Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: September 13, 2024

CASE NO(S).: OLT-23-000599
OLT-23-000627
OLT-23-000911
OLT-24-000785

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

Applicant and Appellant:	Oakville Argus Cross LP
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit development of three residential towers which sit above two mixed-use podium buildings
Reference Number:	OPA1614.78
Property Address:	217-227 Cross Avenue and 571-595 Argus Road
Municipality/UT:	Oakville/Halton
OLT Case No.:	OLT-23-000599
OLT Lead Case No.:	OLT-23-000599
OLT Case Name:	Oakville Argus Cross LP 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:	Oakville Argus Cross LP
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit development of three residential towers which sit above two mixed-use podium buildings
Reference Number:	Z.1614.78
Property Address:	217-227 Cross Avenue and 571-595 Argus Road

Municipality/UT:	Oakville/Halton
OLT Case No.:	OLT-23-000604
OLT Lead Case No.:	OLT-23-000599
OLT Case Name:	Oakville Argus Cross LP v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Oakville Argus Cross LP
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	To permit development of three residential towers which sit above two mixed-use podium buildings
Reference Number:	24T-22005/1614
Property Address:	217-227 Cross Avenue and 571-595 Argus Road
Municipality/UT:	Oakville/Halton
OLT Case No.:	OLT-23-000605
OLT Lead Case No.:	OLT-23-000599
OLT Case Name:	Oakville Argus Cross LP v. Oakville (Town)

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

Applicant/Appellant:	166 South Service Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	Official Plan Amendment to permit the development of 3 residential towers which sit above two mixed-use podium buildings
Reference Number:	OPA1614.79
Property Address:	166 South Service Road E
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-23-000627
OLT Lead Case No:	OLT-23-000627
OLT Case Name:	166 South Service Inc v. Oakville (Town)

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

Applicant/Appellant:	166 South Service Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	Zoning By-law Amendment to permit the development of 3 residential towers which sit above two mixed-use podium buildings and a Plan of Subdivision
Reference Number:	Z.1614.79
Property Address:	166 South Service Road E
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-23-000628
OLT Lead Case No:	OLT-23-000627

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act,* R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant	166 South Service Inc.
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	Plan of Subdivision to permit the development of 3 residential towers which sit above two mixed-use podium buildings
Reference Number:	24T-22006/1614
Property Address:	166 South Service Road E
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-23-000629
OLT Lead Case No:	OLT-23-000627

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

Applicant/Appellant:	590 Argus Developments Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the redevelopment the site into a mixed-use community comprised of three mixed-use buildings that are 44-, 50- and 58-storeys in height
Reference Number:	OPA1614.81
Property Address:	590 Argus Road
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-23-000911
OLT Lead Case No:	OLT-23-000911

OLT Case Name:	590 Argus Developments Inc. v. Oakville (Town)

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

Applicant/Appellant:	590 Argus Developments Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the redevelopment the site into a mixed-use community comprised of three mixed-use buildings that are 44-, 50- and 58-storeys in height
Reference Number:	Z.1614.81
Property Address:	590 Argus Road
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-23-000912
OLT Lead Case No:	OLT-23-000911

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act,* R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant:	590 Argus Developments Inc.
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	To permit the redevelopment the site into a mixed-use community comprised of three mixed-use buildings that are 44-, 50- and 58-storeys in height
Reference Number:	24T-23001/1614
Property Address:	590 Argus Road
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-23-000913
OLT Lead Case No:	OLT-23-000911

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

Applicant/Appellant:	Cross Realty Incorporated
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	OPA, ZBA, and DPS to permit a mixed-use development on the lands consisting of two towers with heights of 45-storeys and 61-storeys
Reference Number:	OPA1614.83
Property Address:	157 and 165 Cross Avenue
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-24-000785
OLT Lead Case No:	OLT-24-000785

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

Applicant/Appellant:	Cross Realty Incorporated
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	OPA, ZBA, and DPS to permit a mixed-use development on the lands consisting of two towers with heights of 45-storeys and 61-storeys
Reference Number:	Z.1614.83
Property Address:	157 and 165 Cross Avenue
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-24-000786
OLT Lead Case No:	OLT-24-000785

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant:	Cross Realty Incorporated
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	OPA, ZBA and DPS to permit a mixed-use development on the lands consisting of two towers with heights of 45-storeys and 61-storeys
Reference Number:	24T-24002/1614
Property Address:	157 and 165 Cross Avenue
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-24-000787
OLT Lead Case No:	OLT-24-000785

Heard: September 3, 2024 by Video Hearing

APPEARANCES:

Parties	**Counsel**
Oakville Argus Cross LP, 166 South Service Inc., 590 Argus Developments Inc., and Cross Realty Incorporated	Mark Flowers Michael Cook
Town of Oakville	Rob Howe Nadia Chandra Jennifer Huctwith (*in absentia*)
Regional Municipality of Halton	Kelly Yerxa
Oak-Lane Park Investments Inc.	Lee English Piper Morley (*in absentia*)
City Centre Capital Limited	Chantal deSereville Bruce Engell (*in absentia*)

MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON SEPTEMBER 3, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION AND BACKGROUND

[1] The Tribunal convened a second Case Management Conference ("CMC") with respect to Appeals filed by Oakville Argus Cross LP ("Argus"), 166 South Service Inc. ("166"), 590 Argus Developments Inc. ("590"), and the first CMC for the Appeal filed by Cross Realty Incorporated ("Cross") (together the "Appellants") pursuant to s. 22(7), s. 34(11), and s. 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "Act") against the Town of Oakville ("Town") for its failure to make decisions within the timeframes prescribed by the Act for the respective Applications filed by the Appellants.

