Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: January 28, 2025 **CASE NO(S).:** OLT-24-000968

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

Applicant/Appellant:	Argo Neyagawa Corporation
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the development of a mixed-use community with a storm water management pond
Reference Number:	OPA1220.02
Property Address:	Part of Lot 20, Concession 2, NDS
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-24-000968
OLT Lead Case No:	OLT-24-000968
OLT Case Name:	Argo Neyagawa Corporation v. Oakville (Town)

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

Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Reference Number:	Z.1220.02
Property Address:	Part of Lot 20, Concession 2, NDS
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-24-000969
OLT Lead Case No:	OLT-24-000968

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

Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Reference Number:	24T-24001/1220
Property Address:	Part of Lot 20, Concession 2, NDS
Municipality/UT:	Oakville/Halton
OLT Case No:	OLT-24-000970
OLT Lead Case No:	OLT-24-000968

Heard: January 22, 2025 by video hearing

APPEARANCES:

Parties	**Counsel**
Argo Neyagawa Corporation	P. Harrington
Town of Oakville	N. Chandra J. Huctwith (*in absentia*)
Burnhamthorpe / Oakville Holdings Inc.	A. Pilkington S. Leisk (*in absentia*)

MEMORANDUM OF ORAL DECISION DELIVERED BY C. HARDY ON JANUARY 22, 2025 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This is the first Case Management Conference ("CMC") conducted in these proceedings before the Tribunal concerning appeals brought by Argo Neyagawa Corporation ("Appellant") pursuant to ss. 22(7), 34(11) and 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("Act") relating to the failure of the Town of Oakville ("Town") to render decisions within statutory timelines respecting the Appellant's applications for an Official Plan Amendment ("OPA"), Zoning By-law Amendment

("ZBA") and Draft Plan of Subdivision ("DPS"). The OPA, ZBA and DPS pertain to lands municipally known as 505 Burnhamthorpe Road West ("subject property").

[2] The subject property is approximately 11.29 hectares of vacant land with an irregular northern border along the Highway 407 off-ramp. It also has frontage along Fourth Line, Burnhamthorpe Road West and Neyagawa Boulevard as depicted in the below image.



[3] The OPA, ZBA and DPS are required to facilitate the Appellant's proposed development of a mixed-use community totaling just under 1000 new residential units.

[4] The OPA proposes the following: modifying the schedules of the North Oakville East Secondary Plan to redesignate the subject property from *Employment District* to *Neyagawa Urban Core Area*, proposed site-specific policies to permit a mix of uses with building heights up to 16 storeys and modifying Schedule A1, Urban Structure of the Livable Oakville Plan to expand the *Neyagawa Urban Core Area* to include the subject property. The ZBA proposes to rezone the subject property from *Future Development* to *Neyagawa Urban Core Area* with site specific provisions to permit the proposed development. The companion DPS proposes to subdivide the subject property into

blocks for medium and mixed-use densities in addition to the creation of new internal public streets.

CONFIRMATION OF NOTICE

[5] The Tribunal confirmed with Counsel that there were no known issues with service of the Notice of the CMC and as such, no further notice is required. The Tribunal received the Affidavit of Service of Notice of Tarah Coutts affirmed on December 23, 2024, which was marked as **Exhibit 1** to the CMC.

STATUS REQUESTS

[6] In advance of the CMC, the Tribunal received one request for Party status from Burnhamthorpe/Oakville Holdings Inc. (“BOH”), which was marked as **Exhibit 2** to the CMC.

[7] In its written status request form and through oral submissions, Counsel for BOH explained that it is generally supportive of the Appellant’s applications and has an interest in the proposed infrastructure and servicing network given its ownership of nearby lands. The planning and layout of future infrastructure relating to the Appellant’s proposed development may impact BOH’s lands and Counsel for BOH confirmed that there would be no duplication of evidence. There was no opposition to the Party status request of BOH and after hearing submissions of Counsel, the Tribunal determined that BOH would assist the Tribunal in deciding the matter and granted BOH Party status in these proceedings.

[8] In advance of the CMC, the Tribunal received one request for Participant status from Parminder Narang. Mr. Narang did not appear at the CMC. The Tribunal explained that the Notice of CMC requires the appearance of anyone requesting status to allow the Tribunal and the Parties an opportunity to make inquiries and seek clarification regarding the requests. The Tribunal denied the Participant status request of Mr.

Narang on a without prejudice basis which will allow Mr. Narang an opportunity to make his request for Participant status at the second CMC, provided that Mr. Narang is in attendance.

[9] There were no other persons or entities present at the CMC requesting status in the proceedings.

OPPORTUNITIES FOR SETTLEMENT / MEDIATION

[10] The Parties jointly agreed that discussions around settlement and mediation are premature at this point and that scheduling a second CMC would assist in progressing the matters. By scheduling a second CMC, the Parties would be in a better position to assess the prospects of settlement or mediation. Counsel for the Town noted that the Town was amenable to mediation and felt that this appeal would likely benefit from mediation.

NEXT STEPS

[11] Counsel for the Appellant explained that this appeal was a privately initiated application which is coinciding with the Town initiated amendment for the Neyagawa Urban Core Area. The Town initiated amendment is expected to go to Town Council for consideration in the coming months and as such, the Parties requested a second CMC be scheduled following the Town's Council meeting. Timing the second CMC in such a manner would allow all Parties to have a better understanding of whether they are close to resolving issues or will require a lengthy issues list and hearing dates.

[12] Following an in-depth discussion, the Tribunal agreed with Counsels' proposed approach and scheduled a second CMC by video hearing on **Wednesday April 16, 2025**, at **10 a.m.** as follows:

GoToMeeting: https://meet.goto.com/558205565

Access Code: 558-205-565

[13] Parties and/or 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.

[14] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to it by calling into an audio-only telephone line: **+1 (647) 497-9373** or **(Toll-Free) 1-888-299-1889**. **The Access Code is the same as indicated above.**

[15] 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 event to ensure that they are properly connected at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator.

[16] The Tribunal directed the Parties to work together to provide the Tribunal with a draft Procedural Order, including issues list, on or before **Wednesday April 9, 2025**.

ORDER

[17] **THE TRIBUNAL ORDERS THAT** Burnhamthorpe/Oakville Holdings Inc. is granted Party status to the proceedings.

[18] The case management directives above are so ordered.

[19] There will be no further notice and this Member is not seized, however, will remain available for case management subject to the Tribunal's calendar.

"C. Hardy"

C. HARDY
VICE CHAIR