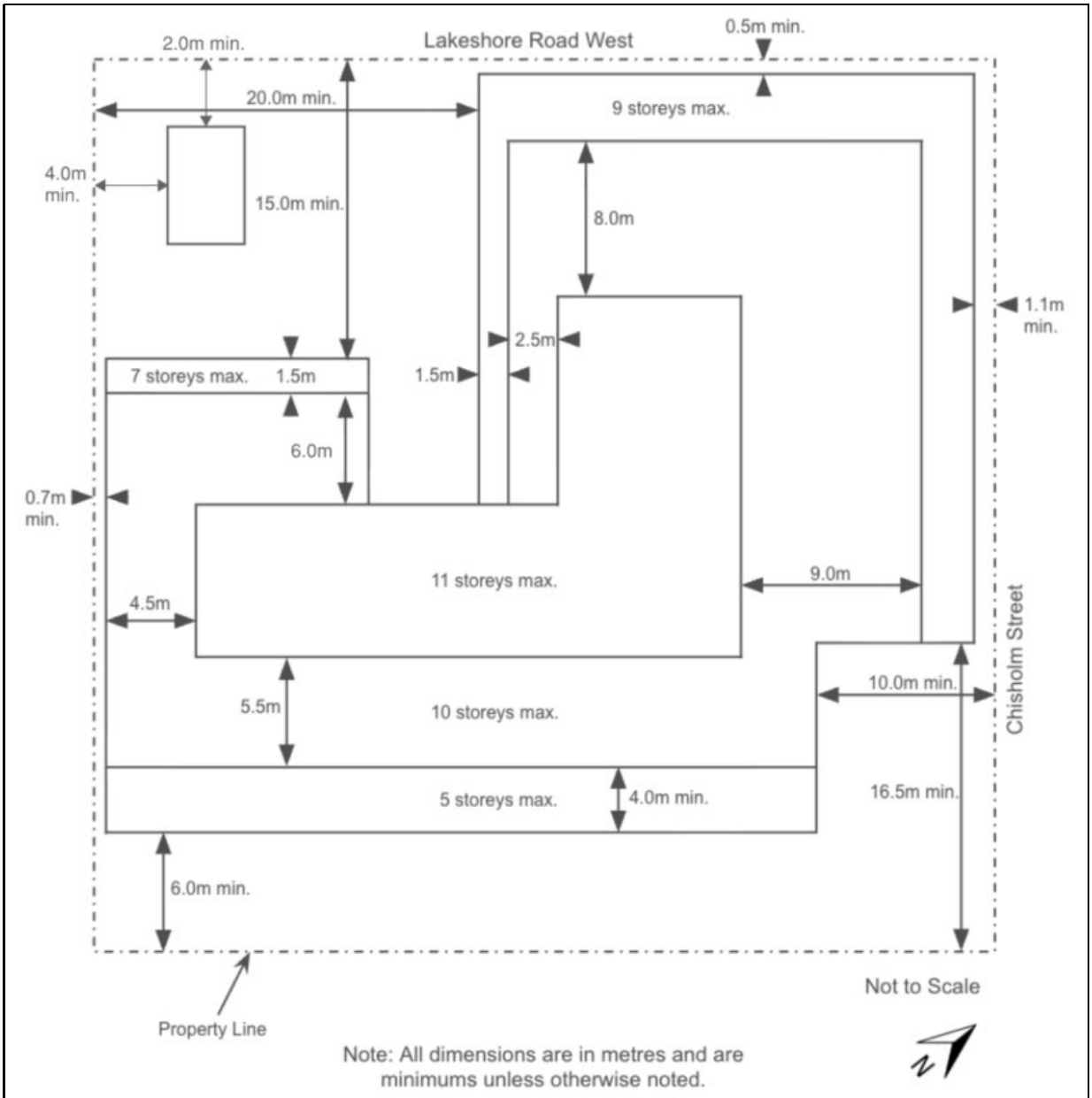
BY-LAW NUMBER 2026-XXX

A by-law to amend the Zoning By-law 2014-014, as amended, to permit the development of a mixed-use building on lands described as Lots 10, 12 & 13, Block 68, Plan 1 As Part 1 Om 20R22219 – 42 Lakeshore Road West – Z. 1715.25, OLT-24-000191

ORDERED BY THE ONTARIO LAND TRIBUNAL:

1. Section 15, Special Provisions, of By-law 2014-014, as amended, is amended by deleting Section 15.17 and replacing it as follows:

17 Map 19(8)	**42 Lakeshore Road West** (Lots 10, 12 & 13, Block 68, Plan 1 As Part 1 On 20R22219)	Parent Zone: CBD
15.17.1 Zone Provisions		
The following regulations apply to all lands:		
a)	Minimum *floor area* for non-residential *uses* on the ground floor	610 m²
b)	Maximum number of *storeys* shall be in accordance with figure 15.17.1	
c)	Maximum *height*	44.0 m
d)	*Minimum yards* and *building step-backs* shall be in accordance with figure 15.17.1	
e)	Notwithstanding figure 15.17.1, *the minimum yards* to an underground parking *structure* shall be 0.0 m	
f)	Minimum width of *landscaping* required along any *lot line* abutting a Residential *Zone*	0.0m
15.17.2 Parking Provisions		
The following regulations apply to all lands:		
a)	Designated residential visitor *parking spaces* may be counted toward non-residential *parking spaces* and may be provided in any combination.	
b)	A minimum of 20% of the *parking spaces* in a *building* shall include the provision to permit the future installation of electric *motor vehicle* supply equipment.	
15.17.3 Special Site Figure		
Figure 15.17.1		



15.17.4 Special Site Provisions	
The following special site regulations apply:	
a)	The *front lot line* shall be deemed to be Lakeshore Road West.
b)	The maximum *height and storeys* shall include a *mechanical penthouse*

2. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

APPROVED BY THE ONTARIO LAND TRIBUNAL (OLT-24-000191) BY ORDERS DATED DECEMBER 17, 2025, AND ____