[2] The Appellants' lands are geographically proximate to each other and located in the southwest quadrant of the Queen Elizabeth Way and Trafalgar Road in the Midtown Oakville area of the Town's Liveable Oakville Official Plan ("OP"). The Applications propose to redevelop the Appellants' lands with mixed-use developments consisting of residential, office, and retail uses including the creation of publicly accessible open space and conveyance of lands for a public road right-of-way.

[3] The Tribunal received an Affidavit of Service sworn on August 26, 2024 (**Exhibit 1**), confirming that the Notice of the proceedings for the Cross Appeal was served in accordance with the directions provided by the Tribunal.

[4] A Party status request was received from each of City Centre Capital Limited ("City Centre") and Oak-Lane Park Investments Inc. ("Oak-Lane") seeking Party status in the Cross Appeal. City Centre and Oak-Lane have both been granted Party status in the Argus, 166, and 590 Appeals at the previous CMC held on December 14, 2023. City Centre's and Oak-Lane's interests are the same as those raised at the previous CMC in that they are neighbouring landowners to the Appellants and have an interest in ensuring that their respective development rights are addressed through the consideration of the Applications and any impacts resulting from the proposed redevelopments will be appropriately addressed. No objections to the requests were raised by the other Parties. The Tribunal grants the requests and confers Party status to City Centre and Oak-Lane in the Cross Appeal (OLT Case No.: OLT-24-000785).

[5] Counsel for the Regional Municipality of Halton ("Region") advised that they are not requesting Party Status at this time as they are reviewing the implications of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* ("Bill 185") and the status of the Region in respect of these proceedings in light of the changes to the Act resulting from Bill 185.

[6] Counsel for the Appellants requested that the Cross Appeal be heard together with the Argus, 166, and 590 Appeals. At the CMC held on December 14, 2023, the

Tribunal ordered that the three Appeals be heard together and similarly consented to the request to have the Cross Appeal heard together with the Argus, 166, and 590 Appeals. The Tribunal finds that the similarities shared by the Applications, the physical proximity, and the common, multidisciplinary team of witnesses and counsel will give effect to a more efficient hearing of the Appeals.

[7] With respect to the Procedural Order ("PO"), the Tribunal heard that the Parties have been discussing the Issues List ("IL"), and with the inclusion of the Cross Appeal in these matters, they will be working to finalize the IL and the PO. One matter impacting the finalization of the IL is the introduction of the new Provincial Planning Statement that is scheduled to come into force on October 20, 2024. The Parties advise that the unknown status of any transition provisions impacts the IL in that the Applications were filed under the Provincial Policy Statement, 2020, and the Growth Plan for the Greater Golden Horseshoe, 2019, and the Parties are waiting to confirm the policy context that will apply to the determination of the Appeals.

[8] The Parties propose to provide a finalized IL and PO by Friday, November 1, 2024. It was noted that the timelines proposed in the draft PO submitted to the Tribunal will provide ample time for their experts to respond to the applicable Provincial policy context. A further CMC was requested to address any outstanding procedural issues or unresolved matters on the IL.

SCHEDULING OF FUTURE HEARINGS

[9] The Tribunal schedules a CMC for **Thursday, November 7, 2024**, at **9 a.m.** by telephone conference call. The CMC is being convened to address any unresolved matters with respect to the IL or any procedural matters that have arisen during the finalization of the PO. If the Parties determine that the CMC is not required, they are requested to contact the Tribunal as soon as possible to release the date from the Tribunal's calendar.

[10] The Tribunal schedules the Cross Appeal to be heard together with the Argus, 166, and 590 Appeals at the Hearing scheduled to commence on **Monday, April 7, 2025**, running through to **Friday, May 16, 2025**. The Tribunal will not be sitting on **April 18, 2025**, and **April 21, 2025**, for Good Friday and Easter Monday, respectively.

[11] The Hearing details are set out below:

CMC: Thursday, November 7, 2024, at 9 a.m. by Telephone Conference Call

[12] Individual(s) are directed to call **416-212-8012** or **Toll-Free 1-866-633-0848** on the assigned date at the correct time. When prompted, **enter the code 4779874** to be connected to the call. It is the responsibility of the person(s) participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to the Tribunal's Case Coordinator having carriage of this case.

Hearing: Monday, April 7, 2025, at 10 a.m. by Video Hearing
GoTo Meeting: https://global.gotomeeting.com/join/660145013
Access Code: 656-004-293
Audio-only telephone line: +1 (647) 497-9373 or Toll-Free: 1-888-299-1889
Audio-only Access Code: 660-145-013

[13] Parties and Participants are asked to log into the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[14] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at **GoToMeeting** or a web application is available: **https://app.gotomeeting.com/home.html**

[15] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line.

[16] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the Hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

ORDER

[17] **THE TRIBUNAL ORDERS** the directions contained within this Decision as set out above.

"*David Brown*"

DAVID BROWN
MEMBER